

Village of Pittsford
PLANNING And ZONING BOARD OF APPEALS
September 22, 2003 – Regular Meeting held on Monday at 7:00 P.M.

PRESENT:

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| Chairperson: | Remegia Mitchell |
| Members: | Sally Chamberlin |
| | Harold Danko |
| | Ted Weniger |
| | Linda Lanphear |
| Attorney: | John Osborn |
| Recording Secretary: | Jennifer Latshaw |
| Building Inspector: | Skip Bailey |

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

PLANNING BOARD

1. Charles and Marie Kenton – 85 West Jefferson Road – request for subdivision approval.

Present: Marie Kenton

Proposed: To obtain approval for a subdivision of the current lot.

The Secretary read the Legal Notice that was published in the Brighton-Pittsford Post on September 5, 2003: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board at the Pittsford Village Hall, 21 North Main Street, Pittsford, New York on Monday, September 22, 2003 at 7:00 P.M. to consider the application of Charles and Marie Kenton, owners of property at 85 West Jefferson Road, tax account #164.05-1-1, for subdivision approval to create one additional lot, pursuant to Chapter 210-115B(1)(b): Powers of the Planning Board, of the Code of the Village of Pittsford”.*

SEQR: Chairperson Mitchell stated that this is a Type II Action under SEQR 617.5 #9. No further review is necessary.

Discussion: Mrs. Kenton presented photos and plans for subdividing the existing lot at 85 West Jefferson Road in order to create a second lot for building a new home. She stated that the size of the proposed lot is consistent and in balance with the size of neighboring lots to create a balance. The proposed lot is larger than the minimum required with a depth that is within range of neighboring lots. In addition, utilities would come in from Jefferson Road so that a new easement would not be required. Chairperson Mitchell noted that any house built on the proposed lot would sit closer to Jefferson Road than neighboring homes. Mrs. Kenton does not want to set the house back much further on the proposed lot due to mature maple trees that may be in jeopardy otherwise. She stated that the house would normally be set back further on the lot, except for the purpose of preserving the two large maple trees.

The lot in question was already approved as a subdivision of three lots in 1997, but Member Weniger pointed out that at that time, Mrs. Kenton chose to build one main house on two lots, which essentially made it one large lot with less density. Mrs. Kenton’s concern with a larger setback from Jefferson Road, is that it impedes the privacy of the main house already existing on this lot. They would like to locate the new proposed house site closer to Jefferson Road in order to allow more privacy and avoid harming the mature trees.

Chairperson Mitchell stated that relative to houses on Jefferson Road, Mrs. Kenton may want to locate a new house back somewhat from the street than the submitted plan indicates. She suggested that by changing the rear lot line, possibly even squaring off the rear line, the house could have a greater setback. Mrs. Kenton stated that her main concern would still be the maple tree’s placement in regard to house placement and possibly damaging the tree roots. She did not have available the root span of the tree.

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Public Hearing Opened: Chairperson Mitchell opened the Public Hearing. The following people spoke:

Pat Place: 145 West Jefferson Avenue: Pat stated that they are the neighbors to the west of the Kentons. They have been great neighbors. However, she does feel that the house should be built back away from the main road so that it would be less of a visual impact. A neighbor told them when they built there, that they had to stay back from the road and have learned to enjoy it.

Cynthia Marshall: 65 West Jefferson Avenue: Cynthia is currently the neighbor on the other side of the Kentons. She realizes that the scale of the proposed house to be built is unknown, but feels that the lot is better with just the main house and no subdivisions. Her concern is of overcrowding in the village setting.

The Secretary reported that no written correspondence or phone calls were received in the Village Office regarding this issue.

The hearing will remain open to allow Mrs. Kenton to submit drawings showing the exact location of the trees. The homeowner requested a meeting at the site so Board members could look at the lay of the land first-hand.

2. **Jeffrey Mason – 45 Schoen Place: request for lot combination.**

Present: Jeffrey Mason

Proposed: To request combination of two lots on Schoen Place.

