

Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – June 24, 2013 at 7:00 PM

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Meg Rubiano (absent) George Wallace Jill Crooker Joe Maxey
Attorney:	Jeff Turner
Building Inspector:	John Limbeck (absent)
Recording Secretary:	Linda Habeeb

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

Chairperson Mitchell stated that the Planning Board will hold a Special Meeting on July 10, 2013 at 7:00 pm for a continuation of review of the Preliminary Site Plan for the proposed development at 75 Monroe Ave.

Sarah Pennica, 50 State Street ~ Temporary Zoning Permit

Present: Sarah Pennica

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.15(c)(15).

The Secretary read the legal notice that was published in the June 13, 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, June 24, 2013 at 7:00 pm, to consider an application made by Sarah Pennica, for a temporary zoning permit to allow the seasonal operation of a vending cart at Label 7 Restaurant, located at 50 State Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

Discussion: The applicant stated that she is requesting a temporary permit for a mobile vending cart to sell ice cream at Label 7 Restaurant for the summer months. The proposed hours of operation are: 11 am - 5 pm on Tuesday - Saturday, and 11 am – 9 pm on Monday and Sunday, starting now through Labor Day. She stated that the cart will be removed at night, and stored on the side of the building. Chairperson Mitchell questioned the applicant as to the proposed plan for removal of refuse. The applicant stated that she will provide trash receptacles, and will remove the trash from the premises. Chairperson Mitchell also stated that no signage is allowed and any overflowing Village trash receptacles will need to be emptied. Board members expressed concerns with the vending cart interfering with diners on the patio at the restaurant. Ms. Pennica stated that the cart will be outside of the patio and will not interfere with patrons on the patio.

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

Jef Mason, 68 State Street, stated that he is in support of this application for a temporary permit.

Public Hearing Closed: Chairperson Mitchell closed the public hearing at this time.

Motion: Chairperson Mitchell made a motion, seconded by Member Maxey, to approve the application for a temporary permit with the following conditions:

1. The vendor will provide a refuse bin and remove all trash from the bin;
2. The vendor will monitor and remove any trash in the surrounding area and the canal; and
3. If further review of trash remediation is required, the applicant will return to the Zoning Board for further conditions.

Vote: Crooker – yes; Mitchell – yes; Maxey – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on June 24, 2013.

Daniel O'Connor, 17 Courtenay Circle ~ Site Plan

Present: Daniel O'Connor, Homeowner; Bruce Steele, Contractor

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c). No further review required.

The Secretary read the legal notice that was published in the June 13, 2013 edition of the Brighton Pittsford Post: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board on Monday, June 24, 2013 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Daniel O'Connor, owner of property located at 17 Courtenay Circle, 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).”*

Discussion: The applicants presented a proposal for construction of an attached two-car garage and conversion of the existing two-car garage into an entryway/hall and two rooms. The application is before the Planning Board because the proposed addition is in excess of 400 square feet.

The proposal also requires a variance from the Zoning Board for the southeast corner of the garage construction that will extend approximately 1 square foot beyond the 15-foot side setback requirement. The public hearing for this portion of the application will remain open.

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 Crooker, to approve the application for the site plan for construction of an addition that is in excess of 400 square

feet.

Vote: Crooker – yes; Mitchell – yes; Maxey – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on June 24, 2013.

Findings of Fact:

1. There are no undesirable changes that will be produced in the character of the neighborhood by approving this addition.
2. The proposed structure will be compatible with other residences in the neighborhood.
3. Due to the corner location of this lot, the property has a wedge shape and the house appears to have a large and deep setback.
4. The proposed additions will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
5. The benefit sought cannot be achieved by some feasible method.

St. Louis Church, 21 Rand Place ~ Area Variance

Present: Sally Schrecker, Operations Manager; John Mancuso, Harris Beach; Kayanne Gsellmeier, LaBella Associates

Discussion: Chairperson Mitchell stated that this is a continuation of an open public hearing for final site plan for the property located at 21 Rand Place. The applicants submitted additional information about the landscaping plan, the width of the driveway apron and required turning radius, the lighting plan with photometrics, and the snow storage plan.

Regarding the snow removal plan, the applicants stated that snow plowing and removal operations are dependent on the amount of snow in an individual snow event, the frequency of events, and the weather between events. Routine snow events are handled by simple plowing to the edge of pavement and to snow storage areas adjacent to parking areas. In the scenario of multiple snow events, equipment is brought to the campus to remove and relocate snow onsite. The applicants also submitted a landscaping plan, which included the location and types of plants, in addition to a planting schedule. Chairperson Mitchell stated that the final site plan should show all the landscaping.

The applicants are proposing installation of three lights, and they submitted two options for the type of lighting: Option A: Metal Halide Lighting and Option B: LED Lighting. Chairperson Mitchell stated that as to the light fixtures, the Planning Board reviews the height and type of light, and the APRB reviews the light fixtures.

The Board also discussed the drainage problem at the main entrance of the elementary school, where water pools and freezes in the winter. The applicants are proposing installing a drainage unit in the tree lawn area to connect to the nearest storm drain at the driveway. The Village Board of Trustees is reviewing this issue.

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the final site plan for 21 Rand Place, excluding lighting and drainage details with the following conditions:

1. The remaining brick wall will not have a wooden structure installed on top;
2. The applicant will submit a revised site plan indicating the plantings as described at the 6/24/13 Planning Board meeting;
3. The description of the installation of an additional catchbasin and storm drainage line will be removed from the final site plan; and
4. This approval does not include the height, lighting style, and wattage of the lights. Lighting elements will be decided at a later meeting.

Vote: Crooker – yes; Mitchell – yes; Maxey – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on June 24, 2013.

Findings of Fact:

1. This site plan modification addresses pedestrian safety concerns with the installation of a sidewalk within the property and removal of a portion of the brick wall that impaired line of sight for oncoming automobiles.
2. The proposed site changes will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

Information only:

Betsy Brugg, 14 South Main Street ~ Proposal for coffee shop

Present: Betsy Brugg

Discussion: The applicant stated that the proposal is for a drive-through Starbucks coffee shop to be located at 14 South Main Street. Chairperson Mitchell stated that a drive-through fast-food restaurant is not a permitted use in that district. She further stated that allowing this type of establishment would set an undesirable precedent for drive through businesses. Board members expressed concerns with safety and traffic congestion in the area. Mr. Turner stated that this type of business would require a use variance.

Member Items:

Trustee Report:

- ◆ Mr. Galli reported that the Board of Trustees have adopted a Code of Ethics.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the 5/20/13 meeting minutes, as revised.

Vote: Crooker – yes; Mitchell – yes; Maxey – yes; Wallace - yes. **Motion carried.**

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 9:15 pm.

Linda Habeeb, Recording Secretary

Village of Pittsford documents are controlled, maintained, and available for official use on the Village of Pittsford Website, located at <http://www.VillageofPittsford.org>. Printed versions of this document are considered uncontrolled. Copyright © (2010) Village of Pittsford.