

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – May 23, 2005 at 7:00 P.M.

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin
	Linda Lanphear
	Ted Weniger
	Tom Dannhauser
Attorney:	Jeff Turner
Record Secretary:	Linda Habeeb

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

Zoning Board

1. David & Sarah McGeough, 28 Washington Ave ~ Variance: deck
Present: Sarah McGeough

The Secretary read the legal notice that was published in the May 11, 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, May 23, 2005 at 7:00 P.M. to consider an appeal made by Mr. & Mrs. McGeough, owner of property located at 28 Washington Avenue, for the following variance: An area variance to construct a deck measuring 14 feet by 16 feet with a rear setback varying from 16 feet to 18 feet where a rear setback of 30 feet is required in the R-2 Residential District pursuant to Chapter 210-12D 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 applicant presented plans proposing construction of a deck at their residence. The applicant stated that the proposed deck will either be a platform covering the patio, or a deck off the stairs underneath the door. The applicant further stated that the proposed deck’s dimensions will not exceed 14 ft. deep by 16 ft. wide. The Board informed the applicants that they will be required to obtain approval from the APRB for the proposed deck. Board members indicated a preference for the lower height option as it would have less impact from the neighboring properties.

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 Chamberlin, to approve the application, as submitted, with the condition that the deck dimensions not exceed 14 ft. deep by 16 ft. wide.

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 May 23, 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 any 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. **The rear neighboring house lot is very deep; the deck will not encroach on rear neighbor's yard.**
5. The requested variance is not substantial.

2. Del Monte Lodge, 41 N. Main Street ~ Variance: Sign

Present: Mike Mercier
Alex Del Monte

The Secretary read the legal notice that was published in the May 11, 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, May 23, 2005 at 7:00 P.M. to consider an appeal made by John Del Monte, owner of property located at 41 North Main Street, for the following variance: An area variance to erect a monument sign for a hotel where a pole sign is permitted, said sign having a total square footage of 39 square feet where 12 square feet is permitted, pursuant to Chapter 168-7E(1) of the Code of the Village of Pittsford: Signs permitted for a hotel, motel, or motor inn.”*

SEQR: Chairperson Mitchell stated that this is a Type II Action under SEQR 617.15 # 15. No further review is required.”

Discussion: The applicants are proposing removing the wall sign on the Del Monte Lodge building and the Erie Grill monument sign, and erecting a monument sign at the Del Monte Lodge. The applicant stated that the existing signage is not visible from the north. The proposed sign is a two-sided sign, with a brick base, the total square footage of which is 39 square feet. The applicant stated that the proposed sign is identical to the existing Spa sign. The applicant also stated that they intend to move the large pine tree, because it will obstruct the view of the sign.

Chairperson Mitchell suggested that the applicant move the tree and allow the existing sign to remain. The applicant stated that that would not be a possible option, because they want to add “Del Monte Lodge” to the Erie Grill sign. It was also suggested that the current sign be re-lettered to make it more visible. Member Weniger pointed out that the Spa sign was allowed by the Board for the reason that there was no place for the sign on the Spa building, whereas the hotel fronts the street and has an area on the building for a sign. He further stated that the Del Monte Lodge is very visible from the public way.

Chairperson Mitchell noted that the Spa sign was permitted because the Architectural Review Board did not want a building-mounted sign to be attached to the historic structure of the former depot. APRB conditioned their approval of the Spa sign on minimum dimensions. These dimensions were the basis for Zoning Board approval of the existing Spa sign and should not be used as a basis for this application.

Member Lanphear stated that the applicants would need to demonstrate that this is a unique situation in order to justify allowing this type of sign. There was also general discussion as to whether the Lodge and Spa should be considered two separate businesses or one single business. Mr. Bailey stated that under the Village Code, the correct designation for the building is “Multiple commercial building.”

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

The Village Office received one letter of support for the sign and one phone call in opposition.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to deny the application for an expanded area variance for a sign.

Vote: Dannhauser – no; Chamberlin – yes; Mitchell – yes; Lanphear - yes; Weniger - yes.
Motion carried. The decision was filed in the Office of the Village Clerk on May 23, 2005.

