

VILLAGE OF PITTSFORD PLANNING & ZONING BOARD OF APPEALS



Members:

Justin Vlietstra, **Chair**
Jo Anne Shannon
Susan Lhota
Katie Hoppin
Jared Cook
Mike Reynolds (Alternate)

Attorney: Mindy Zoghlin
Rec. Secretary: Alexandria Vaughn

PLANNING & ZONING BOARD OF APPEALS REGULAR MEETING Wednesday, June 7, 2023, at 6:30 PM

Tentative Agenda

This meeting is to review and finalize minutes and resolutions.

1. MINUTES
 - a. April 25, 2023 (special meeting)
 - b. May 2, 2023

2. RESOLUTIONS
 - a. 2023-9
 - b. 2023-10
 - c. 2023-11

VILLAGE OF PITTSFORD ZONING BOARD OF APPEALS

RESOLUTION 2023-9

DECISION ON AREA VARIANCE

Project 5 Austin Park – Residential Addition

Date: 04-25-2023

Applicant Name: Paul Morabito

Address: 121 Sully's Trail, Suite 4
Pittsford, NY 14534

Action: Residential addition at 5 Austin Park including a new 168 sq ft front porch, 294 sq ft first-floor addition, 204 sq ft garage addition, and 497 sq ft second-floor addition.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the "Board") duly convened on April 25, 2023, at 6:30 PM at Village Hall, 21 North Main St, Pittsford, NY 14534, The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Susan Lhota, to wit:

WHEREAS, The above-named applicant for an Area Variance of Section **210-20.6** of the Zoning Law of the Village of Pittsford to permit the construction of a residential addition that increases the gross impervious surface on the property to 35% when the maximum permitted 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 addition and the porch will improve the property. The applicant went before the Historic Preservation Board to review architectural details and incorporated their requested changes into the updated plans in the April 25 meeting packet dated "April 2023". The action is consistent with neighborhood character and incorporated the recommended architectural changes. The building inspector stated he believed drainage will not cause problems. The proposed lighting is consistent with code.

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

The benefits of an addition cannot be achieved without constructing the addition.

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

The increase in impervious surface is from 29% to 35%. It is already non-conforming and many properties in the Village are higher than 35%.

- 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 addition and the porch will improve the property. The applicant went before the Historic Preservation Board to review architectural details and incorporated their requested changes into the updated plans in the April 25 meeting packet dated "April 2023". The action is consistent with neighborhood character and incorporated the recommended architectural changes. The building inspector stated he believed drainage will not cause problems. The proposed lighting is consistent with code.

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

The desire for an addition is self-created but this alone does not preclude granting a variance.

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

The proposed action is not expected to adversely impact adjacent properties. A small change in lot coverage will not substantially alter the impact of the action. The building

inspector stated he has no concerns about the proposed drainage of the house and drainage is one of the primary concerns with lot coverage exceeding code requirements.

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"/>
Jared Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jo Anne Shannon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: April 25, 2023

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

Justin Vlietstra, Chairperson
Zoning Board of Appeals

VILLAGE OF PITTSFORD PLANNING BOARD

RESOLUTION 2023-10

DECISION ON SITE PLAN

Project 5 Austin Park – Residential Addition

Date: 04-25-2023

Applicant Name: Paul Morabito

Address: 121 Sully's Trail, Suite 4
Pittsford, NY 14534

Action: Residential addition at 5 Austin Park including 168 sqft front porch, 294 sqft first-floor addition, 204 sqft garage addition, 497 sqft second-floor addition.

At a meeting of the Planning Board of the Village of Pittsford (the "Board") duly convened on **April 25, 2023**, at 6:30 PM at Village Hall, 21 North Main St, Pittsford, NY 14534,

The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Susan 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):
 - a. The proposed action is for expansion of a single-family home which is a Type II action pursuant to 6 NYCRR 617.5(c).11. No further review is required.
2. Monroe County Planning Review:
 - a. The Board's review is for a minor site plan review 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:
 - a. The proposed action is not within the Village's waterfront area so it is not subject to a waterfront consistency review.
4. The proposed action **Does Not** require approvals from state or county agencies.

