

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
June 28, 2004 – Regular Meeting held on Monday at 7:00 P.M.

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin
	Tom Dannhauser
	Linda Lanphear
Excused:	Ted Weniger
Attorney:	John Osborn
Building Inspector:	Skip Bailey
Recording Secretary:	Linda Habeeb

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

INFORMATION ONLY – PLANNING BOARD

Pittsford Flour Mill, Schoen Place – Renovations

Present: John Page-Bero Architecture, Al Longwell, Owner and Developer, Michael Newcomb Sr., Owner

Proposed: Preliminary thoughts on renovations for the Pittsford Flour Mill were presented in order to obtain direction from the Board and to obtain a description of the process and requirements.

Discussion: Mr. Page presented three drawings. The first was a drawing of the site as it currently exists. The second was a plan showing the desired demolition of certain elements on the site such as the loading dock, the silos, the concrete block warehouse and the metal shed. Approval from the APRB will be needed for any proposed demolition. The third was a site study supported by the proposed demolitions. This plan retains the flour mill for offices with an entrance toward the parking area and Schoen Place. There would be eight floors of office space in the grain elevator with an entrance from Schoen Place. An elevator would be required. For better flow and control, one-way access is planned for an indoor parking area for 116 vehicles. This plan shows 18 foot drive aisles as opposed to 23 foot aisles, and 18 foot parking spaces rather than 19 foot spaces. The Board suggested a meeting with the Fire Chief to discuss access by emergency equipment. Fencing at the perimeter of the site is planned to control the parking. This 3rd drawing has incorporated the shift in Schoen Place in anticipation of a sidewalk on the north side of the road. Mr. Page said landscaping requirements would be discussed with the Building Inspector.

Mr. Bailey noted that for safety reasons, it would be important to have cross access in the back of this building, and the drive aisles should not be too narrow. Member Lanphear suggested that because the entrances from Schoen Place could be problematic, perhaps a traffic study could be conducted. Mr. Bailey said that while it is private property, a traffic study could be charged back to the owner because ingress and egress would be onto a Village street.

The Board identified the following concerns:

1. perimeter fencing
2. access off Schoen Place requiring the demolition of the Flour Mill Office
3. narrowness of the proposed drive aisles
4. alterations to historic structures
5. traffic impact of 105 more parking spaces
6. impact of the view from the canal

The Board reminded the project representatives that a SEQR review would be needed due to the proximity to the Canal and the Pittsford Farms Dairy and that all proposed demolitions would require approval from the APRB. They noted that the Department of State, SHPO, APRB, the Fire Department were other agencies that would be involved with the development of this site. It was suggested that an on-site meeting take place after July 6th. The Secretary will coordinate that meeting.

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ZONING BOARD

Thomas Sanna– 22 Courtenay Circle – Public Hearing for Area Variances for setbacks and preexisting, non-conforming structure

Present: Thomas Sanna

Proposed: The applicant wishes to construct a rear sunroom addition, a front entrance addition and a deck in the rear yard.

The Secretary read the legal notice that was published in the June 16th edition of the Brighton Pittsford Post: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Monday June 28, 2004 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Thomas Sanna, owner of property located at 22 Courtenay Circle, which lot is located in an R-1 Residential District, for the following variances: an area variance to expand a pre-existing, non-conforming structure in the R-1 Residential District, said structure having front setbacks of 50.4 feet and 44.5 feet, where a front setback of 70 feet is required, and said structure having a side setback of 8.9 feet where a side setback of 15 feet is required, pursuant to Chapter 210-6D: Extension of pre-existing structures, of the Code of the Village of Pittsford; an area variance to construct a front entrance addition, said addition having a setback of 39.1 feet where a setback of 70 feet is required in the R-1 Residential District, pursuant to Chapter 210-9B: Dimensional requirements, of the Code of the Village of Pittsford; and an area variance to construct a deck in the rear yard, said deck having a side setback of 4.5 feet where a side setback of 15 feet is required in the R-1 Residential District, pursuant to Chapter 210-9C: Dimensional requirements, of the Code of the Village of Pittsford.”*

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

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

Discussion: Mr. Sanna explained to the Board that he would like to make the front entrance of his home flush with the existing house as shown on page A-5 of the plans he submitted. A variance is required to allow for front set backs that do not meet the minimum. It is also required because this is an addition to a pre-existing non-conforming structure. Mr. Sanna further explained that in the back area of the house, he wishes to construct a three-wall sunroom as shown on page A-3 of the submitted plans. He is proposing the construction of a deck off the new sunroom, shown on page A-7 of the submitted plans, which requires a variance to allow for a side setback that is less than the minimum required by Code. It was noted that a variance would not be required if a patio rather than a deck were being constructed.