Findings of Fact:

1. The Board does not want to expand on the previous Erie Grill sign variance, because there is already a large monument sign on this property and an additional large sign would be excessive signage for the streetscape and would not conform to the character of the neighborhood.
2. The existing Erie Grill monument sign was approved because it was appropriate to the scale of the property. It was granted as an alternative to two pre-existing pole signs because it was more conforming to Village character than a pole sign.
3. Visibility can be achieved by other means, such as re-lettering the existing Erie Grill sign and moving the tree or re-lettering the other monument (SPA) sign to include the Hotel, Erie Grill, and Spa on one sign.
4. A second large monument sign would have an adverse effect on the character of the neighborhood.

3. Glen Huot, 38 Boughton Ave ~ Variance: Fence
Present: Glen Huot

The Secretary read the legal notice that was published in the May 11, 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, May 23, 2005 at 7:00 P.M. to consider an appeal made by Mr. & Mrs. Huot, owner of property located at 38 Boughton Avenue, for the following variance: an area variance to construct a fence six feet in height on a corner lot within the front setback of 30 feet, where a fence three feet in height is permitted, pursuant to Chapter 98-1A of the Code of the Village of Pittsford: Height restrictions for fences.”*

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

Discussion: The applicant is proposing constructing a 6-foot high fence on a corner lot on the eastern side of the property line. The Board expressed concerns about the height of the fence, and suggested that the applicant consider tapering some areas of the fence to reduce the height. The Board stated that the ditch could be considered as part of the setback. There is no sidewalk on this side of Austin Park. The Board informed the applicant that approval from the APRB is required for the fence.

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

The Village Office received one letter opposed to the height of the proposed fence.

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

Motion: Member Weniger made a motion, seconded by Chairperson Mitchell, to approve the application for a 6-foot fence that would leave 15 feet for the width of the ditch and an additional 15 feet off the south right-of-way line as noted on the tape location map.

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 May 23, 2005.

Findings of Fact:

1. This is a unique circumstance in that heavily shrubbed creek ditch provides a large natural buffer.
2. The Board will recommend to the APRB that the fence be tapered.
3. The Board considered 15 feet of the ditch as part of the 30-foot setback
4. The Board referred to the “right-of-way line” instead of the more typical term “property line” because the tape location map submitted with the application, date stamped 4/26/05, used this term.

**4. Valerie Coushaine, 34 Boughton Ave ~ Variance: Addition
Present: Valerie Coushane**

The Secretary read the legal notice that was published in the May 11, 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, May 23, 2005 at 7:00 P.M. to consider an appeal made by Valerie Coushane & Sherman Selden, owner of property located at 34 Boughton Avenue, for the following variances: (1) An area variance to extend a preexisting nonconforming structure, said structure having a front setback of 21.9 feet where a front setback of 25 feet is required in the R-3 Residential District, pursuant to Chapter 210-6D of the Code of the Village of Pittsford: Extension of nonconforming buildings, structures, lots or uses; and (2) An area variance to connect the existing detached garage to the existing dwelling, resulting in a side setback of 5.1 feet where a side setback of 10 feet is required in the R-3 Residential District, pursuant to Chapter 210-15C 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 applicants are proposing an 8’ x 8’ addition connecting the house to the garage. The proposal would enclose the existing porch and attach it to the garage. The plans also include renovating the garage. The addition is to be set back from the front of the house.

Motion: Member Weniger made a motion, seconded by Chairperson Mitchell, to approve the application for an addition, 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 May 23, 2005.

Findings of Fact:

1. **The enclosure will not encroach any further on the front setback.**
2. There are no undesirable changes that will be produced in the character of the neighborhood by granting this variance.
3. The benefit sought by the applicant cannot be achieved by any method other than a variance.

