

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – June 27, 2005 at 7:00 P.M.

PRESENT:

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

Attorney: Jeff Turner
Record Secretary: Linda Habeeb

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

Zoning Board

1. Flour City Bagels (Library) 24 State Street – Variance for awning signage

Present: Mike Borelli

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

The Secretary read the legal notice that was published in the June 15, 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, June 27, 2005 at 7:00 P.M. to consider an appeal made by Flour City Bagels, LLC, to be located at 24 State Street, for the following variance: An area variance to install five awnings with lettering where only one building-mounted sign is permitted, pursuant to Chapter 168-7B(1) of the Code of the Village of Pittsford: Commercial Signs..”*

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

Discussion: The applicant, Flour City Bagels, LLC, as lessee for the retail space in the northwest corner of the new Pittsford Library, is requesting approval for signage and awnings on the front and sides of the retail space, as detailed in the submitted materials. The proposal includes a request for five awnings, three on the front and two on the side, with 4-inch “Brueggers” lettering on the awnings, a building-mounted sign, and a door sign. The applicants stated that the awnings will create greater visibility for their business.

The applicants further indicated that:

- ? The lettering on the door and on the awnings is the same style as the lettering on the building-mounted sign, which is detailed on the front elevation drawing, submitted on 6/1/05.
- ? The awning material is made of a standard commercial treated canvas. They are proposed to be fixed awnings.
- ? The Bruegger’s building sign material would typically be made of vacuum-formed painted letters, but applicants are willing to use material to conform to the main library signage used by the town, if different. The largest letters are to be 18” inches high.
- ? The linear measurement of the front of the retail space along the street is 59 feet.
- ? The front elevation door signage does not exceed 20% of the surface area of the glass.

? The Bruegger's building-mounted sign is approximately 13 square feet.

The applicants stated that this proposal was approved by the Architectural Preservation and Review Board, contingent on the Zoning Board's granting of a variance for the lettering on the awnings.

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

The following person spoke:

Majed El Rayess, 30 Church Street: Mr. El Rayess stated that he has been a resident of the Village for 20 years, and he has observed a change over the years affecting the ambiance of the Village. He further stated that allowing this type of signage would be setting an undesirable precedent for future applications.

The Board discussed whether, and what type of, awnings are allowed by Village Code. There was also some discussion about the side entrance and whether it would be considered an auxiliary door since it will not be used by patrons. Chairperson Mitchell asked the applicants to meet with the Building Inspector about these issues.

The Board expressed concern that installation of both the sign and the awnings would result in excessive signage, and requested that the applicants provide alternative options.

One letter was received in opposition to this application. It stated that "The commercial enterprise does not need another advertisement by way of the awning, and all business signage should be evaluated with respect to the library signage."

The Board is leaving the Public Hearing *open*, pending modification of the applicant's proposal.

2. Pontillo's Pizza, Christine Woodring, 20 State St – Modification of Special Exception Use Permit Present: Christine Woodring

Discussion: The Board reviewed an application from Pontillo's Pizza for modification of their Special Exception Use Permit to expand the seating.

Pontillo's Pizza requests the addition of three tables, one umbrella, and six chairs to the outdoor patio for service of food, for a total maximum of 28 seats. This will be used for seasonal food service only. There will be no change in the indoor number of seats.

The applicant has indicated that there will be no change in the number of employees. The Town has assured them that there is ample parking. Trash receptacles will be adequate for the site and will coordinate in design with library receptacles. There will be no change in the patio or adjacent greenspace.

The Planning Board will notify the Board of Trustees expressing its approval of this modification based on the information submitted.

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.

3. Sutherland Service Center Ltd., 9 Monroe Avenue ~ Special exception use - SEQR Present: Kristopher Vurraro, Attorney, Woods Oviatt Gilman LLP Ken Bracker, Architect

Discussion: This is a continuation of a public hearing for Sutherland Service Station. It was determined that it is a Type I Action under SEQR 617.4b.9, *Unlisted Action: Area substantially contiguous to a*

National Historic Property or zone, which requires that notification of the proposal be sent to interested agencies, who then have a period of 30 days to respond.

Mr. Vurraro reviewed the proposal, stating 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. 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 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. The Board questioned the applicants as to what time period they intended to operate the business prior to the Town's purchasing of the property, and the applicants responded approximately five years.

The Board stated that there are two separate issues to consider: the zoning issue and the planning issue.

Board members reviewed the responses received from the interested agencies, and, having declared the Zoning Board as the lead agency, answered questions on the SEQR review forms.

Motion: Chairperson Mitchell made a motion, seconded by Member Weniger, for a negative impact declaration with regard to Sutherland Service Station.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear - yes; Weniger - yes.
Motion carried. The decision was filed in the Office of the Village Clerk on June 27, 2005.

Motion: Member Weniger made a motion, seconded by Member Chamberlin, to approve the Sutherland Service Station application for a special exception use to become a public garage, to be reviewed and potentially renewed after 5 years.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear - yes; Weniger - yes.
Motion carried. The decision was filed in the Office of the Village Clerk on June 27, 2005.

