

Village of Pittsford
PLANNING And ZONING BOARD OF APPEALS
November 24, 2003 – Regular Meeting held on Monday at 7:00 P.M.

PRESENT:

Chairperson:	Remegia Mitchell
Members:	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.

1. Kevin and Julie Beatson – 77 State Street – area variance

Present: Kevin and Julie Beatson

Proposed: To obtain an area variance to construct an addition.

The Secretary read the legal notice. This notice was mistakenly omitted from the Brighton-Pittsford Post and was republished on December 3, 2003. This hearing will remain open until the next meeting on December 15, 2003 to allow for the republishing of this notice. It reads, *“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 December 15, 2003 at 7:00 P.M. to consider an application made by Kevin and Julie Beatson, of 77 State Street, Pittsford, New York, for an area variance to construct an addition to a structure on a pre-existing non-conforming lot pursuant to Chapter 210-6D of the Code of the Village of Pittsford. This public hearing will be the continuation of a public hearing, which was opened November 24, 2003.*

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

Discussion: Mr. and Mrs. Beatson propose an addition to their house, which involves adding a second story and construction of a new garage and entrance. Their frontage is 45 feet where 75 feet is required, making this a non-conforming lot. This piece of property is in the village as well as the town. The addition to the structure would be in the village, so therefore the town has no jurisdiction in this matter. One concern that was mentioned was access to the back of the house for the fire department. It was noted that the side setback is fine and that there is adequate room for emergency access. This lot was divided in 1977.

Public Hearing Opened: Chairperson Mitchell opened the public hearing. There was no public comment at this time. This hearing remains open until the December 15, 2003 meeting.

Chairperson Mitchell explained to the homeowners that due to the error with the legal notice, the public hearing will remain open until the December 15, 2003 meeting. The board will reserve their decision until that time. In the meantime, the Beatsons will have to go to the Architectural and Preservation Review Board for approval of designs.

2. Robert and Cathy Healy – 67 South Main Street – area variance to construct an addition.

Present: Cathy Healy

Proposed: To obtain an area variance to construct an addition.

The Secretary read the legal notice. This notice was mistakenly omitted from the Brighton-Pittsford Post and was republished on December 3, 2003. This hearing will remain open until the next meeting on December 15, 2003 to allow for the republishing of this notice. It reads, *“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 December 15, 2003 at 7:00 P.M. to consider an application made by Robert and Cathy Healy of 67 South Main Street,*

Pittsford, New York, for an area variance to construct an addition to a structure on a pre-existing non-conforming lot pursuant to Chapter 210-6D of the Code of the Village of Pittsford. This public hearing will be the continuation of a public hearing, which was opened November 24, 2003.

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

Discussion: Mrs. Healy is proposing the construction of an addition that is 11 feet by 12 feet and an addition that is 3 feet by 8.75 feet to a non-conforming structure on a non-conforming lot. The lot has less than the required side setback of 15 feet and less than the required front setback of 70 feet. This construction involves removing a porch that is deteriorating and building a new room in that area. This would increase the side setback by two feet.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing. There is no public comment at this time. This hearing remains open until the December 15, 2003 meeting.

Mrs. Healy discussed with the board her concern over leaving this hearing open as they have a contractor ready to start work as soon as they have approval. They have already received APRB approval pending this decision. John Osborn informed the board that the legal requirements need to be followed with regard to public notices. Chairperson Mitchell told Mrs. Healy that she must defer to Counsel's advice and cannot make a decision until the next meeting. There were no other concerns from the board regarding this application.

3. Great Northern Pizza Kitchen – 14 South Main Street – area variance for signs.

Present: Rob and Chris Desino

Proposed: To obtain an area variance for more than one sign where one is permitted.

