

**Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – April 23, 2007 at 7:00 P.M.**

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin Tom Dannhauser Lili Lanphear Ted Weniger
Attorney:	John Osborn
Building Inspector:	Edward Bailey
Mayor:	Bob Corby
APRB Chair	Paul Zachman
Recording Secretary:	Linda Habeeb

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

Zoning Board

**1. Brad Sluman, 60 N. Main Street ~ Temporary zoning permit
Present: Brad Sluman**

The Secretary read the legal notice that was published in the April 11, 2007 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, April 23, 2007 at 7:00 pm, to consider an application made by Brad Sluman for a temporary zoning permit to allow outdoor entertainment in the evening hours from May, 2007 through September, 2007, at the property known as The Pittsford Pub, located at 60 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: The applicant stated that he is requesting a temporary zoning permit to allow outdoor music on the front patio at the Pittsford Pub from 6 to 9 or 10 o'clock on Wednesday and Saturday nights during the summer months. He further stated that the music would be low-key, acoustical, background music that customers could enjoy while dining. Board members questioned the applicant as to whether the sound could be contained within the patio area and not spill over into the residential area. There was some discussion about whether it would be feasible to attempt to measure the sound level of the music.

Member Weniger read a portion of the Village Code regarding this issue, “It shall be unlawful and in violation of this chapter to create and/or suffer, permit and/or allow the creation of any unreasonably loud, disturbing or unnecessary noise in the village. Noise of such character, intensity or duration as to endanger the public comfort, peace or repose or to be detrimental to the life or health of any individual is declared to be a nuisance and is prohibited.”

Chairperson Mitchell stated her concern that to grant this request for a temporary zoning permit for outdoor entertainment near a residential neighborhood would set a precedent for allowing other types of outdoor music at other establishments. She also pointed out that the patio is within the 100-ft. setback from a residential area. She further noted that there is currently an outstanding violation for lighting in the rear of the property, and that the Board has a policy of not granting approvals for applications for which there is an outstanding violation. The applicant stated that he has been in contact with a lighting engineer and is currently attempting to address the violation.

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

Bob Brown, 69 N. Main Street, stated his concern with the level of noise that the music, combined with the consumption of alcohol by patrons, will produce. He further expressed concern about the potential for increased traffic and parking problems in the area.

Bob Bryant, Hick’s & McCarthy Restaurant, stated that he would be in favor of a 30-day trial period for the outdoor music.

Charles Searles, 57 Washington Road, stated that the music is intended to be background music, and the volume can be controlled.

Chairperson Mitchell stated that the Public Hearing will remain open, pending resolution of the lighting violation.

2. Bob Bryant, Hick’s & McCarthy’s Restaurant ~ Temporary zoning permit

Present: Bob Bryant

The Secretary read the legal notice that was published in the April 11, 2007 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, April 23, 2007 at 7:00 pm, to consider an application made by Robert Bryant for a temporary zoning permit for outside seating at Hicks & McCarthy Restaurant, located at 23 S. 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: The applicant is requesting a temporary zoning permit for outside seating for Hick’s & McCarthy Restaurant, which is located at 23 S. Main Street. The applicant stated that he is proposing the same circumstances that were approved by the Board in May, 2006, with the modification that he will install indoor/outdoor carpeting, instead of a deck. Mr. Bryant also stated that he will remove an equal number of seats from inside the restaurant to accommodate the additional outside seating.

Board members questioned the applicant as to safety issues in the area, and the applicant stated that he will install speed bumps and striping to address safety concerns. Mayor Corby suggested

that the applicant borrow one of the Village's cement wheel stops to further assist with safety in the area. Member Dannhauser questioned whether the drainage in that location is sufficient, and the Building Inspector stated that the drainage is adequate.

Motion: Chairperson Mitchell made a motion, seconded by Member Dannhauser, to grant the temporary zoning permit for outside dining, with all the stipulations and requirements agreed to in May, 2006, with the exception that there will be carpeted pavement instead of the deck, and with the addition of the concrete bollard.

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.

3. T-Mobile Communications, *Information only*

Present: Jeff Davis, Hiscock & Barclay

Discussion: Mr. Davis presented a proposed plan, for information only, for installation of an enclosure for cell phone antennas on the towers of the Flour Mills complex. The 6-foot-high enclosure would be secured to the roof of the towers, and would match the façade of the building. He stated that there would be no noise, no vibrations, no lights, no signage, and no visual change to the building. The building is in the process of being renovated, and Mr. Davis said T-Mobile Communications had presented this proposal to the owner of the building, who is amenable to it.

Chairperson Mitchell stated that Architectural Review Board approval would be required for this project. Chairperson Zachman stated that the APRB would consider the proposal in the context of whether it is compatible with the renovation of the building.

The Board informed Mr. Davis that he will need to provide more detailed plans, which include the renovation plans, if he intends to proceed with this proposal.

Other Issues:

✧ Open Space Overlay District

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 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.

Mr. Osborn stated that if this proposal is passed by the Board of Trustees, it will become part of the Village Code. He further stated that the Planning Board, when considering any application under this article, would not be bound by district regulations applicable to that property. All proposed uses and development of property included in the Performance Zoning Overlay District will be subject to a conditional use permit approved by the Planning Board. No building permit may be issued in the district, even for a permitted use, until such approval is obtained. Applications for a conditional use permit will be made to the Planning Board in the same manner

as for site plan approval, including a public hearing. The Town of Pittsford also is bound by Village Zoning regulations.

Mayor Corby stated that the Chief Planner for the Erie Canalway National Heritage Corridor is reviewing the proposal and will forward comments to the Board. Board members will further review and forward any additional comments to Chairperson Mitchell.

Member Items:

Building Inspector's Report:

- Mr. Bailey reported that the interior structural renovation of the Mill towers is underway.
- Newcomb Oil is taking over the gas station at 57 N. Main Street and closing the store at Schoen Place.
- Member Lanphear asked if there are size limitations for real estate signs, and Mr. Bailey replied that the signs are limited to 4 sq.ft.
- It was suggested that the Board of Trustees pass a law to restrict signage on trucks.

Chairperson Mitchell reported that the online training for Board members is beneficial and very user-friendly.

Minutes: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the February 26, 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 9:25 pm.

Linda Habeeb, Recording Secretary