

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – October 24, 2005 at 7:00 P.M.

PRESENT:

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

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

Zoning Board

1. Marian Seehafer, 2 Courtenay Circle ~
Present: Sandy Seehafer

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, October 24, 2005 at 7:00 P.M. to consider an application made by Marian Seehafer, of 2 Courtenay Circle, Pittsford, New York, for a special exception use to store a recreational vehicle partially in the side yard instead of the rear, pursuant to Chapter 150-3D(1) of the Code of the Village of Pittsford.”*

SEQR: Chairperson Mitchell stated that this is a Type II Action under SEQR 617.5 # 15 & 20. No further review is necessary.

Discussion: On October 25, 2004, the Board denied the owner of 2 Courtenay Circle a special exception to store her trailer in the side yard for six months of the year. After considerable paving work, the owner parked the trailer in the rear yard, where it is legally permitted. Because of the circular design of the street and the footprint of the house, the permitted storage area is particularly objectionable to the neighbors, and screening per the Code would not be an adequate solution. She is requesting approval to park the vehicle on the side of the residence and install a 6-ft fence to screen the visible portions of the trailer. She further stated that they had purchased a green cover for the vehicle that will coordinate with the color of the house. The Board discussed various locations for parking the vehicle on the property in order to determine the area which would allow the least visibility of the trailer to the surrounding neighbors. Chairperson Mitchell stated that the style of the fence will require the approval of the Architectural Review Board prior to installation.

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

There was one letter in opposition to outside storage of the trailer on the property.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Dannhauser, to approve the special exception use to permit storage of the trailer with the front of the vehicle at the point on the driveway

where the asphalt changes to cinder, which is located 33 feet back from the front of the garage, and with a 6-ft. fence to screen the front of the trailer across the pavement change and along the west property line from the edge of the rear of the house as far back as the raised abutment, and requiring the use of a trailer cover.

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 October 24, 2005.

Findings of Fact:

- 1) No undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the variance.
- 2) The approved location minimizes the neighbor's view of the vehicle.
- 3) The benefit sought by the applicant cannot be achieved by some feasible method other than a variance without adversely affecting the neighbor's view.
- 4) The alleged difficulty was not self-created.

2. David Jewett,

Present: David Jewett

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, October 24, 2005 at 7:00 P.M. to consider an application made by David Jewett for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths from November 20, 2005 to January 1, 2006, at property known as Pittsford Farms Dairy, owned by Charles Corby, and located at 44 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

SEQR: Chairperson Mitchell stated that this is a Type I Unlisted Action under SEQR 617.5 # 15.

Discussion: This is an application for a temporary zoning permit for the outside sale of Christmas trees and wreaths from November 20, 2005 to January 1, 2006, at the property known as Pittsford Farms Dairy. The applicant stated that he has been granted the permit for a number of years, and he agrees to abide by the same conditions as was agreed to in past approvals.

Chairperson Mitchell reviewed the conditions from a previous approval.

Motion: Member Weniger made a motion, seconded by Member Dannhauser, to approve the application, as submitted, for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths at the Pittsford Farms Dairy during the holiday season with the following conditions:

1. the site shall be restored to its original appearance by January 4, 2006
2. preparation and sale shall be only on private property side yard no closer than 125 feet from all property lines
3. temporary signage shall not be placed in the public right of way,
4. no high-pressure sodium lighting shall be installed or maintained

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 October 24, 2005.

Planning Board

4. Pittsford Flour Mill, 15 Schoen Place

Present: Karen Kosten, Civil Engineer

Discussion: This is a continuation of an open application for site plan approval and zoning variances for the Pittsford Flour Mill. The applicant presented a revised site plan and listed the changes to the previous plan:

Fence: The applicants are proposing installing a 4-ft. picket fence along the north property line, a 3½ ft fence along the east and a portion of the south property line, with a 3½ ft fence connecting at the back of the dumpster enclosure on the west side of the property, and they have eliminated the proposed fence between the grain elevator and Ted Collins' property from the plan.

Landscaping: The proposal calls for planting a series of seven shrubs on the west side of the property and relocating the snow storage area. Chairperson Mitchell stated that the height of the plantings at maturity and the minimum size at planting have not been addressed in the plan.

Drainage: Field percolation tests were conducted along the north property line. As a result of the soil analysis, a change in the size of the infiltration trench on the north side from 4½ ft deep to 6.75 ft. deep is proposed. Mr. Powers is concerned that runoff from the Mill property will discharge pollutants into the creek that runs through his farm. The catch basin on Ted Collins' property is currently plugged and a temporary solution of attempting to unplug the catch basin and reconnect it is proposed. The Village would agree to install a drywell and take ownership of the catch basin for continual maintenance and future capital improvements, requiring easements from Ted Collins, Roger Powers, and RG&E. The catch basin will be improved with a drywell and an overflow that will run to Roger Powers' property.

