

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting - November 22, 2004 at 7:00 P.M.

PRESENT:

Chairperson: Remegia Mitchell
Members: Sally Chamberlin
Linda Lanphear
Ted Weniger
Tom Dannhauser

Attorney: John Osborn
Bldg Inspector: Skip Bailey
Rec Secretary: Linda Habeeb

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

Zoning Board

1. Scott & Jennifer Latshaw - 49 Monroe Ave - Area Variance

Present: Jennifer Latshaw

The Secretary read the legal notice that was published in the November 10th 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 at the Village Hall, 21 North Main Street, Pittsford, New York on Monday, November 22, 2004 at 7:00 P.M. to consider an appeal made by Mr. & Mrs. Latshaw, owner of property located at 49 Monroe Avenue for the following variances (1) An area variance to extend a non-conforming structure on a non-conforming lot, said structure having front setbacks of 49 and 23.6 feet where 70 feet is required; and said lot having an area of 10,200 square feet where 17,500 square feet is required, a width of 68 feet where 100 feet is required, and a depth of 150 feet where 175 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; (2) An area variance to construct a front porch with front setbacks of 41.0 feet and 23.13 feet where 70 feet is required in the R-1 Residential District, pursuant to Chapter 210-6D of the Code of the Village of Pittsford: Dimensional requirements; (3) An area variance to construct a rear porch with a setback of 42.98 feet from the street where 70 feet is required in the R-1 Residential District, pursuant to Chapter 210-6D of the Code of the Village of Pittsford: Dimensional requirements."*

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

Discussion: The application proposes restoring the front and rear porches on the residence. The applicant presented blueprints showing the proposed porches and setbacks. The original front porch was removed in 1954. The proposed porch in the rear of the residence will replace the existing steps and railing, and will have a cover over the porch and wood decking. The applicant also presented photographs of the original residence, and stated that the proposed porches will mimic the porches on the original house.

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

The following person spoke:

Peg Maxey, neighbor, spoke in support of the applicants' proposal.

The public hearing will remain open until the next meeting of the PZBA.

Planning Board

2. Chris & Doug Miller (Cosmic Pilgrim) - 7 Schoen Pl - Special Exception Use and Review of application for restaurant
Present: Chris & Doug Miller

The Secretary read the legal notice that was published in the November 10th 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 at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, November 22, 2004 at 7:00 P.M. to consider an application made by Chris and Doug Miller of Cosmic Pilgrim, Inc., tenants of the property located at 7 Schoen Place, for a special exception use to allow a yoga instruction studio in the B-4 Canal Waterfront Business District pursuant to Chapter 210-41A(27) of the Code of the Village of Pittsford: Recreation and instructional facilities.***

SEQR: Chairperson Mitchell stated that this is a Type II Action under SEQR 617.5 # 15, 18, & 28. No further review is required.

Discussion: Chairperson Mitchell stated that there are two issues for the Board to consider regarding these applicants: (1) An application for a Special Exception Use to conduct yoga instruction classes on the premises; and (2) A recommendation for the issuance of a Special Use Permit for the use of the property as a restaurant.

(1) Special Exception Use: The applicants presented a proposal for the property to be used as a studio for yoga instruction. The area to be used for the proposed studio is approximately 550 sq.ft. in size. The applicants propose conducting yoga classes beginning at 5:30 AM and continuing throughout the day and evening hours at various intervals. The number of students per class will be limited to eleven, and there will be one instructor per class. **Based on the total square footage, this business is allocated 16.4 parking spaces.** The studio will be accessible to the handicapped. The proposal also includes the installation of one shower facility. The Board raised the concern that this use would increase the traffic congestion in the area, and further noted that the Village Code does not permit businesses to open for operation prior to 6:00 AM.

