

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – October 17, 2016 at 7:00 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Jeffrey Bove
Susan Lhota
Heather Erwin (absent)

Building Insp: Floyd Kofahl
Recording Sec: Linda Habeeb
PZBA Attorney: Mindy L. Zoghlin, Esq.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to open the workshop portion of the meeting at 6:30 pm.

Vote: Shannon - yes; Vlietstra – yes; Lhota – yes; Bove - yes. Motion carried.

The board looked through the current applications and resolution forms.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to open the meeting at 7:00 pm.

Vote: Shannon - yes; Vlietstra – yes; Lhota – yes; Bove - yes. Motion carried.

Conflict of Interest Disclosure:

Chairperson Vlietstra asked if anyone had a conflict of interest with any of the applications before them, and no one had a conflict of interest to report.

David Jewett, 44 North Main Street ~ Temporary Zoning Permit

Present: David Jewett

The legal notice was published in the September 29, 2016 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 October 17, 2016 at 7:00 pm to consider an application made by David Jewett for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths in November and December of 2016, at property known as Pittsford Farms Dairy, owned by Charles Corby, and located at 44 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

Discussion: This is an application for a temporary zoning permit for the outside sale of Christmas trees and wreaths at the property known as Pittsford Farms Dairy, located at 44 North Main Street. The applicant stated that he has been granted the permit for many years, and he agrees to abide by the same conditions as were agreed to in past approvals.

Member Vlietstra asked if anything was changing this year and asked if everything will be located inside the lawn area within the circular drive. Mr. Jewett said it will be the same as last year, everything will be on the lawn area inside the circular drive. He also said all signage will be on his property and no high intensity lights will be used. He stated that he will restore the site after Christmas and he only needs a few days to clean it up.

Mr. Vlietstra noted that the proposed use is on a private lawn well away from the street and sidewalk and will not interfere with pedestrian safety. He asked the Building Inspector if he was aware of any past incidents or concerns from the Fire Marshal. Mr. Kofahl stated that there have been no problems or complaints with this use in the past. He stated that the Fire Marshal has requested that the parking be restricted to designated areas and not in the circular drive.

Chairperson Vlietstra pointed out that there will be no increase in the intensity of use with this proposal, since the Dairy has a lot more business in the summer. He stated that he doubts there will be any increase in traffic or parking needs relative to summer conditions. Mr. Jewett agreed that business drops off during the winter, and they do not get as much business as summer months.

Board members reviewed the conditions with the applicant.

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

Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Bove - yes. Motion carried.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to close the public hearing at this time, as there was no one wishing speak for or against this application.

Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Bove - yes. Motion carried.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to adopt Resolution 2016-10 for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths at the Pittsford Farms Dairy during the holiday season.

RESOLUTION 2016-10
Village of Pittsford Zoning Board of Appeals

Applicant Name:	<u>David Jewett</u>
Address:	<u>Pittsford Farms Dairy</u>
	<u>44 N. Main St.</u>
	<u>Pittsford, NY 14534</u>
Action:	<u>Temporary Zoning Permit for outdoor sale of goods</u>
	<u>at Pittsford Farms Dairy at 44 N. Main St.</u>

At a regular meeting of the Village of Pittsford Zoning Board of Appeals (The Board) held on October 17, 2016 at 7:00 p.m. at Village Hall, 21 N. Main St, Pittsford, NY 14534,

The following resolution was offered by Board Member Vlietstra, who moved its adoption, and seconded by Board Member Bove, to wit:

WHEREAS, the Village of Pittsford Zoning Board of Appeals received an application from the above-mentioned applicant for the above-mentioned action pursuant to Chapter 210-109, Temporary Permits, of the Code of the Village of Pittsford, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and site plan drawing and held a public hearing and received comments thereat, and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):

The proposed action is a minor temporary use of land having negligible or no permanent impact on the environment, and therefore is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(15).

2. Monroe County Planning Review:

This application involves a seasonal temporary permit and is therefore exempt from GML 239-m review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994.

