

**VILLAGE OF PITTSFORD  
PLANNING AND ZONING BOARD OF APPEALS  
Regular Meeting October 15, 2018 at 7:00 PM**

**PRESENT:**

Chairperson: Justin Vlietstra  
Members: Jo Anne Shannon  
Renee Stetzer  
Susan Lhota

PZBA Attorney: Frances M. Kabat, Esq.  
Recording Sec: Linda Habeeb

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Stetzer, to call the workshop meeting to order at 6:30 pm.

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

Chairperson Vlietstra stated that he received some information this afternoon that could impact how the board handles tonight’s applications and stated he wanted advice from their attorney.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Shannon, to enter attorney-client session at 7:05 pm.

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

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to call the regular meeting to order at 7:30 pm.

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

Chairperson Vlietstra apologized for the delay and stated the Board will proceed with regular review of applications.

Chairperson Vlietstra asked the Board if there are any conflicts of interest to disclose. Members stated they had no conflicts.

**David Jewett, 44 North Main Street ~ Temporary Zoning Permit**

**Present:** David Jewett

**The legal notice was published in the September 27, 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 October 15, 2018 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 from November 16, 2018 through December 30, 2018 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 Shannon, to open the public hearing at this time.

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

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to close the public hearing, as there was no one wishing to speak for or against this application.

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

Chairperson Vlietstra asked the secretary if any comments were submitted to the Board or if any complaints have been received. Ms. Habeeb stated no comments or complaints have been received regarding this application.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Shannon, to adopt Resolution 2018-19 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 16, 2018 through December 30, 2018.
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, 2018. 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; Lhota - yes; Stetzer - yes. Motion carried.**

**VILLAGE OF PITTSFORD  
ZONING BOARD OF APPEALS**

**RESOLUTION 2018-19 Decision on Temporary Zoning Permit**

**Project:** Pittsford Dairy Temporary Zoning Permit Date: 10-15-2018  
**Applicant Name:** David Jewett  
**Address:** Pittsford Farms Dairy  
44 North Main Street  
Pittsford, NY 14534

**Action:** 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 October 15, 2018 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 Shannon, 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 16, 2018 through December 30, 2018.
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, 2018. 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:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Justin Vlietstra	x	<input type="checkbox"/>	<input type="checkbox"/>
Susan Lhota	x	<input type="checkbox"/>	<input type="checkbox"/>
Renee Stetzer	x	<input type="checkbox"/>	<input type="checkbox"/>
JoAnne Shannon	x	<input type="checkbox"/>	<input type="checkbox"/>

**Dated: October 15, 2018**

By order of the Village of Pittsford Zoning Board of Appeals

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**Tom and Anne Dakin, 38 Rand Place ~ Area variance**

**Present:** Tom & Anne Dakin, Homeowners; Reza Hourmanesh, Architect

**The legal notice was published in the September 27, 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 October 15, 2018 at 7:00 pm, to consider an application made by Tom & Anne Dakin, owners of property located at 38 Rand Place, for an area variance for construction of a porch, pursuant to § 210-12(B) of the Code of the Village of Pittsford."*

**Discussion:** This is an application for an area variance for construction of a front porch at the residence located at 38 Rand Place. The proposed porch design will have a setback of 27 feet 10<sup>3</sup>/<sub>4</sub> inches, where 30 feet is required, which represents less than a 10% deviation. The applicants stated

that the front lawn landscaping scheme remains basically the same: the walkway moves forward and the lawn remains the same distance to the front sidewalk.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Stetzer, to open the public hearing at this time.

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

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to close the public hearing, as there was no one wishing to speak for or against this application.

