

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – September 26, 2005 at 7:00 P.M.

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin Ted Weniger Tom Dannhauser (absent) Linda Lanphear
Attorney:	John Osborn
Record Secretary:	Linda Habeeb

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

Zoning Board

- 1. Steve Sercu, 31 N. Main St – Sign**
Present: Steve Sercu

The Secretary read the legal notice that was published in the September 14, 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, September 26, 2005 at 7:00 P.M. to consider an appeal made by Stephen Sercu, owner of property located at 31 N. Main Street, for the following variance: An area variance to install a building-mounted sign of nine square feet where a sign of one square foot is permitted in the R4 Residential District, pursuant to Chapter 168-9 of the Code of the Village of Pittsford: Signs permitted in any R-4 District.”*

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

Discussion: The applicant is proposing installing a sign measuring three square feet for the Main Street façade of his business at 31 N. Main Street. There is currently a sign on the canal side of the building, which is used as the primary entrance for the business. The applicant was granted approval for a one-square-foot sign at the previous Board meeting, but has since chosen to reapply for a larger sign. The applicant stated that the entrance on Main Street leads to private offices. The applicant further explained that there had previously been a pole sign that had assisted in the identification of the business, but that he had been encouraged by the Building Inspector to remove that sign. Mr. Sercu asserted that since there is no sign on Main Street to identify his business, and no parking lot near the building, some customers have a difficult time locating the business. He submitted examples of neighboring businesses, such as Roberts Kitchens and the Canal Lamp Inn, that have been permitted to install larger signs. He stated that the requested sign would not result in an undesirable change to the character of the neighborhood.

Mr. Bailey stated that the applicant’s building is located in an R-4 residential professional office district, which permits only one 1’ x 1’ sign for the front entrance of a business. He further stated that there is no precedent for a 3’x 3’ sign in an R-4 District.

Member Weniger pointed out that the primary issue is the lack of parking for the applicant’s business, not the size of the sign.

Chairperson Mitchell suggested that the location of the existing number and plaque be moved to the left side of the door, where it would be more visible, or that the number be mounted on the existing sign.

The applicant further pointed out that since the removal of the former pole sign had been within the past 6 months, he would be allowed to re-install that sign instead of the applied-for sign.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time.

The following people spoke:

Art Pires, 70 State Street, stated that the larger sign would increase the visibility of the applicant's building, and that it would not be out of character with the surrounding businesses.

Roger Powers, 91 Golf Avenue, stated that this is a unique situation, given the lack of visibility of the applicant's business and the speed of the traffic in the area, making it difficult to locate the business.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing as there were no letters or phone calls regarding this application.

Motion: Chairperson Mitchell made a motion, seconded by Member Weniger, to approve the application for a 2' x 2' sign facing Main Street for the building at 31 N. Main Street.

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

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the application for a 2½' x 2½' sign facing Main Street for the building at 31 N. Main Street.

Vote: Chamberlin – yes; Mitchell – no; Lanphear – no; Weniger - no.

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

Findings of Fact:

- ⌘ Automobile and pedestrian conditions at this location create a unique situation due to automobiles exiting Schoen Place and automobiles traveling north off the bridge.
- ⌘ Numerous accidents at this intersection direct the Board's concerns to safety conditions due to poor visibility.
- ⌘ This area, located on the north side of the Main Street bridge, is predominantly a B-2 district. The bridge separates this property from others in the R-4 district with the exception of one residence. Village Code permits a 2' x 2' sign on the auxilliary entrance within the B-2 district. Because the door facing Main Street is not the main entrance door, it is interpreted as an auxilliary entrance. Therefore, this variance will not create an adverse effect on the character of the neighborhood.
- ⌘ The only vehicular visibility of the business in this building is from North Main Street.