3. Waterfront Consistency Review:

The proposed action is in a waterfront area of the Village of Pittsford but is not subject to a local waterfront consistency review because it is a Type II action under SEQRA.

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested temporary zoning permit on the health, safety, and welfare of the neighborhood and community, and made the following findings:

1. The proposed use is in the B-2 retail business district which requires business to be completely conducted indoors per §210-33.
2. Upon issuance of this temporary zoning permit, the proposed use will comply with all regulations, requirements, and applicable ordinances of the Village of Pittsford as applicable to the subject property.
3. The proposed use does not fit with the general purpose and intent of the Zoning Code for the B-2 district, but the duration is limited.

4. The proposed use is on a private lawn well away from the street and sidewalk and will not interfere with pedestrian safety.
5. The proposed use has been an annual tradition in the Village for many years without incident.
6. The proposed use will not tend to depreciate the value of adjacent property, taking into account the temporary nature of the use.
7. The proposed use will not create a hazard to health, safety, or general welfare.
8. The proposed use will not be detrimental to the flow of traffic in the vicinity.
9. The proposed use will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

NOW, THEREFORE, IT IS RESOLVED that the application of David Jewett for a temporary zoning permit to allow sale of outdoor merchandise at 44 N. Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford is hereby **granted** for the reasons stated above, subject to the following conditions:

1. Dates and times of outdoor merchandise sale shall be November 23, 2016 through December 24, 2016.
2. All trash shall be removed nightly.
3. The site shall be restored to its original state by December 30, 2016. Restoration shall include removal of all trash, signs, decorations, and fixtures that were installed for the action. If additional time is needed for restoration, the Building Inspector is authorized to grant reasonable extensions to this deadline.
4. The ZBA reserves the right to revoke the temporary zoning permit if operation of the business creates traffic hazards or unsafe conditions for pedestrians, or if there are health, safety, or welfare concerns that are communicated to the applicant and not resolved. If there is an emergency condition, the ZBA may revoke the permit and provide the applicant with a post-revocation hearing. If there is a non-emergency condition, the ZBA shall provide the applicant with notice and an opportunity to be heard on the revocation. The ZBA shall have sole discretion to determine whether a condition constitutes an emergency.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra - Yes
Jeffrey Bove - Yes
Susan Lhota - Yes
JoAnne Shannon - Yes

Heather Erwin - Absent

Dated: October 17, 2016

Pittsford, New York

By order of the Village of Pittsford Zoning Board of Appeals

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**Paul Zachman, 34 Sutherland Street ~Site Plan Review**

**Present:** Paul Zachman, Boardwalk Design

**The legal notice was published in the September 29, 2016 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 October 17, 2016 at 7:00 pm to consider an application made by Paul Zachman, of Boardwalk Design, Inc., as agent for Virginia & Jim Kaufer, owners of the property located at 34 Sutherland Street, for site plan approval for the construction of a detached garage where the total floor area exceeds 400 square feet, pursuant to Village Code § 210-83B(15)."*

**Discussion:** This is an application for site plan approval for construction of a detached, two-car residential garage at 34 Sutherland Street. The applicant stated that there is currently no garage at the site. He also stated that the APRB has reviewed and approved architectural plans for the proposal.

The Building Inspector stated that the proposed garage is in compliance with Zoning Regulations. The side and rear setbacks meet requirements in code. Board members discussed the amount of pavement in the driveway. The Building Inspector stated that the lot was created in 1923 and is a substandard lot. Approximately 18 percent of the lot is paved, which exceeds the 12 percent maximum permitted for the R-1 district. He stated that if the lot was the proper size, the asphalt coverage would meet code requirements. He said he reviewed old aerial photos of the site and observed that the driveway existed in 1975 in its current configuration. It was converted from gravel to asphalt at a later date, but Village Code treats both gravel and asphalt the same, so the conversion is not significant. The Board's attorney requested clarification that the zoning code was created after 1975. Mr. Kofahl stated that the zoning code regulating lot coverage requirements for pavement came into effect after 1975. The plans will not increase the amount of pavement, and the nonconformity predates the zoning law. Member Vlietstra noted that the only part of the asphalt drive is visible from the street because the house is located on a hill. The large asphalt pad behind the house is not visible from the street.

