

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting September 18, 2017 at 7:00 PM

PRESENT:

Chairperson:	Justin Vlietstra
Members:	Jo Anne Shannon
	Renee Stetzer
	Susan Lhota (absent)
	Heather Erwin
Building Insp:	Paul Alguire
Recording Sec:	Linda Habeeb
PZBA Attorney:	Mindy L. Zoghlin, Esq.
Mayor:	Robert Corby

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to call the meeting to order at 7:05 pm.

Vote: Shannon – yes; Vlietstra – yes; Stetzer - yes; Erwin – yes. *Motion carried.*

Conflict of interest disclosure: Chairperson Vlietstra asked if any board members had a conflict of interest with any of the applications before the board, and no one had a conflict to report.

David Jewett, 44 North Main Street ~ Temporary Zoning Permit

Present: David Jewett

The legal notice was published in the September 7, 2017 edition of the Brighton Pittsford Post: *“Please take notice that a public hearing will be held before the Village of Pittsford Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday September 18, 2017 at 7:00 pm to consider an application made by David Jewett for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths in November and December of 2017, at property known as Pittsford Farms Dairy, owned by Charles Corby, and located at 44 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

Discussion: This is an application for a temporary zoning permit for the outside sale of Christmas trees and wreaths at the property known as Pittsford Farms Dairy, located at 44 North Main Street. The applicant stated that he has been granted the permit for a number of years, and he agrees to abide by the same conditions as were agreed to in past approvals. Chairperson Vlietstra asked the applicant if there were any changes to his proposal, and Mr. Jewett stated that nothing has changed since last year. Board members reviewed a draft resolution of approval and discussed the findings of facts and conditions of approval with the applicant.

Motion: Chairperson Vlietstra made a motion, seconded by Member Erwin, to adopt Resolution 2017-13 granting a temporary zoning permit to allow the outside sale of Christmas trees and wreaths at the Pittsford Farms Dairy during the holiday season, with the following conditions:

1. Dates and times of outdoor merchandise sale shall be November 20, 2017 through December 30, 2017.
2. The Building Inspector may authorize, in writing, changes to the site plan or permitted

dates and hours of operation.

3. All trash shall be removed nightly.
4. The site shall be restored to its original state by December 30, 2017. Restoration shall include removal of all trash, signs, decorations, and fixtures that were installed for the action. If additional time is needed for restoration the Building Inspector is authorized to grant reasonable extensions to this deadline.
5. The Building Inspector shall determine that signage for the Action is appropriate in size, quantity, and location.
6. The Building Inspector shall determine that lighting for the Action is appropriate in intensity, quantity, location, and hours of operation.
7. Village Code Enforcement Officials shall be allowed to conduct all necessary code reviews and inspections related to the Action.
8. The ZBA reserves the right to revoke the temporary zoning permit if operation of the business creates traffic hazards or unsafe conditions for pedestrians, or if there are health, safety or welfare concerns that are communicated to the applicant and not resolved. If there is an emergency condition, the ZBA may revoke the permit and provide the applicant with a post-revocation hearing. If there is a non-emergency condition, the ZBA shall provide the applicant with notice and an opportunity to be heard on the revocation. The ZBA shall have sole discretion to determine whether a condition constitutes an emergency.

Vote: Shannon - yes; Vlietstra - yes; Erwin - yes; Stetzer - yes. Motion carried. The decision was filed in the Office of the Village Clerk on September 18, 2017.

RESOLUTION 2017-13
Village of Pittsford Zoning Board of Appeals

Applicant Name: David Jewett
Address: Pittsford Farms Dairy
40 Lincoln Ave
Pittsford, NY 14534

Temporary Zoning Permit for outdoor sale of crafts
and Christmas trees at Pittsford Farms Dairy, 44 N. Main St.

At a regular meeting of the Village of Pittsford Zoning Board of Appeals (The Board) held on September 18, 2017 at 7:00 p.m. at Village Hall, 21 N. Main St, Pittsford, NY 14534, the following resolution was offered by Board Member Vlietstra, who moved its adoption, and seconded by Board Member Erwin, to wit:

WHEREAS, the Village of Pittsford Zoning Board of Appeals received an application from the above-mentioned applicant for the above-mentioned action pursuant to Chapter 210-109, Temporary Permits, of the Code of the Village of Pittsford, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and site plan drawing and held a public hearing and received comments thereat, and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):

The proposed action is a minor temporary use of land having negligible or no permanent impact on the environment, and therefore is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(15).

