

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
REGULAR MEETING**

Wednesday, November 2, 2022, @ 6:30 PM

PRESENT:

Chairperson:	Justin Vlietstra
Members:	David Marshall Jo Anne Shannon Susan Lhota Katie Hoppin

Absent: N/A

Attorney:	Mindy Zoghlin
Recording Secretary:	Kristen Kreiser

CALL TO ORDER –

Motion by Chairperson Vlietstra, and seconded by Member Marshall, to open the PZBA meeting for November 2nd, 2022.

Vote: Vlietstra – yes; Shannon – yes; Lhota – yes; Marshall – yes; Hoppin – yes; *Motion Carried.*

CONFLICTS OF INTEREST DISCLOSURE –

The board members indicated that they had no conflicts of interest to disclose.

• **58 State Street – Area Variance – Driveway Expansion**

Present: Mark Caramanna

The applicant owns a multi-family property with a two-car garage and is proposing a slight increase in the required limit of impervious surface coverage allowed by code. The driveway is being widened to 18ft which is permitted by code for a multicar garage. The only thing that does not comply with code is the percentage of allowable impervious pavement on the site, which exceeds the 25% limit for this district. Being a multi-family home, widening the driveway to park side by side would be a safer option for vehicles pulling in and out as the location of the driveway is in a high-traffic area.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to open the public hearing for an area variance.

Vote: Vlietstra – yes; Shannon – yes; Lhota – yes; Marshall – yes; Hoppin – yes; *Motion Carried.*

PUBLIC COMMENT –

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John Limbeck – 62 State Street

Present at the meeting. John presented concerns that the property requesting the area variance is a 2-unit Airbnb. John expressed concerns that the driveway may not comply with other aspects of the zoning code. John mentioned a discussion at a Board of Trustees meeting regarding a committee and the potential adoption of an ordinance for short-term rentals.

Larry Hickey – 59 State Street

Present at the meeting. Larry stated he thinks it is premature for the board to address any sort of variances at this time. Larry mentioned there was a discussion at a Board of Trustees meeting about potentially adopting an ordinance for short-term rentals. Larry asked the board to hold off on a decision until a decision on the ordinance is made.

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to close the public hearing for an area variance.

Vote: Vlietstra – yes; Shannon – yes; Lhota – yes; Marshall – yes; Hoppin – yes; *Motion Carried.*

Chairperson Vlietstra addressed the public comments, letting the public know the reason for the meeting was to look at the impervious surface of the driveway and that was the only code concern in front of the board. The Building Inspector reviewed the proposal for code compliance and determined this variance is required. If the variance is granted, the building inspector still has to review the proposal and grant a driveway permit if it complies with driveway standards. The Board has no knowledge of whether the property is being used as a multi-family home or an Airbnb. The use of the property is not before the Board. The property has been a multi-family home for decades.

Chairperson Vlietstra asked Attorney Zoghlin for any comments.

Attorney Zoghlin agreed and stated the possible uses of Airbnb and any potential legislation Trustee's possible legislation is not relevant to what the charge is for this meeting.

Chairperson Vlietstra referred to a recent similar application at 66 State Street for a widened driveway. The other property owner had similar issues with the driveway: there is no on-street parking, the street is a busy highway, and multiple vehicles need to use the driveway. The Board found those concerns to be relevant and believed it was reasonable to grant the driveway variance to that applicant.

Member Marshall inquired about the code with regard to a two-car garage and if there are different width requirements for driveways. Chairperson Vlietstra explained if it has a one-car garage it has one width requirement and another if it is multicar. He stated he talked to the Building Inspector and the Building Inspector found it to be a multicar garage and the driveway width is legal but the impervious lot coverage is not.

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Member Marshall asked the applicant if two cars can fit in the garage. The applicant stated the garage can accommodate two cars.

Member Marshall brought up concerns regarding the driveway not being 3ft from the lot line and going right to the property line, and apparently partially over the lot line. He also stated concerns over the driveway being partially in front of the porch which is not typical in the Village. He is concerned about this being a precedent that could impact Village character if it continues on other properties. He lives on Main Street and has a narrow driveway and that is typical in his neighborhood.

