

**VILLAGE OF PITTSFORD**  
**PLANNING AND ZONING BOARD OF APPEALS**  
Regular Meeting – March 24, 2014 at 7:00 PM

**PRESENT:**

Chairperson: Remegia Mitchell  
Members: Meg Rubiano  
George Wallace (absent)  
Jill Crooker  
Joe Maxey

Attorney: Jeff Turner  
Building Inspector: John Limbeck  
Recording Secretary: Linda Habeeb

Chairperson Mitchell called the meeting to order at 7:05 P.M.

Chairperson Mitchell stated that in view of the Board of Trustees' resolutions of March 11, 2014, SEQR prohibits the Planning Board and the Zoning Board of Appeals from making any decisions,

Chairperson Mitchell made a motion, seconded by Member Rubiano, to adjourn the public hearing for the appeal of the Code Enforcement Officer's determination that the final site plan submission for Westport Crossing was complete, until the April 28, 2014 PZBA meeting.

**Vote: Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on March 24, 2014.**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to adjourn the public hearings for the four area variance applications for Westport Crossing until the next regular PZBA meeting to be held on April 28, 2014 at 7 pm.

**Vote: Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on March 24, 2014.**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Crooker, to adjourn further site plan considerations for Westport Crossing until the April 28, 2014 PZBA meeting.

**Vote: Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on March 24, 2014.**

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**Daniel Pope, 36 Lincoln Avenue ~ Area variances**

**Present:** Daniel Pope, Architect; Alexis Stein, Homeowner

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

**The Secretary read the legal notice that was published in the March 13, 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, March 24, 2014 at 7:00 pm, to consider an application made by Daniel Pope, as agent for Jeremy and Alexis Stein, owners of property located at 36 Lincoln Avenue, for an area variance to expand a nonconforming structure on a nonconforming lot, said structure having a side setback of 4 feet 5 inches where a side setback of 10 feet is required, pursuant to Village Code § 210-12C.”*

**Discussion:** Mr. Pope stated that the applicants are proposing construction of a single-story addition to the rear side of the existing 1½ story home, located at 36 Lincoln Avenue. He stated that the proposed addition will include a new master bedroom, full bath, kitchen/mudroom expansion and renovations, along with a 15’ x 12’ deck area. He stated that they are requesting an area variance seeking relief from the side yard setback along the west property line.

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

Mary Wodarski, 38 Lincoln Avenue, asked to see the plans, as this addition will have an impact on her house and the homeowners have not spoken to her about it. She expressed some concern about the fact that the addition will be constructed in close proximity to her house.

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

After the public hearing was closed, Ms. Wodarski expressed further concern with the proposal. The Board decided to hold open the application for further comment from Ms. Wodarski and response to the comments from the applicants.

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**Pierre Heroux, 7 Schoen Place ~ Special Use Permit**

**Present:** Pierre Heroux, Business owner

**Discussion:** Mr. Heroux is seeking a special use permit for the restaurant expansion on the west side of the building at Simply Crepes, located at 7 Schoen Place. He explained that currently, some of the food preparation is done on the lower level of the building and brought up to the restaurant. With the expansion, all the food preparation will be able to be done in the restaurant. Other modifications include relocation of the restroom and a reconfigured kitchen that will create a safer working environment.

Mr. Heroux proposes adding 4 tables with approximately 10 additional seats. He stated that the current hours of operation will not change: Monday – Thursday, 7:30 to 9 pm; Friday and Saturday, 7:30 to 10 pm; and Sunday, 7:30 to 8 pm. The Board discussed handicap accessibility, which will remain the same, and the entrance will remain as it now is.

The Building Inspector stated that this will result in possibly 3-4 additional cars, which is not considered excessive for this niche restaurant use. He also reported that there have been no problems related to refuse management or grease traps from this business.