2. Monroe County Planning Review:

This application involves a seasonal temporary permit and is therefore exempt from GML 239-m review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994.

3. Waterfront Consistency Review:

The proposed action is in a waterfront area of the Village of Pittsford but is not subject to a local waterfront consistency review because it is a Type II action under SEQRA.

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested temporary zoning permit on the health, safety and welfare of the neighborhood and community, and made the following findings:

1. The proposed use is in the B-2 retail business district, which requires business to be completely conducted indoors per §210-33.
2. Upon issuance of this temporary zoning permit, the proposed use will comply with all regulations, requirements and applicable ordinances of the Village of Pittsford as applicable to the subject property.

3. The proposed use does not fit with the general purpose and intent of the Zoning Code for the B-2 district but the duration is limited.
4. The proposed use is on a private lawn well away from the street and sidewalk and will not interfere with pedestrian safety.
5. The proposed use has been an annual tradition in the Village for many years without incident.
6. The proposed use will not tend to depreciate the value of adjacent property, taking into account the temporary nature of the use.
7. The proposed use will not create a hazard to health, safety, or general welfare.
8. The proposed use will not be detrimental to the flow of traffic in the vicinity.
9. The proposed use will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

NOW THEREFORE, IT IS RESOLVED that the application of David Jewett for a temporary zoning permit to allow sale of outdoor merchandise at 44 N. Main St pursuant to Chapter 210- 109, Temporary permits, of the Code of the Village of Pittsford is hereby **granted** for the reasons stated above, subject to the following conditions:

1. Dates and times of outdoor merchandise sale shall be November 20, 2017 through December 30, 2017.
2. The Building Inspector may authorize, in writing, changes to the site plan or permitted dates and hours of operation.
3. All trash shall be removed nightly.

4. The site shall be restored to its original state by December 30, 2017. Restoration shall include removal of all trash, signs, decorations, and fixtures that were installed for the action. If additional time is needed for restoration the Building Inspector is authorized to grant reasonable extensions to this deadline.
5. The Building Inspector shall determine that signage for the Action is appropriate in size, quantity, and location.
6. The Building Inspector shall determine that lighting for the Action is appropriate in intensity, quantity, location, and hours of operation.
7. Village Code Enforcement Officials shall be allowed to conduct all necessary code reviews and inspections related to the Action.
8. The ZBA reserves the right to revoke the temporary zoning permit if operation of the business creates traffic hazards or unsafe conditions for pedestrians, or if there are health, safety or welfare concerns that are communicated to the applicant and not resolved. If there is an emergency condition, the ZBA may revoke the permit and provide the applicant with a post-revocation hearing. If there is a non-emergency condition, the ZBA shall provide the applicant with notice and an opportunity to be heard on the revocation. The ZBA shall have sole discretion to determine whether a condition constitutes an emergency.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra: Yes
Susan Lhota: Absent
Renee Stetzer: Yes
Heather Erwin: Yes
JoAnne Shannon: Yes

Dated: September 18, 2017

~~~~~

Melissa Valle, Knauf Shaw LLP

Melissa Valle, from Knauf Shaw, LLP, requested an update on the status of the 25 Schoen Place project. Ms. Zoghlin stated that the Village is in the process of obtaining estimates for PZBA consultants that are required under Zoning Code § 210-110. When the estimates are received, they will be sent to the applicants' attorney's office and to the Village Board of Trustees, because they will need to retain the consultants. The Village expects that the amount of the initial deposit will be well in excess of the \$5,000 that the applicant has put forth, but the good-faith effort is appreciated.

The second issue is that in June of 2017, the Code Enforcement Officer issued a notice of violation and order to remedy for the property, and the owner of the property sent a letter to the Village disputing some of the code violations and making suggestions about others. Village Code § 210-5 prohibits any Board from processing an application when there is an outstanding notice of violation. The Board is

looking for either an explanation as to why that section of the Code should not be applied in this situation, or for the property owner and the Code Enforcement Officer to work together to resolve the outstanding violations so that the application can be processed.

Ms. Zoghlin explained that given the complexity of this development, the Board will need expert input in order to determine whether the applications are complete. They are hoping to get that process in motion in time for the October PZBA meeting. There are applications for site plan approval, a determination of consistency with the LWRP, Special Permit, and waiver under the Performance Overlay District. She stated that she anticipates that at the next Board meeting, the Planning Board will make an initial classification of the action for purposes of SEQR. Member Vlietstra stated that one possibility would be to begin with the LWRP review criteria, but this is subject to change. Ms. Zoghlin stated that another suggestion would be to look at the eligibility requirements under the Performance Overlay District regulations. The Board may consider making a preliminary, nonbinding, tentative eligibility assessment up front that may be subject to modification as the process continues.

