

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

Regular Meeting – April 20, 2015 at 7:00 PM

PRESENT:

Chairperson: Remegia Mitchell

Members: Meg Rubiano
Jill Crooker
Joe Maxey

Attorney: Jeff Turner (absent)

Recording Sec: Linda Habeeb

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

Conflict of Interest Disclosure

Chairperson Mitchell stated that the Village Board of Trustees has passed Local Law 15, which local law requires disclosure of conflicts of interest or potential conflicts of interest prior to each meeting of boards with discretionary approval authority. Chairperson Mitchell declared that she had an ex parte communication with Chris DiMarzo, of Mark IV Enterprises, regarding closure of the November 11, 2014 Planning Board minutes, prior to the start of the meeting. All other Board members stated that they had no conflicts of interests to declare.

ZONING BOARD

Corn Hill Navigation, 12 Schoen Place ~ Temporary Zoning Permit

Present: Captain John Johnston & Linda Fisher of 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 9, 2015 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 20, 2015 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 questioned

the applicants about providing insurance coverage for the operation. Mr. Johnston submitted the insurance forms, which will be filed in the Village Office. Board members noted that in past years, Corn Hill Navigation has provided signage and notification through their website to direct customers to the designated parking areas. Member Maxey suggested that this information also be provided with other publications produced by the organization. Board members also questioned the applicants about the method of trash removal. Mr. Johnston stated that the trash is removed daily, and there is also weekly pickup of trash by a commercial hauler.

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

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

Motion: Member Maxey made a motion, seconded by Member Crooker, to approve a temporary permit for Corn Hill Navigation for the 2015 boating season, as described in the application submitted, and with the following conditions:

- Signage at the ticket booth and in the organization’s publications will be used to direct customers to parking areas.
- 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.
- 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.
- Trash and recycling waste will be removed from the site daily with commercial pickup of garbage totes weekly.
- 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; Maxey - yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on April 20, 2015.

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**Bruce Parks, 6 Austin Park ~ Area Variance**

**Present:** Bruce Parks, Homeowner

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

**The Secretary read the legal notice that was published in the April 9, 2015 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 20, 2015 at 7:00 pm to consider an application made by Bruce Parks, owner of property located at 6 Austin Park, for an area variance to exceed the allowable percentage of hardscape surface in an R-3 Zone.”*

**Discussion:** The applicant stated that he is proposing construction of a detached garage located in the northeast corner of the lot. He stated that adding a driveway extension to the new garage will exceed the maximum 12% hardscape surface requirement. He further explained that the small lot size constrains the garage location to the rear of the property. A 10' wide single-car driveway extension, along with a small walkway area between the garage, house, and driveway, results in a total of 1150 square feet of hardscape area for the lot, or about 19%.

Member Crooker expressed interest in removal of the gravel and concern about lack of greenspace on the lot. Chairperson Mitchell stated that the area in question is west of the straight line of the proposed driveway. Members noted that several houses on this street have double-wide shared driveways and that construction of a garage will be an improvement which will remove parking from the front yard of the house.

***Findings of Fact:***

1. The lot is not as deep as other lots in the neighborhood.
2. There will be no change in the character of the neighborhood.
3. The benefit sought by the applicant cannot be achieved by some feasible method other than a variance
4. The streetscape will be improved through the added greenspace and possible sidewalk where there is currently a cinder pull-off.

**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. ***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; Maxey - yes. ***Motion carried.***

**Motion:** Member Crooker made a motion, seconded by Member Maxey, to approve the application for an area variance, with the condition that the existing gravel area to the west of the new driveway be returned to greenspace with the option for construction of a walkway.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey - yes. ***Motion carried.*** The decision was filed in the Office of the Village Clerk on April 20, 2015

**Information only:**

**Jim Manetta, Village Green, 59-71 Monroe Avenue**

**Discussion:** At a previous meeting, Mr. Manetta explained that the original site at Village Green had approximately 80 trees, but in the 1980's, most of the trees were failing. He further stated that some of the trees were replaced and fences were installed, but most of the fences are in disrepair. There is currently no approved site plan for the property. The Village is working with Mr. Manetta to amend the site plan from 1984 and address some of these issues.

Mr. Manetta stated that he is proposing installing a 6-foot-high stockade fence to create a buffer between Sutherland Street and the complex. He stated that the existing fence will remain. Members Crooker and Maxey expressed concern that a 6-foot-high fence would not be of sufficient height to screen the complex from the neighbors' view. They suggested that the Village Green install an 8-foot fence to provide an adequate buffer. Chairperson Mitchell also informed Mr. Manetta that the proposed style of fence will require APRB approval. She recommended that Mr. Manetta request an information only meeting with the APRB to establish acceptable fence styles before pursuing his plan.

**Minutes:**

**Motion:** Member Crooker made a motion, seconded by Member Maxey, to approve the 3/16/15 minutes, as drafted.

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

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

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Linda Habeeb, Recording Secretary