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*Information only:* **Friends of Pittsford Village, 10 North Main Street ~ Temporary Use Permit**

**Discussion:** The applicants stated that they are seeking a temporary zoning permit to operate a community Farmer's Market on Thursday evenings between June and October on the western edge of the Pittsford Library lot and lawn area, which is owned by the Town of Pittsford. They presented a letter from the Town permitting this use of the property for this purpose during the requested times. They stated that the market will operate from 4 – 7 pm, with the possibility of longer hours during the summer months. Vendors will primarily be selling fresh farm produce to consumers. They said that they have received a very positive response from potential vendors. They also anticipate additional activities, such as music, cultural events, and cooking demonstrations. They stated that the emphasis will be on sustainably produced, local products.

Board members noted that since the market's hours will begin at 4 pm, it should not interfere with Mr. Clottin's vendor business. In response to Board members' questions regarding the method of trash removal, the applicants stated that there will be two trash cans on the site, and the vendors will be responsible for their trash removal. Board members also expressed concerns with increased traffic in the vicinity of the market. The applicants stated that they anticipate approximately 400-600 patrons over a 3-hour time frame, and that it will be primarily foot traffic.

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**Planning Board and Zoning Board of Appeals involved agency response to SEQR**

**Discussion:** Chairperson Mitchell stated that the Board will review the potentially significant adverse impacts that may result from the project changes and new drainage information that were stated in the March 18, 2014 notice from the Board of Trustees. She stated that the Planning Board discussion regarding involved agency input to the Board of Trustees will not include, or be open to, any public comment.

- (1) The mass and bulk of the proposed buildings provide a visual aesthetic that is no longer compatible with the historic character of the Village of Pittsford, its canal waterfront development, or historic Erie Canal waterfront development in similar-sized communities.

Member Rubiano stated that the change from six to five buildings in the current plans will result in buildings with greater mass and is more removed from the small village character. Member Maxey stated that the bulk of the project has increased, but that whether it is compatible with the Village character is basically a subjective judgment. Board members determined that this is generally an issue for the APRB.

- (2) The use of the "Canal Commercial" design theme, which was central to the original environmental determination, is no longer being provided by the project design.

Board members stated that the plan in its current form no longer conforms to the Canal Commercial design theme. This will also be an issue for APRB review.

- (3) The relocation of the restaurant to the Monroe Avenue frontage may result in increased impacts to nearby, historic residential properties relative to noise, the screening of parking, and the location of dumpsters.

Board members stated that there are both positive and negative aspects to this change. The current version does not provide access to the restaurant from the canal and will result in less public space. Board members noted that one of the positive aspects of the current plan is that it removes the restaurant traffic from the residential area. Member Crooker stated that there is adequate screening of the parking lot and the dumpsters.

- (4) The reduction in buffering of the apartment buildings from the east may result in significant visual impacts to the public traveling westbound on Monroe Avenue, exiting the primary gateway for the Village.

Board members stated that the Planning Board had determined, during site plan review, that buffering is adequate.

- (5) The relocation of buildings and the changes in mass and bulk of the buildings may result in significant visual impacts to areas along Sutherland Street that would not have occurred under the approved plan.

Members Crooker and Maxey stated their opinions that relocation of the buildings and the changes in the mass and bulk of the buildings have minimal visual impacts to the areas along Sutherland Street. Planning Board members made a site observation from Sutherland Street during the planning process and they concurred that the visual impacts were not a concern.

- (6) The apparent loss of usable open space between the proposed buildings and on the canal frontage will diminish the recreational benefits of the site for residents and the public in comparison to the approved plan.

Members Maxey and Crooker stated that they do not agree that there is a loss of recreational open space with the current plan. Chairperson Mitchell stated that some of the changes in open space and drive aisles are a result of compliance with the NYS Fire Code requirements.

- (7) The potential loss of drainage function for areas east of the project site may result in significant flooding, the undermining of the railroad embankment, or other undetermined adverse drainage impacts.

Board members stated that there is not enough information at this point for them to address the drainage issue.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, that she would consolidate the Board's comments and draft a memorandum summarizing them.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on March 24, 2014.

**Adjournment:** There being no further business, Chairperson Mitchell adjourned the meeting at 8:30 pm.

PZBA 3.24.14

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