

**Village of Pittsford**  
**PLANNING And ZONING BOARD OF APPEALS**  
**December 15, 2003 – Regular Meeting held on Monday at 7:00 P.M.**

**PRESENT:**

**Chairperson:** Remegia Mitchell  
**Members:** Harold Danko  
Sally Chamberlin  
**Attorney:** John Osborn  
**Recording Secretary:** Jennifer Latshaw  
**Building Inspector:** Skip Bailey

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

**Zoning Board**

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

**Present:**

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

**Discussion:** This is a continuation of a public hearing that was held open due to improper notification to the public. 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.

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

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin to approve the application submitted by Julie and Kevin Beatson at 77 State Street for an area variance to construct an addition.

**Findings:**

- a) **An undesirable change will not be produced in the character of the neighborhood by granting this variance.**
- b) **The benefits cannot be achieved by the applicant by some method other than a variance.**
- c) **The requested variance is not substantial.**
- d) **The variance will not have an adverse effect on the physical or environmental conditions of the neighborhood.**
- e) **The alleged difficulty was historically created by dividing the lot and does not preclude the granting of this area variance.**

**Vote:** Danko – yes; Mitchell – yes; Chamberlin – yes. **Motion carried.**

**This decision was filed in the Office of the Village Clerk on 12/15/03.**

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

**Present:**

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

**Discussion:** This is a continuation of a public hearing that was held open due to improper notification to the public. 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 home 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 Closed:** There being no one present to speak for or against this application, Chairperson Mitchell closed the Public Hearing.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin to approve the application for an area variance to construct an addition for Robert and Cathy Healy of 67 South Main Street.

**Findings:**

- a) **An undesirable change will not be produced in the character of the neighborhood by granting this variance.**
- b) **The benefits cannot be achieved by the applicant by some method other than a variance because this is a pre-existing lot.**
- c) **The requested variance is not substantial.**
- d) **The variance will not have an adverse effect on the physical or environmental conditions of the neighborhood.**
- e) **The alleged difficulty was not self-created due to the pre-existing and non-conforming lot.**

**Vote:** Danko – yes; Mitchell – yes; Chamberlin – yes. Motion carried.

**This decision was filed in the Office of the Village Clerk on December 15, 2003.**

**Planning Board**

**3. EJ Del Monte Corporation: 41 North Main Street – site plan alterations**

**Present:** John DelMonte, John Tangeras, Tom Delansky

**Proposed:** site plan approval

**The secretary read the legal notice that was published in the Brighton-Pittsford Post on December 3, 2003.** *“Please take notice that a public hearing will be held before the Village of Pittsford Planning 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 EJ Del Monte Corporation for minor site plan alterations at the property located at 41 North Main Street, pursuant to Chapter 210-83, site plan approval, of the Code of the Village of Pittsford.”*

**SEQR:** Chairperson Mitchell stated that this is a Type II Action under SEQR 617.5 #7. No further review is necessary.

**Discussion:** Site plans were received and date stamped November 21, 2003. These plans are for renovations to the existing railroad station. Originally this space was given approval for a steakhouse, but the owners have found that the other restaurant on the property meets their needs. Therefore, a spa and salon is proposed. This change requires a slight change in the footprint of the property. The two-story portion of the building will be demolished, however the former railroad station will remain exactly the same. An addition will be added to the rear of the building, which totals 1328 square feet. There will be a modification to parking areas including the elimination of five spaces and moving the dumpster elsewhere with screening to code.

It was explained that the spa will have approximately ten treatment rooms, six salon stations, three manicure and six pedicure areas. There will be a retail and sales area for cosmetics as well as a makeup area with makeup stations. There would be no more than approximately sixty people in the building at a time including staff. Mr. DelMonte noted that most of the people using the spa will be staying at the hotel, maximizing parking lot usage.

The total number of required spaces is 170 and this site plan proposes using 178. Recently restriping of the spaces was completed in order to make larger spaces. The spaces were originally eight feet wide and are now larger. The final proposed number of 178 spaces reflects the larger spaces.

Chairperson Mitchell raised one concern on behalf of the Board regarding the chain link fence along the canal area. The Fire Department has also raised the concern that this fence makes the railroad trestle inaccessible to emergency vehicles. Mr. DelMonte explained that the fence was installed for

liability reasons due to the fact that cars coming around the corner too fast could end up in the canal. A possible curbing solution was proposed or a removable fencing of some sort so that the fire department could have quick access to the canal and railroad trestle if necessary. Mr. DelMonte will be responsible for speaking with the Fire Department to discuss alternatives.

**Public Hearing Opened:** Chairperson Mitchell opened the public hearing.

**Kathy Cufari:** 5 Grove Street. Ms. Cufari asked what the hours of operation will be and if any changes were being made along the canal. Mr. DelMonte answered this by noting that the spa will be open seven days a week, probably from 9 A.M. to 10 P.M. with less hours on Sundays.

The Board raised a concern over the change in laundry as well. The plan proposes moving the laundry area to the addition. This places vents closer to residential areas. Mr. DelMonte noted that these dryers are more efficient, they work at lower temperatures and they do not use chemicals similar to laundromats. Ms. Cufari mentioned that they have never noticed a problem to date.

Changes to the site plan include:

- larger parking spaces
- moving dumpster to a new location
- enlargement of the footprint of the concrete block building behind the railway station
- creation of curb or alterations to chain link fence along the south lot line

The Board then reviewed the list of criteria for preliminary site plan approval from page 210:75 of the Code of Pittsford so that the owners can move forward. In terms of drainage, there is an existing inlet and no new pipes are being installed. For signage, there will be one building mounted sign, which is not subject to approval by this board. Additional landscaping on the north boundary is proposed. Per the building inspector, they have met all criteria on the checklist with the condition of meeting with the Fire Department for better canal access.

**Public Hearing remains open until the January 5, 2004 APRB meeting and discussion with the Fire Department.**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin to approve the preliminary site plan.

Vote: Danko- yes; Mitchell – yes; Chamberlin – yes. Motion carried.

**This decision was filed in the Office of the Village Clerk on December 15, 2003.**

**Building Inspector's Report:** Skip Bailey reported that code enforcement has begun regarding the RV storage at the Holahan's on Rand Place. A notice of violation has been sent and if nothing is done, they will eventually receive a ticket of appearance.

**Member Items:**

Member Chamberlin brought up the issue of the incorrect driveway use on Boughton Avenue. Skip Bailey stated that he could look into this again.

Chairperson Mitchell informed the Board that the Village Engineer, Scott Harter had emailed her with some initial findings from his visit to the JoJo's site. He felt that there were some concerns that needed to be addressed such as the island that could create pooling of water. It was decided that Mr. Harter needs to complete his official letter and send it to Skip Bailey who will then forward it on to Mr. Weins. A copy of the Village Code regarding site plan approval should also be included.

Chairperson Mitchell made a motion, seconded by Member Chamberlin to go into executive session.

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

Chairperson Mitchell made a motion, seconded by Member Danko to go out of executive session.  
Vote: Danko – yes; Mitchell – yes; Chamberlin – yes. Motion carried.

**ADJOURNMENT:**

**There being no further business, Chairperson Mitchell adjourned the meeting at 8:50 P.M.**

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**Jennifer Latshaw, Recording Secretary**