4. The proposed variance will not have an adverse effect or impact on the environmental conditions of the neighborhood or district.
5. **The requested variance is not substantial.**

5. Northfield Common Merchants Assoc., 50 State St ~ Temporary Zoning Permit
Present: Jennifer Rube

The Secretary read the legal notice that was published in the May 11, 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, May 23, 2005 at 7:00 P.M. to consider an application made by Northfield Common Merchants for a temporary zoning permit to allow the outside sale of antiques, at property known as Northfield Common, and located at 50 State Street, pursuant to Chapter 210-114B(4), Temporary permits, 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.

Discussion: The applicants are requesting a temporary zoning permit to allow the outside sale of antiques at Northfield Common. The proposal is for the antique shows to be held on the second Sunday of the months of June, July, August, and September, on the western portion of Northfield Commons. They anticipate a total of approximately 15-30 vendors. The Board questioned the applicants as to the food vendors and trash collection. The applicants stated that the food vendors will have a trash receptacle and will be responsible for trash collection. The Board further questioned the applicants as to what provisions were being made for restroom facilities. The applicants stated that the ice cream store has a public restroom that will be available. They also stated that they will have assistance with the directing of traffic.

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 Dannhauser, to approve the application for a temporary zoning permit for Northfield Common Association for Sunday antique shows, including food vendors; vendors or the Association will monitor parking and will collect trash.

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 May 23, 2005.

Findings of Fact:

1. Vendors and vendor parking are planned to take pedestrian safety into consideration. There will be no through traffic in display area.
2. Sundays are a lower traffic day for the Village.
3. Emergency vehicles can enter and exit at State Street driveway.

6. Breathe Yoga, 19 S. Main St ~ Special Exception Use
Present: Cyndi Weis

The Secretary read the legal notice that was published in the May 11, 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, May 23, 2005 at 7:00 P.M. to consider an application made by Cyndi Weis, owner of property located at 19 S. Main Street, for a modification of a special exception use permit for an*

instructional facility, pursuant to Chapter 210-26A(23) 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. No further review is required.

Discussion: The applicant is proposing modification of the Special Exception Use in order to move the first floor yoga studio to the second floor, which would allow more space for the retail store on the lower level. The entryway would remain the same, with the upper level accessible from the inside of the building. The yoga classes have approximately 10 students per class, with a maximum of 25. The hours of operation are: 6:30 a.m. - 9:00 p.m. No changes to the juice bar are proposed.

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 Lanphear, to approve the application for a special exception use, as submitted, with the same conditions as the previously approved permit.

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 May 23, 2005.

Findings of Fact:

1. The hours of operation shall be between 6 am and 9 pm.
2. The number of persons per class shall be limited to 25.
3. The Zoning Board will review this permit in one year.
4. Classes will be held in off-peak parking times.
5. Classes will have low levels of noise.
6. The business meets the guidelines of the Comprehensive Plan as it applies to the historic retail district by helping to create “a new balance of uses and services” in the Central Business District (Comprehensive Plan, page 49).
7. Classes are limited in size.

7. Pittsford Flour Mill ~ 15 Schoen Place

Present: Karen Kosten

The Secretary read the legal notice that was published in the May 11, 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, May 23, 2005 at 7:00 P.M. to consider an appeal made by Schoen Place LLC, owner of property located at 15 Schoen Place, for the following variance: (1) Area variances for relief from provisions of Chapters 210-43 and 210-81 of the Code of the Village of Pittsford pertaining to parking lot dimensional requirements, screening and landscaping”.*

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR 617.4(b)9.

The applicant stated that the proposed project consists of the renovation of the Flour Mill and grain elevator into commercial office space.

The applicant reviewed the requested variances:

1. Modification of the drive aisle width from 24' to 21' (Section 210-81 C 2).
2. Three feet landscape area between fence/screening at perimeter and abutting property (Section 210 E).

3. Parking within 20' rear setback (Section 210 43D 1a).
4. Modification of parking space size from 8' x 19' to 8' x 18' (Section 210-81 B1).
5. No more than 20 spaces without separation by interior driveway and landscape area; applicants provide only landscape area (Section 210-81 B4)
6. Parking lot grades of 4% maximum (Section 210-81 B1)

The applicants outlined their response to the area variance factors:

- ? The requested variances will not produce an undesirable change in the character of the neighborhood nor will they be a detriment to the nearby properties.