~~~~~

Bank of America, 9 North Main Street ~ Area variances for signs

Present: Peter Sorgi, Attorney; John Pitton, Katie Gross, Bank of America

Discussion: This is an open application for area variances for installation of signs at Bank of America, located at 9 North Main Street. Two signs will be located on the ATM Canopy, which fronts on two streets. There are existing signs over the entrances to the main building. Chairperson Vlietstra stated that the Board acknowledges the Bank's desire for better visibility, but the challenge is how to reach their goal in the most appropriate way for an historic building, with the smallest possible variance. In the previous meeting the board discussed the total number of signs and everyone seemed to accept the five that are currently on the site as reasonable but the Board needs to discuss if increasing the amount of signs is appropriate.

At the last PZBA meeting, Member Erwin expressed concern that the proposed sign with the blue lettering on the red background will lessen visibility because it is a dark color on another dark color. She suggested that blue lettering on a white background would be more visible and legible. Mr. Sorgi stated that they have addressed this concern and have amended their application to propose a sign with a white background and blue lettering. Member Erwin stated that, in her opinion, the new proposed signage is much improved and better matches the character of the building and thanked the applicant for the changes.

Chairperson Vlietstra reviewed which signs require variances with the Building Inspector. The Building Inspector stated the ATM canopy requires two variances: one for the number of signs, and one for exceeding the total permitted square footage of signage. The sign on the front of the building also requires two variances: one for installing a sign where none is permitted, and one for exceeding the total permitted square footage of signage.

Mr. Sorgi stated that the proposed directional signs are not within the 5-foot setback from the lot line, are 36" in height, and are not illuminated, and that therefore, variances are not required for these signs. He explained that they are proposing a building-mounted sign on the front of the building facing the street, and a second illuminated sign on the ATM canopy facing the side street, where none is permitted. Mr. Sorgi stated that New York State law has an ATM safety law that requires internal illumination of ATM signage. Chairperson Vlietstra stated that his understanding is that the law covers lighting levels in the parking lot within 30 feet of ATMs, but he was unaware of any requirements for internal sign illumination. He further stated that Village Code does not allow internally illuminated signs, and there

are no other signs in the Village that are internally illuminated. It was noted that no other ATMs in the Village have signage. Board members pointed out that the ATMs at the other banks are attached to the building, whereas the Bank of America ATM is separate from the building.

Member Vlietstra explained that gooseneck lights are permitted, and the applicant agreed to amend the application to propose gooseneck lights on both sides of the ATM to illuminate signage. Member Erwin pointed out that the bank is not a typical building, and it is difficult to see the ATM from the street. The signage on the front of other banks is readily visible as cars enter.

Chairperson Vlietstra pointed out that there are currently two signs on the front of the building, and the applicants are proposing adding another sign. He expressed concern that too many signs can result in visual clutter. Member Erwin stated that this building is unique in that parts of the building are obstructed from view.

Mayor Corby stated that the colonial revival architecture of the building causes substantial difficulties with sign placement. The building is made of brick with few practical locations to mount a sign large enough to be visible, lacks a storefront cornice, and has windows with many small panes that make window mounted signs impractical. He expressed that he thought the signs are appropriate and in proper scale with the architectural details of the building.

The Board reviewed the variance criteria with respect to the building-mounted sign:

1. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:
 - a. Signage on the front facade matches the character of the building and all signs are in a location traditionally used for signs. The location and size of the sign works with the colonial revival architecture. Signage is sized appropriately in proportion with the architectural features of the building.
2. The benefits sought by the applicant **cannot** be achieved by some other feasible method because:
 - a. Trimming of the street tress did not improve the visibility of signage. There is no option other than installation of additional signs or relocating signs. The architecture of the building limits sign locations for signs large enough to be visible from the street.
3. The requested variance **is not** substantial in that:
 - a. The sign size and quantity on the front façade work with the character of the building and are installed in the most appropriate locations.
4. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:
 - a. Signage on the front facade matches the character of the building and all signs are in a location traditionally used for signs. The location and size of the sign works with the colonial revival architecture. Signage is sized appropriately in proportion with the architectural features of the building.

