

**VILLAGE OF PITTSFORD**  
**PLANNING AND ZONING BOARD OF APPEALS**  
Regular Meeting – January 27, 2014 at 7:00 PM

**PRESENT:**

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

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

**Janice Curran, 33 Boughton Ave ~ Area variances**

**Present:** Janice Curran, Homeowner

**The Secretary read the legal notice that was published in the January 16, 2014 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 27, 2014 at 7:00 pm, to consider an application made by Janice Curran, owner of property located at 33 Boughton Avenue, for an area variance for extension of a pre-existing, nonconforming condition where the front setback is 13.3 feet instead of a 30 feet and the north side setback is 5.9 feet where 10 feet is required, pursuant to Village Code §§210-12B and 210-12C.”*

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

**Discussion:** The applicant stated that she is proposing construction of a mudroom addition on the south side of her house, and a small deck in the rear of the house, which is located at 33 Boughton Avenue. This is a pre-existing, non-conforming structure. It was noted that the proposed addition will not encroach any further into the side setback than the existing structure.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Crooker, to open the public hearing at this time.

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

**Motion:** Chairperson Mitchell made a motion, seconded by Member Maxey, to close the public hearing, as there was no one wishing to speak for or against this application.

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

**Motion:** Member Crooker made a motion, seconded by Member Rubiano, to approve the application for area variances, as submitted.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on January 27, 2014.

**Findings of Fact:**

1. This is a pre-existing, non-conforming structure.
2. The proposed addition, on the south side off the structure does not encroach into the side setback.
3. There are no undesirable changes that will be produced in the character of the neighborhood by approving this area variance.
4. The proposed structure will be compatible with other residences in the neighborhood.
5. The area variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The benefit sought cannot be achieved by another feasible method.

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**Louis DeFrancesco, 20 North Main Street ~ Area variances**

**Present:** Louis DeFrancesco, Business Owner

**The Secretary read the legal notice that was published in the January 16, 2014 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 27, 2014 at 7:00 pm, to consider an application made by Louis De Francesco, owner of Pittsford Barber Shop, for an area variance for installation of a lighted barber pole at the property located at 20 North Main Street, pursuant to Village Code §§168-5B, 168-5D, & 168-8F..”*

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

**Discussion:** The applicant stated that he is proposing installing an internally lit barber pole on the side of the building located at 20 North Main Street. The approval requires two variances: one for signage projecting from a building, and one for a lighted sign. Mr. Limbeck stated that no element of the existing signage on the building exceeds that which is permitted by Village Code. Mr. Limbeck also noted that the applicant informally presented his proposal to the APRB, whose general consensus was that a barber pole is traditional and appropriate for this business.

Chairperson Mitchell questioned the applicant as to the hours of operation of the business. Mr. DeFrancesco stated that the business is open no later than 6:00pm on any day, and that the pole will be turned off at that time. She confirmed that the APRB has found this lighted barber pole, which will protrude from the building façade, to be appropriate for a structure of this age and one that has an entrance other than on the Main Street.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to open the public hearing at this time.

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

The following people commented on the proposal:

- **John Parker**, 100 Brook Road, stated that he supports the applicant’s request to install the pole.
- **Paul Schwedfeger**, owner of the building, submitted a letter indicating his support for the proposal.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Maxey, to close the public hearing at this time.

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

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

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on January 27, 2014.

***Findings of Fact:***

1. There are no undesirable changes that will be produced in the character of the neighborhood by approving this area variance.
2. The area variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
3. The benefit being sought is best achieved by this barber pole installation since it is considered an icon, emblematic of the barber shop, and has historical significance and recognition.

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

**Present: Chris DiMarzo, Bryan Powers, Mark IV; Peter Vars, BME Engineering; Frank Pavia, Attorney**

**Discussion:** Mr. Vars stated that the applicants are submitting Addendum No. 3, to supplement the previously submitted plans and Addendums No’s. 1 and 2.

He presented a summary of the items covered in Addendum No. 3:

1. Foundation plantings – A typical detail has been provided, labeled “Typical Foundation Planting Plan,” including a graphic illustration of the plan and a list of plant materials.

2. Bench locations – Seating areas are provided between buildings 1000 and 2000, between buildings 3000 and 4000, and next to the pump station building, as discussed at the January 15, 2014 Planning Board meeting. Seating areas are also planned within the gazebo areas along the canal frontage.
3. Gazebo locations.
4. Locations for any other public amenities – The public amenities have been previously noted on the plans and details submitted. This includes: walkways along the canal, the dock along the canal, gazebos along the canal, and public restrooms that will be provided in the lower level of the clubhouse opposite the proposed dock. All of the public amenities will be accessible from a pedestrian connection to Monroe Avenue, or the street system within the development.
5. A matrix of changes between Preliminary and Final Site Plans.
6. Pool screening details.
7. Handicapped ramps for all buildings – Each building will have handicap access from the parking areas beneath the buildings. Elevator access to each floor will be provided from the basement level. Additionally, buildings 1000, 2000, 3000, and 4000 will have handicap accessible entrances on the southerly (railroad side) of the building.
8. Photometrics and dark-sky compliance for the project – A site lighting plan detailing all street and parking area lighting, including photometrics for each light location, is provided within the final site plans.
9. Pump station building – A photo of a similar pump station building from another project.
10. Items required by the Canal Corporation, NYSDEC, NYSDOT, MCWA, etc. – Currently, the plan review comments from the outside agencies are technical in nature and do not require any substantive plan revisions that will move or alter the layout of the proposed development.
11. Benches and landscaping along the project’s Monroe Avenue frontage – Benches in the Monroe Avenue frontage have been added to the landscape plan.

