

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – April 25, 2005 at 7:00 P.M.

PRESENT:

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

Attorney: Jeff Turner
Rec. Sec: Linda Habeeb

Chairperson Mitchell called the meeting to order at 7:05 P.M.

Zoning Board

1. Bryan & Cristina Lanahan, 26 Locust Street~ Variances

Present: Cristina Lanahan

The Secretary read the legal notice that was published in the April 13, 2005 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, April 25, 2005 at 7:00 P.M. to consider an appeal made by Bryan and Christina Lanahan, owner of property located at 26 Locust Street, for the following variances: (1) An area variance to expand a pre-existing non-conforming structure on a pre-existing non-conforming lot, said structure having a front setback of 19.4 feet where 30 feet is required, and a side setback of 9.9 feet where 10 feet is required; and said lot having an area of approximately 9,967 square feet where 10,500 square feet is required, and an average depth of 126.25 feet where 150 feet is required, 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 an addition in the R-2 Residential District with a front setback of 24 feet where a front setback of 30 feet is required, pursuant to Chapter 210-12B 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 & 15. No further review is required.

Discussion: The applicants presented a proposal for construction of an addition to a structure on a pre-existing non-conforming lot. The proposed two-story addition measures a total of 600 square feet, and approximately 31 feet side yard setback will remain after construction of the proposed addition. The Board stated that APRB approval is required for this project.

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.

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

Vote: Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear - yes; Weniger - yes.
Motion carried. The decision was filed in the Office of the Village Clerk on April 25, 2005.

Findings of Fact:

1. There are no undesirable changes that will be produced in the character of the neighborhood by granting this variance.
2. The benefit sought by the applicant cannot be achieved by some method other than a variance.
3. The proposed variance will not have an adverse effect or impact on the environmental conditions of the neighborhood or district.
4. Proposed addition does not encroach further on the nonconforming front setback or on the rear or West property line side setbacks.

2. Pittsford Flour Mill ~ 15 Schoen Place ~ Appeal from APRB decision

The Secretary read the legal notice that was published in the April 13, 2005 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, April 25, 2005 at 7:00 P.M. to consider an appeal made by Schoen Place LLC from a decision rendered by the Architectural and Preservation Review Board regarding 15 Schoen Place.*

SEQR: Chairperson Mitchell stated that this is a Type II Action under SEQR 617.5 # 28 & 31. No further action is required.

Discussion: This is an appeal from a decision of the Architectural and Preservation Review Board regarding installation of clad windows on the rear elevation of the Pittsford Flour Mill. The applicants contend that the windows on the rear (north) elevation of the building are not visible from a public way and are therefore not within the jurisdiction of the APRB.

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

Steve Melnyk, Chairperson of the APRB, presented photographs of the site, and stated that the outdoor shed that extends from the grain elevator has been approved for demolition, and that the removal of that structure will create a larger visibility of the rear of the Flour Mill building.

The public hearing was left open to give the applicant an opportunity to speak at the May 23, 2005 meeting.

3. Sutherland Service Center Ltd., 9 Monroe Avenue ~ Special exception use

Present: Chris Vurraro, attorney
Ken Bracker, architect

The Secretary read the legal notice that was published in the April 13, 2005 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, April 25, 2005 at 7:00 P.M. to consider an application made by Sutherland Service Center Ltd. for a special exception use for a public garage; and for Planning Board minor site plan approval for 9 Monroe Avenue.*

SEQR: Chairperson Mitchell stated that this is a Type I Action under SEQR 617.4b.9, Unlisted Action: Area substantially contiguous to a National Historic Property or zone.

Discussion: The applicant stated that the service station has discontinued the sale of gas and is renovating the property for use as a public garage for the sale of pre-owned vehicles. The applicants stated that a change in the Village Code allows the sale of pre-owned vehicles by a public garage with a special exception use permit. Mr. Vurraro further stated that the applicants' business meets the requirements that:

1. The premises must otherwise comply with the Village Code.
2. The use of the property must be in harmony with the general purpose and intent of the zoning code.
3. The shift from the prior use will not: (a) depreciate the value of adjacent properties; (b) be hazardous to the public health, safety, and welfare; (c) alter the essential character of the neighborhood.

Mr. Vurraro pointed out that the proposal would be a change from a more intense use to a less intense use.

The Board questioned the applicants as to whether they intended to provide the servicing of cars at the garage, and the applicant stated that there will be some minor servicing of cars, primarily for automobiles being sold. The applicant further stated that the proposal includes the possible sale of small automobile accessory items, not to include tires. There is no intention to display retail products outdoors. The applicants also stated that since there is a 10-car limit, they are requesting a variance for 15 cars. The Board further questioned the applicant as to the hours of operation of the business and the number of employees. The applicant stated that the hours will be 7 a.m. to 9 p.m., 7 days a week, with a maximum of 4 employees per shift.