The Secretary noted that three letters of support and one letter opposing this application had been received in the Village Office.

Steve Maddox, 8 Courtenay Circle: Mr. Maddox spoke as a neighbor and a resident of the Village. He said the project would have a positive impact on the neighborhood and stated that he is in support of this application.

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

A **motion** was made **by Member Chamberlin, seconded by Chairperson Mitchell** to approve the area variance applications of Thomas Sanna to expand a pre-existing, non-conforming structure with the construction of a sun room as shown on page A-3 of plans submitted and date stamped May 25, 2004, to construct a front entrance addition as described on page A-5 of plans submitted and dated stamped May 25, 2004, and to construct a deck in the rear yard as shown on page A-7 of plans submitted and date stamped May 25, 2004 with the condition that the deck have a side set-back of not less than 8.9 feet, and with the stipulation that all plans visible from a public way receive approval of the APRB.

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

The decision was filed in the Office of the Village Clerk on June 28, 2004. **Failure to comply with the conditions of approval may result in the revocation of said approval.**

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Sean Adams – 17 Eastview Terrace– Area Variance to erect a fence exceeding three feet in height

Present: Sean Adams

Proposed: The applicant is seeking approval for an existing wooden picket fence on a corner lot, said fence being approximately 44” to 48” high.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on June 16, 2004: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Monday June 28, 2004 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Sean Adams, owner of property located at 17 Eastview Terrace, for the following variance: an area variance to erect a fence exceeding 3 feet in height in a front yard, said fence having an installed height of 46 to 48 inches, pursuant to Chapter 98-1A: Fences; height restrictions of the Code of the Village of Pittsford.”*

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

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

Discussion: Mr. Adams told the Board that the APRB approved the design of a fence that was three feet in height. He said the contractor erected a fence that is higher than the Code permits, contrary to his instructions. He would like to obtain a variance so he can keep the fence height as it is because he has since come to believe that it is of benefit to his family. Mr. Adams presented a petition signed by seventeen neighbors who are in support of the fence. He also presented photos of the yard and fence. He told Board members that he is concerned about the safety and special needs of his son. He noted that his son could not be within the fenced enclosure of the front yard without supervision. Mr. Adams stated that he has made a considerable financial investment in the fence.

The following neighbors spoke in favor of this variance request: Hervie Merrill - 15 Eastview Terrace, John Kemnitz – 12 Elmbrook Drive, Tim Galli-34 Eastview Terrace, Milton Wier – 34 East Jefferson Road, and Rick Holahan – 38 Rand Place. The Secretary reported that two letters of support, three letters of opposition and one opposing phone call were received. One visitor to the Village Hall expressed opposition to this fence.

Board Members expressed concerns regarding setting a precedent. They noted that the Zoning Board has a long history of denying fences higher than three feet in front yards or on corner lots. Members were also concerned about visibility at the intersection from within a vehicle of normal height. It was stated that the fence was constructed in violation of Village Code requirements. They suggested that plantings could be an alternative solution.

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

Findings of Fact:

- The applicant is requesting a 4 ft. fence based on the special needs of his child.
- An area variance is granted to the land and not the resident. It is valid for the life of the property.
- This request for a variance does not bear a meaningful relationship to the property itself.
- The Board is considering the safety of the general public and not the safety of an individual resident.

Board Members reviewed the criteria for granting an area variance and determined that:

1. An undesirable change in the character of the neighborhood or a detriment to nearby properties could be created by granting this variance.
2. The benefit sought by the applicant could be achieved by adding plantings or landscaping inside of a 3-foot fence, thereby creating a wider barrier between the child and the fence line.
3. The requested variance is substantial.
4. The difficulty was self-created because a non-compliant fence was constructed without approval.

