

**VILLAGE OF PITTSFORD**  
**PLANNING AND ZONING BOARD OF APPEALS**  
Regular Meeting August 21, 2017 at 7:00 PM

**PRESENT:**

|                |                        |
|----------------|------------------------|
| Chairperson:   | Justin Vlietstra       |
| Members:       | Jo Anne Shannon        |
|                | Renee Stetzer          |
|                | Susan Lhota            |
|                | 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 Lhota, to call the meeting to order at 7:10 pm.

**Vote:** Shannon – yes; Vlietstra – yes; Lhota – 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.

**Jill Werner, 34 Church Street ~ Area variance**

**The legal notice was published in the August 10, 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 August 21, 2017 at 7:00 pm to consider an application made by Jill Werner, owner of property located at 34 Church Street, for an area variance for installation of a deck, pursuant to Village Code § 210-12.”*

**Discussion:** The applicant is seeking an area variance for construction of a deck in the rear yard of her house, located at 34 Church Street. A 30-foot rear setback is required and the proposed deck will be 12 feet from the rear property line. The existing house has a nonconforming rear setback.

Board members reviewed the criteria for an area variance:

**1. Whether the requested variance will create an undesirable change in the character of the neighborhood or detriment to nearby properties.**

Board members determined that the variance will not create an undesirable change in the character of the neighborhood, because a commercial bank is the adjacent property in proximity to the deck, and a fence and large parking lot separate the deck from the bank.

**2. Whether the benefits sought by the applicant can be achieved by some other feasible method.**

Board members determined that the benefits sought cannot be achieved by some other feasible method because no other location is suitable for the deck. A kitchen door opens onto the proposed deck, and trees provide cover, and it is located in the most private portion of the yard. The property is a corner lot which limits location options.

**3. Whether the requested variance is substantial.**

Board members determined the requested variance is not substantial because the deck is 12 feet from the property line, where 30 feet is required, which is a 60% variance. The deck has no roof or walls, which lessens the visual impact. There will still be plenty of green space on the lot. It is relatively far from the sidewalk.

**4. Whether the requested variance will have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district.**

The variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood because a commercial bank is the adjacent property in proximity to the deck. A fence and large parking lot separate the deck from the bank.

**5. Whether the alleged difficulty is self-created.**

The desire for a deck is self-created, but this does not preclude granting a variance. The existing house has a nonconforming rear setback which is not self-created.

**6. Whether the variance is the minimum necessary to provide relief.**

It is a reasonably sized deck in a private location. Making it smaller would not lessen impact.

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

**Vote:** Shannon – yes; Vlietstra – yes; Lhota – yes; Stetzer - yes; Erwin – 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 regarding this application.

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

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Shannon, to approve Resolution 2017-12 granting the area variance for construction of a deck at 34 Church Street, subject to the following condition:

1. The Architectural and Preservation Review Board shall grant a certificate of approval for the Action and all approved plans shall conform to the plans submitted to the Zoning Board of Appeals.

**Vote:** Shannon – yes; Vlietstra – yes; Lhota – yes; Stetzer - yes; Erwin – yes. *Motion carried. The decision was filed in the office of the Village Clerk on August 21, 2017.*

**VILLAGE OF PITTSFORD  
ZONING BOARD OF APPEALS**

**RESOLUTION 2017-12 DECISION ON AREA VARIANCE**

**Project: Deck Date: 8-21-2017**

**Applicant Name:** Jill Werner  
**Address:** 34 Church St  
Pittsford, NY 14534

**Action:** Construction of a deck in the rear yard

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on August 21, 2017, at 7PM 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 to the Board for an Area Variance of Sections 210-12.H of the Zoning Law of the Village of Pittsford to permit construction of a deck in the rear setback. A 30ft rear setback is required and the proposed deck will be 12ft from the rear property line;

**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:

7. The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:  
A commercial bank is the adjacent property in proximity to the deck. A fence and large parking lot separate the deck from the bank.
  
8. The benefits sought by the applicant cannot be achieved by some other feasible method because:  
No other location is suitable for the deck. A kitchen door opens onto the proposed deck. Trees provide cover, and it is located in the most private portion of the yard. The property is a corner lot which limits location options.
  
9. The requested variance is not substantial in that:  
The deck is 12ft from the property line, where 30 feet is required, a 60% variance is requested. It has no roof or walls, which lessens the visual impact. There will still be plenty of green space on the lot. It is relatively far from the sidewalk.
  
10. The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:  
A commercial bank is the adjacent property in proximity to the deck. A fence and large parking lot separate the deck from the bank.
  
11. The alleged difficulty is self-created because:  
The desire for a deck is self-created, but this does not preclude granting a variance. The existing house has a nonconforming rear setback which is not self-created.
  
12. The variance is the minimum necessary to provide relief because:  
It is a reasonably sized deck in a private location. Making it smaller would not lessen impact.

**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:

2. The Architectural and Preservation Review Board shall grant a certificate of approval for the Action and all approved plans shall conform to the plans submitted to the Zoning Board of Appeals.

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"/> |
| Heather Erwin    | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| JoAnne Shannon   | X          | <input type="checkbox"/> | <input type="checkbox"/> |

**Dated: August 21, 2017**

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

Chairperson, Zoning Board of Appeals

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**Chase Bank, 31 State Street ~ Site Plan**

**Present:** Larry Davies, Senior Facility Manager

**Discussion:** Chairperson Vlietstra explained that this is an open application for parking lot alterations and paving, landscaping, building exterior repair and maintenance, drainage system alterations, removal and replacement of curbs and sidewalk, and removal and replacement of the driveway apron at Chase Bank, located at 31 State Street. He further noted that the application as submitted is incomplete.