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

The Board stated that there are two separate issues to consider: the zoning issue and the planning issue. The zoning portion is a Type I SEQR action, which requires that notification of the proposal be sent to interested agencies, who then have a period of 30 days to respond. The Board will resume the public hearing at their regular meeting on June 27, 2005. The Zoning Board will request lead agency status.

Planning Board

1. Sutherland Service Center Ltd., 9 Monroe Avenue - Minor site plan approval: Information Only

Discussion: The proposed plan calls for refurbishing the interior of the building, and adding landscaping on the front of the building. Chairperson Mitchell pointed out that it is required that the landscaping plan be submitted to the Board by a qualified landscape person, with documentation indicating the durability and survivability of the plantings. The Board further pointed out that the existing freestanding sign is not permitted by Village Code. The applicants stated that they intended to use the existing lighting, and the Board suggested that the applicant refer to the lighting portion of the Village Code for photometrics limits. Board members questioned the applicants as to snow removal at the site, and the applicants responded that they had a verbal agreement with the Town of Pittsford for removal of snow at the back lot in the Southwest corner. It was suggested by the Village attorney that an agreement in writing would be preferable to a verbal agreement.

Chairperson Mitchell stated that the Public Hearing will remain open pending SEQR review.

2. Great Northern Pizza Kitchens, 14 South Main St. ~ Lighting Plan

Present: Daniel Grastorf, Grastorf Contracting

Discussion: This is a continuation of an open public hearing for landscaping on the Southeast corner of the site and for lighting. The Board stated that the determination by the arborist is that the two trees on the Southeast corner must remain. The applicant stated that some of the proposed plantings included: annuals, junipers, and barberry. The Board requested that the applicant submit a site plan which includes landscaping for the Southeast corner with specifics regarding quantities, varieties, and sizes. The applicants informed the Board that they plan to change the light fixture in addition to reducing the height of the poles. The applicants are requesting the use of two 250-watt single fixture heads with metal halide bulbs. The applicant further stated that the lights are on timers which are currently set for approximately 5 PM until 11 PM.

The Board informed the applicant that approval from the APRB for the light fixtures is required. The Board further stated that the Village Code requires the height of the existing poles to be reduced. The Board requested that the applicant verify, by submission of a photometrics plan related to the new fixtures, that the amount of light on the ground does not exceed that which is allowed by Village Code. The Board stated that lights must be shielded if they negatively impact neighboring residential properties. It was determined that the use of metal halide bulbs for the lights was acceptable in a commercial area.

The Board is holding open the public hearing pending a hearing to resolve the following issues:

- ? Addition of landscaping details for the Southeast corner to the site plan
- ? Submission of a photometrics plan for the proposed fixture
- ? Addressing of residential shielding from light spill

3. First Presbyterian Church, 21 Church Street ~ Site plan revisions

Present: Virginia Searl, Bero Architecture

Discussion: This is a continuation of an open public hearing for a completed site plan for Phase 2 reconstruction of the First Presbyterian Church. The applicant presented plans addressing the remaining open issues from the January 2005 PZBA Meeting.

The applicant stated that the portion of the project under review is reconstruction and upgrade of an existing parking lot. The area of paving has been minimally reduced by increasing the size of the planting areas at the street side of the lot and at the northwest corner of the lot. The existing catchbasins which are inadequate or damaged will be replaced. The lot will be re-graded and a new covered entrance will provide better handicapped access to the south entry and positive drainage to the new catchbasins. The existing stormwater disposal system for the buildings has been mapped, inspected, and cleaned. The ejector pump in the existing "wet well" on the north side of the property has been replaced. The underground stormwater disposal lines which carry roof water, identified as broken or inadequate, will be replaced as part of the project. Stormwater conductors (downspouts), which previously did not connect to the existing underground system, will be connected to the system. The area immediately around the building, where space allows, will be re-graded to direct stormwater away from the building foundations. The work of the project is an improvement to the existing system.

Lighting: The applicant stated that the owner has selected fixtures for lighting the Locust Street parking lot. An illuminance plan and cutsheets for the fixture, pole, and decorative pole were submitted to the Board. The applicant stated that the pole is a straight, round, aluminum pole within the 17 feet height allowed by Code, and that the light is a 70-watt metal halide bulb, which is the lowest available wattage. The Board pointed out that APRB approval is required for the lighting fixture.

Landscaping: The applicant provided a landscaping plan, which includes fruitless crabapple plants and alpine currant. The maximum height of the shrubs will be 3 feet. The applicant stated that if the proposed plantings do not provide adequate screening, the owner will consider replacing the existing chain link fence with a wood fence to match the existing adjacent fence at the west side of the lot if the Board requests this change.

Emergency generator: The applicant provided cutsheets for the emergency generator, including the decibel levels. The generator will operate for 30 minutes, once a week, and will be surrounded by a fence.