The Secretary read the Legal Notice that was published in the Brighton-Pittsford Post on September 5, 2003: “Please take note that a Public Hearing will be held before the Village of Pittsford Planning Board at the Pittsford Village Hall, 21 North Main Street, Pittsford, New York, on Monday, September 22, 2003 at 7:00 P.M. to consider the application of Northfield Common Associates, owner of the properties at 45 Schoen Place, tax account #164.07-1-7-2, and 50 State Street, tax account #164.07-1-8, for subdivision approval to combine both parcels, pursuant to Chapter 210-115B(1)(b): Powers of the Planning Board, of the Code of the Village of Pittsford.

SEQR: Chairperson Mitchell stated that this is Type II Action under SEQR 617.5 #12. No further review is necessary.

Discussion: Mr. Mason explained that these two properties owned by him, were once joined in 1981 as one lot. It is his intention to rebuild a structure that was destroyed by fire in the spring. If the lots were not combined, there would be construction issues with the State Building Code. Chairperson Mitchell determined that the plans were complete.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing. The Secretary reported that there were no letters or phone calls received regarding this application.

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

Motion: A motion was made by Chairperson Mitchell to approve the combination of the two properties as described in the Legal Notice and shown on the site plan submitted and date stamped 8/18/03 conditional upon applicant’s submittal of an official mylar copy that includes a place for signatures and the filing of this site plan with Monroe County. Motion was seconded by Member Lanphear.

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

This decision was filed in the Office of the Village Clerk on September 22, 2003. Failure to comply with the Conditions of Approval may result in revocation of said approval.

ZONING BOARD

1. **Jeffrey Mason- 45 Schoen Place – site plan change – continuation of Public Hearing.**

This is a continuation of an application from June 2003. The Board reviewed the site plan revision that was submitted and date stamped September 22, 2003. Chairperson Mitchell noted that the suggestions made by the Board last month were included in the revised site plan; locating the building closer to Schoen Place by six feet, removing parking spaces in front of the building, adding a walkway leading

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to the back parking lot and adding a wheelchair accessible parking space along the side of the building adjacent to the sidewalk.

Chairperson Mitchell reminded the applicant that approval of the exterior design of the new building would be needed from the APRB. Mr. Mason stated that he had met with the Architectural and Preservation Review Board last month and that they gave approval of the plans on condition of the zoning board's approval.

Member Weniger made a motion to grant preliminary site plan approval of plans dated stamped and received in the Village Office on 9/22/03 with the condition that the final site plan includes review and approval of lighting, landscaping, and drainage plan. The motion was seconded by Member Danko. **VOTE:** Danko-yes, Lanphear-yes, Mitchell-yes, Chamberlin-yes, Weniger-yes. Motion carried.

This decision was filed in the Office of the Village Clerk on September 22, 2003.

2. Elizabeth and Robert Edwardsen- 21 Courtenay Circle – area variance to construct sun room.

Present: Elizabeth Edwardsen, Robert Edwardsen and Phil Hart of Patio Enclosures Company.

Proposed: To obtain an area variance in order to construct a rear sunroom in their home.

The Secretary read the Legal Notice that was published in the Brighton-Pittsford Post on September 5, 2003. *“Please take note that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals at the Pittsford Village Hall, 21 North Main Street, Pittsford, New York, on Monday, September 22, 2003 at 7:00 P.M. to consider the application of Robert and Elizabeth Edwardson, owners of property at 21 Courtenay Circle, tax account #164.09-1-4, an area variance to construct a rear sunroom, pursuant to Chapter 210-6D: Extension of a structure on a non-conforming lot.”*

SEQR: Chairperson Mitchell stated that this is Type II Action under SEQR 617.5 #12 & #13. No further review is necessary.

Discussion: Mr. Hart stated that the sunroom would be at the rear portion of the home and would project two feet beyond the current construction of the home. There are no environmental, drainage or neighbor concerns.

Building Inspector, Skip Bailey, informed the board that this is pre-existing, non-conforming lot and would not have to go before the Architectural Review Board because it is in the rear of the home and is not visible.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing. The Secretary reported that there were no letters or phone calls received regarding this application.