Motion: A motion was made by Chairperson Mitchell, seconded by Member Lanphear, to approve the application for a Special Exception Use for a yoga studio, as presented, with the following conditions:

1. Hours of operation: Studio cannot open & operate before 6 AM.

2. The number of students per class shall be limited to 11.
3. The area for the studio shall not exceed 600 sq. ft.
4. The Zoning Board will review this permit in one year.

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

Motion carried.

The decision was filed in the Office of the Village Clerk on November 22, 2004.

Findings of Fact:

- 1) Classes will be held at off-peak parking times.
- 2) Classes will have low level of noise.
- 3) Classes are limited in size.
- 4) Business meets the guidelines of the Comprehensive Plan by helping to create a new balance of uses and services in combination with retail

(2) Special Use Permit: The application proposes utilizing a 250-300 sq. ft. area as a juice bar. The applicants propose selling organic food and cold food, such as fresh produce, sandwiches, and salads, as well as beverages, such as juices, coffee, and tea. The proposed juice bar will be 785 square feet, with 1 or 2 small tables and 8 seats, and a portion of the space will be used for storage of the natural food products. It is anticipated that the restaurant will be primarily a take-out service.

Board members asked the applicants whether the proposal included cooking facilities. The applicants stated that there will be no cooking facilities in the restaurant. Board members also inquired as to how frequently trucks would be making deliveries to the premises. The applicants replied that they planned to have deliveries approximately four times a week. The Board further questioned the applicants as to their plan for refuse disposal. The applicants stated that they had entered into an agreement to share a refuse receptacle with a neighboring business. Another concern mentioned by the Board was shopping carts for the grocery store being left in the parking lot, causing further congestion in the area. Board members stated that it would be preferable to have documentation of the specific agreement with the neighboring business for the use of the refuse receptacle.

3. Great Northern Pizza Kitchen - 14 S. Main Street - site plan approval for landscaping

Present: Rob Desino

The Secretary read the legal notice that was published in the November 10th edition of the Brighton Pittsford Post: Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board on Monday, November 22, 2004 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by D2 Restaurant Systems, LLC, tenants of property located at 14 South Main Street, for minor site plan approval for changes to site elements and landscaping at a restaurant known as Great

Northern Pizza Kitchen pursuant to Article XVII, Chapter 210-83, Site Plan Approval, of the Code of the Village of Pittsford.

Discussion: The discussion involved the landscaping plan for the front of the business, as approved, and for the back of the property, as built. Board members questioned the applicant as to the height of the proposed plantings for the back of the property. The original landscaping plan called for the plantings to be maintained at a height not to exceed 6 feet from the grade of the parking lot. Chairperson Mitchell requested that the plan include extending the plantings from the back around the corner along the Church St. side of the property, for the purpose of creating a more coordinated appearance. It was also suggested that the planters that are currently in front of the business blocking a portion of the sidewalk be moved so as not to pose a danger to pedestrians.

The lighting in the back of the business consists of two poles and a base to power the electricity. The light is provided by 75 watt halogen bulbs. The Board pointed out that the Village Code prohibits the use of lightpoles that exceed 17 feet in height. Board members further pointed out that the applicant is required to shield any "hot spots" of light. The applicant also requested removal of two gaslights in the front of the property. The applicant will return with a lighting plan that conforms to Code.

Motion: A motion was made by Member Dannhauser, seconded by Member Chamberlin, to approve the landscaping plan for the East and South ends of the parking lot, as presented on Exhibit A (originally-approved plan), and to approve the landscaping on the North side, as presented on Exhibit B (revised plan - as built), marked in yellow on plans and submitted for the record, with the following conditions:

- (1) The arborvitae landscaping on the East elevation to be planted and maintained not to exceed 6 feet in height;
- (2) The planting must be completed prior to December 15, 2004.
- (3) The applicant is to submit a lighting plan within 30 days.

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

Motion carried.

The decision was filed in the Office of the Village Clerk on November 22, 2004.

Motion: A motion was made by Member Chamberlin, seconded by Chairperson Mitchell, to permit the removal of two gaslights in the front of the property, conditioned upon APRB approval.