The Secretary read the legal notice. This notice was mistakenly omitted from the Brighton-Pittsford Post and was republished on December 3, 2003. This hearing will remain open until the next meeting on December 15, 2003 to allow for the republishing of this notice. It reads, *“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 December 15, 2003 at 7:00 P.M. to consider an application made by D2 Restaurant Systems LLC, owners of Great Northern Pizza Kitchen, 14 South Main Street, Pittsford, New York, for an area variance to install two building mounted signs on the building elevation facing the public street pursuant to Chapter 168-7A (1), and an area variance to install a sign projecting from the building where projecting signs are not permitted pursuant to Chapter 168-5D of the Code of the Village of Pittsford. This public hearing will be the continuation of a public hearing, which was opened November 24, 2003.*

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

Discussion: This application was based on a recommendation to Mr. Desino by the APRB to apply for a variance to install a hanging sign to their building at 14 South Main Street. Currently, they have APRB approval for the rear sign. The sign for the front of the building creates a problem due to visibility. There is a large tree in front of the building. If a sign is located above the center window on the front elevation of the building, it is not visible when the tree has leaves. Therefore, it was proposed to have a projecting sign near the front door that would be visible all year. However, Village of Pittsford Code does not allow for projecting signs and the Board stated that they typically do not allow this.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing. There is no public comment at this time. The hearing will remain open until the December 15, 2003 meeting.

It was discussed with the Desinos that they return to the APRB on December 8, 2003 to discuss other options such as; a sign mounted on the Church Street side of the building or on the old drive-thru side of the building to allow for greater visibility. In the meantime, a temporary banner will hang on the front of the building when the business opens in two weeks. It was recommended that a letter be sent to the APRB regarding this application.

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

Present: Doug Weins

Discussion: This is a continuation of a public hearing. The Board reviewed with Mr. Weins the site plan received and date stamped November 18, 2003. Site plans were to have been revised since the last meeting in order to meet approval. Mr. Weins pointed out that the new site plan shows two new drywells that were installed in order to fix flooding of the parking area. Two existing drywells are plugged and will be repaired. Mr. Weins showed that two islands with trees were added to the proposed parking area to alleviate a barren look. Curbing and landscaping with trees is noted on the site plan. Parking spaces were also noted on the new proposed site plan.

Chairperson Mitchell instructed Mr. Weins not to move forward with the drywells until an engineer for the village looks at the plan. The engineer will check this plan and report back to the Board with findings.

It was also noted that the site plan needs to include notation and calculation of interior landscaping to be indicated as percentages of landscape and asphalt. Snow storage spaces need to be indicated on the site plan. Currently they plan two areas for snow storage and to remove excess snow by truck as needed. In regards to a photometrics plan, Mr. Weins stated that they decided not to change any lighting. A concern was brought up in regards to light spill from the fixtures on two of the buildings. Mr. Weins said that this was addressed already and that the light on the back of JoJo's was shielded. Chairperson Mitchell that a "spill eliminator" fixture could be installed to control light spill. Building Inspector agreed to observe the lights at night.

Another concern stated by the Board was a huge pile of soil at the rear line of the property by the railroad tracks and along the fence near the berm. Mr. Weins was asked to have the soil leveled so that it does not kill any trees or cause the fence to rot. Mr. Weins was reminded that screening along the railroad tracks may also have to be addressed.

A parking concern was raised by Member Danko. In the Northeast corner of the lot, the parking configuration on the plan makes it appear very difficult for two cars to leave at the same time. The parking spaces narrow into a corner and it is difficult to determine how tight this area is. Mr. Weins stated that he will go over with his car and try it to see now that the stripes are in place.

Public Hearing Opened: Chairperson Mitchell asked if there was any comment from the public and there was not.

This site plan is still considered preliminary at this time. It should be ready for the next meeting, however the engineer's report may take longer.

In summary, the Board reviewed the eight issues they had instructed Mr. Weins to address at the previous meeting on October 27, 2003. Two of these items remain to be shown on the site plan:

#5. "show that interior landscaping is 5% of the paved area with a minimum dimension of 20 square feet and distributed within the facility."

#8 "show snow storage area and indicate that trucking will be used if necessary."

In addition, the applicant was made aware of the following concerns as discussed:

- possible light spill
- need for an engineer's report regarding drainage
- piles of dirt along railroad and along fence
- possibility of unsafe parking layout in Northeast corner
- likely need for screening at railroad property line
- Board requests to have site plan ready for SEQR review next month.

