

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
August 25, 2003 – Regular Meeting held on Monday at 7:00 P.M.**

Present:

Chairperson: Remegia Mitchell

Members: Sally Chamberlin
Linda Lanphear

Excused: Ted Weniger
Harold Danko

Attorney: John C. Osborn

Recording Secretary: Anne Hartsig

Building Inspector: Skip Bailey

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

Planning Board

Oliver's Candies – 25 State Street – site plan approval for seasonal patio area

Present: Jeremy Lises, Manager

Proposed: a paved patio area on the front elevation for tables and chairs

The secretary read the legal notice that was published in the Brighton-Pittsford Post on August 13, 2003: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board on Monday, August 25, 2003 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application for minor site plan approval, for the construction of a seasonal patio area on the front elevation of the building currently known as Oliver's Candies, located at 25 State Street, 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 & #15. No further review is necessary.

Discussion: Mr. Lises told the Board he would like to remove the ground cover between the building and the sidewalk and replace it with pavers to make a patio. He would also like to surround the patio on three sides with a fence. He intends to have two small tables with four chairs at each table. Ms. Mitchell stated that the style of the fence would need APRB approval. The style of the pavers does not need approval. Mr. Lises said the hours of operation would be from 10 AM to 9 PM on Friday and Saturday night. There won't be any other extended hours. He would like to proceed with the construction of the patio this fall with the intention of serving ice cream next spring. Trash receptacles will be provided in the front and back of the property. Member Lanphear asked if an area in the back could be used for tables and chairs rather than removing the last bit of green in the front of that property. She said the other buildings along that stretch of State Street have small green areas in front to note that they were once residential buildings. She said if the green area was paved over, the entire property would be an impervious surface. She stated that a percentage of the property must be green according to the Code. Mr. Lises responded that cars park in the back so it wouldn't be suitable for a patio. Mr. Bailey said there are more parking spaces than what is required.

The legal notice having been read, Chairperson Mitchell opened the Public Hearing. No one further spoke for or against this application. Board members asked the applicant to address the following issues and return to the September meeting: 1. landscaping, 2. investigating the space at the rear of the building for an alternative location, 3. making sure there is adequate space for two tables and four chairs in the front area in question and figuring out how much green space could remain, 4. trash receptacles, 5. drainage.

Chairperson Mitchell left the Public Hearing open.

Jefrey Mason – 45 Schoen Place – site plan change – continuation of Public Hearing

Present: Jefrey Mason

Proposed: to alter the location of a commercial building on Schoen Place

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Discussion: This is a Public Hearing continued from June 23, 2003. Mr. Mason told the Board that he was able to have the architect design a plan for the proposed building that would not cross property lines. The plan will not alter existing parking. Board members discussed moving the building closer to Schoen Place so that there is more frontage on the street. The requirement for new buildings is that there be no parking in the front. It was suggested that the handicap parking space could be placed on the side of the building and that a walkway be incorporated along the side of the driveway. Mr. Mason expressed concerns that underground utility lines might be in the way if the building was moved forward. Member Lanphear pointed out that the front porch shown on the drawings would be on footers and would not involve underground utilities. Mr. Bailey stated that in the B-4 District, buildings must be oriented toward the street. He further stated that the easements for Monroe County Water Authority and for the RG&E are far enough from the road to allow this building to move forward as much as ten feet without impairing utility lines.

Chairperson Mitchell suggested that the applicant work with the Building Inspector and that together, they work with Trowbridge & Wolfe to follow the parameters designed for the Schoen Place Improvement project. She suggested the following: 1. bring the building forward to the street a distance that is practical, 2. eliminate the parking in the front of the building, 3. put a handicap-parking place on the side of the building, 4. put a walkway on the side of the building for pedestrians to use to go into Northfield Common. She asked Mr. Mason to return to the September meeting with the above changes to his plan.

The wish to combine two tax parcels that join 45 Schoen Place to 50 State Street is part of this site plan application. Mr. Bailey said Planning Board approval is needed to change lot lines. Our local code states that we must publish a legal notice. Therefore, this part of the application will be advertised and published for the September meeting.

Zoning Board

Elizabeth Edwardson – 21 Courtenay Circle – area variances to construct open porch on front elevation

Present: Elizabeth Edwardson

Proposed: to construct an open porch on the front elevation of the structure

The secretary read the legal notice that was published in the Brighton-Pittsford Post on August 13, 2003: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Monday, August 25, 2003 at 7:00 PM at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Elizabeth Edwardson, owner of property located at 21 Courtenay Circle, for the following variances to construct an open front porch:*

- 1. an area variance to enlarge a structure on a non-conforming lot in the R-1 Residential District, said lot having a width of 59.43 feet at the street where a width of 100 feet is required pursuant to Chapter 210-6D of the Code of the Village of Pittsford,*
- 2. an area variance to construct an open porch having a front setback of 60 feet where a front setback of 70 feet is required in the R-1 Residential District pursuant to Chapter 210-9B of the Code of the Village of Pittsford,*
- 3. an area variance to construct an open porch with a side setback of 11 feet where a side setback of 15 feet is required in the R-1 Residential District pursuant to Chapter 210-9C of the Code of the Village of Pittsford.”*

SEQR: Chairperson Mitchell stated this is a Type II Action under SEQR #10, #12 & #13.

