

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – April 28, 2014 at 7:00 PM

PRESENT:

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

Attorney: Jeff Turner
Building Insp.: John Limbeck
Recording Sec: Linda Habeeb

Chairperson Mitchell called the meeting to order at 7:00 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 regarding the development at 75 Monroe Avenue. Therefore, Ms. Mitchell stated that open applications for site plan, area variances, and the appeal of the Code Enforcement Officer's determination that the final site plan submission was complete will be adjourned until the May 19, 2014 PZBA meeting.

11 Schoen Place ~ Steven Lingard ~ Site Plan Review

Present: Steven Lingard; Douglas Dimitroff; Rebecca Hoffman

Chairperson Mitchell explained to the applicants that because their application is not a complete as submitted, the public hearing will be adjourned to the May 19, 2014 PZBA meeting.

Mr. Dimitroff stated that changes to the Federal law prohibit the Village from denying applications for an "eligible facilities request," and therefore, preempt discretionary permitting provisions of the Village Code, provided that the application constitutes an eligible facilities request. He further stated that they are seeking a waiver of any additional discretionary requirements under the Code and Article XVII of the Code regarding Communications Towers.

Chairperson Mitchell stated that the Building Inspector and the Village Attorney will prepare a list of the required items that were not included in the application that are necessary for the application to be certified as complete.

10 North Main Street, Friends of Pittsford Village ~ Temporary Use Permit

Present: Emily Smallwood

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 April 17, 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 April 28, 2014 at 7:00 pm, to consider an application made by Friends of Pittsford Village for a temporary zoning permit to allow the seasonal operation of a Farmer’s Market on Thursday evenings at 10 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

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.

The applicant stated that the market will open at 4 pm, with set up beginning at 3 pm, and will close at 7 pm, with clean-up of the site ending at 8 or 9 pm. Board members noted that since the market’s hours will begin at 4 pm, it should not interfere with Mr. Clottin’s vendor business. The applicants stated that there will be two trash cans on the site, and the vendors will be responsible for trash removal. The applicants stated that there will be 20-25 vendors, and that they anticipate approximately 400-600 patrons over a 3-hour time frame. They also stated that the current plan is for the Village Hall parking lot to be for vendor parking only, not for the public. She also stated that there will be volunteers directing traffic.

Chairperson Mitchell stated that when the applicants intend to hold special events, they will be required to notify the Village one week in advance of the event. Member Rubiano stated that generally, during those hours, the Library parking lot is full. The applicants stated that they are anticipating primarily foot traffic, as opposed to vehicular traffic. Member Crooker questioned whether Mr. Clottin will be able to operate his vendor cart at the Market. Ms. Smallwood stated that Mr. Clottin has applied to operate his cart, and if his proposal is in compliance with their mission statement, which encourages the use of local, sustainable, organic products, he will be invited to participate. Member Crooker asked whether Pittsford Farmers will be participating in the Market. Ms. Smallwood stated that the products need to be organic or artisanal.

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; Wallace - yes. *Motion carried.*

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to close the public hearing at this time, as there was no one from the public wishing to speak about this application.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the application for a temporary zoning permit for the operation of a Farmer’s Market, as submitted.

Vote: Rubiano – yes; Mitchell – yes; Crooker – yes; Wallace - yes. Motion carried. The decision was filed in the Office of the Village Clerk on April 28, 2014.

Corn Hill Navigation – Temporary Zoning Permit

Present: Jeff Spero, Corn Hill Navigation

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) #15. No further review required.

The Secretary read the legal notice that was published in the April 17, 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, on Monday, April 28, 2014 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Corn Hill Navigation, for a temporary zoning permit to allow the seasonal operation of the vessel known as Sam Patch from the dock adjacent to Erie Canal Park on Schoen Place, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford..”*

Discussion: This application is for a temporary permit for operation of the *Sam Patch*, a packet boat replication that has been operating from Schoen Place for the past several years. Corn Hill Navigation is a not-for-profit organization, with a long history of contributing to community development through education, awareness, and enjoyment. Corn Hill Navigation offers daily public cruises and lunch and dinner cruises from May to October. Chairperson Mitchell noted that in past years, Corn Hill Navigation has provided signage and notification through their website to direct customers to the designated parking areas.

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; Wallace - yes. Motion carried.