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

The Board reviewed the criteria for granting an area variance. Board members expressed that the request to construct a front porch is a positive for the neighborhood, in that it is in keeping with porch construction throughout the Village and will promote porch-culture, a growing characteristic of Village lifestyle. Without the variance, the proposed construction will not be undertaken. Many other houses in the neighborhood have porches of similar style and nature. The applicants explained that a smaller porch is not feasible; they previously lived in a house with a 6ft deep porch and it was not functional. Board members stated that the size seems reasonable and consistent with other porches and further reduction in the size of the porch would not reduce the impact.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Stetzer, to adopt Resolution 2018-20 granting this area variance, subject to the following conditions:

1. The application shall be approved by the Architectural and Preservation Review Board.
2. This approval shall expire if a building permit is not granted within one year of this approval.

**VILLAGE OF PITTSFORD  
ZONING BOARD OF APPEALS**

**RESOLUTION 2018-20 DECISION ON AREA VARIANCE**

**Project:** Construction of front porch                      **Date:** 10-15-18

**Applicant Name:**     Tom and Anne Dakin  
**Address:**             38 Rand Place  
                                 Pittsford, NY 14534

**Action:**                Construction of front porch which requires relief from front setback requirement of 30 feet.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on October 15, 2018, at 7 pm at Village Hall, 21 N. Main St, Pittsford, NY 14534,

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

**WHEREAS**, The above-named applicant for an Area Variance of Section 210-12 of the Zoning Law of the Village of Pittsford to permit construction of a front porch 3 feet within the 30-foot setback; and;

**WHEREAS**, The Board received and reviewed an application 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 Board's review is for area variance for a single family home and is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(13).

2. Monroe County Planning Review:

The Board's review is for an area variance that is exempt from Monroe County Planning 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 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:

- A. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:

It is in keeping with porch construction throughout the Village and will promote porch-culture, a growing characteristic of Village lifestyle.

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- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because:

Only a front porch is a front porch, and a smaller porch is not feasible.

- C. The requested variance **is not** substantial in that:

It represents a 10% deviation; the front lawn landscaping scheme remains basically the same: the walkway moves forward and the lawn remains the same distance to the front sidewalk.

- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:

Front porches are common throughout the Village and this will add a desirable feature to the house and encourage community life.

- E. The alleged difficulty **is** self-created but this does not preclude granting of the variance.

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

Without the variance, the proposed construction will not be undertaken. The applicants explained that a smaller porch is not feasible, and further reduction in the size of the porch would not reduce the impact.

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

Because of siting of the house built in the 1920's, prior to Village Code.

- H. The following additional findings are noted:

Front porches are welcoming and promote neighborly relationships.

**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. The application shall be approved by the Architectural and Preservation Review Board.
2. This approval shall expire if a building permit is not granted within one year of this approval.

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



|                  | <b>Yes</b> | <b>No</b>                | <b>Abstain</b>           |
|------------------|------------|--------------------------|--------------------------|
| Justin Vlietstra | x          | <input type="checkbox"/> | <input type="checkbox"/> |
| Susan Lhota      | x          | <input type="checkbox"/> | <input type="checkbox"/> |
| Renee Stetzer    | x          | <input type="checkbox"/> | <input type="checkbox"/> |
| JoAnne Shannon   | x          | <input type="checkbox"/> | <input type="checkbox"/> |

**Dated:** October 15, 2018

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

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**Dan Brault, 17 Church Street ~ Site Plan Review & Area Variance**

**Present:** Dan Brault, Paramount Communities, LLC

**Discussion:** This is a continuation of a public hearing for conversion of the house at 17 Church Street into a single-family home. At a previous meeting, Mr. Brault presented plans for a number of renovations to the property, including the addition of an attached two-car garage on the rear elevation of the home. The Board will be reviewing the request for two area variances: a variance for a 12-foot driveway, and one for the attached garage.

Chairperson Vlietstra stated that the Board requested comments from the Architectural and Preservation Review Board (APRB) for comments on the project. New feedback from the APRB was just received today on whether the proposal conforms to the Secretary of the Interior’s Standards. The APRB’s consensus is that the proposal generally conforms to the Secretary’s Standards. The APRB still needs to reach a determination on replacement of the windows, and the Board agreed to leave this issue for the APRB to decide. He further explained that at the October 3, 2018 meeting, the Zoning Board concluded the environmental review (SEQR) review by issuing a Negative Declaration. Additional feedback from the APRB was discussed at the October 3<sup>rd</sup> meeting, as well as letters from the Building Inspector and Fire Marshal that explained maintenance needs and fire code concerns.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Stetzer, to close all public hearings for this application.