Board members questioned the applicant about the drainage at the site. Chairperson Vlietstra stated that there is a 20-foot-long hill in the rear that starts at the rear property line and descends to the community center parking lot. Mr. Zachman stated that the soil is very sandy, so there will be no runoff problems. The Building Inspector stated that he reviewed the site and determined that the submitted drainage plan is sufficient considering the limited roof area generating stormwater and the sandy soil. The applicant stated that one mature Blue Spruce tree will be removed. Chairperson Vlietstra noted that there are deciduous trees at the rear property line that

separate the site from the community center, and stressed the importance of these trees. He asked the applicant to take reasonable precautions to prevent damage to the roots since trees are often killed accidentally by construction activities. Mr. Zachman said he agrees that the trees are important and said that heavy equipment will be kept on the driveway side and should not encroach on the trees or damage their roots.

Board members reviewed the proposed lights for the garage. The applicant provided photographs of the proposed three carriage-style light fixtures. Chairperson Vlietstra stated that these types of lights should be low-wattage bulbs that will not add glare.

Mr. Zachman asked the board if there were any concerns about moving the garage approximately three feet further from the side lot line to improve vehicle access to the garage. The rear will remain 10 feet from the lot line. Board members had no concerns with this proposal.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to open the public hearing at this time.

**Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Bove - yes. Motion carried.**

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to close the public hearing at this time, as there was no one wishing to speak for or against this application.

**Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Bove - yes. Motion carried.**

Member Vlietstra asked the Building Inspector to comment on the completeness of the application. Mr. Kofahl stated that he reviewed the application and feels there is adequate information for the Board to form a decision and recommended waiving the remainder of application requirements.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to adopt Resolution 2016-11 for Preliminary Site Plan Approval and Final Site Plan Approval of the site plan for 34 Sutherland Street, dated September 13, 2016 and September 16, 2016.

**VILLAGE OF PITTSFORD  
PLANNING BOARD**

**RESOLUTION 2016-11 - DECISION ON SITE PLAN  
Project 34 Sutherland Site Plan Date: 10-17-2016**

**Applicant Name:** Paul Zachman  
**Address:** Boardwalk Design  
604 Pittsford Victor Rd  
Pittsford, NY 14534

**Action:** Construction of a 2-car detached residential garage  
at 34 Sutherland St.

At a meeting of the Planning Board of the Village of Pittsford (the "Board") duly convened on October 17, 2016, at 7:00 PM at Village Hall, 21 N. Main St, Pittsford, NY 14534,

The following resolution was offered by Board Member Vlietstra, Who moved its adoption, and seconded by Board Member Bove;

**WHEREAS**, The Village of Pittsford Planning Board (the "Board") received an application from the above-mentioned applicant for the above-mentioned action pursuant to Article XVII, Site Plan Approval, of the Code of the Village of Pittsford; and

**WHEREAS**, in connection with such application, the Board has received and reviewed an application, site plan drawing, elevation drawings, and held a public hearing and received comments thereat; and

**WHEREAS**, The Board makes the following findings regarding review requirements for this action:

**4. State Environmental Quality Review (SEQR):**

The proposed action **is** a Type II action pursuant to 6 NYCRR 617.5(c).9. No further review is required.

**5. Monroe County Planning Review:**

The proposed action **is not** within 500 feet of the Erie Canal, State Highway, Municipal Boundary, and/or a County Agricultural District and **is not** subject to referral to Monroe County Planning for review pursuant to General Municipal Law section 239-m.

**6. Waterfront Consistency Review:**

The proposed action is not within the Village's waterfront area, so it is not subject to a waterfront consistency review.

