

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
July 28, 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

Recording Secretary: Anne Hartsig

Building Inspector: Skip Bailey

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

OLD BUSINESS

Jojo – 56 & 60 North Main Street – continuation of site plan approval process

Present: Douglas Weins, owner and Steve Sanna, Bristol Garden Center

Proposed: parking lot fence for screening and berm landscaping

Discussion: fence - Mr. Weins presented a sample of picket fence. The intent is to overlay the fence on the existing fence along the Corby 300' property line to block the car headlights. The line next to the tenant house is not included in the proposal. Board members expressed concern that the fence would look like a patch job or a band-aid. Mr. Weins replied that he was unable to find a solid 6' high stockade fence.

Bob Corby, speaking as a representative for his family, said that they would prefer a six-foot fence. Concerns of the Board Members were the tenant house not being protected from the lights, the short height of the fence being overlaid on the existing fence and the possibility that the APRB might not approve two different styles of fence on the property.

As part of the preliminary site plan approval, a **motion** was made **by Chairperson Mitchell , seconded by Member Danko** to approve a six-foot high solid stockade fence, installed on the south border of the Jojo property going east-west, and installed with the slats offset on the existing fence to make sure that the fence is impervious to light from vehicles in the parking lot with the condition that the old fence is repaired and maintained in its entirety.

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

This decision was filed in the Office of the Village Clerk on July 28, 2003.

Discussion: berm – Steve Sanna from Bristol Garden Center presented photos of different plants that will work on the proposed berm. Amur Maple will handle dry weather. Foliage on these trees will start at the base. It is deciduous. Austrian Pine is an evergreen that also handles dryness and grows to 30' tall and 15' wide. These pines can be nestled together to create a barrier or planted further apart to create an individual tree look. He would plant 4' high trees to begin with. These trees grow about one foot in the first year. Forsythia bushes are hardy natural looking plants that will grow up to 8 feet tall and 8 feet wide. They are fast growers and have more volume. Mr. Sanna said that an irrigation system would be installed to water each plant for the first couple of years. He said he does not recommend mixing the plants. He also did not recommend Norway Spruce trees because they are not tolerant to low moisture conditions. The goal is to block sound and light on the Corby property line and to block sound on the Powers' property line. Member Chamberlin asked what material will be used on the lower side of the berm. She was told that "vetch", which is a ground cover, will be planted and will help with soil erosion.

Bob Corby, again speaking as a representative for his family, said the family would prefer dense evergreens on the berm. He expressed concerns about long-term screening and said that lower branches die off on Austrian Pines. Mr. Sanna replied that with proper care, fertilizer and water, the die-off could be prevented. Mr. Corby also said the Board has not seen a site plan including the parking layout. If a technically efficient layout of the parking lot is made, the landscape plan may differ from what has been presented this evening.

Planning and Zoning Board Minutes of July 28, 2003

Roger Powers said he would prefer something that won't blow over or grow over onto his property. He said there has already been sloughing off of the berm onto the Powers land. He did not have an opinion about evergreen vs. deciduous.

A **motion** was made by **Member Danko**, seconded by **Member Chamberlin** to accept the recommendation of Mr. Sanna of Bristol Garden Supply regarding the plantings on the top of the berm at 56 & 60 North Main Street to include Austrian Pine trees a minimum of 4 feet high on the top of the berm along the Corby property line and to plant forsythia bushes which are a minimum of 2 feet high on the top of the berm on the Powers' property line with the following conditions:

1. all landscaping must be continuously maintained including replacement as necessary,
2. an irrigation system must be installed as specified by Mr. Sanna,
3. the Austrian Pines will be planted on ten foot centers,
4. the Forsythia shrubs shall be planted on six-foot centers.

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

The decision was filed in the Office of the Village Clerk on July 28, 2003.

The Board discussed the need for the submission of a complete site plan. They asked the Building Inspector to direct Mr. Weins to submit a complete and final site plan for the August meeting.

ZONING BOARD

1. Esther Winter – Public Hearing – Special Exception Use – 19 South Main Street – music instruction studio

Present: Esther Winter

Proposed: to operate a music instruction studio on the second floor of the building in a B-1A district.

