

**Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – January 28, 2013 at 7:00 PM**

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin Meg Rubiano George Wallace
Alternate:	Jason Rosenberg
Attorney:	Jeff Turner
Building Inspector:	John Limbeck
Recording Secretary:	Linda Habeeb

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

ZONING BOARD

Myriam & Marcus Bauer, 27 Washington Avenue ~ Area variance

Present: Marcus Bauer

The Secretary read the legal notice that was published in the January 17, 2013 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 at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, January 28, 2013 at 7:00 pm to consider an application made by Myriam & Marcus Bauer, owners of property located at 27 Washington Avenue, for: (1) An area variance to expand a nonconforming structure on a nonconforming lot in the R-2 Zone; said structure having a front setback of 29.8 feet where a front setback of 30 feet is required; and said lot having an area of 10,255 square feet where an area of 10,500 square feet is required; and having a lot width of 67.60 feet where a width of 70 feet is required; and (2) Site plan approval for the construction of a garage where the total floor area exceeds 400 square feet and is more than one story, pursuant to Village Code § 210-83B(16).*

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) # 12 & 13.

Discussion: The applicant stated that he is constructing a garage addition at the house located at 27 Washington Avenue. Through a miscommunication, he was under the impression that a variance was not required for this project, and a building permit was issued on 11/2/12. Mr. Limbeck informed the applicant that the project required site plan approval from the Planning Board, as well as an area variance from the Zoning Board. He presented a survey map and plans for the addition.

Public Hearing Opened: Chairperson Mitchell opened the public hearing at this time, and the following person spoke:

Meredith Utman, 75 North Main Street, expressed her approval of the proposal.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the application for an area variance and site plan approval for 27 Washington Avenue, as submitted.

Vote: Chamberlin – yes; Mitchell – yes; Rubiano – yes; Rosenberg – yes; Wallace - yes.
Motion carried. The decision was filed in the Office of the Village Clerk on January 28, 2013.

Findings of Fact:

- There are no undesirable changes that will be produced in the character of the neighborhood by approving this site plan.
- The proposed addition 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.
- The proposed addition does not protrude farther into the front or side setback than the original portion of the structure.

John Caselli, 10 East Jefferson Road ~ Area variance

The Secretary read the legal notice that was published in the January 17, 2013 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, January 28, 2013 at 7:00 pm to consider an application made by John Caselli, owner of property located at 10 East Jefferson Road, for an area variance to expand a nonconforming structure on a nonconforming lot.*

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) # 12 & 13.

Chairperson Mitchell explained that since the applicant was not present to discuss the proposal, the public hearing will remain open and be continued at the February 25th PZBA meeting.

PLANNING BOARD

Tracy & Dion Lopes, 8 Stonegate Lane ~ Area variance

Present: Dion Lopes, homeowner; John Milne, contractor

The Secretary read the legal notice that was published in the January 17, 2013 edition of the Brighton Pittsford Post: *“Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday January 28, 2013 at 7:00 pm, to consider an application made by John Milne, as agent for Tracy & Dion Lopes, owners of property located at 8 Stonegate Lane, for site plan approval for the construction of an addition where the total floor area exceeds 400 square feet, pursuant to Village Code § 210-83B(16).*

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

Discussion: The applicants presented plans for construction of a second-story addition over the garage at the house located at 8 Stonegate Lane. They stated that the footprint of the garage will not be altered. The project has been approved by the APRB.

Public Hearing Opened: Chairperson Mitchell opened the public hearing at this time, and the following person spoke:

Patricia Pincus, 14 West Jefferson Road, asked to view the proposed plans. Upon viewing the plans, she stated that she did not oppose the project.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the application for site plan approval for 8 Stonegate Lane, as submitted.

Vote: Chamberlin – yes; Mitchell – yes; Rubiano – yes; Rosenberg – yes; Wallace - yes.
Motion carried. The decision was filed in the Office of the Village Clerk on January 28, 2013.

Findings of Fact:

- There are no undesirable changes that will be produced in the character of the neighborhood by approving this site plan.
- The proposed addition 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.
- The proposed addition does not protrude farther into the side setback than the original portion of the structure.

**Pittsford Canalside Properties, LLC, 75 Monroe Avenue ~ Preliminary Site Plan
Present: Chris DiMarzo, Anthony DiMarzo, Peter Vars, BME Engineering, Frank Hagelberg, Attorney**

Discussion: Chairperson Mitchell explained that after review of the preliminary site plan by the Village Engineer and the Building Inspector, it was determined that the site plan, as submitted, is incomplete and therefore is not considered a certified site plan. The Planning board will not review until these issues have been resolved by the applicant, and the plan is certified as complete.