**7. The proposed action **does not** require approvals from state or county agencies. Separate review of Preliminary and Final Site Plans **is not** required.**

**WHEREAS**, after review, the Planning Board has weighed the effects of the requested action on health, safety, and welfare of the neighborhood and community, and made the following findings:

1. The Village Building Inspector explained the application and the submitted information to the Board and recommended waiving application requirements because the provided site plan and architectural drawings provide adequate information for the board to make a determination on this application.
2. The Building Inspector has determined that the action does not create any zoning violations. Setbacks comply with code requirements. The lot was created in 1923

and is a substandard lot. Approximately 18% of the lot is paved which exceeds the 12% maximum permitted for the R-1 district. The driveway in its current configuration existed in 1975 and lot coverage requirements for pavement came into effect after 1975. The plans will not increase the amount of pavement and the nonconformity predates the zoning law. Code does not differentiate between gravel and asphalt as a pavement, so the change from gravel to asphalt is insignificant.

3. Drainage is reasonably addressed by the applicant. The Building Inspector investigated the site, soil conditions, and plans and deemed the drainage plan adequate considering the limited roof area generating stormwater.
4. Light fixtures will not introduce light trespass onto adjacent properties. All light fixtures shall be code compliant and the proposed fixtures are low wattage. The property is residential so public safety concerns are not relevant to the lighting plan.
5. The APRB has reviewed and approved architectural plans for the action.

**NOW, THEREFORE, BE IT RESOLVED**, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-84.A because it finds the Site Plan application contains adequate information and the missing application factors are not necessary to evaluate the action's impacts on public health, safety, or general welfare. The application is for a residential property, so there are no public safety concerns, and drainage was adequately addressed by the applicant. Remaining application requirements are inappropriate for this type of application.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby **grant Preliminary Site Plan Approval** and **Final Site Plan Approval** of the site plan for 34 Sutherland Street, dated September 13, 2016 and September 16, 2016 with the following conditions:

1. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 1 year of the adoption date of this resolution.
2. Code compliant light fixtures shall be used.
3. The applicant may increase the side setback of the garage by several feet.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra - Yes  
Susan Lhota - Yes  
Jeffrey Bove - Yes  
JoAnne Shannon - Yes  
Heather Erwin - Absent

**Dated: October 17, 2016**

By order of the Planning Board of the Village of Pittsford

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Chairperson,  
Planning Board

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Michael Camarella, 36 Sutherland Street ~ Site Plan Review

Present: Michael Camarella and Carmella Camarella Homeowner; Charles Smith, Design Works

The legal notice was published in the September 29, 2016 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 October 17, 2016 at 7:00 pm to consider an application made by Michael & Carmella Camarella for the property located at 36 Sutherland Street, for site plan approval for the construction of an addition to the house and a detached garage where the total floor area of each exceeds 400 square feet, pursuant to Village Code § 210-83B(15) & (16)."*

Discussion: This is an application for site plan approval for construction of a garage at 36 Sutherland Street. The applicant stated that they are proposing construction of a new detached three-car garage on the property and two additions on the house. The proposal also includes an addition on the east side for a new kitchen and dining area. This addition is two stories and includes a new master bedroom suite on the second floor. There is a one-story screened porch off this addition that faces south and forms a courtyard with the living room wing and a new connector between the living room and the kitchen. The front elevation of the house will remain intact. The resulting house will be large but it is on a large 1.25 acre lot and it will take up a smaller percentage of the lot than many other houses in the Village. The APRB has reviewed and approved architectural plans for the action.

Chairperson Vlietstra explained that the Board will be reviewing the proposal's impact on adjacent properties such as drainage and lighting. He asked the Building Inspector to comment on compliance with zoning requirements. Mr. Kofahl stated that there are no zoning violations. Lot coverage for the structures and driveway are compliant with code. Setbacks are compliant with code. The amount of pavement for the driveway will increase from about 9.5% to 10% of the lot area; 12% is allowed by code.

Mr. Vlietstra questioned the applicant about plans for removal of trees, particularly at the rear of the property. The applicants stated that they plan on maintaining the buffer of trees in the rear between their property and the community center. The applicants stated that they like the mature trees on the lot, and that it was an important factor for them when selecting this property. They intend to keep as many of the mature trees as possible, and plan to remove only one tree at this time. The applicant's architect stated that he builds a temporary fence around the trees' dripline to keep construction equipment away from the trees and visits the site during construction to ensure the fences are not moved. The applicant stated that they intend to add substantial landscaping, but it has not been designed yet.