- 5. The alleged difficulty **is** self-created because:
The desire for better visibility of signage is self-created but this does not preclude granting an area variance.
- 6. The Variance **is** the minimum necessary to provide relief because:
Other sign locations or sizes would be less appropriate for the architecture of the building and would have a larger impact.
- 7. The following physical characteristics of the property are relevant to this variance request:
The building is a unique commercial building with distinctive colonial-revival architecture. The architecture of the building causes substantial difficulties with sign placement. The building is made of brick with few practical locations to mount a sign large enough to be visible, lacks a storefront cornice, and has windows with many small panes that make window mounted signs impractical. The street frontage is atypical and much longer than other businesses on Main St. The building has two distinct “wings” that have distinct facades that would typically be used for two different commercial establishments but they are joined as one long commercial business. Linden trees along the street on Village property have grown with many low branches which blocks visibility of building mounted signage. The trees block the visibility of signage and attempts to trim them have not corrected visibility concerns. The growth habit of these trees is pyramidal with broad branches close to the ground.

Motion: Chairperson Vlietstra made a motion, seconded by Member Erwin, to adopt Resolution 2017-14A granting an area variance for a building-mounted sign, with the following conditions:

- 1. All building-mounted signs shall be consistent with documentation dated 9/18/2017 that was submitted to the Board.
- 2. No window mounted signs are permitted on the N. Main Street frontage. This condition shall only apply while all three building mounted signs numbered 9, 12, 3 in the documentation are installed.
- 3. Temporary signs that have not been approved shall be removed. This includes a temporary freestanding sign by the ATM canopy and a Pittsford Tailors sign on the bank property.

Vote: Shannon – yes; Vlietstra – yes; Erwin –yes; Stetzer – yes. Motion carried. The decision was filed in the Office of the Village Clerk on September 18, 2017.

**VILLAGE OF PITTSFORD
ZONING BOARD OF APPEALS**

RESOLUTION 2017-14A DECISION ON AREA VARIANCE

Project: Sign Installation Date: 9-18-2017

Applicant Name: Bank of America, National Association
Address: 101 N. Tryon Street
Charlotte, NC 28255

Action: Installation of a third sign on the front of the building.

The sign is shown as sign 12 in the application drawings.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on September 18, 2017, at 7PM at Village Hall, 21 N. Main St, Pittsford, NY 14534,

The following resolution was offered by Board Member Vlietstra, who moved its adoption, and seconded by Board Member Erwin, to wit:

WHEREAS, The above-named applicant for an Area Variance of Sections **168-7** of the Zoning Law of the Village of Pittsford to permit installation of a third building mounted sign on a building façade facing the street where one is permitted.

WHEREAS, The above-named applicant for an Area Variance of Sections **168-7** of the Zoning Law of the Village of Pittsford to permit installation of a building mounted sign that exceeds the maximum cumulative square footage permitted for building mounted signs.

WHEREAS, The Board received and reviewed an application drawings dated 9/18/2017 from the above mentioned applicant for the above mentioned action; and

WHEREAS, The Board has held a public hearing, and received comments thereat; and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):

The Action involves maintenance and repair or rehabilitation with no substantial changes to an existing structure and is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(1) and/or 617.5(c)(2).

2. Monroe County Planning Review:

- a. The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and Monroe County Planning responded to the 239-m referral with no recommendations.

3. Waterfront Consistency Review:

The proposed action is a Type II action under SEQR so it is not subject to a Waterfront Consistency Review.

WHEREAS, after review, the Board has weighed the effects of the requested variance on the health, safety, welfare of the neighborhood and community and made the following findings:

1. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:
 - a. Signage on the front facade matches the character of the building and all signs are in a location traditionally used for signs. The location and size of the sign works with the colonial revival architecture. Signage is sized appropriately in proportion with the architectural features of the building.
2. The benefits sought by the applicant **cannot** be achieved by some other feasible method because:

- a. Trimming of the street trees did not improve the visibility of signage. There is no option other than installation of additional signs or relocating signs. The architecture of the building limits sign locations for signs large enough to be visible from the street.
3. The requested variance **is not** substantial in that:
 - a. The sign size and quantity on the front façade work with the character of the building and are installed in the most appropriate locations.
4. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:
 - a. Signage on the front facade matches the character of the building and all signs are in a location traditionally used for signs. The location and size of the sign works with the colonial revival architecture. Signage is sized appropriately in proportion with the architectural features of the building.
5. The alleged difficulty **is** self-created because:
 - a. The desire for better visibility of signage is self-created but this does not preclude granting an area variance.
6. The Variance **is** the minimum necessary to provide relief because:
 - a. Other sign locations or sizes would be less appropriate for the architecture of the building and would have a larger impact.