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 Building Inspector has reviewed the project for zoning code compliance:
 - a. The applicant has applied for required variances to the zoning code.

2. The project conforms with the Pittsford Village Comprehensive Plan and Local Waterfront Revitalization Program because:
Maintaining prior use consistent with Pittsford Village Comprehensive Plan

3. Adequacy and arrangement of vehicular traffic and circulation:
N/A

4. Adequacy and arrangement of pedestrian and bicyclist access and circulation:
N/A

5. Compatibility of proposed uses to adjacent uses:
This is a residential single-family home, as are the adjacent properties

6. Adequacy of off-street parking, loading, and access:
A driveway exists and is not being modified.

7. Adequacy of landscaping and screening provisions:
This property is already landscaped and there are no changes

8. Location, arrangement, size, and design of proposed signage:
N/A

9. Adequacy of outdoor lighting to address safety concerns and prevent light trespass:
Lighting complies with code including the location and height. The bulbs will be no brighter than 75 watt equivalent.

10. Adequacy of drainage and stormwater systems:
The building inspector reviewed the drainage and had no concerns.

11. Adequacy of water and sanitary sewer systems:
N/A

12. Adequacy of waste and trash management plans:
N/A

13. Adequacy of snow removal plans:
N/A

14. Whether the proposal will adversely affect the health safety and general welfare of adjacent property owners and the community:
No concerns

15. The Fire Marshal reviewed the Site Plans and made the following observations:
No concerns

NOW, THEREFORE, BE IT RESOLVED, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-34.2 (D) or 210-34.3 (D) (Major or Minor Site Plan review application materials, as applicable) 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 Site Plan Approval** of the site plan dated "**April 2023**" stamped received on [redacted] with the following conditions:

1. The Historic Preservation Review Board shall grant a certificate of appropriateness for the action and all approved plans shall conform to the Site Plan.
2. 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. _____

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"/>
Susan Lhota	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jared Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jo Anne Shannon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kathleen Hoppin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: April 25, 2023

By order of the Planning Board of the Village of Pittsford

Justin Vlietstra, Chairperson
Village of Pittsford Planning Board

VILLAGE OF PITTSFORD PLANNING BOARD

RESOLUTION 2023-11

DECISION ON SITE PLAN

Project 5 State Street La Fabrica Cyce Café

Date: 04-25-2023

Applicant Name: R.C. (Chuck) Mancini

Address: 30 Fords Crossings
Honeoye Falls, NY 14450

Action: Convert an existing parking lot to an outside seating area and remodel work to open La Fabrica Cycle Café

At a meeting of the Planning Board of the Village of Pittsford (the "Board") duly convened on **April 25, 2023**, at 6:30 PM at Village Hall, 21 North. Main St, Pittsford, NY 14534,

The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Jo Anne Shannon, 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):
 - a. The proposed action is to remodel and reuse an existing commercial building and construct a new patio/seating area that is less than 4000sqft and is a Type II action pursuant to 6 NYCRR 617.5(c).9, 617.5(c).18, and/or 617.5(c).16. No further review is required.
2. Monroe County Planning Review:
 - a. The action was forwarded to Monroe County Planning and a response was received on March 28, 2023.
3. Waterfront Consistency Review:
 - a. The proposed action is not within the Village's waterfront area so it is not subject to a waterfront consistency review.
4. The proposed action **Does** require approvals from state or county agencies.

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 Building Inspector has reviewed the project for zoning code compliance:
 - a. The applicant has applied for required variances to the zoning code.