Board members questioned the applicants about the drainage on the site. The applicant stated that because of the large property size and large setbacks, they do not think drainage will be an issue. Downspouts will drain into the yard and there are a lot of trees and plans to absorb the

water. The house is a minimum of 30 feet from the neighbors. Downspouts near impervious areas are addressed with drywells. The Building Inspector stated he reviewed the plans, site, and soil conditions and he believes drainage is adequately addressed by the plans.

The Board next addressed the proposed light fixtures. Member Vlietstra stated that he was concerned that some of the proposed light fixtures may not be compliant with code. Code generally requires fully shielded light fixtures that are dark-sky compliant. The goal is for the bulbs to not be visible to reduce glare and get light on the ground or other intended surface. He stated that code permits residential exterior fixtures with a single unshielded bulb if it is 75 watt equivalent or less. Unfortunately, code doesn't permit fixtures with two unshielded bulbs, regardless of the wattage of the bulbs. If they need more light than a 75-watt equivalent bulb they can use fully shielded fixtures such as their proposed barn lights. The Building Inspector agreed that their proposed light fixtures with two unshielded bulbs do not meet code requirements. The applicants agreed to use code compliant light fixtures and will work with their architect and Building Inspector to revise their plans.

Board members questioned the applicants about the second floor of the proposed detached garage. The applicants stated that the area will be used exclusively for storage purposes and is not designed as living quarters. The bathroom attached to the garage is intended to be used with an in-ground pool that they plan to add in the future. The Board's attorney noted that the bathroom in the garage only has an exterior door and electricity is metered with the main house.

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

Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Bove - yes. Motion carried.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to close the public hearing at this time, as there was no one wishing to speak for or against this application.

Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Bove - yes. Motion carried.

Member Vlietstra asked the Building Inspector to comment on completeness of the application. Mr. Kofahl stated that he reviewed the application and feels there is adequate information for the Board to form a decision and recommended waiving the remainder of application requirements.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to adopt Resolution 2016-12 for Preliminary Site Plan Approval and Final Site Plan Approval of the site plans for 36 Sutherland St.

Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Bove - yes. Motion carried.

The decision was filed in the Office of the Village Clerk on October 17, 2016.

**VILLAGE OF PITTSFORD
PLANNING BOARD**

RESOLUTION 2016-12 - DECISION ON SITE PLAN

Project 36 Sutherland Site Plan Date: 10-17-2016

Applicant Name: Michael & Carmella Camarella

Address: 80 Mahogany Run
Pittsford, NY 14534

Action: Construction of a detached residential garage and
house addition(s) at 36 Sutherland St.

At a meeting of the Planning Board of the Village of Pittsford (the "Board") duly convened on October 17, 2016, at 7:00 PM at Village Hall, 21 N. Main St, Pittsford, NY 14534,

The following resolution was offered by Board Member Vlietstra,
Who moved its adoption, and seconded by Board Member Lhota;

WHEREAS, The Village of Pittsford Planning Board (the "Board") received an application from the above-mentioned applicant for the above-mentioned action pursuant to Article XVII, Site Plan Approval, of the Code of the Village of Pittsford; and

WHEREAS, in connection with such application, the Board has received and reviewed an application, site plan drawing, elevation drawing6s, and held a public hearing and received comments thereat; and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):
 - a. The proposed action **is** a Type II action pursuant to 6 NYCRR 617.5(c).9. No further review is required.
2. Monroe County Planning Review:
 - a. The proposed action **is not** within 500 feet of the Erie Canal, State Highway, Municipal Boundary, and/or a County Agricultural District and **is not** subject to referral to Monroe County Planning for review pursuant to General Municipal Law section 239-m.
3. Waterfront Consistency Review:
 - a. The proposed action is not within the Village's waterfront area so it is not subject to a waterfront consistency review.
4. The proposed action **Does Not** require approvals from state or county agencies. Separate review of Preliminary and Final Site Plans **Is Not** required.

