

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – November 28, 2005 at 7:00 P.M.

PRESENT:

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

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

Zoning Board

Big Kahuna Ice Cream Store, 5 S. Main Street ~ Special use permit

Present: Ben Carroll

Discussion: The applicant is requesting a special use permit for the operation of an ice cream store, “Big Kahuna Ice Cream and Shaved Ice,” to be located at 5 South Main Street. The proposed store will serve take-out ice cream, shaved ice, and beverages. The applicants stated that they are modifying their original proposal for 12 seats to request seating for 25 customers. Board members pointed out that based on square footage of this space, the applicants will be required to obtain a variance if they request more than 12 seats. The interior space will be modified only with regard to the addition of counters, equipment, lighting, and reconfiguration of the restroom and office area. The proposed hours of operation are: Monday – Saturday, 11am - 10 pm, Sunday, 11am – 8pm., year-round.

Board members questioned the applicants as to their plan for trash disposal. The applicants stated that napkins, plastic spoons, unfinished cones, and coffee cups will be the bulk of the day-to-day garbage and will be handled either by daily off-premises removal or via a small dumpster. It was pointed out that as to outside trash resulting from take-out orders, it is a common practice among the other take-out businesses to share the responsibility for emptying the trash containers near their business locations. The Board further questioned the applicant as to the location and frequency of deliveries. The applicants responded that deliveries will be approximately once or twice a month, by a 20-foot box freezer truck, at the front door. The proposal also calls for a new sign. Chairperson Mitchell reminded the applicant that APRB approval is required for signage.

Planning Board

Pittsford Flour Mill, Schoen Place ~ Site Plan

Present: Karen Kosten, Civil Engineer

Todd Longwell, Schoen Place, LLC
Scott Harter, Village Engineer

Discussion: Ms. Kosten presented plans addressing the remaining unresolved issues with the site plan.

Directional signage plan: The applicants submitted a traffic and signage plan which shows the proposed types and locations of the various signs. Ms. Kosten stated that the signs are all standard signs, and the plan for the signage is based on the Uniform Traffic Code recommendations.

Revised photometrics and lighting plan: Ms. Kosten next presented the lighting plan, stating that they are proposing a standard shoebox-type light fixture, which will have a downcast light. The pole height will be 12 feet. Board Members questioned the applicant as to whether the light at the ATM will be a 24-hour light. The applicant stated that it would, and that the proposed lighting for the bank area is based on Banking Code requirements. Mr. Harter stated that the hotspot will be contained with the use of the cutoff light fixtures.

Drainage: Mr. Harter stated that he had reviewed the revised drainage plan and generally approved of it, but that he had advised Ms. Kosten of some minor notes and corrections to the plan, which she will address. One of his concerns is a 20-inch water main on the site which could affect the sewer connection, and he stated that it may need to be exposed. Ms. Kosten stated that she had requested information from the Water Authority as to the location and depth of the water main, and she is waiting for their response. Also, the drainage plan has been revised to show the details of the infiltrator underdrain in the north parking lot.

Fire Department: The current plan has been sent to the Fire Department and is being reviewed.

Memos of Understanding: Letters of Intent have been submitted by Roger Powers, Ted Collins, and Schoen Place, LLC. The applicants revised the language in one of the agreements in response to Mr. Powers' concerns, and will be completed when Mr. Powers signs the document.

Landscaping: Ms. Kosten indicated that the landscape plan has been revised to show plant sizes at planting and at maturity. Plans will be stamped by a landscape architect and will indicate planting details including, but not limited to, soil preparation and removal of asphalt millings to provide root space.

Snow removal: A note has been added to the revised plans indicating that excess snow from the parking lot will be removed.

Geotechnical consultant: The geotechnical consultant, James Baker, P.E. of Foundation Design, submitted comments stating that they find the use of asphalt millings for the pavement subbase to be acceptable.

Easement from RG&E: The applicant submitted a letter from RG&E indicating their intention to grant an easement, but the agreement has not been finalized.

Development Review Committee: The DRC submitted comments for the Board's review, which Mr. Harter stated were not significant, but were typical, minor comments.

Letters of Credit: Mr. Longwell spoke to the issue of the Letters of Credit, stating that Schoen Place, LLC has been in the home-building business for a number of years and has established a

good reputation in the industry. Therefore, his opinion is that it is not necessary to require their company to comply with the request for the Letters of Credit as an insurance that the work will be completed as approved. He also stated that since they cannot receive a Certificate of Occupancy until the work is completed, the Village is protected by withholding the C of O until it is completed according to plan. Ms. Kosten estimated the cost of the site work as exceeding \$100,000, and stated her opinion that this is an excessive amount for this project. Mr. Harter stated that the estimated cost to the applicants for providing the Letters of Credit is 1 - 1/4 percent of the entire cost of the site work, which would be approximately \$1000 - \$1750, based on Ms. Kosten's figures.

Board members expressed the view that since the applicants have not complied with the Village Code and the approvals that were granted by the Village Boards, this project has not engendered feelings of good faith that it will be completed as agreed. Mr. Harter stated that the Board has three tools to use as methods of enforcing compliance: the Stop Work Order, the Letter of Credit, and the Certificate of Occupancy, and he recommended that the Board utilize the secured Letter of Credit to assure compliance. Mr. Osborn cited Village Law § 7-725a(7), which allows the Village to require a Letter of Credit from applicants prior to granting approvals, and he stated that it was an appropriate action for the Village to take.

Chairperson Mitchell summarized the remaining open items:

- ✍ Cutoff optics on light fixtures added to site plan
- ✍ Village Engineer's approval
- ✍ Verification of water main location and depth
- ✍ Fire Department review
- ✍ Roger Power's Letter of Intent
- ✍ Letters of Credit
- ✍ Response to several items raised by Monroe County DRC

It was also noted that the Village's consultant's fees will be charged back to the applicants.

Board Members completed the SEQR Environmental Assessment Form.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, declaring that no significant adverse environmental impact is created by the Pittsford Flour Mill site plan.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the October 24, 2005 minutes, as amended.

Member Items :

Board Members discussed the process of review by the Boards regarding the granting of Special Permits.

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

Linda Habeeb, Recording Secretary