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

Motion: A motion was made by Chairperson Mitchell to approve the request for an area variance for the construction of a sunroom at the rear of the house at 21 Courtenay Circle as proposed on the application received in the Village Office and date stamped 8/26/03.

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

Findings of Fact:

1. This porch addition will not produce an undesirable change in the character of the neighborhood.
2. The applicant could not achieve the benefit of a porch without a variance.
3. This variance is not substantial.
4. There will be no adverse effect or impact on the environmental conditions of the neighborhood.

This decision was filed in the Office of the Village Clerk on September 22, 2003.

3. Oliver's Candies- 25 State Street – site plan for seasonal patio area.

Oliver's Candies submitted nothing further at this time.

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4. Mr. and Mrs. Holihan-38 Rand Place- continuation of public hearing for Special Exception Use for RV storage.

This is a continuation of an application for a Special Exception/Use Permit that originated in August of 2003. The Holihans were present and asked if they would like to address the Board with further information. They submitted a letter and supporting documents, which they said, summarized all of their concerns. The letter was received and date stamped at the village office on September 22, 2003. Telephone messages received since the August meeting in support of the Holihan's application received were from residents Blake Held, Joe Fitzpatrick, and Mitch Makowski. Correspondence since the August meeting asking the Board to uphold the RV Ordinance was received from residents Rosyln Pagano, Edward Rhoda, Helen Camesas and Todd and Stephanie Craig.

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

Board Discussion: Concerns were expressed by the Board regarding the granting of a Special Exception Use because a precedent could be set for future village property owners. Attorney Osborn advised the Board that they must spell out distinguishing features that would apply to mitigating circumstances if they decide to grant this Special Exception use. Member Weniger reminded the Board that the reason the Village has this ordinance is to discourage the storage of these vehicles on properties in the village.

Chairperson Mitchell reviewed aloud Chapter 150-3 I regarding the terrain, surrounding neighborhood conditions and the effect on adjacent properties that the storage of a RV might have. She said those items are important issues of this application that must be resolved.

Members discussed other storage alternatives, which included parking the vehicle off-site, placing the RV behind the fence if the slope of the land allows for it, or moving the current fence and building in a drive gate to allow access to pull the RV in. Member Weniger said that the property should be looked at more carefully in order to make a better decision. Board members decided that the Building Inspector should meet with Mr. and Mrs. Holihan to discuss alternatives before a decision is made.

Public Hearing re-opened: As a result of the Board discussion, a motion was made by Chairperson Mitchell, seconded by Member Lanphear to re-open the Public Hearing on the Holahan RV storage application to provide the applicant an opportunity to amend their application.

VOTE: Danko-yes, Lanphear-yes, Mitchell-yes, Chamberlin-yes, Weniger-yes. **Motion Carried.**

The Public Hearing will resume at the October meeting. Attorney Osborn stated that the Board has sixty-two days in which to make a determination after the final hearing.

OTHER BUSINESS:

5. JoJo's -56 & 60 North Main Street – continuation of the site plan approval process.

Building Inspector, Skip Bailey, noted that the newest site plan had just been received, dated September 22, 2003 and had not yet been reviewed for compliance. It was noted on the newest site plan that the number of parking spaces increased from 141 to 200. The plan also indicates drainage and a new double light pole, which is the only additional lighting. Board members agreed that there was too large of a span of blacktop in the center of the parking lot without islands of green space. Mr. Bailey will review the plan and summarize in written form all elements not in compliance with Village code.

INFORMATION ONLY:

1. Simply Crepes- Schoen Place – expansion of Special Permit.

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Pierre Heroux, owner of Simply Crepes on Schoen Place, explained that he would request an expansion of the Special Permit granted by the Board of Trustees on 3/11/03. To follow the new policy of the village, he is presenting his requests to this Board for their input before he formally applies to the Board of Trustees. The expansion includes the use of a lower level kitchen as a food prep and storage room, expanded hours of operation, additional seating and the addition of a beer and wine license.