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

The Board discussed the requested variance for the setbacks for the attached garage. Board members reviewed the criteria for granting a variance for the garage. Some items discussed were that the garage is minimally visible from the street, and there are other adjacent properties with structures closer to the lot line. A garage for the property behind this house is only 2 feet from the property line, and two buildings to the west are also extremely close to the property line. Garages

close to the property line are relatively common elsewhere, but are usually detached garages. The Board is satisfied that a 2-car detached garage is not appropriate based on maintenance concerns raised in a letter from the Building Inspector and based on fire code concerns raised in a letter from the Fire Marshal. A request for the addition of a 2-car garage is a reasonable request for this residential property, as it is a 3,300 sq. ft. 4-bedroom house. An addition previously existed on the rear of the house in the 1800's and was removed in the 1890's; this addition was in the same location as the garage and larger in size. The APRB stated that the addition is generally consistent with additions on other cobblestone buildings in Monroe County. The Board determined that the construction of the garage will not have a substantial negative impact on the property or the surrounding neighborhood. The adjacent church and parking lot will not be adversely impacted by the garage or by converting the building to a single-family home. If the variance were to be denied, it may not be financially viable to convert the property to a single-family home, and the property could be vacant for an extended period of time. The prior use of the building as a Masonic Lodge has been abandoned, and the property is zoned residential where only single-family homes are permitted.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Stetzer, to approve the area variance for an attached garage.

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

**VILLAGE OF PITTSFORD  
ZONING BOARD OF APPEALS**

**RESOLUTION 2018-22 DECISION ON AREA VARIANCE FOR GARAGE**

**Project:** 17 Church Street **Date:** 10-15-18

**Applicant Name:** Daniel Brault  
**Address:** 38 Thorntree Circle  
Penfield, NY 14526

**Action:** Area Variance for the construction of a two-car attached garage. The garage is one-story and on the rear (south) elevation with a rear setback of 3feet.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on October 15, 2018, at 7 PM at Village Hall, 21 N. Main St, Pittsford, NY 14534,

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

**WHEREAS**, The above-named applicant for an Area Variance of Sections 210-12 (D) of the Zoning Law of the Village of Pittsford to permit construction of an attached garage with a 3-foot rear setback where a minimum of 30 feet is required in an R-2 district; and

**WHEREAS**, The Board received and reviewed an application 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):
2. The complete action is an unlisted action and is within a Historic District so it is classified as a Type I Action pursuant to 6 NYCRR 617.4(b)(9). A negative declaration was issued on 10/3/18, and no further review is required.

3. Monroe County Planning Review:

The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and on August 17, 2018 Monroe County Planning responded to the 239-m referral with no recommendations.

4. Waterfront Consistency Review:

The proposed action is a Type I action under SEQR and is not within the Village's waterfront area; therefore, 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, and welfare of the neighborhood and community and made the following findings:

- A. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:

There is a garage on the adjacent parcel behind this house that is 2 feet from the property line. There is a parking lot on the west side and arborvitae screening along the east property shared with the church. The garage will be minimally visible, and there are multiple adjacent properties with structures less than 3feet from the lot line.

- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because:

It is the only feasible and appropriate location for a garage. The proposed location maintains the viewshed of this significant historic property.

The property is already currently non-conforming. The property currently has no garage and a garage is reasonable request for a residential property and will enhance the property.

- C. The requested variance **is** substantial in that:

The property is currently non-conforming. Quantitatively, a 3-foot setback, where 30 feet is required, is substantial. Qualitatively, the garage is minimally visible and see (A) & (B) above.

- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:

It offers minimal elevation disruption. See (A), (B) & (C). Drainage will be substantially improved. An addition previously existed on the rear of this house in the 1800's and was removed in the 1890's. There are many other cobblestone buildings in Monroe County with additions added that are similar in nature.