Findings of Fact:

- ☞ Location and intensity of this use will not depreciate the value of adjacent property.
- ☞ This use will not create a hazard to health, safety, or general welfare of the community.
- ☞ This use will not be detrimental to the flow of traffic in the vicinity.
- ☞ This use is less intensive than the former gas station and will not alter the essential character of the neighborhood.

Planning Board

**1. Sutherland Service Center Ltd., 9 Monroe Avenue ~ Minor site plan approval - SEQR
Present: Ken Bracker, Architect**

Discussion: This is a continuation of an open public hearing for site plan approval. The proposed plan calls for refurbishing the interior of the building, and adding landscaping on the front of the building. At the April meeting, 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, and suggested that the applicant refer to the lighting portion of the Village Code for photometrics limits for lights. 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.

Mr. Bracker presented a site plan stating that he had modified the previous plan according to the Board's suggestions. The proposal calls for removal of the free-standing sign, and landscaping has been added to the right-of-way line. The plan also proposes removal of the site lighting and the installation of new lighting with updated photometrics. The height of the wall packs on the side of the building will be within Village Code requirements. The proposed light fixtures will be single-head, metal halide lamps. The Board informed the applicants that APRB approval is required for the light fixtures. A building-mounted sign is also proposed. The applicant stated that the designated area of snow storage is in lieu of a written agreement with the Town. Mr. Bracker stated that the final plan will have a landscape architect's seal and signature.

In response to questions regarding parking on the site, the applicants stated that the plan calls for two employee parking spaces and 3 customer spaces, one of which will be handicap-accessible. They also stated that there are 3 bays included in the proposal: two for display, and one for repair work. Indoor bays are not included in the Village Code's limit of 10 cars.

The Board requested that the applicants add landscaping at the rear parking lot to screen from public view the expanse of macadam, some of which is the view of the public and Town parking lot. It was also suggested that landscaping be added to the front of the building and also along the passageways on the sides of the building. Chairperson Mitchell stated that it would be preferable to reduce the snow storage space in order to improve the view from Monroe Avenue. It was again recommended that the applicant consider obtaining a written snow removal agreement with the Town.

The Board is leaving open the public hearing, pending resolution of the number of cars permitted, modification of the site plan to include additional landscaping at the rear West side of the lot, at the front edge of the building and along the passageways on the sides of the building, resolution of the snow storage issue, and the submittal of additional information about light turn-off time.

**2. JoJo's, 60 N. Main St. ~ Minor site plan approval
Present: Bob Fox – owner**

SEQR: Chairperson Mitchell stated that this is a Type II Action under SEQR 617.5 # 7. No further review is required.

Discussion: The applicant stated that he is requesting an amendment to the previously-approved site plan for the parking lot. Chairperson Mitchell reported that according to the Village Engineer, Scott Harter, the 50-80-year storm last year indicated that the existing drainage is effective.

Chairperson Mitchell pointed out that the fence is deteriorating and soil is banked on the fence and at the railroad track. She further stated that the plan requires that crown vetch be planted on the berm, and that replacement of trees is the applicants' responsibility.

Motion: Chairperson Mitchell made a motion, seconded by member Lanphear, to approve the revised site plan, as submitted, pending compliance with the following conditions:

1. Payment in full of all outstanding financial obligations to the Village, at which time the final Certificate of Occupancy will be issued.
2. Maintenance of the drywells and appropriate methods of grease disposal.
3. Adequate preparation for tree planting, including, but not limited to removal of asphalt surface to provide adequate root base for tree growth.
4. Crown vetch planted on the berms.
5. Replacement and continued maintenance of damaged pine trees.
6. Fence maintenance or replacement and removal of excess dirt from the base.
7. Compliance to be within 30 days.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear - yes; Weniger - yes.

Motion carried. The decision was filed in the Office of the Village Clerk on June 27, 2005.

Member Items:

Board members discussed the following issues:

1. Jef Mason is not in compliance with the site plan - there are empty planters on the property, which is a safety issue.
2. Towpath Bike Shop has covered the handicapped parking space and continues to add more bicycles to the outside display.
3. The planter on Boughton Avenue is an experimental traffic-calming device. The Public Hearing will be on July 12 at 8:00.
4. The sidewalks in front of the Library are too close to the street to provide an adequate tree line for large trees. Large trees would more closely match the scale of the Library building. Screening of the Library patio will be reduced by the use of small trees. Board members will submit a letter to the Trustees regarding this issue.
5. The Board of Trustees should take into account the Planning & Zoning Board's recommendation when considering granting a special use permit.
6. Members expressed concern about the procedure of site plan approval after Special Use Permits are granted. In applications other than the Library, the Planning Board has reviewed and approved a site plan following the granting of the permit.

Minutes: April 25, 2005
May 6, 2005
May 23, 2005

PZBA
6/27/05

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the minutes of April 25, May 6, & May 23, 2005, as drafted.

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

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 10:30 PM.

Linda Habeeb, Recording Secretary
