

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

Present:

Chairperson: Remegia Mitchell
Members: Sally Chamberlin
Harold Danko
Ted Weniger
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. Beth and Keith Miller – 27 North Main Street – Temporary Zoning Permit to hold wedding receptions at the Canal Lamp Inn B&B

Present: Keith Miller

Proposed: to obtain a Temporary Zoning Permit to allow an outdoor wedding reception on the back lawn at 27 North Main Street

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on March 12, 2003: *“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, March 24, 2003 at 7:00 P.M. to consider an application made by Keith and Beth Miller, owners of the Canal Lamp Inn which is located at 27 North Main Street, for a Temporary Zoning Permit to allow a wedding reception on July 12, 2003 to be held on the back lawn of the property, which activity is not permitted in this R-4 District pursuant to Chapter 210-110 of the Code of the Village of Pittsford.”*

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

Discussion: Mr. Miller explained that he has guests that would like to hold a wedding in the gazebo on the lawn at 27 North Main Street and a reception to follow for about 175 people on July 12th. He said he also has a reception scheduled for August and one for summer 2004. Because this type of activity isn't allowed at a B&B, he needs a temporary zoning permit. The wedding party will provide a large tent and a trailer with four portable restroom facilities because the house can only be used by registered overnight guests.

Members said that a wedding at this location might be good for business for the merchant and restaurant community. However, there are safety concerns about people crossing the street from the Chodosh lot where Mr. Miller plans to provide guest parking. He intends to use valet parking from the driveway at 27 North Main. Vehicle traffic entering and exiting the driveway was a concern of the Board. Potentially this could cause traffic back-ups as well as an unsafe situation for those people crossing North Main Street. In addition to wedding guest traffic, delivery trucks and caterers will need to have parking.

Other concerns of the Board were the intensity of use and the precedent that would be set by granting this temporary permit. There is the potential for several weddings from spring through fall. If one were allowed, a precedent would be set. At the time of the initial approval for the B&B from the Board of Trustees, the plan that was presented was for a low impact operation and for one that would blend with the residential neighborhood. Members said that the scale involved in a wedding reception of this size would be too big and not in keeping with the original intention of the business.

Board members expressed concern that there could be a scheduled Town or Village event on the day of the wedding or that a scheduling conflict could occur on the same day as another wedding if temporary zoning permits were to be issued in the future. Traffic and parking concerns would increase if that were the case.

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A suggestion was made that the Board could approve a temporary permit for the July 12th wedding reception only. Village officials could then observe the handling of this reception and reserve judgement before making decisions on other receptions.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing. No one was present to speak for or against this application. However, a letter was received from Virginia and John Degenhardt stating that they have no objection to a wedding reception being held at this location. In addition, as part of this application, Mr. Miller presented a letter of signed support from immediate neighbors, the Bolgers, Ms. Hayden and Ms. Hedges.

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

Motion: A motion was made by Member Chamberlin, seconded by Chairperson Mitchell to approve this application for a temporary zoning permit to allow an outdoor wedding reception to be held on July 12, 2003 on the lawn of the Canal Lamp Inn at 27 North Main Street with no further permissions granted until the Zoning Board has the opportunity to observe the ramifications of such a reception and with the condition that there is no substantial conflict with a scheduled Town or Village event.

Vote: Lanphear – no Danko – no, Mitchell – no, Chamberlin – no, Weniger – no. **Motion denied.**

The decision was filed in the Office of the Village Clerk on 3/24/03.

2. Beth and Keith Miller – 27 ½ North Main Street – area variance to relocate garage

Present: Keith Miller

Proposed: to obtain an area variance to relocate a historic garage to a location that is adjacent to the canal and would be in the front/side yard of the house at 27 ½ North Main Street. The garage would then be used as a boathouse.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on March 12, 2003:

“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, March 24, 2003 at 7:00 P.M. to consider an application made by Keith and Beth Miller, owners 27 ½ North Main Street, for an area variance to allow a private garage in the front yard of this R-4 Residential District where garages are permitted in rear yards only pursuant to Chapter 210-76 of the Code of the Village of Pittsford.”

SEQR: Chairperson Mitchell stated this is a Type II Action under SEQR section 617.5 #10 & #12. No further review is necessary.

Discussion: Mr. Miller explained that the garage was a historical structure that was used at one time as a station house for the railroad near Monroe Avenue. Permission to disassemble the garage was given by the APRB with the understanding that it would be rebuilt on another site at 27 or 27 ½ North Main Street. He would like to reconstruct the 20’ x 20’ garage on the front and side yard of 27 ½ North Main adjacent to the canal and on the south side of the Canal Corp. property. The garage will be used as a boathouse and will have a poured concrete floor and electric service. Mr. Miller said his intentions are to build a dock on the canal.

