

**Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – February 25, 2013 at 7:00 PM**

PRESENT:

Chairperson:	Remegia Mitchell
Members:	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

**Charles Clottin, 10 North Main Street ~ Temporary Use Permit
Present: Charles Clottin, Harladay Hots, Inc.**

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

The Secretary read the legal notice that was published in the February 14, 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, February 25, 2013 at 7:00 pm, to consider an application made by Charles Clottin, of Harladay Inc., for a temporary zoning permit to allow the seasonal operation of a vending cart at 10 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

Discussion: Mr. Clottin stated that he is seeking renewal of the temporary use permit to operate a vending cart in the lot located at 10 North Main Street. He stated that the Town of Pittsford owns the lot, and he has received permission from the Town of Pittsford to operate his business on the lot, contingent on his being granted a temporary use permit from the Village. He is proposing operating the vending cart business on Monday through Saturday, from 10 am to 3 pm, from May through November 2013. He provided documentation indicating that the business is fully insured and licensed with the Monroe County Health Department. He stated that he operated his business successfully last year, with a minimum of problems.

Chairperson Mitchell questioned the applicant as to whether the increased traffic from customers picking up their orders had been an issue last year. He stated that he encourages his customers to park their cars, and then return to the cart to pick up their food, rather than queuing up in the road. Mr. Clotten also stated that he will remove any trash that is generated by the business. There was a concern with the landscaping in the area having

been damaged by the applicant's cart. He stated that the Town will be addressing the landscaping problem in the area.

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

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

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the application for a temporary use permit, as submitted, from May 1, 2013 to November 30, 2013, with the following conditions:

1. The applicant will remove all trash that is generated by this business.
2. The applicant will position the vending cart far enough back from the road to prevent cars from stopping in the road and causing traffic problems.
3. The Village reserves the right to revoke the permit if the business creates traffic hazards or unsafe conditions for pedestrians, or if there are other issues or repeat concerns that are not addressed by the applicant.
4. The Fire Marshal will meet with the applicant to inspect the vending cart to insure that it meets the Fire Code regulations.
5. The applicant has received permission from the Town of Pittsford to operate the vending cart in the proposed location.
6. The applicant will work with the Town of Pittsford to resolve ground maintenance issues and restore the site prior to the start of business in the Spring.

Vote: Rubiano – yes; Mitchell – yes; Rosenberg – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on February 25, 2013.

Laura Baranes, 11 Schoen Place ~ Sign

Present: Laura Baranes, Premier Sign Systems, LLC

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action **under SEQR ??**

The Secretary read the legal notice that was published in the February 14, 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, February 25, 2013 at 7:00 pm, to consider an application made by Laura Baranes, of Premier Sign Systems, as agent for Al Longwell, owner of property located at 11 Schoen Place, for a variance for installation of a sign, pursuant to Village Code § 168-7F(6).."*

Discussion: The applicant is proposing installing a business address sign on the building located at 11 Schoen Place. She stated that she has received approval from the APRB for installation of a number measuring 6 inches, but that the owner of the building is requesting a 12-inch number. Mr. Limbeck stated that the proposed sign will require a variance from the Zoning Board because the height of the 12" number is not permitted by Village Code.

Board members expressed concern with setting a precedent by approving installation of a 12-inch number on the side of this building. It was noted that the building is one of the most distinguishable buildings in the Village, and very easily located.

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

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

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to *deny* the application for a sign variance, as submitted.

Vote: Rubiano – yes; Mitchell – yes; Rosenberg – yes; Wallace - yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on February 25, 2013.

Findings of Fact:

- ◆ This building’s architectural features make it one of the most distinguishable and easily located buildings in the Village.
- ◆ This building and its signage location are visible from roadway.
- ◆ Granting a variance for this signage would set a precedent for granting variances throughout the Village.

John Caselli, 10 East Jefferson Road ~ Area variance

Present: John Caselli

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

Discussion: Chairperson Mitchell stated that this is an open public hearing for an area variance to expand a nonconforming structure on a nonconforming lot at 10 East Jefferson Road. Board members stated that they had no issues or concerns with this proposal.

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the application for an area variance, as submitted.

Vote: Rubiano – yes; Mitchell – yes; Rosenberg – yes; Wallace - yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on February 25, 2013.