WHEREAS, after review, the Planning Board has weighed the effects of the requested action on health, safety, and welfare of the neighborhood and community, and made the following findings:

1. The Village Building Inspector explained the application and the submitted information to the Board and recommended waiving application requirements because the provided site plan and architectural drawings provide adequate information for the board to make a determination on this application.
2. The Building Inspector has determined that the action does not create any zoning violations.
3. Drainage is reasonably addressed by the applicant because the large setbacks and large property size provide adequate accommodation of stormwater. Downspouts near impervious areas are addressed with drywells. The Building Inspector reviewed the plans, site, and soil conditions and stated that he believes drainage is adequately addressed by the plans.
4. Light fixtures will not introduce light trespass onto adjacent properties. All light fixtures shall be code compliant; the applicant has agreed to substitute code compliant fixtures in place of the non-compliant light fixtures in their application. The property is residential, so public safety concerns are not relevant to the lighting plan.
5. The APRB has reviewed and approved architectural plans for the action.
6. The detached garage has a second floor used for storage. The bathroom in this garage only has an exterior door and electricity is metered with the main house. The structure is not designed as a living quarters.

NOW, THEREFORE, BE IT RESOLVED, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-84.A because it finds the Site Plan application contains adequate information and the missing application factors are not necessary to evaluate the action's impacts on public health, safety, or general welfare. The application is for a residential property so there are no public safety concerns. Remaining application requirements are inappropriate for this type of application.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby **grant Preliminary Site Plan Approval** and **Final Site Plan Approval** of the site plan dated September 16, 2016, and Architectural Elevations dated August 19, 2016, with the following conditions:

1. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 1 year of the adoption date of this resolution.
2. Code compliant light fixtures shall be used.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra	Yes
Susan Lhota	Yes
Jeffrey Bove	Yes
JoAnne Shannon	Yes
Heather Erwin	Absent

Dated: October 17, 2016

By order of the Planning Board of the Village of Pittsford

Chairperson,
Planning Board

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**Cipolla Romaine, 9 South Main Street ~ Special Permit Referral**

**Present:** Joseph Cipolla and Greg Kacprzynski, Cipolla Romaine

**Discussion:** The proposal is to expand the concept of The Kitchen restaurant located next door and create a Tapas Lounge. The Lounge is a restaurant establishment with an a la carte menu. There will be no change to the front façade of the building, and there will be seasonal outside seating on an 18' x 16' deck in the rear of the building. The outdoor seating will be fenced off, and there will be decking that can be removed during the off-season. The hours of operation will be Tuesday – Saturday, from 5 pm to 1 am.

Member Vlietstra asked if the space used by the patio will interfere with deliveries. The applicant responded that food deliveries are made at the front door between the hours of 8 – 11am. They additionally stated that conversion of two parking spaces into the patio area is not a concern because these parking spaces are not used by the public.

Mr. Vlietstra asked about the adequacy of lighting on the exterior. The applicant stated that there will be low ambient outdoor lighting for the deck area. The proposal is for 6 strings of LED lights over the patio. The Building Inspector stated that the string lights are permitted by code but there is a non-compliant light on the rear wall of the building that needs to be addressed. Mr. Vlietstra asked about lighting in the alley between the restaurant and Town Hall. The applicant stated that lighting was dim in that area but they did not intend for it to be used as a pedestrian path. Access to the rear patio will be through the restaurant and not through the alley. Member Bove stated that he thinks the alley is owned by the Town of Pittsford and thought they should address the lighting issues. The applicant agreed and thought the Town fixtures in the alley are likely malfunctioning due to a failing ballast and the timer for the lights should be checked to ensure it is operating dusk to dawn. The Board's attorney stated the Board does not have any lighting plans or any information about where the property line is relative to the alley.

Member Vlietstra asked if the patio in back will be accessible to pedestrians or if it will be fenced off. The applicant responded that alcoholic beverages will be served on the patio so fencing is required. There is one rear gate that is compliant with requirements. Mr. Vlietstra asked about the air conditioners behind the building and whether they would be moved. The applicant stated that they intend to add screening around the air conditioners as it's impractical to move them to the roof of the building.

