

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – October 23, 2006 at 7:00 P.M.

PRESENT:

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

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

Planning Board

1. First Presbyterian Church, 21 Church Street, Site plan
Present: George Alger

The Secretary read the legal notice that was published in the October 11, 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, October 23, 2006 at 7:30 pm to consider an application made by George Alger for minor site plan approval for the property located at 21 Church Street, the First Presbyterian Church of Pittsford.”*

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5 #11 & 15.

Discussion: The applicant presented modified plans for their proposal to install sidewalks to create better access to the church and the ARC House at 19 Church Street and to correct the drainage problem that creates unsafe conditions for pedestrians during the winter months. The applicants stated that the modified drawings changed the location of the sidewalk, but the length of the sidewalk remains the same as was originally proposed. When questioned by Board members, the applicants stated that no disruption to the existing driveway is proposed by the modified plan. Board Members observed that trees have been removed from the site.

The modified drawings also include a proposed plan for lighting the sidewalks and driveway. Chairperson Mitchell pointed out that the Planning Board, through site plan review, has jurisdiction over the location of the lights, but that APRB approval is required for the light fixtures. Member Dannhauser expressed concern with the impact that the light will have on the surrounding neighbors. He questioned the applicants as to whether the lights will be on a timer. He stated that the applicants will need to supply documented photometrics for the proposed fixtures. He suggested that since these fixtures were installed in another location, the original site plan application may contain this information. The Building Inspector pointed out that since the proposed lights are low-wattage lights, it is possible that there are no photometrics for the fixtures. The applicants stated that with the drainage and sidewalk improvements, some electrical

lines will pass under the sidewalks. Board members agreed that installation of the electric lines could be completed without installing the fixtures.

Village Attorney, John Osborn, stated, for the record, that he is currently a member of the First Presbyterian Church, but that he does not think this presents a conflict of interest.

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

Chairperson Mitchell stated that the Public Hearing regarding the lighting will remain open, pending submittal of further details of the lighting plan, including photometrics, wattages, and hours of illumination.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the modified plan for the proposed sidewalk and drainage portion of the application, as submitted and date stamped on October 23, 2006, on the condition that no lighting is to be installed and no additional improvements are to be made to the property without further approval from the Board for the additional improvements.

Vote: Dannhauser – yes; Mitchell – yes; Chamberlin – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on October 23, 2006.

2. Pittsford Farms Dairy, 44 N. Main Street

**Present: Charles & Charlie Corby
Parrone Engineering**

The Secretary read the legal notice that was published in the October 11, 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, October 23, 2006 at 7:30 pm to consider an application made by The Pittsford Dairy, located at 44 N. Main Street, for site plan approval.”*

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR § 617.4 #9. This is an unlisted action occurring within an historic district and is substantially contiguous to a site which is listed on the National Register of Historic Places.

Discussion: Mr. Corby presented plans for construction of a new, multi-use building and the demolition of two existing buildings, including associated utility and parking, landscaping, and site lighting. Mr. Corby stated that the plan proposes preserving the existing home, barn, smoke house, and park-like area on the property.

The Board and the applicants went on to discuss the variances that will be required for the proposed plan to proceed. The proposed size of the rear building is 5,000 square feet, while Village Code limits the size of a building to 4,000 square feet per floor. Chairperson Mitchell questioned the applicants as to whether the buildings could be separated, but the applicants stated that it is more efficient to consolidate the operations into one area. Board members pointed out that the Code requires primary structures to be two-story buildings. The applicants stated that the front building is a two-story building, with offices on the second floor, and that this is considered the primary building. The Building Inspector stated that site plan approval applies only to the outside of buildings. The Board also pointed out that a variance will be required for front and side yard parking, and discussed the possibility of locating parking spaces behind the structures and utilizing the circle for parking, since volume of traffic for the Dairy is seasonal, and parking

demand is high for only 4-6 weeks per year. The Board suggested alternative parking locations on the site to reduce visible parking spaces.

The Board also discussed with the applicants the fact that, according to Code, the bottling plant is not a permitted use, so the applicants may need to apply for a use variance or for expansion of a pre-existing, nonconforming use. Board members suggested that the applicant reduce the footprint of the structures and relocate the bottling plant further north on the property.

