

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
August 23, 2004 – Regular Meeting held on Monday at 7:00 P.M.

PRESENT:

Chairperson: Remegia Mitchell

Members: Sally Chamberlin
Tom Dannhauser
Linda Lanphear
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.

Zoning Board

1. Timothy Wilmot – 1 Stonegate Lane – Public Hearing for area variance to construct an addition

Present: Mr. & Mrs. Wilmot

The Secretary read the legal notice that was published in the August 11th 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 August 23, 2004 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Timothy Wilmot, owner of property located at 1 Stonegate Lane, for the following variance: An area variance to construct a 2-story addition measuring 10 feet by 15 feet, an extension of a non-conforming structure, said structure having a side setback of 1.2 feet where a side setback of 15 feet is required, and said structure having a rear setback of 2.7 feet where a rear setback of 35 feet is required, in the R-1 Residential District, pursuant to Chapter 210-6D of the Code of the Village of Pittsford: Extension of non-conforming buildings, structures, lots, or uses.***”

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: The applicants are requesting approval to build a 2-story addition connecting the house and the detached garage. They propose filling in a 10’ x 15’ area between the 2-story frame house and the garage. The rear stairs will be removed, which will reduce the proximity of the structure to the rear lot line that currently exists. The Board stated that this is a pre-existing, nonconforming lot, and that the house was originally a barn. The applicants have presented their proposal to the Architectural Review Board, for information only.

Susan Judson, 25 Washington Avenue, inquired as to the proximity of the addition to the property line. The Board pointed out that under the proposal, the setback of the new section would be 10 feet from the rear property line.

There was one letter and one phone call in support of the proposed addition.

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

Findings of Fact:

- 1. The applicant's proposal would remove the stairway in the back**
- 2. Removal of the stairway will reduce the impact of the existing setback**
- 3. There is minimal visual impact from these changes**
4. There are no undesirable changes that will be produced in the character of the neighborhood by granting this variance.
5. The requested variance is not substantial.
6. The proposed variance will not have an adverse effect or impact on the environmental conditions of the neighborhood or district.
- 7. The alleged difficulty is not self-created.**

Motion: A motion was made by Member Weniger, seconded by Chairperson Mitchell, to approve the area variance application of Timothy Wilmot for construction of an addition.

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

The decision was filed in the Office of the Village Clerk on August 23, 2004. Failure to comply with the conditions of approval may result in the revocation of said approval.

Planning Board

1. JoJo's - site plan and SEQR process

Present: Greg Barkstrom

This is a continuation of a public hearing for a site plan. Mr. Barkstrom stated that he has had frequent correspondence with Scott Harter, and that he had responded to the missing elements as per the engineer's report. He summarized the changes: moving of the berm; additional asphalt area; and two additional drywells. He also stated that the existing two drywells were cleaned and restored.

The Board questioned whether the islands would be included in the redesigned plan, and Mr. Barkstrom stated that the islands would be constructed after the site plan is approved.

Chairperson Mitchell stated that the Board had requested that one of the three trees on the Southeast island that was removed in the redesigned plan be put back. She stated that what they are trying to accomplish is to avoid having a direct line of sight, or clear visibility of pavement, from any viewpoint.

Member Weniger asked the Building Inspector for his evaluation of a comparison of the current plan and the previously proposed plan. Mr. Bailey stated that the current plan is complete as presented and that it adequately addressed the issues, which dealt primarily with drainage.

Ground cover on the berm will be crown vetch, which the Board stated should be planted and maintained. Member Weniger noted that it was previously stated that landscaping would cover 5 % of the paved area, but it was agreed that the 2.9 % that the plan shows is acceptable, because the Board considers the planted berm and trees as part of the total percentage of landscaping. However, it should be so noted on the plan to avoid future confusion.

The Board indicated that the lighting in the back and the light spill into the neighboring yards is an enforcement issue that will be revisited in the future. No changes in lighting have been made by this project.

Chairperson Mitchell summarized the issues of concern to the Board:

- 1 Site plan must show percent of pavement relative to percent of landscaping
- 2 Snow removal and storage plan must be shown on site plan
- 3 Landscaping plan needs alteration to add one tree and curbing at end of center parking aisle
- 4 Replanting and/or maintenance of the trees and vetch on the berm is required
- 5 Soil is banked on the fence and at the railroad track - grading and maintenance is required

Mr. Barkstrom stated that the addition of the tree, the snow storage location, and the landscaping plan will be transferred to the new plan.

Chairperson Mitchell stated that in order to start the SEQR process, the Planning and Zoning Board of Appeals should be named the Lead Agency, and JoJo's will need to supply a packet of 15 copies of the completed Full Environmental Assessment Form to send to interested and involved agencies. The agencies have 30 days to respond.

The Public Hearing will be held open until the October board meeting in order to give the agencies time to respond.

Motion: Chairperson Mitchell made a motion, seconded by Member Weniger, to establish the Planning and Zoning Board of Appeals as the Lead Agency in the SEQR Process.

Vote: Mitchell – yes, Lanphear - yes, Chamberlin – yes, Dannhauser – yes, Weniger - yes.

