

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting: January 21, 2020 at 6:30 PM**

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Justin Leitgeb
David Marshall (alternate)
Susan Lhota (excused)

PZBA Attorney: Mindy L. Zoghlin, Esq.
Recording Sec: Linda Habeeb

Motion: Member Vlietstra made a motion, seconded by Member Shannon, to open the workshop meeting at 6:00 pm.

Vote: Shannon – yes; Vlietstra – yes; Leitgeb – yes; Marshall – yes. *Motion carried.*

Motion: Chairperson Vlietstra made a motion, seconded by Member Leitgeb, to close the workshop meeting and call the regular meeting to order at 6:40 pm.

Vote: Shannon – yes; Vlietstra – yes; Leitgeb – yes; Marshall – yes. *Motion carried.*

Bryan Meyer, Copper Leaf Brewing, 50 State Street ~ Area Variance

Present: Bryan Meyer, Business owner

The legal notice was published in the January 20, 2020 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 Tuesday January 21, 2020 at 6:30 pm to consider an application made by Bryan Meyer, of Copper Leaf Brewing, for an area variance to permit installation of a business sign to be affixed perpendicular to the front of the building, located at 50 State Street, Building G, pursuant to Village Code § 168.5.C.”*

Discussion: This is an application for an area variance to permit installation of a business sign to be affixed perpendicular to the front of the business, above the front door. The applicant explained that the location of the building is in the center of Northfield Common. The front of the building, and the front entrance, do not face the street. A sign directly attached to the front of the building would not be visible if it is parallel to the building as required by code. This will make it difficult for potential customers to locate the business. The circulation patterns of traffic around this building are unique in that vehicles entering Northfield Common drive towards the side of the building, then follow a circle behind the building, and do not drive past the front of the building until reaching the site’s exit drive.

Member Vlietstra explained that the Board will review the five criteria to be considered for granting an area variance. The Board will balance the benefit of the variance to the applicant with the impact on the community. They will try to determine the unique features of the property that warrant granting the variance.

Member Leitgeb asked the applicant to clarify the driving route through the development. Mr. Meyer explained that the building runs parallel with State Street but the front entrance door is set perpendicular to the entrance of Schoen Place and the access drive. The entrance door on the building is on the northwestern side of the building and the street, Schoen Place, is south of the building and runs east-west. Board members noted that there are no other buildings within that development area that are perpendicular to State Street and still visible from Schoen Place. A parallel sign affixed over the front door to the building would provide no visual benefit from Schoen Place and it would not be adequately visible to pedestrians or vehicles.

Board members questioned the applicant about lighting for the sign. The applicant stated that prior to the roof being replaced, there was a light on the front of the building. He said that his understanding is that it is the intention of the building owner to re-install that light, which was previously approved. Member Vlietstra explained that most of the signs in the Village are illuminated by gooseneck lights. The Building Inspector will determine whether the light conforms to the existing lighting plan.

The applicant stated that the sign will be installed 8 inches from the building directly over the front door. The material for the sign will be high-density urethane with raised logo and letters. Member Vlietstra explained that the Historic Preservation Board (HPB) will review the materials for the sign.

Member Leitgeb asked the applicant if they had considered installing a smaller sign than the one proposed. The applicant explained that they had consulted with the sign company and asked them what sign they would recommend from a visual perspective. The sign company visited the site and reviewed the building and the area, and the proposed sign is what they recommended as appropriate for the building and for visibility. Member Vlietstra stated that a slightly smaller sign would not necessarily lower the impact of the sign on the community and he thought the size seemed reasonable.

The Board discussed the code citation for the variance request and stated that it should be §168-5D instead of §168-5C. Member Vlietstra asked the applicant if they consent to amending their application to correct the code citation.

Mr. Meyer stated he agreed to amend his application to request a variance from §168-5D.

The Board discussed whether this would set an unwanted precedent. There are unique factors about this building that differentiate it from other buildings in the Village. The front of the building does not face the street and the entrance drive does not go past the front of the building. This differs from buildings on Main St which face the street, and it differs from buildings in Village Green that have the entrance drive go past the front of the building. It is also in the middle of a commercial plaza.

Motion: Member Vlietstra made a motion, seconded by Member Leitgeb, to amend the draft resolution to seek relief from § 168-5D of the Village Code.

Vote: Shannon – yes; Vlietstra – yes; Leitgeb – yes; Marshall – yes. Motion carried.