Mr. Vars stated that Pittsford Canalside Properties submitted an application for preliminary site plan approval from the Planning Board. He explained that the Board of Trustees issued a Special Permit on 12/18/12, preceded by a Negative Declaration under SEQRA on August 9, 2012. The project is for construction of 167 apartment units within 6 multistory buildings, a 125-seat restaurant, a community clubhouse and swimming pool, docks and

promenade along the canal, and associated parking, utilities, lighting, and landscaping in accordance with the special permit and the preliminary application and approval under §210-84.

He indicated on the plans the location of the parking areas, landscaping, the clubhouse, restaurant, and an enhanced median for pedestrians. He also stated that canal access will be incorporated into the proposed plans. It was noted that the plans indicate only the infrastructure on the ground, and not the mass, scale, height, or design of the buildings.

Public Hearing Opened: Chairperson Mitchell opened the public hearing at this time, and the following persons spoke:

Stacy Freed, West Jefferson Road, asked whether there would be a buffer of landscaping around the edges of the area, and questioned whether Village Code requires a certain percentage of landscaping on site plans.

Chairperson Mitchell explained that these types of details will be addressed during the site plan process.

Heather Erwin, 18 Greenhill Lane, asked about the width of the entry and exit lanes.

Mr. Vars stated that the entry lane is 40 feet wide, and the two exit lanes are 22 feet wide. He explained that the width of these lanes is determined by the DOT.

Ms. Erwin also asked about the process for posting special meetings. Chairperson Mitchell stated that all special meetings are posted on the website and sent to the newspaper, as soon as they are scheduled.

Art Pires, 70 State Street, stated that the Village Office maintains a list of email addresses to notify the community when Village meetings regarding this project are going to occur.

Meredith Utman, 75 North Main Street, stated that with a 125-seat restaurant, there will be a great deal of car traffic on the site.

Jean Moe, Longmeadow, asked about the location of the proposed parking on the site.

Mr. Vars stated that the parking spaces will not exceed 337, with a mix of surface and underground parking spaces.

John Parker, Longmeadow, raised the issue of traffic congestion entering and exiting the site, and questioned whether a traffic light could be installed.

Robert Corby, 7 Washington Avenue, stated that there is a proposal to install a traffic light at 3750 Monroe Avenue, which would slow traffic and allow for gaps in the traffic.

Mary Menzie, 219 Mendon Centre Road, stated that the preliminary plans appear to have changed from the original concept plans.

Jennifer Insull-McCarthy, 54 Heatherhurst Drive, stated that currently, at 5:30 pm, it is nearly impossible to turn off of Sutherland Street onto Monroe Avenue, due to the traffic

that is backed up on Monroe Avenue. She asked if there are plans to conduct a traffic study in the Monroe/Clover Street area.

Chairperson Mitchell stated that there are no plans to study that area.

Marty Martina, 30 Locust Street, asked who manages the railroad tracks that cross Monroe Avenue.

Chairperson Mitchell stated that the tracks are maintained by the railroad.

Matt Lennarz, 27 Lincoln Avenue, stated that he is concerned with the traffic in the area and asked about the traffic study that was conducted.

Chairperson Mitchell explained that the traffic study is part of the public record, and anyone can review the study at the Village Office.

Meredith Utman, 75 North Main Street, stated that there are many questions and concerns with this project, and that Village residents generally oppose it.

Chairperson Mitchell thanked everyone for the comments. She stated that the public hearing will remain open and be continued at the next PZBA meeting. She further indicated that comments can also be submitted to the Village Office by letter, phone call and email and that these all become part of the public record.

Liaison Report:

Trustee Galli reported that:

- ❖ The Village will be hiring a building inspector to oversee the 75 Monroe Avenue project.
- ❖ A development review committee meeting for 75 Monroe Avenue will be held in February.
- ❖ The trustees are working on a revised Code of Ethics.
- ❖ The Town, Village and School are holding leadership meetings in an effort to find ways for collaboration.
- ❖ The court affirmed the Board's decision to deny St. Louis's request to expand.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the 12/17/12 meeting minutes, as revised.

Vote: Chamberlin – yes; Mitchell – yes; Rubiano – yes; Wallace - yes. ***Motion carried.***

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 8:45 pm.

Linda Habeeb, Recording Secretary

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