In the Village of Pittsford, landscaping and screening requirements have generally been required by the Planning Board to buffer disparate uses, to screen parking from public streets, and to buffer residential properties from the noise associated with commercial activity. The Flour Mill property abuts parking on its west side (Ted Collins) and rear (RG&E). The area abutting the site to the east has been proposed as future parking. Because the project abuts existing or proposed parking, the benefit of installing greater buffering than is being proposed would be negligible. The project does not abut residential properties or lands protected as part of the Town of Pittsford's Greenprint.

The Planning Board has never required any of the other parking developments in the Schoen Place area to conform to the 20' rear buffer of 3' landscape buffer requirements. Most parking spaces and drive aisles existing within the Schoen Place district are smaller in dimension than the requirements stated in the Village Code. Imposing that requirement solely on this project would be arbitrary and capricious.

The proposed parking plan will be no denser than previous approved projects. However, unlike other parking developments approved in the area, this project will comply with Village landscaping screening, and drainage requirements.

- ? The area variance requested is not substantial.

Due to the rectangular configuration of the northern portion of the parcel, the relative narrow depth and the physical constraints of the existing buildings, the parking area can only be effectively configured in the east-west direction as shown on the site plan. The area variances requested for relief of 1' and 3' for the parking spaces and drive aisles, respectively, is necessary for the traffic circulation due to the relative narrow depth of the site and is not a substantial reduction from the Code requirements. The nonconforming dimensions proposed are actually the same size or larger than the dimensions of other aisles and parking spaces in the area.

- ? The requested area variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.

The proposed parking area will be located on the location of the demolished warehouse and silos and in an area that is currently covered with gravel and asphalt.

The area of landscaping on the property will be significantly increased from its current condition. The lot has been designed with five landscaped islands. The islands have been strategically located to reduce the apparent scale of the parking lot from any given vantage point. The proposed perimeter vertical-board fence is a historically appropriate screen (See attached ca. 1900 photograph of the Mill) that will screen the view of cars and asphalt from vantage points off site.

- ? The need for the area variances is not self-created and is necessary due to the physical shape of the parcel as well as the existing structures limiting the area available for parking.

One of the guiding principles of this project has been to identify and preserve the most important elements of the Flour Mill complex: the concrete grain silo and the Flour Mill. Adapting the mills and warehouses for modern uses requires the accommodation of parking.

Because the buildings were built in the pre-automobile age, the layout of buildings and property lines does not accommodate modern parking standards. The relaxing of dimensional standards necessary for the completion of this project is consistent with the Village's policy toward the development of parking in the area over the last thirty-five years. Due to the constraints of existing buildings and property lines, very little parking in Schoen Place meets the dimensional standard required by the Village Code. For example, if the Code standards were adhered to, none of the RG&E right-of-way would be available for parking because it is too narrow. The compromises in dimensional requirements have been permitted because it is the only way that a key goal of the Village, the rehabilitation of historic buildings and redevelopment of the area, could be accomplished.

Mr. Corby stated that these modifications are necessary to provide a reasonable parking plan for the site. He further stated that the reduced size of the parking spaces requested still would allow adequate space to accommodate cars.

Board members questioned the applicants as to emergency vehicle access. The applicants replied that project representatives have met with officials from the Pittsford Volunteer Fire Department to ensure that adequate clearance for emergency vehicles has been provided. Board members further questioned the applicants as to whether angled parking had been considered. The applicants replied that angled parking would not yield enough space to be workable.

Board members stated that the Village Code was adopted after the development of most other areas along Schoen Place. Lack of conformity to current Code is a result of pre-existing use, and is not considered as a guide for new projects.

Member Weniger suggested moving the islands in order to create an improved view line to the trees down Schoen Place.

As to drainage issues, the applicant stated that areas of existing storm sewer pipe were recently discovered, and that as a result, retaining walls will no longer be required, and runoff from the parking lot will be contained in the storm sewer.

Board members expressed their concerns about the proposed fenced-in parking area for the tenants, and questioned the applicants as to why this was necessary. The applicants stated that they wanted to clearly delineate the area for their tenants from the other properties.

