

**Village of Pittsford**  
**PLANNING AND ZONING BOARD OF APPEALS**  
**Special Meeting – April 8, 2013 at 7:00 PM**

**PRESENT:**

Chairperson:	Remegia Mitchell
Members:	Meg Rubiano Jill Crooker 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**

**Rose Bothner, 45 Schoen Place ~ Special Permit**

**Present:** Rose Bothner

**Discussion:** Ms. Bothner presented a proposal for a wood-fired pizza restaurant to be located at 45 Schoen Place. She stated that the restaurant will be open for lunch and dinner and will serve a variety of meals in addition to pizza. She is investigating enclosing a portion of the existing front porch to be used to construct a vestibule. The hours of operation will be Tuesday-Sunday, 11 am – 9:30 pm. She stated that employees will park behind the Pittsford Lumber Company, and during busier times, she will employ a valet parking service to park cars in the employee lot. The restaurant will also have take-out service, and the trash will be carried offsite. Trash will be placed in shared dumpsters located behind the buildings on the lower level of the Common, and trash removal will be provided by the landlord. She stated that the expected seating capacity is 70, and the expected total number of employees is approximately 20, with the maximum of 12 employees working at any one time. She also is proposing seasonal patio service.

Board members expressed concern with the traffic congestion and parking issues with this business. Another concern mentioned was sharing dumpsters with other merchants, which has been a problem in the past. Chairperson Mitchell suggested that Ms Bothner consider arranging to have the trash generated from food picked up more frequently.

**PLANNING BOARD**

**Pittsford Canalside Properties, LLC, 75 Monroe Avenue ~ Preliminary Site Plan**

**Present:** Peter Vars, BME Engineering, Bryan Powers, Project Manager, Frank Pavia, Harris Beach

**Discussion:** Chairperson Mitchell stated that the discussion will be limited to whether elements of the proposed preliminary site plan conform to the Regulating plan, as set forth by the Village of Pittsford

Mr. Vars stated that in response to a request from the Board at the March 25<sup>th</sup> public hearing, they are submitting the Westport Crossing-Empirical Analysis Matrix, which compares the current Preliminary Site Plan with the criteria contained in the Regulating Plan adopted pursuant to the Special Permit Resolution No. 20 of 2012, as issued by the Village Board of Trustees on December 18, 2012. He stated that an additional four items have been added that are relevant to the criteria contained in the Regulating Plan.

Mr. Vars reviewed the elements of the submitted documentation:

1. Number of Buildings: There are fewer buildings on the preliminary site plan than there were on the regulating plan.
2. Arrangement of Buildings:
  - a. Location of Residential Buildings: Minor deviation
  - b. Location of Restaurant: Minor deviation
  - c. Location of Clubhouse: No deviation
3. Placement of Buildings:
  - a. Setback from Canal: Further from Canal
  - b. Setback from Monroe Avenue: Further from Monroe Avenue
  - c. Setback from Railroad: Same distance from Railroad, except Bldg. 5000
  - d. Orientation to Canal: Slight deviation
4. Shape of Buildings: Deviation
5. Building Size:
  - a. Building footprint: 1,546 sq. ft. less building footprint area
  - b. Building length: 173' less building length
6. Coverage as a percent of the overall site:
  - a. Buildings: 0.48% decrease
  - b. Lot: 3.11% decrease
7. Area used between buildings: Conforms with Regulating Plan
8. Location of:
  - a. Streets: A minor deviation
  - b. Sidewalks: A minor deviation
  - c. Trees, tree lawns & landscaping: Conforms with Regulating Plan
  - d. Public realm lighting: Conforms with Regulating Plan
  - e. Public realm features along canal: Minor deviation
  - f. Parking, Driveways & entrances: Conforms with Regulating Plan
  - g. Active Recreation: Minor Deviation to the location of the swimming pool
  - h. Passive Recreation: Conforms with Regulating Plan
  - i. Accessory Structures: Minor Deviation
9. Parking Spaces: Minor Deviation
10. Parking Location: Minor Deviation
11. Maximum Building Height: Conforms with Regulating Plan
12. Four-story Maximum Building Height: Conforms with Regulating Plan
13. Façade Composition: Conforms with Regulating Plan
14. Building Entryways: Conforms with Regulating Plan

Chairperson Mitchell stated that the Board will consider whether the deviation from the regulating plan is “measureable” rather than “reasonable.”