The secretary read the legal notice that was published in the Brighton-Pittsford Post on July 16, 2003: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals, Monday, July 28, 2003 at 7:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Esther Winter for a Special Exception Use to allow the operation of a music instruction studio on the second floor of the building located at 19 South Main Street, which building is located in the B-1A Special Historic district, pursuant to Chapter 210-26A (23) of the Code of the Village of Pittsford.”*

Discussion: Ms. Winter, the director and staff of the program, stated that she has taught “Music Together” for one year. She said it is a family music program for parents and children ages birth through four. She is planning to hold classes in the mornings during the week and will be finished teaching by noon. Eventually she may hold one Saturday class. Ms. Winter explained that the noise is minimal. There is controlled movement. Her classes will be a maximum of 12 people and a minimum of 6. The building consists of one classroom with access from South Main Street. There is a spring floor in the building and an acoustical ceiling in the establishment below. Mr. Bailey said all safety regulations for the location are in compliance.

The legal notice having been read, Chairperson Mitchell opened the Public Hearing.

Georgie De Le Villa – 15 south Main Street Apartment 2: Ms. De Le Villa expressed concerned about traffic in and out of the building because it is a common stairwell.

Member Weniger asked how the noise level of the children would be controlled. Ms. Winter said that classes are well directed and parents/care-givers are also in attendance. She does not allow screaming. Ms. Winter said she is willing to add sound absorbing drapes if necessary and will control the volume of noise.

Board members were in favor of the idea of training youth to enjoy music. Member Danko, himself a musician, stated that “Music Together” is reputable and has high standards.

There being no one further to speak for or against this application, Chairperson Mitchell closed the Public Hearing.

Planning and Zoning Board Minutes of July 28, 2003

A **motion** was made by **Member Danko, seconded by Member Weniger** to approve this application for a Special Exception Use for the operation of an instructional music studio on the second floor of 19 South Main Street.

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

The decision was filed in the Office of the Village Clerk on July 28, 2003.

Findings of Fact:

1. This application meets the goal of creating “a new balance of uses and services” in the Central Business District as stated in the Comprehensive Plan (page 49).
2. This application is in compliance with the standards for a special exception use as listed in Chapter 210-114 B. (2) (a) [1-6] of the Code (page 210:95).

PLANNING BOARD

1. Simply Crepes- site plan approval – 7, 8, & 9 Schoen Place

Present: Pierre Heroux, business owner

Proposed: to add a deck extension to the existing deck and to cover a portion of the deck with an awning.

The secretary read the legal notice that was published in the Brighton-Pittsford Post on July 16, 2003: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board on Monday, July 28, 2003 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Pierre & Karen Heroux and Hanlon Architects for minor site plan approval to allow the extension of an existing deck and to allow a covered roof area at their restaurant known as Simply Crepes located at 7, 8, and 9 Schoen Place, said property owned by Ted Collins, 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 617.5 #7 and #15. No further review is necessary.

Discussion: Mr. Heroux explained that in order to meet the fire codes for the building, the floor had to be raised 6 inches. This necessitates changing the deck and stairways. The stairway on the left as you face the building will be removed entirely. The deck area will be enclosed with spindles. There will be a permanent awning over the doorway under the chimney and the window to the left of the doorway. Mr. Heroux has no plans to expand the seating. He was granted a Special Permit from the Board of Trustees on March 11, 2003 that allowed a maximum of 50 seats. He will not exceed that number. Mr. Bailey said adding outside seating would require approval from the Board of Trustees because it would be an expansion of a Special Permit. On July 7th, Mr. Heroux was given conditional approval from the APRB. Mr. Heroux explained that his proposal would not change the walk space in front of his shop because the stairway would not protrude any further than it currently does.

The legal notice having been read, Chairperson Mitchell opened the Public Hearing.

Robert Corby – 7 Washington Avenue: Mr. Corby said since dimensions were not included on the submitted drawings, he is concerned that the landing might not be in compliance. He said accurate drawings are needed. Member Danko agreed that a footprint is needed to ensure that the landing is in compliance. He also reminded the Board that a goal of the Comprehensive Plan is to have a sidewalk in front of that building. Five feet is needed for that plus 4 inches for a curb. Mr. Corby said a gutter is needed on the building. Speaking on behalf of his family who are neighbors, Mr. Corby expressed the following concerns. When the parking lot was put in, there was no provision for screening. He'd like to make sure that the maintenance of the fence would be part of the owner's responsibility. He would like to ask that provisions be made to mitigate potential noise and exhaust. He said the dumpsters in that area have a history of poor maintenance and he is concerned about the impact of having food added to the dumpster.