Planning Board

1. Roger Powers, 25 Schoen Place & 15 Schoen Place ~ Lot line change

Present: Roger Powers, owner

The Secretary read the legal notice that was published in the September 14, 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, September 26, 2005 at 7:00 P.M. to consider an application made by Roger Powers, owner of property located at 25 Schoen Place, and Schoen Place, LLC, owner of property located at 15 Schoen Place, for a change of lot line, pursuant to Chapter 210-83 “Site Plan Review.”*

SEQR: Chairperson Mitchell stated that this is a Type I Unlisted Action under SEQR 617.4 # 9.

Discussion: The applicant is requesting approval to add a parcel (0.20 acres) of land purchased from the Pittsford Flour Mill, 25 Schoen Place, to the main contiguous parcel, creating one 2.132-acre property.

The applicant completed and submitted a Short Environmental Assessment Form.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing as there were no comments, letters, or phone calls regarding this application.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to declare the Planning Board Lead Agency for SEQR Review.

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

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, declaring that no adverse environmental impact is created by the lot line change.

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

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the subdivision lot line change, as submitted.

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

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

2. Roger Powers, 25 Schoen Place ~ Site Plan

Present: Roger Powers

The Secretary read the legal notice that was published in the September 14, 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, September 26, 2005 at 7:00 P.M. to consider an application made by Roger Powers, owner of property located at 25 Schoen Place, for the following: (1) Preliminary site plan review and approval of Phase 1, and (2) Change of lot line, pursuant to Chapter 210-83 “Site Plan Review.”*

SEQR: Chairperson Mitchell stated that this is a Type I Unlisted Action under SEQR 617.4 # 9.

Discussion: The applicant is seeking preliminary site plan approval for construction of an addition to the weigh station. The proposal would expand the scale building approximately 4 feet to the north and 24 feet to the west and remove Box Elder trees surrounding the structure. The applicant stated that the scale would remain functional. He further stated that the grassy area will be maintained with the addition of a gravel trail; the existing driveway will remain, but will be more defined. He stated that the existing guardrail is temporary and will be removed.

Chairperson Mitchell questioned the applicant as to whether the proposal would involve changes to the grading of the property, and the applicant stated that there would be no grading changes.

The Building Inspector stated that no use for the building was proposed or allowed at this preliminary phase of the plan. Chairperson Mitchell stated that the applicant would need to submit a complete site plan prior to occupancy of the building. The Building Inspector also pointed out that the scale building will

require major roof repair. Also, Chairperson Mitchell suggested that the applicant consider burying or relocating any power lines as part of the final site plan proposal.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time.

The following people spoke:

Art Pires, 70 State Street, asked the dimensions of the proposed addition, and the applicant stated that the approximate measurement is 28'(w) by 12'(l).

John Limbeck, 62 State Street, asked whether there were going to be any parking lot changes associated with Phase I, and the applicant replied that there were no parking lot changes in the proposed plan.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing as there were no letters or phone calls regarding this application.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to declare the Planning Board Lead Agency for SEQR Review. Mr. Powers will complete a short form EAF pertaining to Phase I.

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

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, declaring that no adverse environmental impact is created by Phase I of the site plan.

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

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the site plan for Phase I, as submitted, conditioned on there being no occupancy of the building until a final site plan is submitted and approved.

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

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

Findings of Fact:

1. Phase I of this site plan creates no changes in any of the following elements on the site:

- ⊗ Ingress/egress
- ⊗ Grading
- ⊗ Lighting
- ⊗ Drainage

2. Removal of the existing box elder trees is desirable for the final site plan and replacement landscaping will be approved before occupancy of the building.

3. Sutherland Service Center, 9 Monroe Avenue ~ Site plan revisions

Present: Paul Harris

Ken Bracker

Discussion: The applicants are requesting the following revisions to the approved site plan:

- 1) Remove the proposed landscaping adjacent to the dumpster enclosure and Town of Pittsford exit door;
- 2) Reuse concrete bases at sign and lightpoles;
- 3) Relocate handicap parking space;
- 4) Revise proposed landscaping for rear west side of property.