The applicants explained that the Health Department standards are not being met by the current plant configuration. The location of the boiler in the bottling plant is outdated. Several pieces of machinery need replacement; however, it is not feasible to replace them within the old bottling plant.

Chairperson Mitchell stated that there is a change of the view shed to the barn and circle with the addition of 20 parking spaces. She said that there are several elements of the property, including the barn and circular drive, which are identified on the historic designation form. Chairperson Mitchell indicated that the Board would review the various elements on the historic inventory form.

Member Chamberlin asked the applicants if the proposal included plans for a restaurant, and the applicants replied that they were proposing a few seats to serve ice cream, but that they are not proposing a restaurant. Board members indicated that elevation drawings will improve their sense of the scale for this project proposal. The Board also discussed the fact that the lot is a split-zoned lot – commercial and residential, with the front of the lot zoned as B2 and the rear as R1.

Section 210-73 provides that a B-1 use of a lot which is divided into two zones may extend into the R-2 portion of the lot up to 25% of the average depth of the R-2 portion. Regulation as required by the B-1 district shall apply to the extended portion.

Public Hearing Opened: Chairperson Mitchell opened the public hearing at this time, and the following people spoke:

Doug Weins and Brad Sluman, JoJo's Restaurant, were interested in finding out at what stage the application was, and they were informed that the project was in the preliminary stages. They also questioned whether there would be any odor produced by the bottling plant. The applicants replied that if there is any change, there will be a reduction of the odor produced, due to the replacement of older, fuel oil generated processing equipment.

There was one call in support of the project.

Chairperson Mitchell and the Building Inspector reviewed some of the issues regarding this project:

- Identification of zoning district line and 25% extension area on the site plan.
- Variances for parking
- Variances for front and side yard setbacks.
- Total square feet of footprint of building
- Variance for one-story building and/or clarification of “principal building”
- Main entrance in front – parking in rear
- Connection to Main Street by sidewalk

- Interpretation of “behind the building” as it applies to parking in the Village Code
- Use variance for bottling plant or expansion of pre-existing non-conforming use
- APRB approval for demolitions
- Trustee approval for food-service business
- Timing of applications to three boards

3. Old Pickle Factory, 1 Grove Street ~ Site plan: exterior lighting

Present: Sheila Fustiano

Discussion: This is a continuation of an open public hearing for site plan approval for exterior lighting. Ms. Fustiano presented her proposal for building-mounted light fixtures, which plan also included photometrics information. She stated that she is not proposing using motion sensors because they do not satisfy safety concerns. She stated that there has been a decrease in the vandalism in the area. She stated that the lights will be on a timer, which will shut off at 10 PM. Due to early morning deliveries at the newspaper, these lights are turned on at 4:30-5:00 am. The Board informed the applicant that APRB approval is required for the light fixtures.

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: Member Dannhauser made a motion, seconded by Chairperson Mitchell, to approve the modification of the site plan regarding lighting at One Grove Street, pending approval of the light fixtures by the APRB, with the following conditions:

- The lights will be on a timer to turn on no earlier than 4:30 AM and to turn off no later than 10 PM.
- The approved plan is the plan with the least amount of light spill on the northern portion of the property.

Vote: Dannhauser – yes; Mitchell – yes; Chamberlin – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on October 23, 2006.

Building Inspector’s Report:

Mr. Bailey reported that:

- Del Monte Lodge will be applying to the Board for minor site plan approval.
- The grain elevator towers development is proceeding.

Member Items:

- There is an automobile for sale parked on a front lawn on South Street.
- Sutherland Auto is exceeding the permitted number of cars allowed for display.
- Two houses on Boughton Avenue are in a deteriorated condition.
- The camper-trailer is still in the front yard at 42 Rand Street.
- The Board discussed noncompliance issues and general upkeep and maintenance of properties.

Minutes: Member Chamberlin made a motion, seconded by Chairperson Mitchell, to approve the September 25, 2006 minutes, as amended.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to enter Executive Session to discuss a matter of litigation.

Vote: Dannhauser – yes; Mitchell – yes; Chamberlin – yes. *Motion carried.*

Motion: Chairperson Mitchell made a motion, seconded by Member Dannhauser, to leave Executive Session and re-enter the regular session of the meeting.

Vote: Dannhauser – yes; Mitchell – yes; Chamberlin – yes. *Motion carried.*

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 9:00 pm.

Linda Habeeb, Recording Secretary