Member Vlietstra inquired about the hours for the patio. The applicant stated the patio will be open 5PM to midnight and they will only play light ambient music. Mr. Vlietstra noted that the outside patio is surrounded by buildings which will add an important visual and acoustic buffer between the patio and residential homes. Mr. Kofahl added that the patio area is more than 100ft from residential homes; the nearest homes are on Washington Ave. He believes 12-15 seats on the exterior patio can be accommodated. The applicant stated they have not finalized a seating plan for the patio. Mr. Vlietstra stated that the Trustees will ultimately review the hours of operation for the patio but he feels the buildings surrounding the patio are an important factor to consider when evaluating the impacts of the patio on nearby properties.

Member Vlietstra asked about trash. The applicant stated he owns the adjacent Kitchen restaurant and will use their trash facilities and he has an agreement with Hicks and McCarthy to use their dumpster. Larger food prep tasks will be done at the Kitchen next door but final prep will be done on premises at The Lounge. He anticipated the bulk of trash generation to be at the Kitchen next door and the majority of waste generated by this restaurant will be uneaten food. Member Vlietstra asked if there is a written contract with Hicks and McCarthy for use of their dumpster. The applicant responded that there is only a verbal contract but it has not been a problem so far. If the contract were to terminate then he would use garbage totes that are on-site; he prefers to not use the totes because they can attract bees and insects that are undesirable in proximity to the patio.

Member Vlietstra asked about parking. The applicant responded they believe there is adequate parking available in public lots and on-street after 5PM as business are closed in the evening. Mr. Vlietstra stated he agrees that parking is more available after 5pm and he thinks there is adequate parking under current conditions. Members Lhota and Bove concurred regarding parking availability.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to send the Planning Board's report on 9 S. Main to the Trustees for their consideration.

**Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Bove - yes. Motion carried.** The decision was filed in the Office of the Village Clerk on October 17, 2016.

**Report 2016-13 on Trustee Referral**

**Date: 10/17/2016**

**Action:**

**Special Use Permit application for a restaurant at 9 S. Main St.**

At a meeting of the Planning Board of the Village of Pittsford (the "Board") duly convened on October 17, 2016, at 7:00 PM at Village Hall, 21 N. Main St, Pittsford, NY 14534, the Planning Board reviewed a referral from the Board of Trustees regarding the above action and submits the following findings and comments for the Board of Trustees to consider:

**Lighting**

The Planning Board was not provided with a lighting plan so comments on lighting are based on limited information. The Planning Board recommends adding a code compliant exterior light in the rear of the building. Lighting in the alley between 9 S. Main and Town Hall should be reviewed to ensure it is adequate; this may need to be addressed by the Town of Pittsford.

### **Rear Patio**

The Code Enforcement Officer believes 12-15 seats on the exterior patio can be accommodated. The Planning Board did not receive a seating plan and has no additional comments on seating. Buildings surround the exterior patio area on all sides which provides visual and acoustic buffer between the patio area and nearby residential areas. The patio is approximately 300ft from the nearest house. The conversion of two parking spaces into the patio area is not a concern because these parking spaces are not used by the public. As a comparison between this patio and existing ones, the distance from Thirsty's patio to the nearest homes on Church St. and N. Main St. is about 400ft. The distance from Label 7's patio to the nearest homes on State St. and Boughton Ave. is about 250ft.

### **Parking**

The Planning Board did not receive a parking plan, information on the number of seats, number of employees, or required number of parking spaces. The Planning Board has no comment on code compliance with parking requirements. Based on general knowledge of parking availability the Planning Board believes adequate parking exists in public lots and on-street to accommodate this establishment under current conditions for the stated hours of operation. The restaurant will operate in the evening after nearby business close so parking is more available than it is in the afternoon.

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Chairperson,  
Planning Board

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to approve the 9/19/16 meeting minutes, as revised.

**Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Bove - yes. Motion carried.**

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to adjourn the meeting at 10:00 pm.

**Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Bove - yes. Motion carried.**

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Linda Habeeb, Recording Secretary