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

Vote: Shannon – yes; Vlietstra – yes; Leitgeb – yes; Marshall – yes. Motion carried.

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

Vote: Shannon – yes; Vlietstra – yes; Leitgeb – yes; Marshall – yes. Motion carried.

The Board reviewed draft Resolution 2020-3.

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:

The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that the new perpendicular sign will not produce an undesirable change in the character of the neighborhood, because perpendicular signage at this location would not change the historic character. The building is in the middle of a commercial shopping plaza, and the front door does not face the street. The building will not be a visual impediment to other property owners or businesses.

Member Vlietstra provided some history of the building, stating that the building is one of the oldest in the plaza. It was originally a small boathouse on Conesus Lake, and in 1905, it was relocated to be a lumber office in Northfield Common. Since that time, several additions have been added.

Member Vlietstra stated the Board looked at Preservation Brief #25 from the Secretary of Interior regarding historic signs. The Brief documented that perpendicular signs were common, and diversity of sign styles is encouraged: "Historic commercial areas have customarily been a riot of signs." "The National Park Service discourages the adoption of local guidelines that are too restrictive, and that effectively dictate uniform signs within commercial districts."

Member Shannon added that that brief stated the reason perpendicular signs were phased out is because people riding on horseback would hit them. That is obviously not a problem anymore.

The benefits sought by the applicant **cannot** be achieved by some other feasible method because a perpendicular sign design affixed to the front of the building would provide no benefit from Schoen Place. There are no other buildings within that development area that are perpendicular to State Street and still visible from Schoen Place. The lower depth would conceal the majority of a side-of-building mounted sign, and a parallel sign design affixed to the front of the building would provide no visual benefit from Schoen Place. A perpendicular sign would provide greater visibility to potential patrons, making this building unique to the development area. A building-mounted sign would not permit adequate visibility from pedestrians or from vehicles.

The requested variance **is not** substantial in that it is a relatively small sign, 3ft x 3ft, and decreasing the size of the sign would not significantly lessen the impact on the community.

The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because perpendicular signage at this location would not change the historic character. The building is in the middle of a commercial shopping plaza, and the front door does not face the street. The building will not be a visual impediment to other property owners or businesses.

The alleged difficulty **is** self-created because the desire for a sign is self-created, but this alone does not preclude granting an area variance. Any commercial tenant would have the same difficulty.

The variance **is** the minimum necessary to provide relief because other sign options currently available to the applicant do not achieve the visibility goal as would be achieved with the perpendicular sign as presented. A smaller sign would not substantially lessen the impact on the community.

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

The building location is in the middle of development area and runs parallel to State Street, though perpendicular to the Schoen Place entrance, and the front façade is not easily visible from Schoen Place or the access road. The building is set back and substantially lower. The side parallel to State Street is currently partially concealed by foliage, a deck, and patio of an adjacent property. The side of the building has a directory sign and windows which make it impractical to place a sign facing the street. Limited space exists on the side of the building to affix alternative signage due to the directory sign and windows. The traffic circulation is such that the front of the building is not visible from the entrance or primary driveway, and the front is only visible from the exit to the plaza.

Motion: Member Vlietstra made a motion, seconded by Member Marshall, to approve Resolution 2020-3, granting the area variance request, with the following conditions:

Vote: Shannon – yes; Vlietstra – yes; Leitgeb – yes; Marshall – yes. *Motion carried.*

**VILLAGE OF PITTSFORD
ZONING BOARD OF APPEALS**

RESOLUTION 2020 - 3 DECISION ON AREA VARIANCE

Project: Projecting Sign

Date: 01/21/2020

Applicant Name: Bryan Meyer – Copper Leaf Brewing

Address: 50 State St., Building G
Pittsford, NY 14534

Action: The applicant has requested approval of a business sign to be affixed perpendicular to the front façade of the building, above the front the door.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on January 21st, 2020 at 7:00 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 Marshall, to wit:

WHEREAS, The above-named applicant for an Area Variance of Sections 168-5D of the Zoning Law of the Village of Pittsford to permit a business sign to be affixed perpendicular to the front façade of the building, above the front the door and;

WHEREAS, The Board received and reviewed an application from the above-mentioned applicant for the above-mentioned action; and

WHEREAS, The applicant amended the application to seek relief from section 168-5(D) of the Village Code; 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 with no substantial changes to an existing structure and/or construction or expansion of a non-residential structure involving less than 4000 square feet of gross floor area and is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(9).