Board members discussed the requests. They have no objection to the use of the downstairs space. Regarding hours of operation, Members concurred that this issue should be reviewed by the Trustees for the entire B-4 District since there are no hours listed in the Code for this district. They do not object to later hours for Simply Crepes since other businesses in the area remain open. While the approval of a liquor license is the function of the State, the Board noted that there is no bar construction within the restaurant. They would not be in favor of promoting a "bar" situation in this establishment but agreed that this is up to the Board of Trustees to include or not include as part of the Special Permit. The Building Inspector stated that no more parking is available, so additional seating cannot be allowed. It was suggested that Mr. Heroux could move tables from the inside to the outside deck in order to place seating out there. Mr. Bailey stated that seating without tables does not count as part of the 50 seats that were originally approved. Food could not be served at benches without tables. Benches could be used for patrons waiting for a table.

Member Lanphear said that it was imperative that a joint meeting of the Board of Trustees and the Zoning and Planning Board take place to review the vision for the B-4 Canal Waterfront District. Zoning requirements have changed as well. Also, the members all agreed that hours of operation for all canal front properties should be reviewed as well. Parking spaces along the Schoen Place business district is also an area that needs to be addressed between the two boards to determine number of seats permitted per parking spaces. Chairperson Mitchell will draft a letter to the Board of Trustees expressing the Planning/Zoning Board's thoughts on this issue. The letter will be presented to this Board at the October meeting for their review.

Skip Bailey said that it should be the Zoning Board's recommendation to the Board of Trustees that the small preparation kitchen at Simply Crepes be considered a part of the original Special Permit that was previously granted.

MEMBER ITEMS:

1. Chairperson Mitchell discussed the schedule for the October meeting. She will be unable to attend and presented two possible options:
 - a) Keep the meeting as scheduled for October 27th and have Member Weniger chair the meeting or:
 - b) Back the meeting up one week to October 20th and the board would only have three members, as two of them are unavailable on that date.All members agreed that the meeting will be left on October 27th and Member Weniger will chair the meeting.
2. Member Chamberlain asked the board what the next step should be with the property owner on Boughton Avenue who installed a circular driveway. The homeowner is not complying with the Village Code. Skip Bailey said that due to the fact that two entrances are being used for the driveway, it is a code enforcement issue.

BUILDING INSPECTOR'S REPORT:

1. **One year review of Breathe Yoga's Special Exception Use permit as per minutes of 8/26/02:**
Skip Bailey stated that there are currently no complaints with Breathe Yoga. There was a complaint of a sandwich sign, which has since been removed. The original permit does not allow preparing hot

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foods. They currently use two soup warmers, which Skip was aware of. The owner stated that they are doing very well.

A motion was made by Chairperson Mitchell to acknowledge that a review of Breathe Yoga has been completed and that the board finds no concerns. Member Danko seconded this.

VOTE: Danko-yes, Lanphear-yes, Mitchell-yes, Chamberlin-yes, Weniger-yes. Motion carried.

- 2. Mr. Bailey also reported that Great Northern Pizza Kitchen has begun remodeling and are now aware that all sewer issues are for them to handle and not the village.**
- 3. Mr. Bailey reported that JoJo's site plan was received, but had not yet been thoroughly reviewed.**

MINUTES:

July 28, 2003: After review and discussion, a motion was made by Chairperson Mitchell , seconded by Member Weniger to accept the minutes dated July 28, 2003 as amended.

VOTE: Danko-yes, Lanphear- (abstained from voting), Mitchell-yes, Chamberlin-yes, Weniger –yes
Motion Carried.

August 25, 2003: After review and discussion, a motion was made by Member Lanphear, seconded by Chairperson Mitchell to approve the minutes of August 25, 2003 as amended.

VOTE: Danko-(abstained from voting), Lanphear-yes, Mitchell-yes, Chamberlin-yes, Weniger-yes.
Motion carried.

ADJOURNMENT:

There being no further business, Chairperson Mitchell adjourned the meeting at 9:50.

Jennifer Latshaw, Recording Secretary