Member Weniger stated that the Board of Trustees approved the use of the property. He said the issues of parking lot screening, fence maintenance, potential noise and exhaust and the dumpsters are not the purview of the Planning Board and are issues that should have been addressed by the Trustees before a Special Permit was issued.

Planning and Zoning Board Minutes of July 28, 2003

Mr. Heroux said that additional trash barrels are in place and the exhaust issue has been addressed at considerable expense. He will have no more than 50 seats. In addition, Mr. Heroux has personally swept up around the dumpsters to keep them neat.

Robert Corby said that the parking behind Mr. Heroux's building and the walkthrough to get to it is hazardous. It is not lighted and it needs handrails. There is minimal head clearance. Mr. Heroux said this is not part of the building he has rented. He has spoken to Mr. Collins and asked him to address these issues. The Building Inspector said he would address these issues because they are a hazard to the general public.

Member Weniger asked why the roof would only be over part of the deck. Mr. Heroux explained that one doorway would be used as an emergency exit only and the stairs to the left would be removed. He said the sign would be near the main door. Spindles would be used on the deck. Mr. Collins told Mr. Heroux that he would consider adding spindles to the remainder of the deck. These issues were reviewed by the APRB.

There being no one further to speak for or against this application, Chairperson Mitchell closed the Public Hearing.

A **motion** was made by **Chairperson Mitchell**, seconded by **Member Chamberlin** to approve the addition of a deck to the alley side of 7, 8, & 9 Schoen Place, said deck not to protrude farther than the existing main stairs that are located under the chimney. The following are conditions of this approval:

1. there shall be a five-foot clearance for a sidewalk
2. a gutter shall be applied to the proposed roof to properly drain water from the roof
3. the landing for the stairs shall be as wide as possible without the steps projecting past the deck
4. the architect shall submit drawings showing the dimensions of the landing.

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

Findings of Fact

1. This new porch sets a higher standard for the appearance of the entire building.

The decision was filed in the Office of the Village Clerk on July 28, 2003.

2. Great Northern Pizza Kitchen – Public Hearing – site plan approval – 14 South Main Street

Present: Rob Desino, owner and Andrew Hintenach Architect

Proposed: an addition and changes to parking and landscaping for purposes of opening a pizza restaurant

The secretary read the legal notice that was published in the Brighton-Pittsford Post on July 16, 2003: *"Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board on Monday, July 28, 2003 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by 3180 Monroe Ave., Inc., owners of property located at 14 South Main Street, for site plan approval for an addition and changes to parking and landscaping at a restaurant to be known as Great Northern Pizza Kitchen 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 617.5, #6, #7 and #15. No further review is necessary.

Discussion: Mr. Hintenach explained that a 16' x 9' bump out is proposed to enclose the current the ATM. He said the curbing in the middle of the parking lot would be demolished and that the light poles would be removed and relocated to the rear and the north end of the lot. The fixtures will be new. A new pole will be mounted at Church Street. Light fixtures on the side of the building are decorative and will have incandescent fixtures. The restaurant will close at 9 PM on weekdays and 10 PM on Friday and Saturday. Lights could be put on a timer in consideration of the apartments next door. The property line along Starbucks will be re-curbed and re-landscaped. The applicant indicated that they would maintain lights in the exterior light posts on the front lawn at Main Street.

Planning and Zoning Board Minutes of July 28, 2003

Inside storage of trash is an issue. The applicants stated that they would prefer to keep the trash outside in an attractive enclosure that would be 16'x16'. This enclosure would house a dumpster, a recycle container and a grease disposal area. The enclosure would be 6' high. The dumpster enclosure will be cedar or pressure treated lumber and will be painted to coordinate with the building colors, which will be historic. Board members said the dumpster is the biggest issue of this application. They suggested that the applicant could downsize the dumpster and move it away from the corner a few feet. The applicant said he could keep the recycle container inside. He estimated that a 10'x12' enclosure would be the minimum size he could use. There will be three trash receptacles placed on Church Street and Main Street for take out. These are movable. Therefore, they do not show on the site plan.

There will be 51 seats. 25 parking spaces are shown. The Building Inspector said that is more than enough parking spaces. The applicant stated that 70% of business in his other locations is eat-in, 20% is carryout and 10% is delivery. He is assuming this business will follow the others in that regard.

Heat exhaust for the fryer and pizza ovens will be mounted on the roof in the center where they will be less noticeable. They may be seen from the rear of the building. It was noted that the APRB might require screening.

The legal notice having been read, Chairperson Mitchell opened the Public Hearing.