Motion carried.

The decision was filed in the Office of the Village Clerk on August 23, 2004. Failure to comply with the conditions of approval may result in the revocation of said approval.

2. Great Northern Pizza Kitchen – 14 South Main Street – site plan approval

Present: Rob Desino

Discussion: This is a continuation of a public hearing for site plan approval. The Board had requested that the applicant submit a variety of alternative plans addressing specific issues, such as: the landscaping in the front of the building on Main Street; the inclusion of the originally approved landscaping under the bay window; snow removal around barrels or planters; and the visibility of the pedestrian crossing sign.

Mr. Desino submitted two options for review: Plan "A" showed a squared or rectangular shaped front of the landscaping under the bay window, and Plan "B" showed a curved shape, following

the symmetry of the front window, with a level surface. In the seating area, the proposals showed free-standing planters, raised 3 feet, with boxwood and weeping cherry flowers. Chairperson Mitchell stated that she had spoken with Scott Spencer, who had indicated that snow removal would not be a problem around the free-standing planters. In Plan "B," the Exit sign will be located on the corner of the curbed landscaping, as submitted on 8/23/04.

Chairperson Mitchell stated the areas of concern:

- 1) Unenclosed dumpsters;
- 2) nonfunctioning lightpole at the front corner at Main and Church Streets;
- 3) cessation of outdoor music;
- 4) control of the right-of-way and parking spaces next to Canal Town Coffeeroasters; and
- 5) location of the pedestrian crossing/ exit-only sign

Motion: Chairperson Mitchell made a motion, seconded by Member Weniger, to approve the landscaping plan "B" for the Main Street section of the Great Northern Pizza Kitchen business, conditioned on approval of the outdoor seating for special exception use by the Board of Trustees.

2. St. Paul's Evangelical Lutheran Church, 28 & 30 Lincoln Ave - site plan changes

Present: Bob Healy - Representing LaBella Associates for the Church
Bob Hilliard - Gardener

Discussion: This is a continuation of a public hearing held open from the July 26th Planning Board meeting, when the Board had requested that the applicants address the handicap access sidewalk and the landscaping specifics.

At the previous meeting, the Board questioned whether the Village sidewalk could be used for the handicap entrance instead of adding an additional sidewalk, and it has been determined that the proposed ramp can be eliminated and there will instead be a small incline. The applicants are proposing defining the entrance of the church on the north side with a small fence. The applicants plan on replacing the sign that identifies the church with another sign that is easier to use when changing announcements. The applicants are on the Architectural Review Board's next meeting agenda.

Mr. Hilliard presented a landscaping plan for the Church, showing the proposed location of various plantings, such as Black-eyed Susans, Ferns, Azaleas, and assorted annuals. The Dogwood and Split-leaf Maple trees will be moved during the construction, so that they can be salvaged. The plan also includes planting two additional trees bordering the sidewalk entering the church. The Board discussed the option of replacing the shrubs with flowerbeds.

The Board stated that the applicants need to incorporate the landscaping plan into the submitted site plan.

Motion: Member Weniger made a motion, seconded by Chairperson Mitchell, to approve the application of St. Paul's Church, based on the site plan, submitted on 7/8/04, and the landscaping plan, submitted on 8/23/04, with revisions, and conditioned on the information in these two plans being combined into a single plan, submitted to the Building Inspector at the Village Office, for the purpose of having a complete site plan.

Member Items:

1. Chris Krenzer – Peddler’s license

The Board discussed the proposal for a free-standing vendor’s table in Schoen Place, and stated that this would be an inappropriate use of public domain space.

2. Special use permit procedure

The Village Board of Trustees has approved the proposal for an amendment to the Village Code related to the process of reviewing Special Permit Uses for restaurants. The Planning Board will review and make recommendations to the Board of Trustees before the Special Use Permit approval process proceeds. Planning Board members have been trained in the SEQR process and bring a different expertise and scrutiny to site planning

Building inspector’s Report:

Member Lanphear inquired about how 45 Schoen Place could have been issued a C of O when the site plan is incomplete and the applicant is not complying with the Planning Board’s requests. The Building Inspector, Skip Bailey, explained that a C of O relates only to the interior of a structure. Jeff Mason has been issued a Stop Work Order until submittal of a plan.

Member Chamberlin inquired about the circular driveway on Boughton Ave. Skip Bailey said that the owner has filed an appeal which will be heard in September by this Board.

Chairperson Mitchell inquired about the site plan requested from Towpath Bike Shop. Skip Bailey said that he would contact the business owner. Chairperson Mitchell said that there are two public hearings which are still open with no further action from the applicants: Jef Mason’s protruding signs variance approval, and Sutherland Gas Station’s use variance application. Skip Bailey said that he has written to these owners and they have not yet responded.

Minutes:

July 26, 2004 – Regular Meeting

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the minutes as written.

Vote: Lanphear- yes, Mitchell-yes, Chamberlin-yes, Dannhauser – yes, Weniger - yes.

Motion Carried.

Adjournment: **There being no further business, Chairperson Mitchell adjourned the meeting at 9:30 PM.**

Linda Habeeb, Recording Secretary