

**TOWN OF PITTSFORD
ZONING BOARD OF APPEALS
MINUTES
October 21, 2019**

PRESENT

George Dounce, Chairperson; Mary Ellen Spennacchio-Wagner, Jaime Waldman, Phil Castleberry, David Rowe, Mike Rose, Barbara Servé

ALSO PRESENT

Stephanie Townsend, Town Board Liaison; Robert Koegel, Town Attorney; Mark Lenzi, Building Inspector; Doug DeRue, Director of Planning and Zoning; Renee McQuillen, Acting Secretary to the Board

ABSENT

Susan Donnelly, Secretary to the Board

George Dounce, Chairperson, called the regularly scheduled meeting of the Zoning Board of Appeals to order at 7:00 pm.

Mark Lenzi indicated that the applications before the Board this evening with the exception of 5611 Palmyra Road are Type II Actions under 6-NYCRR §617.5(c) (7) or (12) & (13) and, therefore, are not subject to Environmental Review under SEQRA. The applications are exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

PUBLIC HEARING FOR AN AREA VARIANCE – RETURNING

- 5611 Palmyra Road, Pittsford, Tax # 164.12-1-66, The applicant is requesting a modification to a use variance previously granted on February 17, 2014. The requested modification will allow a change from a Karate studio to a Dentist office. Property zoned RN – Residential Neighborhood District

Chairman George Dounce announced that this hearing remained open from the previous meeting.

Betsy Brugg, of Woods Oviatt Gilman, presented a brief review of the application for those in attendance on behalf of the applicant.

There was no public comment.

Jaime Waldman moved to close the Public Hearing and Mike Rose seconded.

All Ayes.

PUBLIC HEARING FOR AN AREA VARIANCE – NEW

- 651 Mendon Road, Tax # 192.01-1-6. Applicant is requesting relief from Town Code §185-134 D (5) to construct a stone structure approximately 7' tall for the placement of a 5 Sq. Ft. subdivision identification sign (Alpine Ridge). Property zoned RRAA – Rural Residential District.

Chairman George Dounce opened the Public Hearing.

Melanie Portland, with Morrell Builders, explained that they were in front of the board seeking an area variance for the monument sign at the entrance into Alpine Ridge. This is to aid in site recognition due to the location of the entrance along with volume of traffic on Mendon Road.

Barbara Servé asked for clarification if they were reviewing the size of sign itself or the post. It was confirmed that the application was for the height of the post. Mike Rose asked about the proposed lighting of the sign and MaryEllen Spennacchio-Wagner inquired if there would be more than one sign.

Chairman George Dounce asked for public comment.

Steven Smeulders, 640 Mendon Road, cited traffic and line of sight concerns as why he was in opposition to the sign. He asked if the sign could be placed further back and across the road, similar to other signage on the road. Doug DeRue, Director of Planning and Zoning, confirmed that the proposed placement is outside of the State ROW.

David Rowe asked if a turning lane had been considered. Mr. DeRue commented that NYS DOT said no.

Mike Rose questioned if adding a street light was part of the proposed design.

Kevin Ryan, 619 Mendon Road, commented that they were at the meeting to see the design and is in favor of it. He additionally commented that he would prefer there be no street light added.

Phil Castleberry moved to close the Public Hearing and David Rowe seconded.

All Ayes.

- 137 Caversham Woods, Tax # 163.20-2-44. Applicant is requesting relief from Town Code §185 – 17 B (1) for the placement of a shed encroaching approximately 18’ into the front setback of Calkins Road. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

Tom Brennan, the property owner, was present at the meeting to discuss the application.

Mr. Brennan discussed that he was seek the variance to allow for the placement of a 10x8 shed in the rear of his property with the visual impact minimized to both Calkins Road and Caversham Woods by both a wood fence and placement adjacent to a row of pine trees.

There was no public comment.

Mike Rose moved to close the Public Hearing and Barbara Servé seconded.

All Ayes.