Chairperson Mitchell questioned the applicants as to the details of the proposed foundation plantings. Mr. Vars stated that a licensed architect has listed 10 species of foundation plantings on the plan. He further noted that an additional 12 trees have been added along the railroad boundary, and an additional 8 trees have been added along buildings 1000 and 2000. He stated that the amount of greenspace provided on the plan exceeds that which is required by Village Code. Chairperson Mitchell stated that this estimate of greenspace will be reviewed by the Village Engineer. Chairperson Mitchell asked about the mature height of the trees along the railroad tracks. Mr. Vars stated that the proposed trees are Hornbeam, with a mature height of 25-30 feet.

Board members questioned the applicants about the crosswalk. They stated that the crosswalk will be raised with a textured surface with some relief; it will be readily identifiable by vehicles. The sidewalk will be granite and concrete; it will not be asphalt. Also discussed was the signage for the fire lane, which will be painted on the pavement, in addition to installation of a “No Parking – Fire Lane” sign.

Board members asked about the water main on Sutherland Street. The applicants stated that they are having discussions with the school about the easement. The question was raised as to whether there will be a school bus stop on Monroe Avenue, and whether school buses will enter the development.

Chairperson Mitchell noted that the plan proposes relocating the main entrance of the restaurant, and she stated that it is critical that an entrance remain on Monroe Avenue. Mr. DiMarzo stated that the reason to relocate the entrance is so that the parking lot will be considered as located behind the building. He further stated that the Monroe Avenue entrance is a façade and not the primary entrance to the restaurant.

The applicants stated that there will be a monument sign with brick piers installed at the entrance. Mr. Vars presented photographs of the brick piers. Chairperson Mitchell stated that this may require a variance. Also discussed was the location of the granite curbs. Chairperson Mitchell asked the reason for ending the granite curbs at the pull-off point. Mr. Vars explained that it is easier to form a curve with concrete; therefore, the granite material ends at the beginning of the curved drop-off area.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to continue the public hearing at this time.

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

The following people spoke:

- **John Parker, 100 Brook Road**, stated that the citizens of the Village do not need this development. He suggested that the applicants provide upscale patio homes instead. He also suggested adding arborvitae plants to the plans.
- **Jeff Bove**, stated that since there is contamination on the site, the developers should wait to build until the site is completely free of contaminated soil. He also questioned whether the proposal to include apartments in the restaurant building conforms to the special permit.
- **Mike Reynolds, Church Street**, stated that the developers removed all the mature native trees that previously existed on the site. He also stated that the public hearing should be continued until the applicants submit a revised landscape plan.
- **Fran Kramer, Golf Road**, stated that local historic organizations and the public have requested that the project be mitigated. She further stated that the main issue is the size of the buildings, and she questioned whether it is legal for the Planning Board to make this decision instead of the Board of Trustees.

- **Justin Vlietstra, Boughton Avenue**, stated his concern that the public does not have access to all of the revised plans. He stated that the applicants should provide a full set of drawings, including all the revisions and addendums, for the public to review.
- **Alyssa Plummer, South Main Street**, questioned whether the Planning Board should continue this review when there is a pending appeal.
- **Jean Moe**, stated that the public hearing should remain open until all the permits from other authorities are granted.
- **Margaret Caraberis, South Main Street**, questioned whether the amount of greenspace conforms with the R-5 Code. She also noted that the entrance to restaurant has been relocated, and she asked the number of apartments units that are located in the restaurant building. She commented that a full set of the current plans should be available for the public to review.
- **Jack Cargill, Boughton Avenue**, questioned whether the proposed traffic-calming median will slow the speed of traffic on Monroe Avenue.
- **Ken Morrow, Sutherland Street**, noted that this project, in addition to the school buses, will cause traffic congestion on Monroe Avenue, and he stated that the public hearing should remain open.

Chairperson Mitchell stated that these questions and comments will be compiled and responded to at a future time.

Mr. Pavia requested that the Board close the public hearing at this time. Chairperson Mitchell stated that there are a number of issues that need to be resolved before the public hearing should be closed, such as allowing the public adequate time to review the revised plans, Village Engineer review of the 400 square feet per unit of open space for recreation requirement, and determination of the total cost of the project. She also noted that there may be some variances that could affect the site plan. Mr. Pavia stated that if variances are required, the public will have an opportunity to comment during those proceedings. Member Wallace stated that the public has had ample opportunity to comment on this project, and his opinion is that the public hearing should be closed at this time.

The applicants requested that the Board take a vote as to whether to close the public hearing at this meeting.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to hold the public hearing open.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - no. **Motion carried.** The decision was filed in the Office of the Village Clerk on January 27, 2014.

Chairperson Mitchell stated that the public hearing will be continued at the February 24<sup>th</sup> PZBA meeting.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the 12/16/13 minutes, as revised.

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

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

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Linda Habeeb, Recording Secretary

*PZBA 1/27/14*

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