Gregory Barkstrom, representing the building owner, stated that the owners are in favor of this business. He said there is a grade level change that will make it more difficult to see the mechanicals on the roof.

There being no one further to speak for or against this application, Chairperson Mitchell closed the Public Hearing.

A **motion** was made by **Chairperson Mitchell, seconded by Member Chamberlin** to approve the final site plan date stamped 7/28/03 for Great Northern Pizza Kitchen with the following conditions:

1. the dumpster area will be a maximum of 10' x 12' and it will be removed from the Cook property line as far as possible to allow for 4 parking spaces on the east property line
2. the site plan must be reissued showing the new location of the dumpster as stipulated
3. the new site plan must show the lights on the drive-through side of the building
4. the APRB must approve the exhaust fan mechanicals, (heights and locations) as well as the changes on the exterior of the building
5. the applicant must position and maintain three trash receptacles for customer use on the exterior of the building
6. exterior lights must be turned off by a timer one-hour after the close of business.

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

Findings of Fact

1. Improvements being made by these tenants meet the standards of the Village Code and are beneficial to our streetscape and traffic flow.

This decision was filed in the office of the Village Clerk on July 28, 2003.

INFORMATION ONLY

Bob and Cali Beck, owners of The Pedestal, 50 State Street

Mr. and Mrs. Beck inquired about having an additional sign on the west side of the building in Northfield Common that houses The Pedestal. This is the main pedestrian entrance to the Common. The Building Inspector said they would be permitted one sign at an auxiliary entrance. The west side has an entrance to the porch that is in effect, an entrance to the store. This sign could be 4 square feet. Zoning approval would not be necessary.

Planning and Zoning Board Minutes of July 28, 2003

Another option mentioned by Mr. Bailey is a directory sign that would be permitted with the granting of a Temporary Zoning Permit. An alternative would be to ask for a variance for a larger sign. It was noted that all signs must be approved by the APRB.

OTHER BUSINESS

SEQR for Community Library: The Pittsford Town Board has requested Lead Agency status for the SEQR process regarding the proposed community library. Chairperson Mitchell said that after reviewing the documents that were submitted by the Town Board, she did not agree with the response given on question 6 & 7 under **A. Site Description**. These questions refer to the location of the project and its nearness to State or National Registers of Historic Places and its nearness to a site listed on the Register of National Natural Landmarks. She suggested that the Board ask for a coordinated review. Board members were in full agreement and decided that Chairperson Mitchell should respond with the Board's request for a coordinated review.

Canandaigua National Bank: As a matter of information, a letter sent to Mayor Corby was received from Canandaigua Bank regarding the ATM lighting which is currently not in compliance. The letter said the new community library facility would require the bank to relocate the ATM, thus a new lighting study would be required. The letter asked for information regarding the change and the timetable for the project. A copy of the letter was mailed to the Planning and Zoning Board, the APRB, Al Frey of the NY State Banking department and to Skip Bailey. The Board concurred that it was logical to wait before changing the lighting until the relocation takes place.

Starbucks parking: Village benches and landscaping will be strategically placed near Starbucks to prevent vehicles from parking on the sidewalk. This has been a safety issue for some time.

Special Use Permits: A new procedure will be used on a trial basis regarding the granting of Special Use Permits. Applicants will now go before the Planning/Zoning Board for information only as a first step in the process. This will allow the Board to submit feedback to the Board of Trustees before they hear the application request. If approved by the Board of Trustees, the applicant would then return to the Planning/Zoning Board, if necessary.

MINUTES

June 23, 2003: A motion was made by **Chairperson Mitchell, seconded by Member Chamberlin** to approve these minutes as written. **Vote:** Danko – yes, Mitchell – yes, Chamberlin – yes, Weniger – yes. **Motion carried.**

July 9, 2003: A motion was made by **Chairperson Mitchell, seconded by Member Danko** to approve these minutes as written. **Vote:** Danko – yes, Mitchell – yes, Chamberlin – abstain, Weniger – yes. **Motion carried.**

July 21, 2003: A motion was made by **Chairperson Mitchell, seconded by Member Danko** to approve these minutes as written. **Vote:** Danko – yes, Mitchell – yes, Chamberlin – abstain, Weniger – yes. **Motion carried.**

ADJOURNMENT

There being no further business, Chairperson Mitchell adjourned the meeting at 11:25 PM.

Anne Z. Hartsig, Recording Secretary

Planning and Zoning Board Minutes of July 28, 2003