Member Lanphear expressed concern that the new location is clearly in the front setback of 27 ½ North Main and suggested the boathouse be placed in another location. Member Weniger said the evolution of the property lends itself to canal development. Canal emphasis is a good use of the property. He said the APRB should have the opportunity to discuss the placement of the structure on the property relative to the direction the doors will face and what will be viewed from the street.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing. No one was present to speak for or against this application. However, a letter of support was received from Virginia and John Degenhardt stating that they have no objection to the reconstruction of the garage adjacent to 27 ½ North Main but would have vigorous objections if it were to be located in front of 27 North Main Street

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

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Area Variance Factors Reviewed by the Board

1. there will not be an undesirable change in the character of the neighborhood nor will there be a detriment to nearby properties as a result of the variance
2. the benefit sought could be achieved by another method such as finding a different location for the garage
3. the requested variance is not substantial
4. the variance will not have an adverse impact on the physical or environmental conditions of the neighborhood
5. the alleged difficulty was self-created because the owner was aware of the garage situation at the time he purchased the property and because he could move the garage to another location that does not require a variance.

A **motion** was made by **Chairperson Mitchell, seconded by Member Danko** to approve this application for an area variance to relocate the historic garage to the area identified on the survey map submitted with the application date stamped March 3, 2003 with the following condition:

1. the APRB has the purview to address all issues viewable from the canal or Main Street, in particular, the orientation of the garage to the street and canal.

Vote: Danko – yes, Lanphear – no, Mitchell – yes, Chamberlin – yes, Weniger – yes. **Motion carried.**
The decision was filed in the Office of the Village Clerk on 3/24/03.

Findings of Fact

- a. 27 ½ North Main Street is a separate lot and is landlocked from North Main Street. Access is through a private right of way.
- b. if the requested location is considered as part of #27 North Main Street, it is not in the front setback.
- c. The structure will be used as a boathouse so the location adjacent to the canal is appropriate.
- d. The requested location is preferable to other locations on #27 and #27 ½ due to existing trees and visibility from neighboring properties.

3. William Tatay – 2 Rand Place – Special Exception Use to allow a two family residence

Present: William Tatay

Proposed: obtain a Special Exception Use to be able to use the house at 2 Rand Place as a two-family residence as was permitted at the time Mr. Tatay purchased the house.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on March 12, 2003: *“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, March 24, 2003 at 7:00 P.M. to consider an application made by William Tatay for a Special Exception Use to allow a two-family dwelling at 2 Rand Place, Pittsford, NY, an R-2 Residential District, pursuant to Chapter 210-11B(f), of the Code of the Village of Pittsford”*

SEQR: Chairperson Mitchell said this is an Unlisted Action under SEQR. However, the property is located in the National Register District which causes it to become a Type I action under SEQR 617.4, #9 requiring a long form SEQR review. The secretary will mail letters to interested and involved agencies asking for Lead Agency status for the Zoning Board. The hearing will continue at the April meeting.

Discussion: Mr. Tatay told the Board he purchased the property on July 10th. His intention was to move into 2 Rand Place and use it as a single family home even though it was a pre-existing non-conforming two-family home at the time of purchase. He renovated the home for the next several months and as a result, the pre-existing non-conforming status terminated because the two-family use was discontinued for over six months. Mr. Tatay’s home in the Town of Pittsford is for sale but to date has not sold. He must sell one of the properties. He had a purchase offer for the Rand Place house contingent upon its use as a two-family home. Therefore he is seeking a Special Exception Use so this property can be used as a two-family home again.

Mr. Tatay told the Board there is off street parking at the home. The driveway is doublewide and vehicles could park side by side. Chairperson Mitchell said this has been a two-family home for the last twenty-five years and has been well maintained at all times. Building Inspector Bailey said there is not a

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requirement in the Village that two-family homes must be owner occupied. He reminded the Board that a two family home is a permitted use in this location.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing.

Lydia Hunter, 6 Rand Place: Ms. Hunter said she has no objection to this property being a two-family dwelling so long as it is owner occupied. She stated that the sense of community is lost when the property is entirely rental.

John Curtis, 10 Maple Street: Mr. Curtis said he had negative experiences with renters on Maple Street. In general, he believes that renters aren't as committed to the neighborhood as owners are. Having renters can sometimes be detrimental to property values.

Jim Coberic, Re-Max Realtors: Mr. Coberic said he has a client who is interested in purchasing the property. This client is a professional and intends to live in the upper portion of the home and rent the lower portion.

