

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
February 24, 2003 – Regular Meeting held on Monday at 7:00 P.M.**

Present:

Chairperson: Remegia Mitchell
Members: Sally Chamberlin
Harold Danko
Ted Weniger
Excused: Linda Lanphear
Attorney: John C. Osborn
Building Inspector: Skip Bailey
Recording Secretary: Anne Hartsig

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

ZONING BOARD

1. St. Louis School – 11 Rand Place – Two area variances for two fences

Present: Sally Schrecker, Operations Manager, Keith Bullis and Valerie Bourdelais, presenters

Proposed: to obtain approval for an area variance to construct an eight foot high chain link fence along the south property line and to obtain approval for an area variance to construct an eight foot high stockade fence along the east property line.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on February 12, 2003: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals at 7:00 PM on February 24, 2003 at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by St. Louis Church and School regarding property located at 11 Rand Place, for the following area variances: 1) to construct an eight foot high chain link fence along the south property line where a fence with a maximum height of six feet is permitted and 2) to construct an 8 foot high stockade fence along the east property line where a fence with a maximum height of 6 foot high is permitted, pursuant to Chapter 98-1B, Height restrictions. Fences, Hedges and Structures of the Code of the Village of Pittsford.”*

Discussion: Mr. Bullis told the Board that an eight-foot high vinyl coated chain link fence was needed on the south property line to keep the playground balls inside the play area. He said they are requesting an eight-foot high wooden stockade fence along the east property line to match another section of fence that is in that location currently.

SEQR: Chairperson Mitchell stated this is a Type II Action under SEQR section 617.5 #7, #10 and #15. No further review is necessary.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing.

No phone calls or written communication either for or against this application have been received in the Village Office.

John Hoenig, 25 Rand Place: Mr. Hoenig explained to the Board that he is in favor of having an eight-foot high stockade fence between his property line and the school playground. He said a fence of this height and nature would provide safety and security for the children and it would offer more privacy to his family on their property. There is currently an eight-foot high section of stockade fence next door to Mr. Hoenig.

Mr. Bullis stated that the Englebrechts, whose property borders the south property line, are willing to have whatever works best for St. Louis.

Public Hearing Closed: There being no one further to speak for or against the variance applications, Chairperson Mitchell closed the public hearing.

Board Discussion: Members discussed whether a six-foot high chain link fence on the south property line could serve the same purpose as an eight-foot fence in that location in terms of safety for the children. Some members questioned whether a six-foot high fence would be high enough when there is snow on the ground.

Motion: A motion was made by Member Weniger, seconded by Member Danko to deny this application for an area variance to allow an eight-foot high chain link fence along the south property line, allowing a six-foot high fence which is permitted by Village Code.

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Vote: Danko – yes, Mitchell – no, Chamberlin – yes, Weniger – yes. **Motion carried.**
The decision was filed in the Office of the Village Clerk on 2/24/03.

Motion: A motion was made by Chairperson Mitchell, seconded by Member Chamberlin to approve this application for an area variance to allow the continuation of an eight-foot high stockade fence along the east property line bordering the Hoenig property as shown on the site plan submitted and date stamped 2/5/03

Vote: Danko – yes, Mitchell – yes, Chamberlin – yes, Weniger – yes. **Motion carried.**
The decision was filed in the Office of the Village Clerk on 2/24/03.

Findings of Fact

1. Privacy concerns to the proposed playground site could be mitigated by installation of an eight-foot high stockade fence at the east lot line, behind 25 Rand Place.
2. The eight-foot high stockade fence will not limit the view from any contiguous properties.
3. An eight-foot high stockade fence exists on the east lot line next to #25 Rand Place.

PLANNING BOARD

1. St. Louis School – 11 Rand Place – site plan approval for playground replacement

Present: Sally Schrecker, Operations Manager, Keith Bullis and Valerie Bourdelais, presenters

Proposed: to obtain site plan approval for renovations to the playground at St. Louis School

Discussion: This is a continuation of a Public Hearing that was opened on January 27, 2003. At that time the hearing was left open so the applicant could apply for a variance for the 8-foot high stockade fence on the east property line, indicate the desired height of the chain link fence on the south property line on a new plan and show two trash receptacles in the play area on the site plan. Board members reviewed the plan submitted and date stamped 2/5/03. The Board determined that the eight-foot height of the proposed basketball backstop would not require a variance since it is school athletic equipment.

Motion: A motion was made by Chairperson Mitchell, seconded by Member Chamberlin to approve the site plan for the St. Louis School playground renovations with the following conditions:

1. all chain link fencing will be green vinyl coated including the 8-foot high basket ball backstop and the 6-foot high fence along the south property line,
2. playground equipment will be the green and brown colors as stated at the January meeting,
3. two trash receptacles will be located in the playground/picnic area,
4. the wooden fenced area around the dumpster shall be repaired or replaced,
5. the 8-foot section of the stockade fence on the east property line will be subject to APRB approval.