Discussion: Attorney Osborn stated that he has been the Edwardson family lawyer but that he did not see a conflict of interest as a result of this application. Ms. Edwardson said that 52 Heatherhurst has constructed the same type of porch in the same location. She has spoken with neighbors and in general, the neighbors are pleased with the plan. Her intent is to attend the APRB meeting on September 8th.

The corner of the proposed porch will fall approximately 1 to 1 ½ feet into the 30-foot easement for future sanitary sewers. Attorney Osborn said the encroachment is minor. However, a survey is needed so that a release of that triangular portion can be filed in Monroe County. He said this is a pre-existing, non-conforming lot. Board members agreed that the Village should give a written release to the applicant and that the Board of Trustees should approve the release.

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Chairperson Mitchell opened the Public Hearing. The Secretary reported that letters of support were received from Steven Maddox – 21 Courtenay Circle, Pam Lowe – 19 Courtenay Circle and Mr. and Mrs. William Bolin – 23 Courtenay Circle. Mr. Edwardsen commented that the actual sewer line is on the other side of the house. The 30-foot easement is for future sanitary sewer and water.

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 requested variances as described on the application submitted and date stamped July 31, 2003 with the following conditions:

1. a written release from the Board of Trustees allowing a sewer easement encroachment is necessary,
2. a written document from the DPW Superintendent stating that the porch addition would not impair the use for which the easement was obtained is needed,
3. a surveyor's description of the portion of the land that encroaches on the Village easement must be submitted and filed in the Village Office.

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

This decision was filed in the Office of the Village Clerk on August 25, 2003.

Richard and Melissa Holahan – 38 Rand Place – request for Special Exception use – RV storage

Present: Richard and Melissa Holahan

Proposed: storage of a recreational vehicle in the side or rear yard of the property

The secretary read the legal notice that was published in the Brighton-Pittsford Post on August 13, 2003: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals, Monday, August 25, 2003 at 7:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Melissa and Richard Holahan for a Special Exception Use to allow storage of a recreational vehicle in a side or rear yard in an area that is not parallel to and within ten feet of the principal structure pursuant to Chapter 150-3 I. of the Code of the Village of Pittsford.”*

SEQR: Chairperson Mitchell stated that this is a Type II Acton under SEQR 617.5, #20. No further review is necessary.

Discussion: Mr. and Mrs. Holahan said they have tried to comply with the regulations pertaining to the storage of recreational vehicles but it is impossible to store their RV parallel to and within 10 feet of the house due to their fence and the tree next to their house. The motor home will not fit in the garage. Mr. Holahan said if the RV is stored against the back of his house, it will be more visible to Mr. and Mrs. Craig than it currently is. Mr. Holahan said he has planted 75 feet of five-foot tall arborvitae trees to offer screening of the RV for his neighbors. When asked if a variance had been given for the second driveway that exits onto Jefferson Road, Mr. Holahan stated it is used as an access to the back yard and has been in place for more than twenty years. He said it is used maybe every other week but not daily. Chairperson Mitchell opened the Public Hearing.

Todd Craig – 22 East Jefferson Road: Mr. Craig said he strongly objects to the storage of the RV and is opposed to the Board granting a Special Exception Use. He said his home is severely impacted by the storage of this vehicle. Mr. Craig stated that he would like Mr. Holahan's rear yard access reviewed and he is opposed to the issuance of a Special Permit.

David Bishop – 8 East Jefferson Road: Mr. Bishop said he has no objection to the RV being stored in Mr. Holahan's yard. Mr. Holahan keeps his property neat and clean and he has planted screening.

Sarah Torrey – 36 Rand Place: Ms. Torrey said her property would be most affected by this storage. However, she has no objections.

Chairperson Mitchell stated that the Public Hearing would remain open and would continue at the September meeting.

Building Inspector's Report

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Jojo: Mr. Weins promised a site plan for the September meeting. There are currently temporary parking lines in place to accommodate patrons during the PGA. The ground cover on the berm is not growing well and will be replanted.

Member Lanphear told the Board that when she stopped at Jojo, she counted 26 seats at the bar when only 5 seats were shown on the site plan that was given to the Planning Board. Mr. Bailey said he would look into this and report back at next month's meeting. He said the Code states there shall be one parking space for each one foot of bar or one parking space for each 13 square feet of space without tables, adjacent to the bar – which ever is greater.

Edwardsen: Mr. Bailey reported that Mr. and Mrs. Edwardsen, 21 Courtenay Circle will be returning to the Board next month for a variance to construct a sun room.

Member Items

Lead Agency SEQR Letter re: Community Library Project: Chairperson Mitchell stated for the record that she telephoned each of her Board members regarding the request letter for Lead Agency that was received by the Board from the Town of Pittsford. Each member agreed that the Board should request that the Town give a timely site review opportunity and an input opportunity to the Board. Chairperson Mitchell wrote a letter to that effect and sent it to the Town.

Member Lanphear stated that there was a religious group peddling pictures in the Village without a permit. She stated further that the "Shabby Shack" continually has a sign in the public way. Mr. Bailey said he had received other complaints and will look into the situation.

Adjournment

There being no further business, Chairperson Mitchell adjourned the meeting at 8:45 PM.

Anne Z. Hartsig, Recording Secretary