

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS**

Regular Meeting – July 21, 2014 at 7:00 PM

PRESENT:

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

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

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

AT&T, 11 Schoen Place ~ Site Plan

Present: Doug Dimitroff, Phillips Lytle, LLP; Allan Hinckley

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c)(11).

The Secretary read the legal notice that was published in the July 10, 2014 edition of the Brighton Pittsford Post: *“Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday July 21, 2014 at 7:00 pm, to consider an application for site plan approval to co-locate a telecommunications array on an existing cellular array located at 11 Schoen Place, pursuant to Chapter 210-94 of the Code of the Village of Pittsford.”*

Discussion: The applicants are proposing the addition/collocation of nine wireless antennas on the rooftop of the building located at 11 Schoen Place. After the original application was submitted on April 4, 2014, the Building Inspector determined that the application was incomplete, and the matter was tabled by the PZBA.

Mr. Dimitroff presented additional items for the Board’s review, in response to the Building Inspector’s request. He explained that AT&T has a significant coverage gap in the Village and nearby areas of the Town of Pittsford, which the proposed modifications will remedy. He stated that the building currently houses wireless telecommunications equipment for another carrier at the top of the existing penthouse. Mr. Dimitroff presented photographs of the building with simulations depicting the addition of the proposed antennas. He stated that

there is also a fenced area containing an equipment shelter and cabinets located at the base of the building.

Chairperson Mitchell stated that the Planning Board will waive the requirement for a completed Visual Environmental Assessment form, because the APRB will be reviewing that aspect of the proposal. The Board will also waive the requirement for a State Environmental Quality Full Assessment Form, since this is a Type II SEQR action.

Member Rubiano questioned the applicants as to the location for the ground equipment. Mr. Dimitroff explained that the ground equipment will be housed in cabinets and connected by interior cables. Member Rubiano also asked what the procedure is for updating the equipment. The Building Inspector will have to be notified for any alterations to the equipment.

Chairperson Mitchell noted that the Village Board will require a bond, in an amount to be determined by the Village Engineer, for the removal of any unused equipment, when installation is complete.

Member Maxey asked why AT&T couldn't all use the existing equipment on the buildings. Mr. Dimitroff and Mr. Hinkley explained that every service provider uses different equipment which is not interchangeable. They further stated that the federal government has not required merger of cellular service providers in order to protect consumer options through competition.

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

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

The following person spoke:

Janet Reynolds, 35 Church Street, stated her opinion that the existing and additional antennas are visually obtrusive.

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

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

Motion: Chairperson Mitchell made a motion, seconded by Member Maxey, to waive the Village Code §§ 210-94 and 210-95 requirements for this application pertaining to SEQR long-form EAF and visual EAF.

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

The decision was filed in the Office of the Village Clerk on July 21, 2014.

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the application for a special permit and site plan review for the collocation of wireless antennas on the rooftop of the building located at 11 Schoen Place, with the following conditions:

1. The Village will be notified one week in advance of any required maintenance or repair external to the ground-level leased space.
2. The approval is subject to APRB review and approval.
3. The applicant will submit a removal bond in an amount to be determined by the Village Engineer.
4. Alterations or substitutions to visible equipment will be reviewed in advance by the Building Inspector, who will determine what action is required by the Village Boards.

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

The decision was filed in the Office of the Village Clerk on July 21, 2014.

Sami Mina, 14 South Main Street ~ Site Plan

Present: Sami Mina, Business Owner

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

The Secretary read the legal notice that was published in the July 10, 2014 edition of the Brighton Pittsford Post: *“Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday July 21, 2014 at 7:00 pm, to consider an application made by Sami Mina for site plan approval for the property located at 14 South Main Street, pursuant to Village Code § 210-83(12), Site Plan Approval.”*

Discussion: The applicant presented a proposed site plan for the new business located at 14 South Main Street. Chairperson Mitchell noted that the overall lights on the site exceed that which is permitted by the Village Code. Mr. Mina also explained the location for the proposed signage on the site. Chairperson Mitchell stated that the size, height and location for all the proposed signs will need to be included on the site plan. She further stated that landscape plantings must show the size at maturity in addition to the size at installation. Board members expressed concern with a safety issue with the driveway at South Main Street. Chairperson Mitchell suggested that the applicant discuss with his architect options to discourage cars from entering the driveway. Mr. Mina indicated that the plan does not show the accurate number of parking spaces.

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

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

The following people spoke:

Janet Reynolds, 35 Church Street, stated that the site plan does not reflect what was approved by the Trustees for the special permit. She stated that the proposed signage on the site plan is different from the approved signage, and the screening between Church Street and the outdoor patio is not adequate.

Pauline Riley, 26 Church Street, expressed concern with the excessive amount of traffic that will be generated from this business.

Chairperson Mitchell stated that the site plan is incomplete, as submitted. She explained to Mr. Mina that the public hearing will remain open, to be continued at the next PZBA meeting. She requested that he provide a complete site plan, with a comprehensive photometrics plan and landscaping detail, location and sizes of the signage, number of parking spaces, and details regarding the type of bollards proposed to be installed. She also requested that the Building Inspector review the special permit approval to assure that all elements of the site plan conform to that which was approved by the Board of Trustees.

Member Items:

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the 6/16/14 minutes, as drafted.

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

Liaison Report:

Mr. Galli reported that:

- ≈ The Board of Trustees held a site visit on Boughton Avenue to inform the public about a paving project and to review a traffic study conducted on the street. They will also hold a public hearing on the speed limit on Rand Place.

Building Inspector's Report:

Mr. Limbeck reported that:

- ≈ He participated in a site visit at Pittsford Village Green. He stated that the current site plan is incomplete. Trees will be planted and the fence will be repaired.

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≈ There has been an inquiry regarding a tattoo business in Northfield Common. It is not an approved use for the area.

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