5. Mr. and Mrs. Beaty –17 West Jefferson Road – fence appeal

Present: Mrs. Beaty

Discussion: The public hearing for this appeal has been closed and no further information can be presented at this time. Site visits were also completed.

It was discussed that the only reason to remove the fence from the property line is to allow screening on Mrs. Beaty's property. Therefore, by locating the fence approximately four feet from the rear property line, the visibility of the rear fence and west fence is not an issue. A six foot fence is permitted in a backyard, and there is nothing in our code which denies the use of chain link fence material. John Osborn stated that screening provisions in the law do not state that there must be screening between neighbors. However, Mrs. Beaty had stated at our previous meeting that she was willing to do this. The APRB has the authority only over a fence that is visible. The only solution is to mitigate its impact by making it less visible.

Motion: Chairperson Mitchell made a motion, seconded by Member Weniger to modify the result of the APRB decision of September 23, 2003 on consideration of this appeal and review of the application. We modify the ruling from the APRB to require granting of the application with these conditions:

1. The south section of proposed fence and poles be set back from rear property line by 4-6 feet, so screening will not encroach neighbor's property.
2. Screening of south boundary line and maintenance of screening be installed with evergreen vegetation with a minimum height of three feet. The choice of such vegetation is expected to grow to a height of no less than six feet and broaden to create a full screen for the proposed fence, including the fence posts at the southeast and southwest corners.
3. The remainder of the fence shall be built with similar materials as built to date.

Vote: Danko – yes; Lanphear – yes; Mitchell – yes; Weniger – yes. Motion carried.

This decision was filed in the Office of the Village Clerk on November 24, 2003.

Findings:

1. The APRB clearly has authority over the area of this fence which is visible from Village Grove per Village Code 210.58.
2. The APRB is limited to review of architectural features visible from a public right of way per Village Code 210.60.
3. Portions of the six foot fence which are the subject of this appeal are or would be visible from Village Grove.
4. Village code permits six foot fences in the rear yard per Village Code 98-1B.
5. Wilma Beaty has expressed willingness to install screening.
6. In the opinion of the Landmark Society's consultant, the fence is completely compliant with the spirit of article 14.
7. Village Grove is a public right of way. Private driveways are not. Consideration was made only from Village Grove itself and not from private driveways.

Member Items:

Canal Improvement Project

Chairperson Mitchell presented plans for the canal improvement project. This project involves installing curbing from the Sam Patch ticket booth towards the State Street Bridge, removing guardrails, narrowing the street and adding trees, adding brick plazas with benches, new docking and adding a pavilion. This project will be bid on in December or January and waterway work will be completed by March, 2004. The Board needs to decide if they will consent to the Board of Trustees acting as lead agency. This is only a beautification project and Chairperson Mitchell believes that there would be no need for further review by the Planning and Zoning Board.

Motion: Chairperson Mitchell made a motion, seconded by Member Weniger to grant the Trustees lead agency status in the SEQR request for the Canal Improvement Project not including.

Vote: Danko – yes; Lanphear – yes; Mitchell – yes; Weniger – yes. Motion carried.
This decision was filed in the Office of the Village Clerk on November 24, 2003.

RV issue on Rand Place:

Board members expressed concerns that no enforcement action has been taken yet.

Minutes:

October 15, 2003: A motion was made by Chairperson Mitchell and seconded by Member Weniger to approve the minutes as written.

Vote: Danko – yes; Mitchell – yes. Weniger – yes. Motion carried.

October 27, 2003: A motion was made by Member Weniger and seconded by Member Danko to approve the minutes as amended.

Vote: Danko – yes; Lanphear – yes; Mitchell – yes; Weniger – yes. Motion carried.

November 7, 2003: A motion was made by Member Weniger and seconded by Member Danko to approve the minutes as written.

Vote: Danko – yes; Mitchell – yes; Weniger – yes. Motion carried.

ADJOURNMENT:

There being no further business, Chairperson Mitchell adjourned the meeting at 9:35 P.M.

Jennifer Latshaw, Recording Secretary