The applicants are proposing relocating the handicap parking space and removing the proposed landscaping on the rear west side in order to allow access to the far rear of the property. The applicants presented plans creating a 16' x 20' landscape area containing various plantings, such as: junipers, daylillies, and an herb garden, creating a 4 ft. barrier.

Board members pointed out to the applicants that the purpose of the proposed landscaping is to screen the view of the rear parking lot from Monroe Avenue. The Board also questioned the applicants as to the timeline for planting prior to the winter season. The applicants were also informed that the lights inside the building at night are very bright. It was determined that a possible reason for this is that the canopy has been removed, which allows the light to be more visible. The applicants stated that they will be installing new night lights.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time.

The following people spoke:

Art Pires, 70 State Street, pointed out the differences between a flat lens versus a contour lens for pole lights.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing as there were no letters or phone calls regarding this application.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the site plan changes, as submitted on plans date-stamped 9/26/05, with the condition that the site work is to be completed by November 1, 2005.

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

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

4. First Presbyterian Church, 21 Church Street ~ Generator screen & lighting **Present: Virginia Searl**

Discussion: This is a continuation of an open application for site plan approval. The applicant presented documentation explaining the proposal, which is for lighting and for a fence-like structure for screening mechanicals. The drawings indicate the proposed location of four decorative light fixtures at the Church Street (north) walk at the First Presbyterian Church. The light level produced by the proposed fixtures is low and within acceptable Code-prescribed tolerances. The proposed light poles will be 7 feet in height, made of metal, and painted flat black.

Board members had expressed concerns with the size of the proposed 7-foot, fence-like screen for the chiller unit. Chairperson Mitchell noted that the Architectural Review Board had reviewed the screen and had also expressed some concerns with its size. The length of the proposed screen is 19'6". The applicant stated that the space requirements between the mechanical unit and the fence and building are determined by airflow requirements. She further stated that the information had been sent to the Church's mechanical consultant for evaluation of possible alternatives for the screen.

Three 8-10 ft. evergreen trees are proposed for the purpose of screening the chiller enclosure, two on the east side and one in front of the structure. The width of the proposed trees at maturity is approximately 10-12 ft.

The Board reviewed revised landscape plans for the Locust Street parking lot.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the lights and the location of the chiller enclosure, as submitted on the 8/18/05 documents, and the amendments to the landscaping on Locust and Church Streets, as submitted on 9/26/05.

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

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

5. Pittsford Flour Mill, 15 Schoen Place

Present: Karen Kosten, Civil Engineer
Al Longwell, owner and developer
Michael Newcomb, Sr, owner

Discussion: This is a continuation of an open application for site plan approval and zoning variances for the Pittsford Flour Mill. The applicants presented revised site plans and requested partial site plan approval for a 144 sq. ft. vestibule addition on the east side of the building. The applicants stated that they will need to close this end of the building prior to winter. The applicant also requested approval to connect their sewer lines to the Village sewer main.

The applicant is proposing constructing two new inlets on the north side of Schoen Place to address current ponding in two areas and repairing or replacing the storm sewer line which originates on the Collins property on the west side of the Flour Mill property.

Board Members questioned the applicant as to whether the Schoen Place inlets, reconstruction of the west side storm sewer line and connection of the sewer lines can be implemented independent of the entire drainage scheme. The applicants stated that this plan has no effect on the drainage plan for the site.

The applicant proposed a long, infiltration french drain on the north property line, with a 6-inch concrete curb to slow the flow of water in the event of heavy rainfall. The applicant stated that the french drain will be 3½' underground with the top of the drain at ground level.

The applicants stated that the drainage plan was submitted to Scott Harter, whose preliminary comments indicated that it was a practical solution for the site. They will do further percolation tests, addressing stormwater quality and quantity.

Chairperson Mitchell noted that there has been some grading on the property and questioned whether this will affect the drainage scheme, since the tests were done on the property prior to the grading.

The applicants have modified their original application and are now requesting approval to install a 4½' picket fence for the sides and rear of the property, with no fencing in front.