Emergency vehicle access: The applicant provided the Fire Chief a copy of the site plan for his review, and his note of "no comment" was submitted.

Existing sidewalks: The sidewalks shown on the east and west sides of the parking lot will remain unless the Planning Board requires their removal.

Signage and wheel stops: The applicant provided a drawing showing signs at the entrance and exit to the lot, text to be "IN" and "OUT. The signs will be 4 feet in height. Wheel stops are shown at the parking stalls on the east and west sides of the lot. The applicant proposes asphalt paving for the area between the wheel stop and the existing sidewalks.

Handicapped parking: Village Code § 210-79 requires one handicapped parking space for a lot with five to twenty-five spaces, and the plan meets this requirement.

Drainage certification: The applicant stated that the project site is an existing parcel and an existing use, and it is not possible, given the existing conditions, to design a system meeting the design levels indicated in Village Code § 210-84 (A)(3)(f). No detention or retention pond could be provided on the site should one be required using the parameters listed. The basis of design for stormwater disposal (§ 210-84 (A)(3)(j)) is the existing, adequate, system. The system has been in place since 1968 when the most recent large addition was constructed, and has worked well over the last 36 years. The applicants further stated that to the best of their knowledge, there has never been flooding on the site. The existing system has been cleaned and repaired, where necessary, and there is no reason to believe it will not continue to perform adequately.

Motion: Member Chamberlin made a motion, seconded by Member Lanphear, for preliminary site plan approval for the First Presbyterian Church, with the exception of the following details as to the sign: location, orientation, and wording; and with the exception of the following details regarding the plantings: (1) proposed mature heights and determination as to deciduous or evergreens; and (2) addition of plantings on Southwest boundary line.

Vote: Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear - yes; Weniger - yes.
Motion carried. The decision was filed in the Office of the Village Clerk on April 25, 2005.

4. Jef Mason, 45 Schoen Place, Landscaping & Final Site Plan

Present: Jef Mason
Roger Langer, Architect

Discussion: This is a continuation of an open public hearing for landscaping and final site plan approval. Chairperson Mitchell reviewed the remaining unresolved issues from the December meeting:

1. Documentation from landscape specialist regarding plant selection
2. Changing the landscaping on the northwest side of the property
3. Reduction of the height of the bollards to 3 feet
4. Stringers - location on bollards
5. Raised-bed planters between patio and proposed sidewalk at edge of road

Board members raised other concerns: the position of the bollards is not as was indicated on the submitted plan; the distance between the stringers should be documented using D.O.T. standards; the pond is retaining water and not draining as rapidly as expected; landscaping around the mechanical unit is not planted per the previously approved site plan; and pavement striping of handicapped parking spaces and walkway requires completion.

The applicant stated that the proposal identifies hollyberries in raised planters for the edge of Schoen Alley. He stated that the planters will be rectangular with raised beds.

The Board is holding open the public hearing, pending a special meeting to resolve the following issues:

1. Landscaping:

- ? submittal of documentation from landscape specialist regarding the viability and mature size of landscaping
- ? replanting landscaping on northwest side of property around mechanical unit

2. Bollards and stringers:

- ? Reduction of height of bollards to 3 feet
- ? Positioning of 2 stringers per D.O.T. height standards

3. Site plan corrections:

- ? Location of sidewalk from porch exit to patio
- ? Size of porch
- ? Location and height of bollards
- ? Distance between bollard stringers
- ? Raised-bed planter between patio and proposed sidewalk
- ? Location and variety of landscaping

Member Items:

☞ **Towpath Bike:** Members discussed the fact that the approved site plan for the paved area in the front lot (main entrance) of the business designated that there be a handicapped parking space, but instead there is currently a trailer with bicycles. Members also discussed regulation of the outside display of merchandise in B-4 districts, stating that the Village Code should be changed so as to be consistent with the regulations in B-1 districts, or to be allowed by permit. A letter will be submitted to the Trustees regarding this.

There was discussion as to the best process for communication of these issues, and it was suggested that the Building Inspector should be the main liaison between the Boards. Also, a joint meeting with the Trustees and the APRB is scheduled for June 13, 2005.

☞ **Soho:** It was pointed out by Board members that the Soho Hair Salon is displaying full pane pictures on the door and windows, covering a minimum of 50% of the glass on the building, in violation of Code.

Trustee Sherwood suggested that a sign memo be sent to all the merchants indicating the regulations for signage.

☞ **Northfield Common Merchants Association** is requesting approval to hold antique shows on Sundays in the summer months.

☞ **Boughton Ave:** There was discussion as to whether a site plan was required for the driveway, and Member Weniger stated that the Building Inspector is responsible for directing and enforcing this project.

Minutes:

☞ February 28, 2005

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

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

PZBA 4/25/05
Meeting

Motion carried.

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 11:30 PM.

Linda Habeeb, Recording Secretary