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

1. **John Limbeck, 62 State Street**, told the Board that the ambiance of this part of the Village attracts good tenants, and asked whether the parking area will be available to the general public. He stated that there are so many requested variances that the applicants should consider making it available on nights and weekends. The applicants stated that the parking will be designated only for the tenants' use.
2. **Art Pires, 70 State Street**, stated that he is concerned about creating impediments between the businesses, and further, that the proposal does not allow public use of the parking area. He suggested exchange of variances for allowing the public to use the parking area.
3. **Jennifer Rube, Northfield Common**, stated that the merchants will suffer without adequate parking for their customers, and reiterated the suggestion that the area be made available for general parking on off-hours. She noted that Northfield Common is available to the public for parking, and that this area should be open to the public as well.
4. **Roger Powers** stated his concern that his property not receive any surface water from the area.

The public hearing will remain open, pending resolution of these issues and completion of SEQR review.

7. Pittsford Flour Mill ~ 15 Schoen Place ~ Appeal from APRB decision
Present: Robert Corby

Discussion: This is a continuation of an open public hearing regarding an appeal from a decision of the Architectural and Preservation Review Board dealing with the 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. 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.

Mr. Corby stated that the owner contends that the back of the building is not sufficiently visible from the public way to fall within the jurisdiction of the APRB.

It was pointed out by the Board that the proposal for the Flour Mill includes additional windows being added to the rear portion of the building, which will cause it to be more visible.

Chairperson Mitchell stated that according to SHPO, whenever public funding is involved, clad windows are only permitted in low-budget projects. She further stated that, unlike wood windows, clad windows cannot be repaired, but need to be replaced when damaged.

Motion: Member Weniger made a motion, seconded by Chairperson Mitchell, to uphold the decision of the Architectural and Preservation Review Board that the rear portion of the Flour Mill is under the jurisdiction of the APRB.

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 May 23, 2005.

Planning Board

1. Pittsford Flour Mill ~ 15 Schoen Place
Present: Karen Kosten

The Secretary read the legal notice that was published in the May 11, 2005 edition of the Brighton Pittsford Post: *“Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, May 23, 2005 at 7:00 P.M. to consider an application made by Schoen Place LLC, owner of property located at 15 Schoen Place, for site plan approval pursuant to Chapter 210-82 of the Code of the Village of Pittsford.”*

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR 617.4(b)9.

The applicant stated that the concrete-block warehouse, the loading dock area, the three silos, and the office addition to the Flour Mill have been removed. Ingress and egress to the site will be via a one-way entrance at the westerly side of the flour mill and one-way exit on the easterly side. A total of 99 parking spaces, including four handicap spaces are provided. Water service will be provided by connection to the existing 12” water main on the north side of Schoen Place. The proposed sanitary sewer laterals for the grain elevator and flour mill will be connected to the existing sanitary sewer located northeast of the property. Drainage will be managed on site via a series of drywells interconnected by perforated equalization pipes. Two overflow discharge points have been provided at the north side of the proposed parking area.

Landscaping: The site plan has been modified to provide larger landscape islands at the viewpoints from Schoen Place. A proposed planting plan has also been completed and is included in the site plan application package. The plan shows landscaping coverage for 15% of the area, which exceeds the Village Code requirement of a minimum of 5% coverage. The plan includes flowering pear trees on the islands, flowering trees at the entrances, oak trees, shrubs, and various plantings along the perimeter of both buildings.

Chairperson Mitchell questioned the applicant about the utility poles and whether they will be able to bury the lines.

Fencing: The applicants are proposing a 4' high wood fence around the parking area. The fence will commence at the silos, continue along the rear (north property line) and east property line and along the Newcomb Oil property line. Member Weniger asked if a 3' perimeter fence would serve the purpose as well as the proposed 4' fence.

Mr. Corby stated that the Flour Mill has, in the past, been surrounded by a fence, and that a 4' fence will screen the fenders of the cars. Chairperson Mitchell suggested landscaping on the east and west property lines in place of the proposed fence to better screen the parking lot.