Mr. Pavia questioned why the interpretation of reasonableness is being limited to quantitative analysis of the differences. He further stated that a rational and fair determination of the differences between the plans should include qualitative, as well as quantitative, analysis. He pointed out that the applicants were required to comply with certain restrictions in preparation of the site plan, such as Fire Code regulations. Mr. Turner stated that the Board does not have jurisdiction to make a discretionary determination as to whether the site plan conforms to the regulating plan. The determination is purely a quantitative matter of degree; the Planning Board does not have interpretive ability.

Member Wallace stated that there is some confusion regarding the definition of “reasonable.” He stated his opinion that “reasonable” does not necessarily mean “better.” He further stated that he agrees that the Planning Board does not have the right to determine that an element of the site plan is better or worse; “reasonable” means “sensible.” He also stated that if the intention is for the term to have a special meaning, then it should be specifically stated in the regulating plan. He questioned what the criteria is for determining whether something is a major or minor deviation from the regulating plan. Mr. Turner stated that the Board is required to determine if the variance is significantly different.

Member Crooker questioned whether relocating the swimming pool in close proximity to the canal will interfere with the public space. Mr. Powers stated that the pool is a private pool that will be enclosed by a fence. He further stated that the pool is on a higher gradient and will not impact public access. Member Rubiano also stated a concern that access to the canal and the pedestrian walkways will be impacted by certain elements of the site plan.

Mr. Powers gave an update of the progress of the Brownfield clean-up of the site. He stated that the DEC continues to mediate the process.

**Public Hearing Opened:** Chairperson Mitchell opened the public hearing at this time, with a reminder of the restrictions of the discussion, and the following people spoke:

**Art Pires, 70 State Street,** asked whether this Board is an advisory board or whether they will be voting on this site plan, and also whether it is possible that the plan can be scaled back to be a lesser development. Chairperson Mitchell explained that the Board will be voting on the site plan, and also that it is possible that the plan can be reduced in size.

**Peggy Brizee, 81 S. Main Street,** stated that the concept plan differs from the original site plan.

**Jack Cargill, 8 Boughton Avenue,** asked if the project will involve raising the elevation at the site. Mr. Vars stated that the elevation will be lowered.

**Mary Menzie** stated that the relocation of the restaurant is a major change.

**Alyssa Plummer, South Main Street,** asked why the applicants were not aware of the Fire Code regulations requiring widening of the streets. She also questioned the reason that the restaurant is being relocated.

**Justin Vlietstra, Boughton Avenue**, read from letters that were submitted for the record that express his disagreement with the square footage measurements in the preliminary site plan. He also stated that by reducing the number of buildings from 7 to 5, the size of the buildings has increased. The letters further stated that the new plans appear to be a reversal back to concepts of previous plans that have been rejected.

Chairperson Mitchell stated that the public hearing will remain open.

The Board then completed the Regulating Plan Conformity Checklist, voting on each of the elements on the checklist as to whether the preliminary site plan deviates from what is set forth in the regulating plan.

Mr. Pavia stated that prior to the Board's final vote on this issue, the applicants request an opportunity to respond to the Board's conclusions regarding these issues.

Chairperson Mitchell stated that the public hearing will be continued at the April 29<sup>th</sup> PZBA meeting.

**Adjournment:** There being no further business, Chairperson Mitchell adjourned the meeting at 10:00 pm.

---

Linda Habeeb, Recording Secretary