Findings of Fact:

- There are no undesirable changes that will be produced in the character of the neighborhood by approving this variance.
- 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.
- This is a pre-existing non-conforming structure and lot. The proposed addition does not protrude farther into the non-conforming front or side setback than the original portion of the structure.

PLANNING BOARD

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

Discussion: Mr. Vars stated that Pittsford Canalside Properties submitted an application for preliminary site plan approval from the Planning Board. He pointed out the changes that have been made to the plan since the original plans were presented to the Board: the restaurant has been relocated from the middle of the project to the entrance of the site; the project has been reduced from seven buildings to five, resulting in a reduction of approximately 200 feet of linear length; and the clubhouse is currently at a lower level than on the original plans, making it more accessible to the public. The current proposal has buildings of varying heights, materials, and colors.

Chairperson Mitchell questioned the applicants as to the reason that there are not more trees proposed for the canal side of the roadway and why the applicant did not propose narrower roadways on the canal side of the buildings. Mr. Vars explained that because of Fire Code regulations for emergency vehicle access, the width of the road is required to be a minimum of 26 feet and that this limits the amount of landscaping. There was a discussion about the 80' width of buildings shown on the site plan and the impact this has on landscaping.

Chairperson Mitchell asked if there will be more than one point of access into the buildings and indicated that sidewalks to all entrances need to be shown on the plan. Mr. Vars stated that there are multiple entrances to each building: from the parking lot; individual entrances to apartments; and common entrances on the sides of the buildings.

Member Rosenberg inquired about the buffer of trees, planned for the areas along the railroad. Mr. Vars stated that a mix of trees, including conifers, and board-on-board fencing were planned.

Chairperson Mitchell questioned the proposed location of the restaurant and its orientation to Monroe Avenue. Chairperson Mitchell raised a concern with the view traveling east over the bridge, in that there could be an excessive amount of pavement visible from Monroe Avenue. There was some discussion about whether parking and/or restaurant access would be better on a different side of the restaurant structure.

Board members questioned the applicant as to whether there will be adequate parking for the tenants and the restaurant patrons. Mr. Vars stated that there are 330 parking spaces planned: 162 underground, 138 surface, 20 attached garages. Chairperson Mitchell asked about storage of property maintenance gear. Mr. Vars explained that there will be bays in free-standing garages for storage of maintenance equipment.

Members asked questions about the dead end driveway at the south end of the property, screening of the handicap parking areas, the pedestrian refuge at the Monroe Avenue entrance. There was discussion about narrowing the road at the turning radius at the south end of the property to minimize the turning radius at this point.

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

Jeff Turner, Village Attorney, explained that the Planning Board will be reviewing the site plan and site plan issues, in conformance with the Village Code, and not the architecture of the buildings.

Katherine Smith, Boughton Avenue, stated a concern that the restaurant will generate problems with parking.

Chairperson Mitchell explained that the Village Code determines the required number of parking spaces based on the number of restaurant seats and the number of apartment units, and the current proposal meets Code requirements. Mr. Vars responded that the special permit indicate a maximum number of parking spaces allowed on the site.

Art Pires, 70 State Street, asked about the following items: proposed lighting and snow storage for the site, the number of buildings, gaps between buildings as this relates to the R-5 Code, the relationship between green space and the depth of proposed buildings, and possible provision of site line renderings that can be produced by the applicant.

Chairperson Mitchell explained that the applicants will be providing lighting and snow storage plans later in the process. Mr. Vars responded that proposed lighting plans are included in the

Mike Reynolds, 35 Church Street, expressed concerns with parking, stating that the tenants will occupy all the available parking spaces.

Justin Vlietstra, Boughton Avenue, stated that the project is inconsistent with the character of the Village; the viewshed of the Village will be altered; traffic concerns should be addressed and plans approved by DOT; and contamination issues should be solved. He also stated that the height of structures will be altered by the increased width of the buildings.

Chairperson Mitchell stated that this is a parallel process, and that there have been traffic studies conducted by two consultants, and DOT has reviewed the plans and approved the traffic-calming plan. Also, the DEC is currently monitoring the site.

Chairperson Mitchell stated that the public hearing will remain open.

Liaison Report:

Trustee Galli reported that:

- ❖ The Village is in the process of approving a building inspector to oversee the 75 Monroe Avenue project.
- ❖ There is a preliminary Town proposal for installation of a traffic light at Woodland Road.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the 1/28/13 meeting minutes, as revised.

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

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 9:30 pm.

Linda Habeeb, Recording Secretary