

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – February 26, 2007 at 7:00 P.M.

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin Tom Dannhauser Lili Lanphear Ted Weniger
Attorney:	Jeffrey Turner
Building Inspector:	Edward Bailey
Recording Secretary:	Linda Habeeb

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

Zoning Board

Peter LePore (Fido's), 34½ State Street, Sign ~ *Information only*

Present: Peter LePore

Discussion: Mr. LePore said that he is requesting information from the Board about installation of an additional sign in order to create greater visibility for his new business. He stated that he had previously used a 90-day, temporary sandwich-board sign, but that he is investigating the possibility of installing a larger sign in the front of the business. Board members noted that there is currently a directory sign on the street, in addition to the sign on Mr. LePore's business. Chairperson Mitchell stated that in 1989, the owner of the business in that location was granted a variance for the existing two-sided sign, and that this request would be an expansion of that variance. Board members suggested that Mr. LePore consider ways to make the existing sign more visible, by possibly repositioning it, raising it, or changing the colors, rather than installing an additional sign.

Toni Mihalitsas (Bellini Skin Care), 20 N. Main Street, Sign ~ *Information only*

Present: Mr. & Mrs. Mihalitsas

Discussion: Mr. Mihalitsas stated that he is requesting information about installation of an additional sign to create greater visibility for his wife's business. He stated that there is currently a one-square-foot directory sign on the building, which has minimum visibility. Chairperson Mitchell noted that the existing driveway entrance sign was approved with a variance, and that in 1999, an application for a directory sign was denied by the Board. She suggested that the applicant meet with the Building Inspector to discuss what type of signage is allowed within the Village sign ordinance.

Planning Board

ESL Federal Credit Union, 11 State Street ~ Site Plan

Present: Tim Pryor, General Council for ESL
John Stapleton, Parrone Engineering
John Wilson, Council for Canandaigua National Bank

Discussion: Mr. Pryor and Mr. Stapleton presented a modified site plan, indicating that the only changes to the previously approved site plan were as a result of the recent litigation. Mr. Stapleton stated that the remote teller has been removed from the current site plan, and two additional parking spaces were added, for a total of 30 parking spaces, as required by Village Code. He further stated that the asphalt that would have occupied the entrance and exit lanes to the remote teller will be striped for "No Parking," and that the location and intensity of all the previously approved lighting will remain as approved. The directional signage for the remote teller and the north/south island have been removed from the modified site plan. Mr. Pryor said that the hours of operation had been amended to request the same hours that were approved in the original site plan. Board members questioned the applicants as to other parts of the modified site plan, such as the landscaping, drainage, and fence, and the applicants stated that all other elements of the original site plan would remain as originally approved.

Mr. Turner read a written stipulation, to be entered into the record, stating that:

- 1) ESL and the Village agree that in the event that ESL's appeal in the present lawsuit fails, the question of whether the 1957 use variance controls with respect to the parking issue (number of required spaces) or the current Zoning Ordinance controls with respect to the parking issue is an open question, subject in either case to the number of spots actually available in the lot.
- 2) John Wilson agrees, on behalf of his clients, that no litigation will follow the approval of the subject interim site plan, it being the parties' agreement that they each desire to allow the other party to reserve their rights pending the present appeal.

Chairperson Mitchell stated that the Board had thoroughly reviewed the original site plan, including the completion of SEQR, and since the proposed changes to the site plan are minor, inconsequential modifications, to review the current site plan would be a duplication of the Board's efforts. She further stated that the existing approved site plan permits all the elements of the interim site plan.

Chairperson Mitchell opened the public hearing, and the following people spoke:

Janet Reynolds, 35 Church Street, asked the applicants whether all lighting relating to the remote teller would be removed from the plan, and Mr. Stapleton replied that all of the remote teller lights have been removed from the site plan. Mr. Stapleton also pointed out that the lights remaining in the parking lot will be turned off after 7 p.m.

John Wilson, Boylan Brown, representing Canandaigua National Bank, stated that he had submitted a letter to the Board, which letter asserts that (1) Any use of the R-2 portion of the

premises for parking must comply with the 1957 use variance; and (2) SEQRA continues to apply.

Public Hearing Closed: Chairperson Mitchell closed the public hearing.

Motion: Chairperson Mitchell made a motion, seconded by Member Weniger, to dismiss, without prejudice, the application for an interim site plan, with the agreement between counsel for ESL, counsel for Canandaigua National Bank, and counsel for the Village of Pittsford to be considered part of the minutes of this meeting, and all elements of the original site plan will remain as approved.

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 February 26, 2007.

Other Issues:

➤ Open Space Overlay District

Discussion: Board members reviewed a draft proposal for a change to the Village Zoning Code. The proposal states that the historic, environmental, and aesthetic character of the Village of Pittsford is enhanced by the existence of open lands, and that the intent of the creation of an open space overlay district would be to provide performance criteria, in the context of flexible use and design regulations, so that the historic resources and unique qualities of these lands are preserved. The application of performance zoning to this district is also intended to achieve more creative land use and a higher quality of site planning and design than can be accomplished through conventional zoning regulations, in conformance with the design principles outlined in the Village's Comprehensive Plan. The areas affected are: the Northwest quadrant of the Village; lands historically associated with agricultural use in the northeast quadrant of the Village; a large parcel surrounding the old Pittsford School building on Lincoln Avenue; and miscellaneous other lands.

Member Weniger raised the issue as to whether this code change would allow uses of the restricted areas that are not currently permitted and would not necessarily be desirable uses for the property. Mr. Bailey stated that the intention of the Open Space Overlay District is to determine the best use of the property. The Board also discussed the appeals process, and Mr. Turner stated that an appeal of a Planning Board decision would be to the Board of Trustees.

Chairperson Mitchell stated that Board members will review the proposal and will discuss a collective response at next month's meeting.

Member Items:

Building Inspector's Report:

- Mr. Bailey reported that the Flour Mill is nearly completed, and that a new Letter of Credit for \$41,000 has been obtained for the remaining work. He also reported that the owners had been granted a state variance for the towers, for which 8 floors of office space are planned.
- Member Chamberlin asked about the renovations at 31 N. Main Street, and Mr. Bailey stated that as the result of a car accident, the occupants are replacing a window and some of the siding.

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- Member Lanphear stated that Sutherland Auto has an excessive number of cars displayed in the inside bays. Mr. Bailey stated that it is difficult to limit the number of cars inside the building, but that he would speak to the owners regarding this issue.
- Member Weniger reported that he had attended a meeting with members of other village boards, and they have developed a proposal for modifying the application process.

Minutes: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the January 22, 2007 minutes, as amended.

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

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 8:45 pm.

Linda Habeeb, Recording Secretary