

Minutes of the Zoning Board meeting held in the Town Hall, lower level meeting room, 11 South Main Street, Pittsford, on **March 15, 2004** and filed in the Town Clerk's office on: **April 22, 2004** and approved on **April 19, 2004**

Members Present: David Rogachefsky, George Dounce, Larry Magguilli, Robert Shaddock and Barbara Servé
Absent: Rufus Falk & Peter Webster
Also Present: Richard Williams, Attorney
John Higgins, Town Board Liaison
Sandie Freitag, Secretary for the Zoning Board of Appeals
David Rowe, Building Inspector

Chairman, David Rogachefsky, called the regularly scheduled meeting of the Zoning Board of Appeals to order at approximately 7:00 p.m. He gave a summary of the procedures to be followed for each Public Hearing, how the Board would deliberate, how public input would be taken, etc. He indicated that written comments are welcome until the Public Hearings are closed.

PUBLIC HEARINGS:

**683 Stone Road
Tax #163.16-1-24**

Requesting Area Variances

Requesting relief from Codes Sections 185-113 C (3)

Requiring that no accessory structures shall be forward of the rear wall of the main structure.

Richard Williams, attorney to the board, read the legal ad as published in the Brighton Pittsford Post, Wednesday edition, March 3, 2004, for 683 Stone Road.

Dave Hatchet, from Ted Collins Associates, representing the Finks, presented three letters from the Fitzpatrick, Berrys, and Goldmans, whom are surrounding neighbors, indicating that they had no objection to this application. This is a large parcel of land and with the landscaping currently there and the proposed additional landscaping along with the 6' berm to be constructed the pool will be well buffered from the surrounding neighbors. The placement of the pool will have the minimal amount of impact on the neighborhood. And with the 6' tall berm this will be well screened from the road. Moving the evergreen trees and adding to the buffering it will minimize the sound. The pool will be 260' off of the road.

Public Comments:

Mr. Edward Atwater, 693 Stone Road, they are east of the Finks property and do not want the variance denied but they are concerned about location and the noise. He is concerned that this pool location could hinder the value of his home when he sells in the future. It could lower his property value. The noise with the installation of the berm has the potential to be directed toward his house. They bought the property because of the quietness and privacy that the lots afforded them. His concerns are outlined in the letter submitted dated March 15, 2004. (See Zoning Board of Appeals file regarding this letter).

The board's comments are as follows:

1. Would a berm between your properties deafen the noise?
2. Have you talked with the applicant to resolve some of your concerns?
3. Why put the berm to the back of the property?

Edward Atwater's responses:

1. Regarding installing a berm between the properties he does not want to take the chance that this would lessen the noise.
2. He did not feel comfortable with approaching the applicant. If the pool could be turned 180° and moving the berm to the back of the property could work at lessening the noise.
3. The current slide area faces out toward his house and the berm behind the pool would project the noise toward the applicant's house.

David Rogachefsky asked if there was some urgency for this application to be approved tonight? He would like to see the two neighbors get together and work out some of the concerns the adjoining neighbor has.

Dave Hacket stated that the Finks would like to get started. The berm will be 6' tall and the trees are 40 – 45' high and they feel that this will buffer the noise. If the pool is rotated the pool will lose the sun angle. They might as well cut down the trees and therefore they would not be here requiring a variance. If they put a berm in front of the trees the trees can't breathe and eventually they will die and again if they do this they might as well take down the trees. The morning shadow would cover half of the pool and the evening shadows would cover the other half if they were to shift the pool even 90°.

Additional comments from the board members:

1. Could the pump house be move to another location?
2. Would flipping the pool 180° work?

Dave Hacket replies:

1. The pump house only runs for a short time, very similar to an air-conditioner.
2. If the pool is flipped 180° and putting the berm where the adjacent owner suggests it would smother the trees and eventually the trees will die.

There were no additional comments from the public.

This is a Type II Action – no further action taken. Local matter, no SEQRA required.

David Rogachefsky proposed to keep the hearing open and the other board members concurred. They want to have the neighbor and the applicant get together and resolve some of the issues if possible. If the applicant changes the application in any way the board members and adjoining neighbors should be contacted before the next meeting. (These changes should be submitted to the board members for review before the next meeting date).

Jeff Fink, owner of 683 Stone Road, stated that the neighbor at 683 Stone Road is not against the variance only the some of the parts that are not a part of the variance.

L. Magguilli stated that the proposed location for the pool is an appropriate location. He feels that the proposed location does mitigate the variance.

Jeff Fink if he were to move the pool closer to the front of the property it would lessen the impact on the neighbor.

Dave Hacket commented that he thought that the board position is to try and grant the least amount for a variance not more.

D. Rogachefsky is requesting more time to review the information that was submitted tonight, it is not necessary to change the application but he would like to see the applicant take into consideration the neighbors concerns.

This application will be addressed at the April 19, 2004 meeting.

23 Latchmere Court
Tax #152.13-1-9
Requesting Area Variance
Requesting relief from Codes Section 185-23 C (1)
Requiring a 50' front setback

Richard Williams, attorney to the board, read the legal ad as published in the Brighton Pittsford Post, Wednesday edition, March 3, 2004, for 23 Latchmere Court.

Ruth Smith, owner of 23 Latchmere Court, presented the board pictures from the street. The addition of a 3-car garage will house their 2 cars and their tractor. They have only a partial basement and some of the equipment is too heavy to move it down the stairs. The garage addition will not be any closer to the neighboring property it will only be coming forward on the property.