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to close the public hearing at this time, as there was no one from the public wishing to speak about this application.

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

Motion: Member Crooker made a motion, seconded by Member Rubiano, to approve a temporary permit for Corn Hill Navigation for the 2014 boating season, as described in the application submitted, and with the following conditions:

- Signage will be used to direct customers to parking areas.
- Landscaping around the ticket pavilion will be improved and maintained by Corn Hill Navigation personnel throughout the boating season, including elimination of weeds and litter.
- Village trash receptacles will not be used for trash, food waste, recycle waste, or other debris generated by the *Sam Patch* boating operation.
- Customers will be informed by phone and through the website regarding designated parking areas for *Sam Patch* tours, to avoid conflicts with merchants in the area.
- Trash and recycling waste will be removed from the site daily and will not be left overnight on Village or Canal Corporation property.

- Chains may not be used to moor the *Sam Patch* to Village-owned wooden bollards unless they are covered in some manner to protect the bollards.
- The applicant will provide the Village a copy of a Certificate of Insurance, naming the Village of Pittsford as additional insured, prior to docking the vessel.

Vote: Rubiano – yes; Mitchell – yes; Crooker – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on April 28, 2014.

Sami Mina, 14 South Main Street – Temporary Permit

Present: Sami Mina

Discussion: Mr. Mina presented a proposal for a restaurant to be located at 14 South Main Street. He discussed with Board members the proposed landscaping along the rear property line, around the building, and along the parking lot. He is also proposing signage on the exits from the parking lot, instructing delivery trucks to turn right on Church Street. He also stated that the deliveries will be made by small vans and will be limited. The outdoor patio will have a decorative fence and posts along the north property line, which will require review and approval by the Village APRB. He further stated that the exhaust fans are located on top of the roof, and there will be limited grilling, and no deep fryers. He also noted that there will be no paper products used for in-house consumption.

Board members questioned Mr. Mina as to the proposed hours of operation and the number of employees. Mr. Mina stated that the hours will 11 am – 10 pm, 7 days a week, and that there will be 6 employees per shift. The board was advised that there are currently 25 parking spaces, including 2 parking spaces that Mr. Mina plans to designate for pickup of take-out orders. He also indicated that the dumpster enclosure will be per Village Code. Site planning issues related to the parking lot, signage, outdoor patio, etc., will be addressed at a later date if Mr. Mina is granted a permit to operate the restaurant.

Mr Mina requests an outdoor patio in the drive aisle on the north side of the bldg. He is proposing 34 outdoor seats on the patio and 70 interior seats. Chairperson Mitchell stated that some businesses have been required to utilize seats from the inside of the restaurant during the seasonal use of the property, instead of adding additional seats. The addition of the proposed decorative fence and posts along the north property line will prevent any drive-through traffic. This would become a walkable passage only. There will be no paper products used for in-house consumption.

Lindsay Morgan, 7 Austin Park – Area Variance

Present: Lindsay Morgan, homeowner

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c)(13). No further review required.

The Secretary read the legal notice that was published in the April 17, 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, April 28,*

2014 at 7:00 pm, to consider an application made by Kevin Morgan, owner of property located at 7 Austin Park, for an area variance for a deck, pursuant to Village Code § 210-12C.”

Discussion: The applicant stated that they are seeking an area variance for a proposed deck to be installed at the rear of the east side of the house located 7 Austin Park. She stated that the existing side setback for the house is 9.7 feet along the east side, which creates a preexisting, nonconforming condition. It was noted that the proposed addition will not encroach any further into the side setback than the existing structure.

Findings of Fact:

1. This is a pre-existing, non-conforming structure.
2. The proposed addition, on the east side of the structure does not encroach any further into the side setback than the existing structure.
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.

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; Wallace - yes. ***Motion carried.***

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to close the public hearing at this time, as there was no one from the public wishing to speak about this application.

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

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

Vote: Rubiano – yes; Mitchell – yes; Crooker – yes; Wallace - yes. ***Motion carried.*** The decision was filed in the Office of the Village Clerk on April 28, 2014.

Liaison Report:

Mr. Galli reported that:

1. The Boughton Avenue neighbors are seeking installation of speed humps on their street
2. There will be a transportation study for Church Street.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the 3/24/14 minutes, as drafted.

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

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 8:45 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.