2. Monroe County Planning Review:

The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m.

3. Waterfront Consistency Review:

The proposed action 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:
The new perpendicular sign would not produce an undesirable change in the character of the neighborhood. Perpendicular signage at this location would not change the historic character. The new sign would not be a visual impediment to other property owners or businesses. The building is in the middle of a commercial plaza and the front door does not face the street.
- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because:
The building runs parallel with State St, however it is set perpendicular to the entrance angle of Schoen Place and access drive, though lower and a bit to the southeast. At the western most entrance to the development area, it is out of sight from Schoen Place. The lower depth would conceal the majority of a side-of-building mounted sign and a parallel sign design affixed to the front of the building would provide no benefit from Schoen Place. There are no other buildings within that development area that are perpendicular to State St. and still visible from Schoen Place. A perpendicular sign would provide greater visibility to potential patrons, making this building unique to the development area. A building mounted sign would not permit adequate visibility from pedestrians or from vehicles unless it is perpendicular to the front of the building.
- C. The requested variance **is not** substantial in that:
It is relatively small sign: 36" diameter circle. Decreasing size would not significantly lessen impacts.
- 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 new perpendicular sign would not produce an undesirable change in the character of the neighborhood. Perpendicular signage at this location would not change the historic character. The new sign would not be a visual impediment to other property owners or businesses. The building is in the middle of a commercial plaza and the front door does not face the street.
- E. The alleged difficulty **is** self-created because:
The desire for a sign is self-created, but this alone does not preclude granting an area variance. Any commercial tenant would have the same difficulty.
- F. The Variance **is** the minimum necessary to provide relief because:
Other sign options currently available to the applicant do not achieve the visibility goal as would be achieved with the perpendicular sign as presented. Decreasing size would not significantly lessen impacts.

G. The following physical characteristics of the property are relevant to this variance request: The building location is in the middle of development area and runs parallel to State St., though perpendicular to the Schoen Place entrance and the front façade is not easily visible from Schoen Place or the access road. The building is set back and substantially lower. The side parallel to State St. is currently partially concealed by foliage, a deck and patio of an adjacent property. Limited space exists on the side of the building facing the street to affix alternative signage due to an existing directory sign and windows. The front of the building is not visible from the commercial plaza entrance or from the primary drive lane. Traffic circulation is such that the front of the building is only visible as you exit the plaza.

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. Maximum sign size is 36” x 36” plus mounting hardware.
2. Approval of sign materials and sign style by the HPB.
3. This variance shall expire if a building permit is not obtained within 1 year.
4. The minimum height of the bottom of the sign is 8ft above the ground.
5. Lighting shall comply with an approved lighting plan.
6. The 239-m referral to county planning results in no recommendations.

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

	Yes	No	Abstain
Justin Vlietstra	X	<input type="checkbox"/>	<input type="checkbox"/>
JoAnne Shannon	X	<input type="checkbox"/>	<input type="checkbox"/>
Justin Leitgeb	X	<input type="checkbox"/>	<input type="checkbox"/>
David Marshall (Alternate)	X	<input type="checkbox"/>	<input type="checkbox"/>

Dated: January 21, 2020

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

Member Items:

Motion: Member Vlietstra made a motion, seconded by Member Marshall, to approve the 11/4/19 minutes, as revised.

Vote: Shannon – yes; **Vlietstra** – yes; **Leitgeb** – yes; **Marshall** – abstain. **Motion carried.**

Motion: Member Vlietstra made a motion, seconded by Member Marshall, to approve the 12/9/19 minutes, as revised.

Vote: Shannon – yes; **Vlietstra** – yes; **Leitgeb** – yes; **Marshall** – yes. **Motion carried.**

Motion: Member Vlietstra made a motion, seconded by Member Marshall, to approve the 12/16/19 minutes, as revised.

Vote: Shannon – yes; **Vlietstra** – yes; **Leitgeb** – yes; **Marshall** – yes. **Motion carried.**

Motion: Member Vlietstra made a motion, seconded by Member Marshall, to adjourn the meeting at 8:20 pm.

Vote: Shannon – yes; Vlietstra – yes; Leitgeb – yes; Marshall – yes. *Motion carried.*

Linda Habeeb, Recording Secretary