Comments from the board members:

1. What will be come of the existing garage?
2. When will the construction be completed?

Ruth Smith's responses:

1. The existing garage will be used for a workspace.
2. The completion time is expected to be by the end of the summer.

There were no additional comments from the board or the public.
This is a Type II Action – no further action taken. Local matter, no SEQRA required.

Larry Magguilli moved to close the Public Hearing.
Seconded: Barbara Servé

HELD OVER PUBLIC HEARING:

3300 Monroe Avenue
Pittsford Place Mall – Porcelain, Inc.
Tax #150.12-1-14 & 15
Requesting Area Variance
Requesting relief from Codes Sections 185-138
Signage in a Commercial District

The Public Hearing for this application was presented and heard at the February 19, 2004 meeting.
The Public Hearing is closed. A resolution will be proposed at this meeting.

RESOLUTIONS:

23 Latchmere Court
Tax #152.13-1-9
Requesting Area Variance
Requesting relief from Codes Section 185-23 C (1)
Requiring a 50' front setback

Discussion:

There are other homes in the area, which have 3-car garages and it is a corner lot. This will not be out of character with the neighborhood.

Robert Shaddock moved to grant to the owners of 23 Latchmere Court the requested Area Variance to construct a three-car garage within the 50' front setback at the above-mentioned property.

Seconded: Barbara Servé

Roll Call:

Webster	<u>Absent</u>
Servé	<u>Yes</u>
Dounce	<u>Yes</u>
Magguilli	<u>Yes</u>
Falk	<u>Absent</u>
Shaddock	<u>Yes</u>
Rogachefsky	<u>Yes</u>

A resolution was passed granting the requested Area Variance to construct a 3-car garage within the 50' front setback at the above-mentioned property. Completion date December 31, 2005.

See the Zoning Board of Appeals file for the resolution for Findings of Fact and Special Conditions.

3300 Monroe Avenue
Pittsford Place Mall – Porcelain, Inc.
Tax #150.12-1-14 & 15
 Requesting Area Variance
 Requesting relief from Codes Sections 185-138
 Signage in a Commercial District

Discussion:

Jacqueline Zacek, manager for Porcelain, Inc. at 3300 Monroe Avenue, reviewed the application. Outlining the need for the change of the colors to black & white from the required blue & gold as stated in the May 20, 1996 variance that was granted to Pittsford Place Mall regarding all signage. She feels that the visibility of the location from Monroe Avenue is not really very good. The blue & gold colors blend in and are not as eye-catching as the proposed black & white. They have at the present time a temporary sign that they installed for their Grand Opening; they would like to be able to order the permanent sign.

D. Rogachefsky asked as to whether or not she feels that the blue & gold sign colors would create a hardship to the business.

Ms. Zacek responded that she definitely feels that it does.

B. Servé commented what if they do decide to change the façade of the building will that cause a problem with the requested signage?

R. Williams responded to this comment and informed the board members that he had received a letter from Kenneth Marvald, of Summers Pittsford Family, LLC, that the façade of Pittsford Place Mall will not be changing. The variance granted by this board in 2003 to change the colors from a blue & gold signage to a dark brown with off white lettering along with the renovations of the façade of the building

will not be done. The project costs too much, therefore, the prior variance granted in May 1996 will remain as the current variance.

R. Shaddock asked it as to what the other surrounding properties feel about the changing the sign.

Ms. Zacek stated that none of the surrounding businesses objected.
There was no additional discussion regarding this application.

George Dounce moved to grant to the owners of 3300 Monroe Avenue, Porcelain, Inc. the requested Area Variance to change the color of their signage from blue and gold to black and white.
Seconded: Robert Shaddock

Roll Call:

Webster	<u>Absent</u>
Servé	<u>Yes</u>
Dounce	<u>Yes</u>
Magguilli	<u>No</u>
Falk	<u>Absent</u>
Shaddock	<u>Yes</u>
Rogachefsky	<u>Yes</u>

A resolution was granted for the requested Area Variance to install a new black and white sign at the above-mentioned property. Completion date December 31, 2005.

See the SEQRA and Zoning Board of Appeals files for the resolutions for Findings of Fact and Special Conditions.

OTHER:

1. REVIEW/APPROVAL OF FEBRUARY 16, 2004 MINUTES:
All ayes approved the February 16, 2004 minutes.
2. POINT PERSONS FOR MONDAY, APRIL 19, 2004 MEETING:
 - a. 224 East Street, Area Variance: proposed to change construct a second story addition within the front setback. Barbara Servé
 - b. 491 Mendon Road, Area Variance: proposed to construct a new garage addition within the side setback. George Dounce
 - c. 90 Alpine Drive, Area Variances: proposed to construct a new garage and rear additions and a covered front porch within the front and side setbacks. Robert Shaddock
 - d. 20 Silco Hills, Lot #4 of Silco Farms, Area Variance: to construct an inground pool forward of the rear wall of the main structure. Rufus Falk
 - e. 3690 East Avenue, St. John Fisher College, Area Variance: to construct a 3 story building over the 30' height requirement Larry Magguilli
 - f. 683 Stone Road, Area Variance: proposed to change construct an accessory structure forward of the rear wall of the main structure. Larry Magguilli

The board moved to adjourn at 8:30 p.m.
All Ayes

Respectfully submitted,

Sandie Freitag, ZBA Secretary, TOWN OF PITTSFORD