Chairperson Mitchell stated that the height of the proposed fence is very imposing; the Board recommended lowering the height to 3-3½ feet, and replacing the proposed fence near the silo with landscaping.

Landscaping is proposed for inside the proposed fence on the east property line. The Board requested that the applicants incorporate landscaping in two additional areas.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time.

The following people spoke:

Art Pires, 70 State Street, asked the applicants where the water on Schoen Place drains. He stated that it would be problematic for a drain to be installed across the center of the property.

Roger Powers, 91 Golf Avenue, also questioned where the water will drain.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing as there were no letters or phone calls regarding this application.

Chairperson Mitchell summarized some of the open issues and concerns:

- ✍ Responses to SEQR review
- ✍ Location and height of fence
- ✍ Location of landscaping
- ✍ Relocation of snow storage
- ✍ Sanitary sewer
- ✍ Schoen Place storm inlet
- ✍ Repair/replacement of drain on the northwest property
- ✍ Construction of east vestibule
- ✍ Further work on drainage plan
- ✍ New soil percolation tests

The application will remain open, pending resolution of these issues and submittal of a final site plan.

6. Scott Likly (Towpath Bike Shop), 3 Schoen Place – Modification of site plan
Present: Scott Likly

Discussion: This is a continuation of an open public hearing for the completion of a site plan for Towpath Bike Shop. The applicant presented a revised site plan, indicating the proposed locations and numbers of display bicycles and kayaks. The applicant stated that the proposed number of display bicycles is 24 and the number of display kayaks is 9. He also proposes the addition of cedar flowerboxes with pots under the window. The plan also proposes a split-rail fence along the northeast edge of the site.

Chairperson Mitchell stated that the split-rail fence poses a potential safety hazard due to the steep bank at the rear of the site, and that any fence style requires APRB approval. The applicant stated that an open-fence style will permit easier snow removal. The Board also discussed the trailer parked in the parking lot. The applicant stated that the trailer is a temporary, seasonal storage facility for bicycles. The Board will request that the Trustees review the use of trailers as retail storage units. Member Chamberlin pointed out that the garden is in need of attention, and the applicant stated that he intends to clean up the garden area.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time.

The following person spoke:

Art Pires, 70 State Street, suggested that the applicant install metal pole sleeves in the ground for storage of the steel posts.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing as there were no letters or phone calls regarding this application.

Motion: Chairperson Mitchell made a motion, seconded by Member Weniger, to approve the site plan, as submitted and date stamped on 9/20/05, with the exception of the trailer, which requires further investigation by the attorney and trustees, with the following conditions:

1. The display kayaks are for rental and seasonal use only.
2. There will be a maximum of 24 bicycles for outside display.
3. There will be a maximum of 9 kayaks for outside display.
4. The installation of the fence will be completed by 11/31/05.

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

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

7. Marian Seehafer, 2 Courtenay Circle

Ms. Seehafer contends that parking her trailer in the rear of her residence, as approved by the Board, is unacceptable, because there is an extension on the rear of the garage which results in increased visibility of the vehicle. She is requesting approval to park the vehicle on the side of the residence.

Motion: A motion was made by Chairperson Mitchell, seconded by Member Chamberlin, to rehear the Marian Seehafer application at the October Board meeting.

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

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2005.

Member Items :

Building Inspector's Report:

Mr. Bailey reported that there were two stop-work orders issued for the Flour Mill – one for the site and one for the building.

Board Members questioned Mr. Bailey as to the status of the umbrellas at Brueggers, and he reported that there is an agreement with the Town to allow the umbrellas with lettering to remain for 90 days.

Member Lanphear reported that the posts at Jef Mason's property are too high, and that the arborvitae plants at Great Northern Pizza are dying.

Change to sign ordinance: Board Members will review the sign ordinance and send their comments to the Board of Trustees.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the August 22, 2005 minutes, 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 12:00 PM.

Linda Habeeb, Recording Secretary
