

Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – October 25, 2010 at 7:00 PM

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin
	Meg Rubiano
	George Wallace (absent)
	Lili Lanphear
Attorney:	Jeff Turner
Building Inspector:	Edward Bailey
Recording Secretary:	Linda Habeeb

Chairperson Mitchell called the meeting to order at 7:00 P.M.

ZONING BOARD

David Jewett, 44 N. Main Street ~ Temporary zoning permit

Present: David Jewett

The Secretary read the legal notice that was published in the October 14, 2010 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 Monday, October 25, 2010 at 7:00 pm to consider an application made by David Jewett for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths from November 20, 2010 to December 28, 2010, at property known as Pittsford Farms Dairy, owned by Charles Corby, and located at 44 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c)(15).

Discussion: This is an application for a temporary zoning permit for the outside sale of Christmas trees and wreaths at the property known as Pittsford Farms Dairy, located at 44 North Main Street. The applicant stated that he has been granted the permit for a number of years, and he agrees to abide by the same conditions as were agreed to in past approvals. He stated that the sale of trees will be only on private property, no closer than 120 feet from the property line, and a temporary sign will not be placed in the public right of way. Chairperson Mitchell reviewed the conditions from a previous approval.

Public Hearing Opened: Chairperson Mitchell opened the public hearing at this time.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing at this time, as there was no one wishing to speak for or against this application.

Motion: Member Lanphear made a motion, seconded by Member Rubiano, to *approve* the application, as submitted, for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths at the Pittsford Farms Dairy during the holiday season, with the following conditions:

1. The site shall be restored to its original appearance by January 1, 2011.
2. Preparation and sale shall be only on private property side yard no closer than 120 feet from all property lines.
3. Temporary signage shall not be placed in the public right of way.
4. No high-pressure sodium lighting shall be installed or maintained.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on October 25, 2010.

John Caselli, 9 East Jefferson Road ~ Area Variance

Present: John Caselli

The Secretary read the legal notice that was published in the October 14, 2010 edition of the Brighton Pittsford Post: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Planning & Zoning Board of Appeals, on Monday, October 25, 2010 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Mr. John Caselli, owner of property located at 9 East Jefferson Road, for:*

1. *An area variance to expand a nonconforming structure on a nonconforming lot, said structure having a front setback of 20.6 feet where 30 feet is required; and said lot having a width of 60 feet where 70 feet is required, pursuant to Chapter 210-6 of the Code of the Village of Pittsford: Nonconforming buildings, structures, lots, or uses, and*
2. *Site plan approval for the construction of an addition to a residential unit where the total floor area exceeds 400 square feet pursuant to Village Code § 210-83B(15).”*

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c)(13).

Discussion: The applicant presented plans for construction of a three-story addition, for which he is requesting an area variance and site plan approval.

Board members questioned the applicant as to whether he was proposing increasing the parking in order to accommodate additional tenants. The applicant stated that currently, the parking will accommodate four cars, and he will not be increasing or altering the parking area. According to Village Code, the requirement is for a maximum of 12 percent paving of the total lot.

Public Hearing Opened: Chairperson Mitchell opened the public hearing at this time.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing at this time, as there was no one wishing to speak for or against this application.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to *approve* the application for an area variance for construction of an addition, as submitted.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on October 25, 2010.

Motion: Member Chamberlin made a motion, seconded by Chairperson Mitchell, to *approve* the application for site plan approval, as submitted.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on October 25, 2010.

Findings of Fact:

- ◆ There are no undesirable changes that will be produced in the character of the neighborhood by granting this area variance.
- ◆ The variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- ◆ The benefit sought cannot be achieved by some feasible method other than an area variance.
- ◆ The requested variance is not substantial.

PLANNING BOARD

Robyn Graber/Donald Londorf, 1 Grove Street, Suite 103 ~ Review of special exception use
Present: Robyn Graber & Donald Londorf

Discussion: Chairperson Mitchell stated that at a regular meeting of the Village Planning Board held on October 26, 2009, the Board voted to approve the application for expansion of the special exception use for the expansion of the office at 1 Grove Street, and for two auxiliary offices, with the condition that the Planning Board will review the application in one year.

The proposal was for the relocation of Dr. Londorf's established medical practice to a larger suite within the same building, and for the merging of his practice with Dr. Graber's practice. Also proposed was the rental of two auxiliary rooms to independent contractors, to provide other compatible healing services, such as massage therapy, nutrition, and life coaching. The applicants stated that all clients are seen by appointment only. As part of the center, there is a 600 square-foot teaching room for educational classes and workshops related to health and wellness.

Chairperson Mitchell reviewed the conditions of the 2009 approval:

1. The business will have a low-noise impact;
2. The same conditions that were stated in the October 28, 2002 approval for Dr. Londorf will apply to this application, with respect to the number of clients per class and the hours of operation;
3. The Planning Board will review the application in one year.

The applicants and the Building Inspector indicated that there have been no issues or concerns with the current office. There have been no problems with either noise or parking. The classes and workshops are conducted in the evenings and on weekends, which are low building/parking usage times.

Public Hearing Opened: Chairperson Mitchell opened the public hearing at this time.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing at this time, as there was no one wishing to speak for or against this application.

Motion: Member Rubiano made a motion, seconded by Member Lanphear, to approve this use as a permanent permitted use based on the present conditions of operation as set forth in October 2009. There is no requirement that the applicants return for a periodic review.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on October 25, 2010.

Michael Lebowitz, 21 Lincoln Avenue ~ Subdivision

Present: Michael Lebowitz, Mitchell Pierson Realtors; James Aiello, owner

Discussion: At the September Board meeting, Mr. Lebowitz stated that Mr. Aiello is proposing to subdivide the existing lot at 21 Lincoln Avenue into two separate lots, creating a single-family lot on each of the subdivided lots. Board members had expressed concerns with the proposal, since it would result in the creation of two substandard lots. Chairperson Mitchell stated that a coordinated review of the environmental issues raised by this project is required under the SEQR regulations, and that the public hearing would remain open during the 30-day waiting period.

Board members reiterated their concern with setting the precedent of approving a subdivision that would create substandard lots. The applicants stated that their intention is to improve the property by creating single-family residential lots and removing the parking lot.

Chairperson Mitchell stated that the Board could vote on the application at this time, or hold the hearing open until all Board members are present. The applicant chose to keep the public hearing open until a full board is present to vote on the application on November 22, 2010.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, declaring the Planning Board as lead agency for SEQR review.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on October 25, 2010.

Information only:

Sean Jefferson, 1 Grove Street ~ Special Exception Use Permit

Present: Sean Jefferson

Discussion: Mr. Jefferson stated that he is seeking information about a proposal to operate a private music studio at 1 Grove Street. He stated that the music classes would be for children and adults, and would generally be conducted in the afternoon and evenings. He will be installing an acoustical design to contain the noise within the studio.

Chairperson Mitchell listed some of the issues the Board will consider when the applicant submits a formal application, such as hours of operation, number of faculty, number of students per class, and sound containment, among others.

Member Items:

- ❖ Board members discussed the status of the application for Special Permits for multiple dwelling buildings and restaurant at 75 Monroe Avenue.

- ❖ Building Inspector's Report: The Building Inspector reported that the landscaping business has been removed from the Northfield Common property. He stated that there are no new pending applications.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the 9/27/10 meeting minutes, as drafted.

Vote: Mitchell – yes, Lanphear – yes; Rubiano – yes. **Motion carried.**

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 9:00 pm.

Linda Habeeb, Recording Secretary