7. The following physical characteristics of the property are relevant to this variance request: The building is a unique commercial building with distinctive colonial-revival architecture. The architecture of the building causes substantial difficulties with sign placement. The building is made of brick with few practical locations to mount a sign large enough to be visible, lacks a storefront cornice, and has windows with many small panes that make window mounted signs impractical. The street frontage is atypical and much longer than other businesses on Main St. The building has two distinct “wings” that have distinct facades that would typically be used for two different commercial establishments but they are joined as one long commercial business. Linden trees along the street on Village property have grown with many low branches which blocks visibility of building mounted signage. The trees block the visibility of signage and attempts to trim them have not corrected visibility concerns. The growth habit of these trees are pyramidal with broad branches close to the ground.

NOW THEREFORE IT IS RESOLVED by the Zoning Board of Appeals of the Village of Pittsford that this area variance request is hereby **granted** for the reasons stated above, subject to the following conditions:

1. All building mounted signs shall be consistent with documentation dated 9/18/2017 that was submitted to the Board.
2. No window mounted signs are permitted on the N. Main Street frontage. This condition shall only apply while all three building mounted signs numbered 9, 12, 3 in the documentation are installed.

3. Temporary signs that have not been approved shall be removed. This includes a temporary freestanding sign by the ATM canopy and a Pittsford Tailors sign on the bank property.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra	YES
Susan Lhota	ABSENT
Renee Stetzer	YES
Heather Erwin	YES
JoAnne Shannon	YES

Dated: September 18, 2017

By order of the Zoning Board of Appeals of the Village of Pittsford

The Board reviewed the variance criteria with respect to the ATM canopy sign:

1. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:
 - a. The ATM canopy is a substantial distance from the street. Adjacent properties are well buffered with landscaping or fencing.
2. The benefits sought by the applicant **can not** be achieved by some other feasible method because:
 - a. The ATM canopy is detached from the building and not readily identified without a sign. The front façade of the building is atypical for commercial properties in the Village and locations for building mounted signage are limited. Signs on the front façade are not readily visible when entering the parking lot.
3. The requested variance **is not** substantial in that:
 - a. The ATM canopy has no walls; if it had walls it would be considered a building and the proposed signs would be permitted by Code.
4. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:
 - a. The ATM canopy is a substantial distance from the street. Adjacent properties are well buffered with landscaping or fencing.

- 5. The alleged difficulty **is** self-created because:
 - a. The desire for better visibility of signage is self-created but this does not preclude granting an area variance.
- 6. The Variance **is** the minimum necessary to provide relief because:
 - a. There is no other way to identify the ATM structure. Signage is needed and the location, size, and appearance of signage is appropriate for the structure and site.
- 7. The following physical characteristics of the property are relevant to this variance request:
 - a. The ATM canopy is detached from the building and setback a substantial distance from the street. It is located in a parking lot shared with other businesses so signage is needed for identification. The parking lot is unusual in that it has ingress and egress from two state highways and it is connected to a parking facility for the fire department; these factors add to the need for more signage and better identification of the ATM area.

Motion: Chairperson Vlietstra made a motion, seconded by Member Erwin, to adopt Resolution 2017-14B granting an area variance for a second sign on the ATM canopy, with the following conditions:

- 1. All signs installed on the ATM canopy shall conform to the drawings dated 9/18/2017.
- 2. No internal illumination of signs is permitted.
- 3. Illumination of signs shall be provided by gooseneck lamps or similar luminaries and all lighting fixtures shall be approved by the Architectural and Preservation Review Board.

**VILLAGE OF PITTSFORD
ZONING BOARD OF APPEALS**

RESOLUTION 2017-14B DECISION ON AREA VARIANCE

Project: Sign Installation Date: 9-18-2017

Applicant Name: Bank of America, National Association
Address: 101 N. Tryon Street
Charlotte, NC 28255

Action: Installation of a second sign on an ATM canopy.
The sign is shown as sign 11 in the application drawings.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on September 18, 2017, at 7PM at Village Hall, 21 N. Main St, Pittsford, NY 14534, The following resolution was offered by Board Member Vlietstra, who moved its adoption, and seconded by Board Member Erwin, to wit:

WHEREAS, The above named applicant for an Area Variance of Sections **168-7** of the Zoning Law of the Village of Pittsford to permit installation of a second sign on an ATM canopy where none are permitted;

WHEREAS, The above named applicant for an Area Variance of Sections **168-7** of the Zoning Law of the Village of Pittsford to permit installation of signage that exceeds the maximum cumulative square footage permitted for signs.