DECISION FOR SPECIAL USE PERMIT– AREA VARIANCE

A written Resolution to grant a special use permit for 5611 Palmyra Road was moved by Chairman George Dounce and seconded by Jaime Waldman.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	Aye
Barbara Servé voted	Aye
Jaime Waldman voted	Aye
David Rowe voted	Abstained
Mary Ellen Spennacchio-Wagner voted	Aye
George Dounce voted	Aye

The approved Resolution contains the following Specific Conditions:

1. Existing Use Variance condition #1 shall be modified as follows: The variance is modified to allow use of the property as a dental office, open for business between Monday through Friday, 8:00 am-5:30 pm, although patient emergencies may be seen outside of regular business hours, and employees may arrive before or leave after regular business hours.
2. Existing Use Variance condition #2 shall be modified as follows: The parking area must continue to be screened to prevent light spillage onto adjoining residential properties, utilizing fencing and/or plantings.
3. Existing Use Variance condition #3 is moot because the dilapidated barn has been demolished.
4. Existing Use Variance condition #4 shall be modified as follows: The variance is modified to allow installation of a new business identification sign not to exceed 10 square ft. in size and 4'6" in height. The sign will comply with the terms of existing Use Variance condition #4 with respect to location, but the lighting of the sign is limited to 7 am to 7 pm, and the sign may not be internally lit.
5. Existing Use Variance: condition #5 adjusted slightly in italics: Any exterior modifications/*reconstruction*, and/or signage is to be approved by the Design Review and Historic Preservation Board.
6. Existing Use Variance condition #6 shall be modified specifically as follows: The applicant is to apply for and receive a Building Permit and subsequent Certificate of Occupancy from the Town's Building Department and is subject to full compliance with New York State Building and Fire Code requirements.
7. Existing Use Variance condition# 7 remains the same; specifically as follows: Any expansion or relocation of the existing parking lot or structure would require an approved modification of the Use Variance by the ZBA.
8. As offered by the Applicant, lighting will be turned off when the office is closed and the building is not occupied, except as needed to comply with applicable codes or for safety and security. Further, the Town of Pittsford Code Enforcement Officer can require shielding or lighting adjustments if unreasonable impacts occur to residential properties or public rights of way.
9. The wooded area to the southwest of the fence is to be left in a reasonably natural state, and the clearing of any trees is subject to review and approval of the Department of Public Works.
10. The use as outlined by the application is limited to the first floor square footages indicated in the application (3830 sq. ft. + 560 sq. ft.). Existing or future basement areas cannot be occupied as work space, and may only be used for storage.
11. The storage garage is subject to approval of a Site Plan application to the Planning Board, pursuant to Article XXIX of Town Code.

12. Prior to the Building Department issuing a permit for work on site, the Monroe County Health Department must confirm in writing that the existing septic system is adequate for the dentist office use.

DECISION FOR 651 MENDON ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 651 Mendon Road was moved by David Rowe and seconded by George Dounce.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	Aye
Barbara Servé voted	Aye
Jaime Waldman voted	Aye
David Rowe voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated October 3, 2019.
2. All construction is to be completed by December 31, 2021.
3. The application is subject to approval of the Design Review and Historic Preservation Board.
4. Sign to be located a minimum of 25' from the edge of the pavement.

DECISION FOR 137 CAVERSHAM WOODS – AREA VARIANCE

A written Resolution to grant the area variance for 137 Caversham Woods was moved by Phil Castleberry and seconded by Barbara Servé.

Chairman George Dounce called for a roll call vote.

Michael Rose voted	Aye
Barbara Servé voted	Aye
Jaime Waldman voted	Aye
David Rowe voted	Aye
Mary Ellen Spennacchio-Wagner voted	Aye
George Dounce voted	Aye
Phil Castleberry voted	Aye

The approved Resolution contains the following Specific Conditions:

1. This variance is granted only for the plans submitted and prepared by the Applicant dated October 3, 2019.

2. All construction is to be completed by December 31, 2020.

POINT PERSONS FOR NOVEMBER 18, 2019 MEETING

4040 East Avenue – Mary Ellen Spennacchio-Wagner

REVIEW OF THE SEPTEMBER 16, 2019 MINUTES

George Dounce moved to approve the minutes of the September 16, 2019 meeting as written.

All Ayes.

MEETING ADJOURNMENT

George Dounce moved to adjourn the meeting at 8:18 pm.

Respectfully submitted,

Renee McQuillen
Acting Secretary to the Zoning Board of Appeals