The attorney stated that if the Board decides to approve this plan, it would be clearly stated that the Board is approving only the plan presented to it, and not approving any rights of the private owners of the properties. An alternative plan would involve drafting a memo of understanding to work together to provide a filtration trench through the Flour Mill property and connect into the system.

Chairperson Mitchell questioned the applicant as to the location of the Monroe County water line on the property and asked Ms. Kosten to show its location on the plan. Chairperson Mitchell also pointed out that the contractors are required to call the Underground Facilities Protection Organization prior to excavating.

Member Dannhauser questioned the applicant about Scott Harter's concern with the location of the stone trench along the north lot line. Ms. Kosten stated that a six-inch curb is being added to that area, and that the maintenance of the infiltration trench will be the responsibility of the owner.

Board members also questioned the applicant as to the proposed method for snow removal, and it was stated that an agreement to remove excess snow from the property will be added to the final site plan. It was also noted that the applicants will be required to obtain signatures from the Health Department, the Fire Department, the Water Authority, and the Monroe County Health Department, in addition to approvals from the APRB.

There was some discussion and explanation of the Letters of Credit, which is an insurance fund whereby a list of the estimated site costs for all the elements of the site plan is compiled by the applicant's engineer. Schoen Place LLC is responsible for assuring that adequate funding is available for Village use to build these items should Schoen Place LLC fail to build as agreed within the stated time limit. Chairperson Mitchell read a list of items to be addressed in the Letter of Credit.

It will also be necessary to obtain a Letter of Understanding from a Geotechnical consultant regarding the viability of asphalt millings used for fill in the rear site.

Chairperson Mitchell stated that any approvals will be conditioned upon the Village Engineer's and the Fire Department's final review and approvals, Letters of Understanding from Roger Powers, Ted Collins, and Schoen Place LLC, Letters of Credit, reconstruction of the drainage plan on the west end of the property, and the securing of easements to the Village as to access and maintenance.

There was some discussion of the requested parking variances, and Chairperson Mitchell stated that approval from the Fire Department is required prior to any alteration of the size of the drive aisles.

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

The following person spoke:

Art Pires, 70 State Street, questioned the applicant as to the status of the parking issue for the site, and Ms. Kosten stated that her clients, Schoen Place LLC, cannot incur the liability of allowing open parking on the site, and she also stated that there will likely be some signage indicating this.

Chairperson Mitchell summarized the remaining open items:

- ✍ Directional signage plan
- ✍ Revised photometrics and lighting plan
- ✍ Village Engineer approval
- ✍ Fire Department approval
- ✍ Letter of intent from Roger Powers to accept re-direction of Collins stormwater
- ✍ Letter of intent from Ted Collins to grant stormwater easement to Village
- ✍ Letter of intent from Schoen Place LLC to install stormwater drain to canal and to share in the cost and implementation of the alternative drainage lines near the north property line, if the original plan is not feasible.
- ✍ Landscaping details (plant sizes)
- ✍ Infiltration drain details (dog house)
- ✍ Snow removal agreement
- ✍ Receipt of Letter of Understanding from a Geotechnical consultant
- ✍ Letters of Credit, including the following site plan components: lighting, landscaping, pavement, curbing, drainage system, sanitary sewer system, sidewalk, and site restoration
- ✍ Easement from RG&E

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

Member Items:

Building Inspector's Report:

Board Members questioned Mr. Bailey as to the signage at Brueggers at the Library, and he reported that they have been issued a temporary permit for new businesses to allow the signs.

Mr. Bailey also reported that a hair salon will be occupying the space of the former Hickey's Cigar Store. Also, the lights in the parking lot at Great Northern Pizza will be installed soon, and the arborvitae plants are dying. Work continues on Sutherland Service Station.

The Board also discussed a response to Mr. Messner's letter requesting additional signage for his business. Mr. Bailey stated that typically, in a Village of this size, no monument signs are permitted in the central business district. Chairperson Mitchell will draft a letter to the Board of Trustees with the Board's comments regarding this issue.

There was some discussion about the sign ordinance proposal, and the Flour Mill windows and foundation parking.

Minutes:

PZBA 10/24/05
Regular Meeting

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the September 26, 2005 minutes, as amended.

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

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 9:30 PM.

Linda Habeeb, Recording Secretary