WHEREAS, The Board received and reviewed an application and drawings dated 9/18/2017 from the above mentioned applicant for the above mentioned action; and

WHEREAS, The Board has held a public hearing, and received comments thereat; and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

4. State Environmental Quality Review (SEQR):

The Action involves maintenance and repair or rehabilitation with no substantial changes to an existing structure and is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(1) and/or 617.5(c)(2).

5. Monroe County Planning Review:

- b. The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and Monroe County Planning responded to the 239-m referral with no recommendations.

6. Waterfront Consistency Review:

The proposed action is a Type II action under SEQR so it is not subject to a Waterfront Consistency Review.

WHEREAS, after review, the Board has weighed the effects of the requested variance on the health, safety, welfare of the neighborhood and community and made the following findings:

- 8. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:
 - a. The ATM canopy is a substantial distance from the street. Adjacent properties are well buffered with landscaping or fencing.
- 9. The benefits sought by the applicant **can not** be achieved by some other feasible method because:
 - a. The ATM canopy is detached from the building and not readily identified without a sign. The front façade of the building is atypical for commercial properties in the Village and locations for building mounted signage are limited. Signs on the front façade are not readily visible when entering the parking lot.
- 10. The requested variance **is not** substantial in that:
 - a. The ATM canopy has no walls; if it had walls it would be considered a building and the proposed signs would be permitted by Code.
- 11. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:
 - a. The ATM canopy is a substantial distance from the street. Adjacent properties are well buffered with landscaping or fencing.

12. The alleged difficulty **is** self-created because:

- a. The desire for better visibility of signage is self-created but this does not preclude granting an area variance.

13. The Variance **is** the minimum necessary to provide relief because:

- a. There is no other way to identify the ATM structure. Signage is needed and the location, size, and appearance of signage is appropriate for the structure and site.

14. The following physical characteristics of the property are relevant to this variance request:

- a. The ATM canopy is detached from the building and setback a substantial distance from the street. It is located in a parking lot shared with other businesses so signage is needed for identification. The parking lot is unusual in that it has ingress and egress from two state highways and it is connected to a parking facility for the fire department; these factors add to the need for more signage and better identification of the ATM area.

NOW THEREFORE IT IS RESOLVED by the Zoning Board of Appeals of the Village of Pittsford that this area variance request is hereby **granted** for the reasons stated above, subject to the following conditions:

1. All signs installed on the ATM canopy shall conform to the drawings dated 9/18/2017.
2. No internal illumination of signs is permitted.
3. Illumination of signs shall be provided by gooseneck lamps or similar luminaries and all lighting fixtures shall be approved by the Architectural and Preservation Review Board.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra	YES
Susan Lhota	ABSENT
Renee Stetzer	YES
Heather Erwin	YES
JoAnne Shannon	YES

Dated: September 18, 2017

By order of the Zoning Board of Appeals of the Village of Pittsford

Member Items:

- Mayor Corby reported that at the September 12th Trustee meeting, the Trustees made a resolution stating that the Spiegel Center is located within the Village, and therefore, is subject to Village Zoning regulations.
- Mayor Corby updated the Board on the Comprehensive Plan Committee and the moratorium. There will be a public hearing on the moratorium on October 24, 2017.

Minutes:

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to approve the April 4, 2017 meeting minutes, as drafted.

Vote: Shannon – yes; Vlietstra – yes; Erwin – yes; Stetzer - abstain. *Motion carried.*

Motion: Chairperson Vlietstra made a motion, seconded by Member Erwin, to approve the August 21, 2017 meeting minutes, as drafted.

Vote: Shannon – yes; Vlietstra – yes; Erwin – yes; Stetzer – yes;. *Motion carried.*

Motion: Chairperson Vlietstra made a motion, seconded by Member Erwin, to adjourn the meeting at 9:15 pm.

Vote: Shannon - yes; Vlietstra – yes; Stetzer – yes; Erwin - yes. *Motion carried.*

Linda Habeeb, Recording Secretary