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

The desire for a garage is self-created but that doesn't preclude granting an area variance.

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

A two-car garage is appropriate for this significant historic property and enhances the property value. A one-car garage is not ideal for a 3300 square foot 4-bedroom house. The applicant has satisfied the Board that this is the smallest practical 2-car detached garage; The Fire Marshal and Building Inspector advised that a detached 2-car garage on the rear of the building would be difficult to maintain due to short distances to either the adjacent fence or short distances between the house and the garage. Placing a detached garage in the southwest corner of the property will make it prominently visible; locating it behind the house is preferred aesthetically.

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

See (A), (B) and (C). Historic siting of the building with a large front setback makes other garage locations not feasible. This property did previously have an attached addition behind the house in the 1890's; the garage is in the same location but smaller than that addition.

H. The following additional findings are noted:

The placement of the house on the property precludes placement of a garage elsewhere.

Commentary from the Architectural and Preservation Review Board (APRB) indicated the project generally complies with the Secretary of the Interior Standards for Rehabilitation of Historic Properties.

The use is changing to residential – a conforming use consistent with zoning. The garage is a key aspect to making this conversion financially viable. A denial of this variance may create an undesirable property that sits vacant for a long time.

**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. The Architectural and Preservation Review Board shall grant a certificate of approval for the Action and all approved plans shall conform to the Final Site Plans dated October 26, 2018 and architectural drawings dated October 26, 2018.
2. This variance shall expire if a building permit is not granted within one year.

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

|                  | <b>Yes</b> | <b>No</b>                | <b>Abstain</b>           |
|------------------|------------|--------------------------|--------------------------|
| Justin Vlietstra | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| Susan Lhota      | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| Renee Stetzer    | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| JoAnne Shannon   | X          | <input type="checkbox"/> | <input type="checkbox"/> |

**Dated:** October 15, 2018

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

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Chairperson,  
Zoning Board of Appeals

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The Board next discussed the requested variance for a 12-foot driveway. Chairperson Vlietstra commented that there is no written determination from the Fire Marshal as to whether the 12-foot-wide driveway is a requirement or a request and asked for clarification from the Fire Marshal.

Fire Marshal, Kelly Cline, stated that: "NY Uniform Code Supplement - IFC 511.2 states driveways are required for emergency vehicle access if egress doors are more than 300 feet from the road. This building is less than 300 feet from the road, so a driveway is not required. However, if a driveway is constructed, it must comply with the construction standards in 511.2 which includes a minimum width of 12 feet as stated in 511.2.1."

Board members reviewed the criteria for the requested driveway variance. They noted that a driveway is needed to provide access to the new garage addition. Most of the houses on the street have a ~10-foot wide driveway, but an adjacent property does have a 12-foot wide driveway and there are other houses on the street have wider driveways. As stated by the Fire Marshal, Fire Code requires a 12-foot-wide driveway for emergency vehicle access. There is only 2-hour parking on the street, so off-street parking is important. Board members determined that the driveway will not have a negative impact on the property or the surrounding neighborhood.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Shannon, to approve the area variance for an attached garage.

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

**VILLAGE OF PITTSFORD  
ZONING BOARD OF APPEALS**

**RESOLUTION 2018-21 DECISION ON AREA VARIANCE FOR DRIVEWAY**

**Project:** 17 Church Street **Date:** 10-15-2018

**Applicant Name:** Daniel Brault  
**Address:** 38 Thorntree Circle  
Penfield, NY 14526

**Action:** Area Variance for the construction of a new driveway. The driveway is 12 feet wide from the sidewalk to a turnaround at the southwest corner of the lot and is 16% of the lot area.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on October 15, 2018, at 7 PM at Village Hall, 21 N. Main St, Pittsford, NY 14534,

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

**WHEREAS**, The above-named applicant has applied for an Area Variance of Sections 210-13(B) of the Zoning Law of the Village of Pittsford to permit construction of a residential driveway with 16% lot coverage when a maximum of 12% is permitted in an R-2 district; and