Lighting: A site lighting plan has been prepared, including proposed lighting for the ATM area. Catalog cuts and lighting specification data sheets are included in the package.

Board members questioned the applicant about the lighting. The applicant stated that the lighting for the ATM is dictated by the Bank Code: the lights will be 17 ft. in height with a wattage of 250. They further stated that the ATM light will remain on at all times, and that the light will be well-contained.

Traffic: Impacts of the proposed development at the Flour Mill has been reviewed with Mr. Chuck Huffine, PE, of Stantec Engineering. The traffic engineer determined that the trip generation for the offices and the bank will have less impact on traffic than a retail use of the property. A summary of the findings was submitted for the record.

Drainage and Grading: The Flour Mill first floor elevation is approximately 3' above existing grade. In order to maintain at-grade access to the original Mill first floor entrance, a portion of the site will be filled, resulting in the need for a 1.5' – 2.5' retaining wall along the north property line and a portion of the east and west property lines.

Sidewalks: Chairperson Mitchell stated that connecting sidewalks along the north side of Schoen Place are a Village goal. This application should include sidewalk plans which will address this goal. Sidewalks should be 5' wide and should cross driveways.

SEQR: Mr. Turner, the Village Attorney, recommended that the Planning Board request lead agency status. The Board told the applicant that they would need to provide 16 copies of their site plan and a full environmental assessment form which will be sent to the interested agencies for SEQR.

Chairperson Mitchell summarized the following issues to be resolved:

1. The height of perimeter fence/Adding landscaping as alternative perimeter and parking lot buffer
2. Public parking use
3. Drainage water management, re: surrounding properties
4. Burying overhead power lines
5. Sidewalk issues
6. Angled parking spaces – calculation of number
7. SEQR Forms & site plan copies
8. Center landscape island – move slightly east

The public hearing will remain open, pending resolution of these issues and completion of SEQR review.

2. Review of application to Board of Trustees for Restaurant Permit for take-out restaurant at 10 State Street (old Pontillo's)

Present: Ty Hookway

Discussion: The applicants are requesting a Restaurant Permit for the operation of a take-out restaurant, Johnny's Village Hots, to be located at 10 State Street.

The applicants have stated that they will have carry-out and delivery food service only. No seating is planned. They expect to use fryers for french fries and fish fries, using an oil collection barrel to be stored in the enclosed dumpster area near Thirsty's Bar. The applicant indicates a readiness to help the Village with trash can maintenance in the adjacent park.

A maximum of three employees plus one driver is anticipated. Deliveries of incoming supplies will take place in the morning between approximately 7 a.m. - 10 a.m. They expect to reduce the number of mechanical devices on the exterior of the building. The applicant is requesting the hours of operation to be 11 a.m. - 3 a.m., Thursday - Saturday, with reduced hours all other days.

The Planning & Zoning Board of Appeals finds this to be an appropriate usage for this location, but forwarded the following concerns to the Board of Trustees:

1. Hours of operation should more nearly match those of similar businesses so as to avoid setting a precedent for future applications.
2. Library parking lot spaces should be considered as a whole rather than piecemeal as each new application arrives.
3. Trash maintenance of the general area, as well as the adjacent park, needs to be addressed, as it is likely that carry-out food will be eaten in the vicinity of the restaurant.
4. Specific methods for dealing with fryer odors and fryer oil collection should be addressed before approval.

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

Mayor Corby informed the applicants that visible mechanical equipment is required to be enclosed, and that the owners are responsible for any additional trash containers and cleaning.

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

3. Bruegger's Bagels in the Library – SEQR Review

Motion: Chairperson Mitchell made a motion, seconded by Member Weniger, to grant lead agency status to the Board of Trustees for SEQR review for Bruegger's Bagels in the Library.

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 May 23, 2005.

Member Items

Building Inspector's Report:

PZBA
5/23/05

Members 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. Mr. Bailey stated that the Towpath Bike Shop has been notified regarding this issue and has not responded.

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

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 11:00 PM.

Linda Habeeb, Recording Secretary