

**Village of Pittsford**  
**PLANNING and ZONING BOARD OF APPEALS**  
**Regular Meeting – September 25, 2006 at 7:00 P.M.**

**PRESENT:**

Chairperson: Remegia Mitchell  
Members: Sally Chamberlin  
Lili Lanphear  
Ted Weniger  
Tom Dannhauser

Attorney: Jeff Turner  
Record Secretary: Linda Habeeb

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

**Zoning Board**

**David Jewett, 44 N. Main Street, Temporary zoning permit**

**Present: David Jewett**

**The Secretary read the legal notice that was published in the September 13, 2006 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 25, 2006 at 7:30 pm 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, 2006 to December 26, 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 II SEQR Action under SEQR § 617.5(c)(15).

**Discussion:** This is an application for a temporary zoning permit for the outside sale of Christmas trees and wreaths 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 were agreed to in past approvals.

Chairperson Mitchell reviewed the conditions from a previous approval.

**Public Hearing Opened:** Chairperson Mitchell opened the public hearing.

**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 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 1, 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 September 25, 2006.

**Findings of Fact:**

- This use is consistent with the traditional agricultural use of this farm property.
- This temporary, seasonal use has a low impact on surrounding residential properties.

**1. Paul Willsey, 10 Courtenay Circle, Area variance**  
**Present: Paul Willsey**

**The Secretary read the legal notice that was published in the September 13, 2006 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 25, 2006 at 7:30 pm to consider an application made by Paul Willsey for an area variance to construct a second driveway at 10 Courtenay Circle in the R-1 Residential District where only one driveway is permitted, pursuant to Chapter 210-10A of the Code of the Village of Pittsford.”*

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617(5)(C) # 13 & 15.

**Discussion:** The applicant is requesting adding a second driveway to be located on the southeast corner of the lot at 10 Courtenay Circle. The applicant stated that he has been parking his vehicle in that location for 12 years, and he didn't realize that it was a problem until he received a violation notice from the Building Inspector. Member Dannhauser questioned the applicant about parking the vehicle in the garage, and he stated that there are currently two cars parked in the garage, and it is not large enough to accommodate a third vehicle. He further stated that the car is licensed and maintained. Board Members explained that according to Village Code, a vehicle can be parked in front of a house only in a designated driveway, and a residence is not permitted to have two driveways. The Board and the applicant then discussed other possible locations to park the vehicle, such as on the side of the house or behind the garage. Chairperson Mitchell suggested parking the vehicle on the apron on the side of the existing garage. The Board and the applicants agreed on a location on the side of the house to park the vehicle that would be less visible from the neighbors' homes. This area has many trees which will screen the vehicle. The neighboring house has no windows on the proposed side. This area will be behind the front setback of the house with a minimum of 70 feet setback from the front property line. The Building Inspector advised the applicants that they could install stone or gravel in that area as long as the total pavement area does not exceed 12% of the lot area. The applicant confirmed that this solution will not create a de facto second driveway, because the truck is rarely used, generally only once per month.

The applicant withdrew his request for a variance.

### Planning Board

- 2. J. Daniel Subtelny & Craig Dupra, 72 & 74 S. Main Street, Minor subdivision**  
**Present: Michael J. Kieffer, Esq.**  
**J. Daniel Subtelny**

**The Secretary read the legal notice that was published in the September 13, 2006 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 25, 2006 at 7:30 pm to consider an application for a minor subdivision made by J. Daniel Subtelny of 72 South Main Street and Craig & Katherine Dupra of 74 South Main Street to convey a portion of 74 South Main Street to 72 South Main Street, pursuant to Chapter 210-83 of the Code of the Village of Pittsford.”*

**SEQR:** Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR § 617.4(A) #9, an unlisted action occurring within the historic district of the Village of Pittsford.

**Discussion:** The applicant presented a map indicating the location of the proposed lot line change on the properties of 72 & 74 South Main Street. The proposal is to increase the size of the flag lot. The Building Inspector will determine whether the existing fence on the lot is visible from the public way and therefore subject to APRB approval. The applicants stated that there is a hold harmless agreement between the applicants and the Village. They intend to relocate the fence, but recognize that they do so at their own risk. Mr. Turner, Village Attorney, determined that this application will require full environmental assessment under SEQR, with the Planning Board seeking to act as Lead Agency.

The Board is leaving the application *open*, pending the completion of the SEQR review process.