**WHEREAS**, The Board received and reviewed an application 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):
2. The complete action is an unlisted action and is within a Historic District so it is classified as a Type I Action pursuant to 6 NYCRR 617.4(b)(9). A negative declaration was issued on 10/3/18, and no further review is required.
3. Monroe County Planning Review:
  - a. The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and on August 17, 2018 Monroe County Planning responded to the 239-m referral with no recommendations.
4. Waterfront Consistency Review:
  - a. The proposed action is a Type I action under SEQR and is not within the Village’s waterfront area; therefore, 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, and welfare of the neighborhood and community and made the following findings:

- A. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:

Presently, there is no driveway and one is needed to provide access to the new garage addition. It is consistent with the surrounding homes that have driveways. The adjacent church has a 12-foot wide driveway.

- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because:

There is 2-hour on-street parking, so the driveway would provide parking. A gravel driveway is not practical. Fire Code requires a 12 foot wide driveway.

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- C. The requested variance **is not** substantial in that:

The driveway is the minimum size required to be functional and comply with Fire Code.

- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:

The property is becoming a residence and will match the surrounding residential neighborhood.

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

The applicant needs to have a driveway from the street to the new garage addition. This does not preclude granting the variance.

- F. The variance **is** the minimum necessary to provide relief because:

Fire Code requires a 12-ft. driveway and no other alternatives exist.



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

The garage addition is located in the rear of the home so the viewshed will keep the Historic relevance of the property.

H. The following additional findings are noted:

The placement of the house on the property precludes placement of a garage elsewhere.

**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 condition:

1. The applicant will obtain a driveway permit within one year.
2. The driveway shall conform to the approved Final Site plans dated October 26, 2018.

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

|                  | <b>Yes</b> | <b>No</b>                | <b>Abstain</b>           |
|------------------|------------|--------------------------|--------------------------|
| Justin Vlietstra | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| Susan Lhota      | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| Renee Stetzer    | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| JoAnne Shannon   | X          | <input type="checkbox"/> | <input type="checkbox"/> |

**Dated:** October 15, 2018

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

The Planning Board next discussed the proposed site plan for this project. Variances have been granted to address all Zoning Violations identified by the Building Inspector.

Drainage is reasonably addressed by the applicant because there is a french drain around the perimeter that addresses the issues of runoff from adjacent parking lots and adjacent properties. This will significantly improve drainage on the property.

Light fixtures comply with code requirements. There will be a light over the garage door that will have a shield surrounding the lightbulbs and will face straight down. There will be light sconces above the man doors with soft light incandescent bulbs.

The site is suitably landscaped because the landscaping enhances the property. The mature trees will be trimmed and will remain. The air-conditioner will be shielded from view by shrubs.

Multiple buildings on adjacent properties are located within 3 feet of the property line. There is a parking lot on the west side, and the church parking lot on the east side, and converting the property to a residential use will not adversely impact adjacent properties. The new use is consistent with zoning.

Parking and access are adequate because a turn-around area will be provided in front of the garage and a 12-foot driveway width along the house will accommodate extra vehicles.

**VILLAGE OF PITTSFORD  
PLANNING BOARD OF APPEALS**

**RESOLUTION 2018-23 DECISION ON SITE PLAN**

**Project 17 Church Street Date: 10-15-18**

**Applicant Name:** Daniel Brault  
**Address:** 38 Thorntree Circle  
Penfield, NY 14526

**Action:** Addition of a one-story attached two-car garage with dimensions 24' (width) x 21'6" (depth) on the rear (south) elevation, constructing a new driveway and patio, landscaping work, and other rehabilitation work to convert the main building and site from a Masonic Lodge to a single-family home. The floor area of the garage addition exceeds 400 square feet and site plan review is required pursuant to Village Code 210-83B (15).