In addition, Members concluded that the Village Zoning Board has a long and consistent history regarding the height of fences on corner lots in the Village. The following past applications for fences on corner lots were named: Wood Street and South Street, Sutherland Street and Monroe Avenue, Lincoln Avenue and

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Washington Avenue, Rand Place and Jefferson Road and the South Street and Jefferson Road triangle. By granting this variance application the Board would set a precedent for future applications.

A **motion** was made **by Chairperson Mitchell, seconded by Member Lanphear** to deny this application for a variance to allow a fence that exceeds three feet in height from the sidewalk grade for 17 Eastview Terrace.

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

The decision was filed in the Office of the Village Clerk on June 28, 2004.

PLANNING BOARD

John Degenhardt – Towpath Bike– 3 Schoen Place– site plan approval for side entrance and porch

Present: Mike Franzen

Proposed: The Applicant is seeking site plan approval for a side entrance and a porch as presented on plans submitted and date stamped June 28, 2004.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on June 16, 2004: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board on Monday June 28, 2004 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 a side entrance and porch at 3 Schoen Place, a business currently known as Towpath Bike Inc., pursuant to 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. No further review is necessary.

Discussion: Mr. Franzen explained that the bike shop would be moving to this new location because it will provide greater indoor space than the present location. They plan to eliminate the front entrance and build a covered entrance on the east elevation. During the summer months, the shop is planning to have kayaks for rent in the parking area across the street. This parking area will be shared with the wine shop. Mr. Bailey explained that there are no regulations preventing storage of outside merchandise in this B4 Canal Waterfront District. He said the kayaks were for rent and not for sale. The Board discussed the lack of landscaping and the location of a handicap parking place.

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

Public Hearing Closed: There being no one 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 this site plan application submitted and date stamped June 28, 2004 for the Towpath Bike Shop as submitted with the following conditions:

1. Landscaping for the Schoen Place edge of the building shall be submitted for Planning Board approval.
2. The location of a handicap parking place to service the building shall be submitted for Planning Board approval.

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

The decision was filed in the Office of the Village Clerk on June 28, 2004. Failure to comply with the conditions of approval may result in the revocation of said approval.

Public Hearing Reopened: A **motion** was made **by Chairperson Mitchell, seconded by Member Dannhauser** to reopen the Public Hearing so that the applicant can submit a site plan showing landscaping and the location of a handicap parking place.

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

Great Northern Pizza Kitchen – 14 South Main Street – site plan approval for landscaping

Present: The applicant was not present.

Proposed: The applicant is seeking approval to change the original approved site plan to include a concrete patio with tables for outside seating. The plan includes planters.

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The Secretary read the legal notice that was published in the Brighton-Pittsford Post on June 16, 2004: *“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 & 15. No further review is necessary.

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

Discussion: Board members discussed concerns that the cement patio is a problem because the chairs and umbrellas and planters consistently protrude into the public right of way. Alternative ideas were discussed. Current violations that were mentioned were the lack of a dumpster enclosure, non-functioning light poles, and a one way sign. The Board determined that the site plan as presented is not acceptable. The Board would like the applicant to submit a variety of alternative plans at the next meeting. Some of the areas that should be addressed are a different type of paving material in place of the concrete patio, multi seasonal plantings, a curb that will not hinder snow removal, landscaping along the building and details on the interior seating space as it relates to the number of outdoor seats. The Secretary will send a letter to the applicant informing him of the Board’s concerns. The Public Hearing will remain open.

MEMBER ITEMS

Jojo’s: A letter was sent to JoJo’s architect from Scott Harter, the engineer reviewing this site plan for the Village. Mr. Harter identified three elements which need further documentation. He also indicated the need to include one more tree and curbing to protect it at the end of one row of parking.

Bill Wahl’s: Concerns were expressed regarding the handicap parking place and the construction of a sidewalk. Mr. Bailey explained that the site work is not complete and that the Board of Trustees authorized the sidewalk. He will inspect the erosion of soil near the wooden steps because it was reported that it is not safe at this point.

Boughton Avenue Driveway: Mr. Bailey reported that Ms. Seymour will make an application to the Board next month. She will appeal the decision of the Building Inspector. She will ask for two entrances to her driveway.

St. Paul’s Church: Mr. Bailey reported that the Church plans to go forward with their addition and will apply for site plan approval in July.

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 10:10 PM.

Linda Habeeb, Recording Secretary