

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – February 16, 2015 at 7:00 PM

PRESENT:

Chairperson: Remegia Mitchell
Members: Meg Rubiano
George Wallace
Jill Crooker
Joe Maxey
Village Eng.: Scott Harter

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

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

ZONING BOARD

Roger & Elizabeth Powers – Appeal of Building Inspector’s decision

Chairperson Mitchell stated that the applicants have requested that this hearing be adjourned until the March 16, 2015 PZBA meeting.

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to adjourn the hearing for the appeal of the Building Inspector’s decision until the March 16, 2015 PZBA meeting.

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 February 16, 2015.

PLANNING BOARD

Pittsford Canalside Properties, 75 Monroe Avenue

Present: Chris DiMarzo; Mark IV; Peter Vars, BME; Joseph Picciotti, Harris Beach

Discussion: Chairperson Mitchell stated that this is a continuation of the public hearing for a request for an extension of time to meet final site plan conditions for 75 Monroe Avenue.

Mr. Picciotti requested that the Board close the public hearing and adopt a resolution that Pittsford Canalside Properties has met Conditions 1-4 of the final site plan, since all the criteria have been met.

Chairperson Mitchell stated that as to Condition 1, there is documentation to indicate that the proposed water system can support the fire suppression system, and as to Condition 2, that the Pittsford Central School District has submitted a letter of intent of their willingness to provide the proposed easement enveloping the 12-inch water main; conditions 1 and 2 appear to have been satisfied. She further stated that as to Conditions 3 and 4, documents have been submitted to the Village, but the Village Engineer has not had adequate time to review them. She requested confirmation from Mr. Harter of this interpretation, and he confirmed. Mr. Harter further stated that the applicants have indicated that they have applied to the DEC for a Change of Use, but the DEC has not confirmed that the application is received and complete.

The applicants stated that they submitted the Change of Use application to the DEC on February 13th and they are submitting a copy to the Village at this meeting. Mr. DiMarzo further explained that the plans were submitted to the Village one week prior to the February 16th meeting, as required by the Village. He stated that the conditions require that documents be "provided" to the Village by a certain date, not that they be "approved" by the Village Engineer by that date. They again requested adoption of a resolution stating that Conditions 1-4 have been satisfied.

Chairperson Mitchell stated that her interpretation is that the intent of these conditions is for the applicant to provide plans that the Village Engineer can approve, and that this intent has not been met. Mr. Harter stated that he needs to determine if the plans are complete. Chairperson Mitchell asked Mr. Harter if an additional 30 days would allow enough time for him to review the plans and give feedback to the applicants. Mr. Harter confirmed that this is an adequate amount of time.

Chairperson Mitchell asked if the public wanted to comment on the specific issues discussed at this hearing. No one in the audience responded.

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, that Conditions 1 and 2 of the final site plan are complete.

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 February 16, 2015.

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to keep the public hearing open and grant a 30-day extension, to March 23, 2015, for completion of final site plan Conditions 3 and 4.

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 February 16, 2015.

Mr. Vars stated that Form BSP-5 for the sanitary lift station component has been submitted to the Village to be signed by a Village Official, but this has not been done. Chairperson Mitchell stated that this form is not the responsibility of the Planning Board. She further stated that the size and location for the above-ground structure was approved by the Planning Board as shown on the final site plan. Mr. Harter asked the applicant to confirm that the required lift station information was within the documents submitted on Friday, February 13, 2015. He stated that he will review the plans and the BSP-5 form and forward it to the Village Board of Trustees for a signature once his review is completed.

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**Charles Clottin, 10 North Main Street ~ Temporary Use Permit**

**Present:** Charles Clottin, Harladay Hots, Inc.

**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 February 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, February 16, 2015 at 7:00 pm, to consider an application made by Charles Clottin, of Harladay Hots Inc., for a temporary zoning permit to allow the seasonal operation of a vending cart at 10 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.*

**Discussion:** Mr. Clottin stated that he is seeking renewal of the temporary zoning permit to operate a vending cart in the lot located at 10 North Main Street. He stated that the Town of Pittsford owns the lot, and he has received permission from them to operate his business on the lot, contingent on his being granted a temporary use permit from the Village. He is proposing operating the vending cart business on Monday through Saturday, from 10 am to 3 pm, from May through November 2015. He also requested permission to operate the vending cart during special events, such as the Pittsford Regatta and the LPGA. Board members suggested that he notify the Village a week in advance of the event to request approval to operate the cart during an event.

Mr. Clottin provided documentation indicating that the business is fully insured with the Village of Pittsford listed as additionally insured. He stated that renewal of his insurance will be effective this spring and that the insurance carrier automatically sends proof of insurance documentation to the Village. He stated that this business is licensed with the Monroe County Health Department. He noted that he operated his business successfully last year, with a minimum of problems. The Building Inspector reported that there have been no problems or concerns with this applicant’s business in the past few years.

**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.**

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

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

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the application for a temporary use permit, as submitted, from May 1, 2015 to November 30, 2015, with the following conditions:

1. The applicant will remove all trash that is generated by this business.
2. The applicant will position the vending cart far enough back from the road to prevent cars from stopping in the road and causing traffic problems.
3. The Village reserves the right to revoke the permit if the business creates traffic hazards or unsafe conditions for pedestrians, or if there are other issues or repeat concerns that are not addressed by the applicant.
4. The Fire Marshal will meet with the applicant to inspect the vending cart to insure that it meets the Fire Code regulations.
5. The applicant has received permission from the Town of Pittsford to operate the vending cart in the proposed location.
6. The applicant will notify the Village a week in advance of any special event to request approval to operate the cart during the event, which will include 30 minutes prior to the event and 30 minutes after the event for setup and cleanup of the area.

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Information only:

Chairperson Mitchell stated that information only sessions are intended for the Planning Board to gather information from the applicant and to provide feedback to the Board of Trustees that could inform the special Permitting approvals.

Hicks & McCarthy, 23 South Main Street ~ Special Permit

Present: Charles Burnham

Discussion: Mr. Burnham stated that he is the new owner of the Hicks and McCarthy restaurant. He intends for the restaurant to continue to be operated as a family establishment, where breakfast, lunch, and dinner will be served. The hours of operation will remain the same as in the past, and the seating arrangement is not changing. He stated that the parking situation will also remain the same, and all employees will be required to park in available street parking, and not in the restaurant parking lot. There will be a maximum of 9 employees working in the restaurant at any given time. The designated gated area will be utilized for trash disposable.

Nicole Mclean, 3 Schoen Place ~ Special Permit

Discussion: Ms. McLean is proposing converting the gourmet food shop located at 3 Schoen Place to a wine/beer bar. The proposed hours of operation are Tues-Thurs: 4pm – 10 pm; Fri & Sat. 4pm- 12am. Per New York State Code, there will be a separation between the wine store and the wine/beer bar. There will be 47 seats in the bar, and there will be limited food service, mostly finger foods and cheese boards. There will be a small food preparation area but not containing ovens or grills. The majority of the trash will be in the form of bottles, which will be recycled. There will be no outside seating and no live music. There will be wait service at the bar and at the tables.

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

Linda Habeeb, Recording Secretary