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the "Board") duly convened on October 15, 2018, at **7 PM** at Village Hall, 21 N. Main St, Pittsford, NY 14534,

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

**WHEREAS**, The Village of Pittsford Planning Board (the "Board") received and reviewed an application 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 complete action is an unlisted action and is within a Historic District so it is classified as a Type I Action pursuant to 6 NYCRR 617.4(b)(9). A negative declaration was issued on 10/3/18 and no further review is required.

2. Monroe County Planning Review:

The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and on August 17, 2018 Monroe County Planning responded to the 239-m referral with no recommendations.

3. Waterfront Consistency Review:

The proposed action is a Type 1 Action under SEQR and is not within the Village's waterfront area; therefore, it is not subject to a Waterfront Consistency Review.

4. The proposed action **Does Not** require approvals from state or county agencies. Separate review of Preliminary and Final Site Plans **Is Not** required.

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

1. The Village Building Inspector explained the application and the submitted information to the Board and recommended waiving application requirements because the provided site plan and architectural drawings provide adequate information for the board to make a determination on this application.

2. The Building Inspector has determined that two Zoning Violations were created by the action and the Zoning Board of Appeals has granted area variances to provide the applicant relief from the relevant Zoning Code.

3. Drainage **is** reasonably addressed by the applicant because:

There is a french drain around the perimeter that addresses the issues from runoff from adjacent parking lots and adjacent properties. Drainage of the property is significantly improved with this new drain. There is no center drain in the garage; the floor will slope toward the garage door.

4. Light fixtures will not introduce light trespass onto adjacent properties because:

The light over the garage door will have a shield surrounding the lightbulbs to face light downward. The light fixture will have two bulbs under 1100 lumens and bulbs will be aimed straight down. The lighting mounting height will be above the driveway and centered over the garage door. There will be light sources above the man doors with soft light incandescent bulbs.

5. The site **is** suitably landscaped because:

The site is already landscaped. The added landscaping enhances the property. The mature trees will be trimmed and will remain. The air-conditioner will be shielded from view.

6. The plans **will not** adversely impact adjacent properties because

The adjacent lot behind this property contains a garage that is 2 feet from the line. Adjacent lots to the west also have two buildings close to the lot line. The proposed garage setback is similar to setbacks on adjacent properties.

There is a parking lot on the west side and the church parking lot on the east side and converting this property to a single-family home will not interfere with those uses.

7. The Fire Marshal reviewed the Site Plans and made the following observations: The Fire Marshal requires driveways be a minimum of 12 feet width for emergency vehicle access.
8. The action was referred to the Architectural and Preservation Review Board (APRB) and they responded with no substantial concerns. The APRB will continue to review materials and architectural details during their review. Comments from the APRB indicate the project generally complies with the Secretary of the Interior's Standards for Rehabilitation of historic properties. Of particular note is the applicant has plans to attach the garage in such a way that it can be removed in the future in case restoration is desired.

**NOW, THEREFORE, BE IT RESOLVED**, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-84.A because it finds the Site Plan application contains adequate information and the missing application factors are not necessary to evaluate the action's impacts on public health, safety, or general welfare.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby **grant Preliminary Site Plan Approval** and **Final Site Plan Approval** of the site plan dated October 26, 2018 and architectural drawings dated October 26, 2018 with the following conditions:

1. The Architectural and Preservation Review Board shall grant a certificate of approval for the Action and all approved plans shall conform to the Final Site Plans.
2. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 1 year of the adoption date of this resolution.
3. Exterior light fixtures shall be code compliant and shall have a color of 2700K – 3000K (warm white).

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

|                  | <b>Yes</b> | <b>No</b>                | <b>Abstain</b>           |
|------------------|------------|--------------------------|--------------------------|
| Justin Vlietstra | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| Susan Lhota      | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| Renee Stetzer    | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| JoAnne Shannon   | X          | <input type="checkbox"/> | <input type="checkbox"/> |

**Dated: October 15, 2018**

By order of the Planning Board of the Village of Pittsford

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Stetzer, to approve the September 17, 2018 minutes, as revised.

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

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to adjourn the meeting at 9:45 pm.

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

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Linda Habeeb  
APRB Secretary