### **Paul Schenkel, Port of Pittsford Park: Information Only**

**Discussion:** Paul Schenkel, Commissioner of Public Works for the Town of Pittsford, presented a preliminary proposal for landscape lighting for the Port of Pittsford Park. He stated that the park currently is dark after 10:00 pm, and the Town has experienced problems with vandalism. He presented a plan showing the location of the proposed lighting and stated that the lights would be low-wattage fixtures. He further stated that the lights would probably be turned off around midnight and that they would operate on photocells and timers. Board members questioned Mr. Schenkel as to safety concerns after midnight, and he replied that most problems occur between 9:00 and midnight. Chairperson Mitchell asked Mr. Schenkel if APRB approval had been obtained for the light fixtures. Mr. Schenkel responded that APRB had not been consulted in this proposal. Board members questioned Mr. Schenkel as to the lighting for the Veterans' Memorial, and he stated that the memorial would be lighted with two fixtures on each side and that the flags would be illuminated with spotlights.

Member Weniger stated that in order to properly evaluate the proposed plan, the Board would need the photometrics of all the lighting, including the existing lighting and the memorial lighting. Mr. Schenkel stated that his budget and time constraints would not allow for hiring of an engineer to prepare a photometrics report. He further stated that the Town's goals are the same as the Village's goals in striving for low-watt, subtle lighting for the park. There was some

discussion as to whether it was within the Board's purview to approve the final plan. It was suggested that the Village Board has no official input into the plan, and that the Town was merely seeking feedback from the Board about the plan as a courtesy. Mr. Schenkel stated that if the Planning Board thinks that there is too much light, the Town will remove some fixtures and scale back the lighting. Chairperson Mitchell stated her concern that the final plan be sensitive to overall footcandles and areas of intense light known as "hotspots," and Member Dannhauser suggested that the Town add the needed circuits, but remove some of the fixtures if the lighting is determined to be excessive.

### **Scott Likly, Towpath Bike Shop ~ Display of outside merchandise**

**Discussion:** The applicant is requesting information on modification of a previously-approved site plan. The Board had approved the outside display of 24 bicycles, and the applicant stated that in order for him to have a viable business, he would need to increase the number of bicycles in the outside display. He also stated that some of the outside bicycles are for rental and others are for sale or repair. Member Weniger stated that the size of the area is restrictive, so that the applicant would not be able to display an unlimited number of bicycles, and that it would be better to limit the area, rather than the number of bicycles. Board members stated their concern with display bikes blocking the sidewalk on Schoen Alley, preventing pedestrians from being able to walk safely along the area in front of the shop. It was also suggested that the applicant stripe the pavement in that area to prevent obstruction of the sidewalk and to create a safe walking zone and boundary for the display area.

The applicant will come back before the Board with a modified site plan, incorporating some of these suggestions.

### **Pittsford Farms Dairy: Information Only**

**Present: Charles Corby**

**Discussion:** Mr. Corby presented preliminary plans for a new store and plant at the Pittsford Dairy. Mr. Corby stated that the store will be approximately 2400 square feet, and the plant will be 5,000 square feet. He stated further that the proposal calls for 25 gravel-surface parking spaces. Chairperson Mitchell questioned whether the applicants had considered ways to diminish the impact of the parking lot. It was pointed out that the lot is a split-zoned lot – commercial and residential. When questioned about deliveries at the new plant, Mr. Corby stated that because of the increased capacity for storage, there will be fewer deliveries than the current number. The Board will seek clarification about which elements of this property are considered part of the historic designation for the National Historic Register.

**Minutes:** July 24, 2006

**Motion:** Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the July 24, 2006 minutes, as amended.

**Vote:** Dannhauser – yes; Chamberlin – abstain; Mitchell – yes; Lanphear - yes; Weniger - yes.  
**Motion carried.** The decision was filed in the Office of the Village Clerk on September 25, 2006.

### **Building Inspector's Report:**

- Mr. Bailey stated that all new business was covered on the evening's meeting agenda. Member Dannhauser informed Mr. Bailey that there has been an unregistered trailer parked on Rand Street for several weeks. Mr. Bailey suggested that Board members notify him as soon as possible after discovering violations.

**Member Items:**

- Mr. Turner informed the Board that the ESL hearing has been rescheduled to October 17, 2006 at 12:30.
- St. Paul's Lutheran Church's plantings along the parking lot were not approved as part of their site plan.
- Great Northern Pizza's replacement plantings are not what was approved in their site plan.
- Ben & Jerry's Ice Cream – portable ramp for handicapped access is not sufficient.

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

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Linda Habeeb, Recording Secretary