2. The project conforms with the Pittsford Village Comprehensive Plan and Local Waterfront Revitalization Program because:
The plan will encourage pedestrian and bicycle use. It will also create greater open space and create a destination in the center of our Village. This is consistent with the Village Comprehensive Plan transect concepts (page 66) that place higher intensity development downtown with pedestrian-friendly accommodations and moving the "suburban" style development with more parking and yard space further from downtown. Zoning code and the comprehensive plan (page 90) prohibit parking lots in the front yard.
3. Adequacy and arrangement of vehicular traffic and circulation:
There will be no vehicular traffic and circulation.
4. Adequacy and arrangement of pedestrian and bicyclist access and circulation:
Pedestrian access is improved, and safety is improved by the lack of vehicles and construction of fences/walls.
5. Compatibility of proposed uses to adjacent uses:
It's a continuation of a prior use; the proposed use and prior use are restaurants. A temporary outdoor seating area was successfully used temporarily during covid-19 pandemic. There is adequate screening from adjacent properties.
6. Adequacy of off-street parking, loading, and access:
Availability of public parking in the municipal lot across the street and there is on-street parking throughout the Village. The expected parking needs are diminished because it is a cycle café, and they expect many of their patrons will be coming by bicycles rather than vehicles.
7. Adequacy of landscaping and screening provisions:
Screening is adequately provided with fencing and walls. The applicant took careful consideration on their landscaping plan to avoid blocking views of pedestrians walking on the sidewalk, while still making the property attractive. Incorporated a tree that is compatible with site conditions.
8. Location, arrangement, size, and design of proposed signage:
The sign is in the same location as the existing one. It is consistent with prior usage.
9. Adequacy of outdoor lighting to address safety concerns and prevent light trespass:
The lighting plan was well designed to be low intensity and close to the ground for safety, without producing glare. A condition of approval is placed on building inspector accepting the intensity of the lighting for the two, front pillars as harmful glare can be eliminated with choice of light bulbs.
10. Adequacy of drainage and stormwater systems:
There are no concerns with drainage, the patio is designed to direct runoff to a stormwater drain.
11. Adequacy of water and sanitary sewer systems:
No changes to water and sanitary sewers is proposed.

- 12. Adequacy of waste and trash management plans:
See the condition of approval. The applicant stated they intend to use either the existing dumpster at 5 State St. or store trash indoors and haul it off-site to a disposal facility.
- 13. Adequacy of snow removal plans:
A heated patio is proposed to remove snow.
- 14. Whether the proposal will adversely affect the health safety and general welfare of adjacent property owners and the community:
No concerns
- 15. The Fire Marshal reviewed the Site Plans and made the following observations:
No concerns

NOW, THEREFORE, BE IT RESOLVED, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-34.2 (D) or 210-34.3 (D) (Major or Minor Site Plan review application materials, as applicable) 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 Site Plan Approval** of the site plan dated **April 21st, 2023** with the following conditions:

- 1. The Historic Preservation Review Board shall grant a certificate of appropriateness for the action and all approved plans shall conform to the Site Plan.
- 2. The Village of Pittsford Board of Trustees shall grant a special use permit for the action and all approved plans shall conform to the Site Plan.
- 3. 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.
- 4. The applicant has stated that the seating arrangement will vary seasonally as conditions dictate. The Planning Board does authorize the building inspector/code enforcement officer to inspect and approve any such changes to the seating arrangement as long as the maximum number of seats does not exceed any maximum quantity set by the Board of Trustees as part of their special use permit. The applicant shall comply with any directives of the building inspector/code enforcement officer.
- 5. All exterior light fixtures shall emit light between 2700K and 3000K in color (warm white).
- 6. The Building Inspector shall approve the light bulbs used in the two column-mounted light fixtures to ensure light intensity is adequate for safety but not too bright so as to introduce glare.
- 7. Construction activities within the NYS DOT right-of-way shall require written consent or permit from the NYS DOT if required. This condition does not prevent construction activities outside the NYS DOT right-of-way.
- 8. The Building Inspector shall approve the trash management plan.

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"/>

Susan Lhota	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jared Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jo Anne Shannon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kathleen Hoppin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: April 25, 2023

By order of the Planning Board of the Village of Pittsford

Justin Vlietstra, Chairperson
Village of Pittsford Planning Board

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