Member Hoppin commented that compared to the existing conditions, the increased pavement is fairly minuscule and Member Lhota mentioned that the proposed driveway width coincides with the existing curb cut. She also mentioned that she also lives on Main Street and understands the challenges of living on a busy road.

Member Vlietstra showed a photo of the property taken today. There is a landscaped partition between this driveway and the adjacent property at 56 State Street so this will not be a ~35ft continuous driveway spanning two properties. This landscaping is on 56 State and is not the responsibility of the applicant. 56 State is slightly higher so stormwater from the 58 State driveway should not run onto 56 State. Members also mentioned that pavement on the adjacent property is not the responsibility of this applicant. Driveway setbacks are part of the Building Inspectors' review.

Member Vlietstra stated that conditions on this particular street differ from those on other Village streets. The Board has to review each application on its own merits and may have different opinions for different properties.

Board members reviewed a draft resolution for an area variance and discussed the five criteria for an area variance and findings.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to adopt the resolution (2022-18) granting an area variance at 58 State Street.

Vote: Vlietstra – yes; Shannon – no; Lhota – yes; Marshall – no; Hoppin – yes; *Motion Carried*

[Note: a copy of this resolution is located at the end of these minutes]

MEMBER ITEMS – MEETING MINUTES

**VILLAGE OF PITTSFORD
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Motion by Chairperson Vlietstra, and seconded by Member Shannon, to approve the minutes and resolutions as submitted for the September 7th, 2022, PZBA meeting.

Vote: Vlietstra – yes; Shannon – yes; Lhota – yes; Marshall – yes; Hoppin – yes; *Motion Carried*

Motion by Member Marshall, and seconded by Member Lhota to close PZBA meeting held on November 2nd, 2022.

Vote: Vlietstra – yes; Shannon – yes; Lhota – yes; Marshall – yes; Hoppin – yes; *Motion Carried*

Kristen Kreiser, Recording Secretary

Further detailed information about this specific meeting is available on the Village website.

**VILLAGE OF PITTSFORD
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RESOLUTION 2022-18

DECISION ON AREA VARIANCE

Project: 58 State Street – Driveway Expansion

Date: 11-2-2022

Applicant Name: Mark Caramanna
Address: 1930 East Main St
Rochester, NY 14534

Action: Widen driveway at 58 State Street to 18ft.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on November 2, 2022, at 6:30 PM at Village Hall, 21 N. Main St, Pittsford, NY 14534, The following resolution was offered by Chairperson Justin Vlietstra, who moved its adoption, and seconded by Board Member Susan Lhota, to wit:

WHEREAS, The above-named applicant has applied for an Area Variance of Sections **210-20.6** of the Zoning Law of the Village of Pittsford to permit expansion of a driveway to a width of 18ft where such expansion will increase impervious surface on the property from 27.6% to 28.4% in a MDR Zoning District where the maximum permitted impervious surface is 25%.

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)(11) or 6 NYCRR 617.5(c)(17).

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, 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:
The driveway will be similar in width to adjacent properties. Both adjacent properties appear to have a greater percentage/amount of impervious surface.
- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because:
Widening the driveway is the only way to allow cars to pass or park two wide.
- C. The requested variance **is not** substantial in that:
An increase in the impervious surface by 0.8% is not substantial over existing condition.
- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:
Primary environmental concern is drainage impacts but the adjacent property is higher so additional pavement will not adversely impact the property.
- E. The alleged difficulty **is** self-created.
- F. The Variance **is** the minimum necessary to provide relief because:
There are no other viable options to achieve the desired benefit to the applicant.
- G. The following physical characteristics of the property are relevant to this variance request:
There is no on-street parking and the street is a busy state highway.
The adjacent property at 56 State is commercial with a large amount of impervious pavement.

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.

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

	Yes	No	Abstain
Justin Vlietstra	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Katie Hoppin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Lhota	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dave Marshall	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jo Anne Shannon	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Dated: November 2nd, 2022

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

Justin Vlietstra, Chairperson

Zoning Board of Appeals