William Tatay, owner: Mr. Tatay said the cost to rent this home would not be inexpensive.

Letters and Phone calls were received in the Village Office from the following:

Angela DeBlase, 4 Rand Place: Ms. DeBlase sent a letter stating opposition to this home being sold as a two-family home.

Douglas Rhoades, 17 Locust Street: Mr. Rhoades phoned the Village Office to state that he is opposed to extending the multiple use or granting a special exception use to allow a two-family home at this property because rental property can sometimes degrade the value of surrounding properties.

Mike Devine, 8 Rand Place: Mr. Devine called to state he is against allowing this home to become a two-family home again because the remainder of the street is single family homes. He said rental property is sometimes not kept up as nicely as a single family home would be.

Joan Fulreader, 13 Maple Street: Ms. Fulreader said she is against rental property because it can lower property values and because there is a traffic/safety issue due to the two nearby churches. She asked the Board to have insight into keeping the historical value of the Village by keeping this a single family home.

Chairperson Mitchell stated that the Public Hearing would remain open to allow the required time for the SEQR review to commence. The application will be heard again at the April 28th Zoning Board meeting.

4. Jennifer Latshaw – 49 Monroe Avenue – Information Only – fence

Present: Jennifer Latshaw

Proposed: Ms. Latshaw asked for a change in the approval that was given at the October 28, 2002 meeting for an area variance to install four and six foot sections of fence along the eastern border and three foot sections for the rest of the yard. Because the APRB did not approve the inconsistent height and style, she would like approval to change the height of some of the sections of the fence.

Discussion: Board members discussed whether or not a new application should be submitted to accommodate this change. Attorney Osborn said the original application was heard at a public hearing. At that time, the controversial part of the application was denied. Ms. Latshaw is not asking for a change in the part of the application that was controversial. Therefore, Attorney Osborn said it was appropriate for the Board to recognize the concerns of the APRB and work towards a satisfactory solution without another public hearing.

Ms. Latshaw asked the Board to extend the six-foot section of the fence on the east lot line all the way to the corner of the garage and to change the location of the gate to the side of the garage. The APRB's concern of inconsistent heights would be alleviated if the six-foot section could be extended to the garage.

A **motion** was made by **Member Weniger, seconded by Chairperson Mitchell** to follow the Building Inspector's recommendation and the APRB's findings by agreeing to extend the six-foot section of the fence on the east lot line to the garage as shown on the map submitted and date stamped on 3/24/03 and by agreeing to modifications of the gate location for the three-foot section also as shown on the map submitted and date stamped on 3/24/03 with the following condition:

1. all fencing will commence six-feet or more behind the north east corner of the house.

Vote: Danko – yes, Lanphear – no, Mitchell – yes, Chamberlin – yes, Weniger – yes. **Motion carried.**

The decision was filed in the Office of the Village Clerk on 3/24/03.

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Finding of Fact

1. There is not a significant change from the variance application that was granted by this Board on October 28, 2002.

Minutes

February 24, 2003: A motion was made by Chairperson Mitchell, seconded by Member Weniger to approve these minutes as written.

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

March 3, 2003 Notes: A motion was made by Member Weniger, seconded by Member Chamberlin to approve these notes as submitted.

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

Building Inspector’s Report

Mr. Bailey and the Board discussed the following:

1. Some of the restaurant owners on Schoen Place are upset with their landlord for renting space to Simply Crepes Café because they financially contributed to the added parking spaces that were installed. They are aware that patrons of Simply Crepes will utilize that parking leaving less available for their own patrons.

Mr. Bailey said some of the parking problems would be alleviated if the Flour Mill renovations were completed. The Village has not received a site plan for the development of the rest of that property. The Board said it would be a good thing if the Village could encourage the owner to open the area for public parking and somehow make it known that this space is an available parking area.

2. A Board member mentioned that Breathe Yoga is advertising breakfast, lunch and dinner on an A-frame sign. Mr. Bailey told the Board that this business is permitted 8 seats and therefore, meals can be offered. However, the A-frame sign is not allowed.
3. The Fox Corporation is considering changing the theme of Ciao’s restaurant.
4. There has been no progress in the rebuilding of the burned structure in Northfield Common that is owned by Jeffrey Mason. The Board asked Mr. Bailey to enforce the cleaning up of the fire debris.
5. A dumpster has been reported as being located in the driveway of Rick’s Prime Rib. Mr. Bailey was asked to check on a permit for this dumpster.

Adjournment

There being no further business, Chairperson Mitchell adjourned the meeting at 10 PM.

Anne Z. Hartsig, Recording Secretary