Vote: Danko – yes, Mitchell – yes, Chamberlin – yes, Weniger – yes. **Motion carried.**
The decision was filed in the Office of the Village Clerk on 2/24/03.

2. Olive's – 50 State Street – site plan approval for upper level patio seating

Present: Gayle and Nick Mourgides, restaurant owners, Jack Sigrist, Architect

Proposed: to construct a 20'x20' pergola on the street level of the Olive's Restaurant building at 50 State Street to be used for an outside dining area and to make minor building modifications to the street level floor for the expansion of the restaurant.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on February 12,

2003: *“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, February 24, 2003 at 7:00 P.M. to consider an application made by Gayle and Nick Mourgides for site plan approval for upper level patio seating at their restaurant known as Olive's, located at 50 State Street, Pittsford, NY pursuant to Article XVII, Chapter 210-83, Site Plan Approval, of the Code of the Village of Pittsford.”*

SEQR: Chairperson Mitchell stated this is a Type II Action under SEQR section 617.5 #7, #10 and #15. No further review is necessary.

Discussion: Mr. Sigrist explained the plan to construct a pergola and to plant a 3-foot high landscape buffer between the restaurant property and the driveway belonging to the optometrists next door. This will help prevent restaurant patrons from using the optometrists' parking lot. Mr. Sigrist said a handicap ramp would come off the driveway. He said there would be three entry/exits, two on the street level and one on the lower level. He addressed the pedestrian walkway cap adequately. Chairperson Mitchell said the APRB

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would review any architectural changes to the building itself and they would review the pergola. She said no parking issues would result from this expansion.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing.

No phone calls or written communication either for or against this application have been received in the Village Office.

Jeff Mason, building owner and State Street resident: Mr. Mason expressed his great fear regarding a number of concerns. He feels the expansion of the restaurant is a super heavy use for the upstairs of that building because it was built as a private residence and not for commercial use. He can't imagine how the floor could be quiet with that use or how it could support a large number of people. He is concerned about water spills into the lower level. In general, he does not think this building is structurally adequate for this kind of use.

John Limbeck, 62 State Street: Mr. Limbeck stated his support for the application. He said the applicant met all of the concerns the Planning Board presented at the meeting in January and would be an asset.

Public Hearing Closed: There being no one further to speak for or against the site plan application, Chairperson Mitchell closed the public hearing.

Continued Board Discussion: Building Inspector Bailey advised the Board that because this is a change of use, the building would be required to meet the standards of the State Code as if it were being built today. He said the State Code is thorough. Fire walls, fire/smoke detection system and emergency lighting will be installed. Mr. Bailey will oversee the transition to insure all codes are met. He said a sprinkler system and other safety measures could be added but were not required. He said food preparation would remain in the basement, which has a total fire suppression system. Mr. Bailey suggested that the architect could work to control noise. He said any noise that was created would not disturb other patrons since the restaurant occupies the lower level as well. Regarding water leaking into the lower level, Mr. Bailey noted that there wouldn't be a kitchen on the street level and the restroom will be completely waterproof according to State Code.

Motion: A motion was made by Chairperson Mitchell, seconded by Member Weniger to approve the site plan for an exterior pergola seating area for /Olive's Restaurant as shown on plans submitted and date stamped 2/20/03 subject to APRB review and approval and subject to the submission of a final, stamped drawing that includes a space for the signatures of the Building Inspector, Planning Board Chairperson and the Village Clerk.

Vote: Danko – yes, Mitchell – yes, Chamberlin – yes, Weniger – yes. **Motion carried.**

The decision was filed in the Office of the Village Clerk on 2/24/03.

Findings of Fact

1. Included in the Village Comprehensive Plan's "principles for the future" is a recommendation that we enhance the success of the existing business areas and attract an appropriate mixture of uses. This board finds Olive's application for expansion meets this objective.

BUILDING INSPECTOR'S REPORT

Ciao Restaurant is in the preliminary stages of planning a patio in the back parking lot. They will have to request a Special Permit from the Board of Trustees before coming before the Planning Board.

Simply Crepes is a new business going into 7 Schoen Place. It is a change in use from Port of Pittsford Gifts, the former occupant.

MEMBER ITEMS

There was a short discussion regarding the possible rezoning of Plum Lane to B-4 Canal Waterfront Business District. A meeting to discuss this issue further with the full Board in attendance was tentatively scheduled for March 3, 2003 at 4 PM pending the availability of Member Lanphear.

MINUTES

December 16, 2003: A motion was made by Chairperson Mitchell, seconded by Member Danko to approve these minutes as amended.

Vote: Danko – yes, Mitchell – yes, Chamberlin – yes, Weniger – yes. **Motion carried.**

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January 27, 2003: A **motion** was made by **Chairperson Mitchell**, seconded by **Member Weniger** to approve these minutes as written.

Vote: Danko – yes, Mitchell – yes, Chamberlin – yes, Weniger – yes. **Motion carried.**

ADJOURNMENT

There being no further business, Chairperson Mitchell adjourned the meeting at 8:40 PM.

Anne Z. Hartsig, Recording Secretary