Mr. Davies explained that the applicants consider the project as maintenance and repair, as opposed to new construction so a complete set of plans is not needed per the conversations he has had with his engineer. Chairperson Vlietstra stated that the site plan requirements are the same for maintenance and new construction but some of the site plan requirements can be waived if they are not relevant to "Health, Safety, and General Welfare". They can re-submit previously approved site plans to satisfy application requirements for factors that they do not intend to change. The property is adjacent to residential properties, and the Board needs to take a hard look at the boundary between commercial and residential properties. He also pointed out that the scope of the project has increased. The Board will need a complete set of plans, which include responses to the Village Engineer's concerns, which were outlined in a letter from the engineer sent on 6/14/17. One concern noted in the letter refers to stormwater. Infiltration of stormwater and irrigation water must follow best management practices emphasized by both the Village and the Monroe County Stormwater Coalition. A new connection to the Village's storm sewer system in the street must be justified versus other alternatives prior to becoming the permitted option. The Village Engineer is concerned about the proposed alterations to the stormwater system and Chase will need to respond to those concerns. The applicants will also be required to obtain a Department of Transportation work permit, which could take 1-3 years to obtain. The proposed work will shut down a lane on a state highway so detailed work plans are needed and the Department of Transportation application must be completed as soon as possible to avoid further delays.

Mayor Corby stated the Village is an MS4 community and must approve stormwater plans. Stormwater regulations have changed since the building was constructed so alterations to the stormwater system need to be properly reviewed.

The application will remain open, and Mr. Davies will consider all these factors to determine how to move forward with this project.

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**Bank of America, 9 North Main Street ~ Variances for signs**

**Present:** Peter Sorgi, Attorney

**The legal notice was published in the August 10, 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 August 21, 2017 at 7:00 pm to consider an application made by Peter Sorgi, as agent for Bank of America, located at 9 & 11 North Main Street, for installation of one free-standing sign and two building signs, pursuant to Village Code § 168.7."*

**Discussion:** Mr. Sorgi stated that they are proposing installation of three signs at the Bank. One is a free-standing monument sign in the front of the building, similar to the sign at the Chase Bank. The monument sign will require a variance. 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 reviewed the history of the freestanding monument signs at Chase Bank the last time Bank of America came in for a sign variance. The freestanding signs at Chase predate sign code and they received a variance to replace existing signs with smaller freestanding signs.

Mayor Corby commented that entrance signs marked as "in" and "out," are permitted by Code and it may be possible to add a logo to these signs. These types of signs do not require a variance and are less visually obtrusive. Chairperson Vlietstra stated that the last time Bank of America came before the Board, they were seeking greater visibility for signage at the Bank because of trees that were obstructing the view of signs. He further stated that he acknowledges their 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.

Member Erwin pointed out 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, particularly at night. The freestanding sign with blue text on a white background looks much better than their previous submission and better matches the character of the building. Signs should be designed to represent the character of the building and prioritize this building compatibility over complying with corporate color and design guidelines. She stated the Board previously looked at the proposed red stripe going around the building and considered it part of the sign and not permitted. The Building Inspector stated the wrap around red stripe shown in the proposal is part of the sign and isn't permitted by code.

Mayor Corby suggested relocating the lettering to the building frieze and adding lights spaced evenly over the sign. This would provide greater visibility for the logo. He stated that he has a photograph from the early 1970's showing a prior bank with a sign on the frieze that he will share with the applicant.

Chairperson Vlietstra stated that currently, on the east side of the building facing Main Street, there are two signs: one over the door and one on the top of the building; there is one sign on the ATM canopy; and on the other two sides of the building there is one sign over each door. He suggested that instead of a free-standing sign, the Bank could relocate a building-mounted sign for better visibility or hang a sign on the building with brackets that looks similar to their proposed freestanding sign. Building-mounted signs are permitted by code.

Chairperson Vlietstra requested that the applicant provide a site plan indicating the location of all of the signs they intend to have on the site. Many of these are not before the Board, but the Board needs to look at the total quantity of signs. Bank of America currently has 5 signs installed.

The Building Inspector stated he looked at signage at the other banks in the Village. Canandaigua Bank has 5 signs, Chase Bank has 3 signs, ESL Bank has 2. None of the other banks have signs over ATM canopies. The ATM canopy is a structure, not a building, because it lacks walls. Commercial signs are only permitted on buildings so the proposed ATM canopy signs are not permitted by code and a variance will be needed. Bank of America currently has building permits for 4 signs but they have not been installed.

Mr. Sorgi asked that the application be tabled so that he can take this information and the board's concerns back to the applicants for further review. The application will remain open.

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#### **44 Sutherland ~ Site Plan**

The applicant is not present. The application will remain open.

#### **Member Items:**

Mayor Corby updated the Board on the Comprehensive Plan Committee and the moratorium. The moratorium resolution is being rewritten based on public comments received. A draft will be sent to the Planning Board when available.

#### **Minutes:**

Ms. Zoghlin stated the July 17, 2017 minutes are missing appendix A of the Buffalo Bills resolution and this should be included in the minutes.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Shannon, to approve the July 17, 2017 meeting minutes, as revised.

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

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

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

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Linda Habeeb, Recording Secretary