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

Motion carried.

The decision was filed in the Office of the Village Clerk on November 22, 2004.

5. Pontillo's Pizza - Don & Christine Woodring - 10 State St - Site plan approval

Present: Don & Christine Woodring

The Secretary read the legal notice that was published in the November 10th edition of the Brighton Pittsford Post: *"Please take notice that a public meeting will be held before the Village of Pittsford Planning Board on Monday November 22, 2004 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application for site plan approval made by Don and Christine Woodring, owners of Pontillo's Pizza, located at 10 State Street, for property at 20 State Street, formerly known as Montana Mills, 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 #15. No further review is required.

The applicants presented a proposed landscaping plan for their business at 20 State St. The site plan, submitted and dated stamped on 11/15/04, indicated the types of the proposed plantings, such as Boxwood, Burning Bush, and Dwarf English Yews, the proposed patio dimensions, the general dimensions of the lot, and the location of trash receptacles. The patio is proposed to be 17' x 16' in size, with 4 tables with chairs. The area will be lighted by two lights on either side of the building, in addition to lighting from the Library. There is also ground lighting between the two front windows, and underground lighting in the rear of the property. The Board members questioned the applicants as to the height of the English Yew in the front of the building, and the applicants stated that the English Yew will be 2-2½ feet in height.

Motion: A motion was made by Member Dannhauser, seconded by Chairperson Mitchell, to approve the site plan for landscaping, as presented, conditioned on Mr. Clifford's signature being added to the application.

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

Motion carried.

The decision was filed in the Office of the Village Clerk on November 22, 2004.

5. Christ Episcopal Church - 36 S. Main Street - Sign

Discussion: The Church is requesting assessment from the Board regarding the proposed installation of a 16 sq. ft. sign where only a 12 sq.ft. sign is permitted. The proposed sign will be placed on the Main Street lawn in a position perpendicular to the street. Board members informally stated a preference for sign size within Code limits. Board members further suggested that a 4' x 3' two-sided monument sign would be very visible for parishioners and visitors. Also, the Church is proposing using their existing sign as a building-mounted sign on Locust Street. This is currently a separate entrance with no markings. The Board stated that although the Code does not specifically address additional signage for churches, businesses are allowed a 4 sq.ft. sign at separate entrances.

Information Only:

Peter Messner, Messner Carpeting, Rugs & Flooring:

Mr. Messner presented a letter requesting an explanation as to the reasons that other businesses in the area have been permitted to install free-standing signs in front of their businesses, since he was denied approval for such a sign for his business. He stated the importance of visible signage for the purpose of improving the identification of his business. Board members summarized various distinguishing characteristics of the businesses for which similar signs were approved, for example, the need to identify a business which has a residential appearance. The Board suggested that the applicant review the sign ordinance, the area variance criteria, and the minutes and Findings of Fact of past hearings involving similar situations.

Member Items:

1. **The 2005 Schedule of Board Meetings was distributed to Board Members.**
2. **Towpath Bike:** Chairperson Mitchell noted that the area next to the building was paved without site plan approval, with no provision for screening, and with no protection at the old wall near the stairs.
3. **Nothnagle Realty:** Board members noted that Nothnagle Realty does not have an approved landscaping and drainage plan, and that there is an unenclosed dumpster on the property.
4. **Member Lanphear raised the issue of whether a single-family residence was permitted to rent out rooms. Mr. Osborn stated that the renting of rooms changed the character of the use of the property.**
5. **APRB and Board of Trustee meeting minutes will now be sent to PZBA Board Members.**

Minutes:

September 27, 2004 - Regular Meeting

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

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

Motion carried.

October 25, 2004 - Regular Meeting

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

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

Motion carried.

November 9, 2004 - Joint Meeting of the PZBA & Board of Trustees

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

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 11:30 PM.

Linda Habeeb, Recording Secretary