

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – June 25, 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
Recording Secretary:	Linda Habeeb

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

Zoning Board

1. Michael Brown (Ben & Jerry's), Temporary Zoning Permit
Present: Jim Crilly

The Secretary read the legal notice that was published in the June 13, 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, June 25, 2007 at 7:00 pm, to consider an application made by Michael Brown for a temporary zoning permit to allow outdoor vending during the summer months at the Port of Pittsford Park, 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 to sell ice cream and beverages during the Friday night summer concerts in the Port of Pittsford Park. He stated that the Town of Pittsford had requested this service and granted approval for it. Board members questioned the applicant as to the proposed method of refuse/trash pick-up, and the applicant stated that they currently had no plan for disposal of trash. Board members stated that the removal of trash generated by the business should be the responsibility of the proprietor.

The Board discussed the fact that the Port of Pittsford is a Town park that is located within the Village. Mr. Osborn stated that the proposal is for a business or proprietary use of a public park, and therefore, the applicant is required to obtain a temporary zoning permit from the Village. Board members then discussed the requirements for other vendors in the park and on Schoen Place. According to Village Code, a special permit is required for the sale of food, but the Building Inspector stated that an exception can be made for one-time events.

Public Hearing Opened: The legal notice having been read, Chairperson Mitchell opened the Public Hearing.

Public Hearing Closed: There being no one to speak for or against this application, Chairperson Mitchell closed the public hearing.

Motion: Member Weniger made a motion, seconded by Member Lanphear, to approve the application for a temporary zoning permit for the sale of ice cream and beverages at the Port of Pittsford Park on Friday nights during the summer months, with the condition that the applicants will be responsible for the collection and removal of trash generated by the business.

Vote: Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear – yes; Weniger. **Motion carried.** The decision was filed in the Office of the Village Clerk on June 25, 2007.

2. George Schwegler, 1 Grove Street ~ Professional office use

Present: George Schwegler

The Secretary read the legal notice that was published in the June 13, 2007 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, June 25, 2007 at 7:00 pm, to consider an application made by Dr. George Schwegler for a professional office use at 1 Grove Street in the M-1 District, pursuant to Chapter 210-46A(29), Other Uses in the M-1 District, 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 approval to open a chiropractic doctor’s office in the building located at One Grove Street. He stated that it will be a single-doctor practice, with one clerical employee. The proposed hours of operation are: Monday, Wednesday, and Friday 8:30 a.m. – 6:30 p.m., half-day on Tuesdays, and some limited hours on Saturdays. He stated that there will be approximately 20-35 patients a day, by appointment only, with one patient being treated and one patient waiting, with a wait time of approximately 5 minutes. This use would require four parking spaces, two for employees and two for patients. Mr. Osborn pointed out that the parking lot spaces have already been approved and deemed adequate for the building.

Public Hearing Opened: The legal notice having been read, Chairperson Mitchell opened the Public Hearing and the following people spoke:

- Mary Sgabellone, 9 Grove Street, stated that she is concerned with potential traffic and parking problems in the residential neighborhood that will be generated by Mr. Schwegler’s practice.

Chairperson Mitchell stated that the parking will be monitored by the Village/Town parking enforcer.

Public Hearing Closed: Chairperson Mitchell closed the public hearing.

Motion: Member Dannhauser made a motion, seconded by Chairperson Mitchell, to approve the application for a special exception use for a chiropractic office at One Grove Street, as submitted.

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 June 25, 2007.

3. Realty USA, 57 Monroe Avenue ~ Area variance for a sign
Present: Ron Pluta, Larry Mastrella, Rick Leasure

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR § 617.4, an unlisted action occurring substantially contiguous to any site or district that is listed on the National Register of Historic Places.

Discussion: The applicants stated that due to the highly competitive nature of the real estate business, they are seeking a variance for additional signage at the business located at 57 Monroe Avenue. They propose installation of a free-standing sign, measuring approximately 46”x 60”. They stated that they will remove the existing sign on the building. Board members asked the applicants what percentage of the building is occupied by their business, and they stated that Realty USA currently occupies approximately 70-75 percent of the building.

Chairperson Mitchell pointed out that this request is similar to other requests that have been denied by the Board, and she is concerned with setting a precedent by approving this application. She provided the applicant a copy of the criteria for approving an area variance, upon which the Board bases its decisions.

Board members discussed a number of alternatives to the free-standing sign, including suspending a sign between the pillars on the building, and using the street number of the building for an additional sign. Chairperson Mitchell pointed out that Architectural and Preservation Review Board approval is required for building signs.

Chairperson Mitchell stated that the applicants will need to consult with the Building Inspector for the Village Code sign requirements, and make a determination of whether they will continue with this application and the SEQR process, or possibly consider alternative signs, for which they will need APRB approval. The public hearing will remain *open*.

Member Items:

- Discussion of Proposed **Local Law #3 of 2007:**

§ 210-73. Lots in more than one district.

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the permitted uses for the less restricted portion of such lot may not extend over the district boundary line into the more restricted portion by more than ¼ of the average distance of such lot’s projection into the more restricted district. Regulations for the remaining portion of such lot within the more restricted district shall be as required by the district in which it is situated.

Mr. Osborn stated that the Pittsford Dairy is an example of a split-zoned property: R1 in the rear of the property and B2 in the front. He stated his opinion that the public hearing on the proposed local law should remain open, pending further information regarding the renovation plans for the Dairy. Board members pointed out that the Open Space Overlay District proposal will also impact the Dairy.

PZBA 6/25/07

Regular Mtg.

- Member Weniger stated that as a result of the combined Boards meeting, he considered creating a checklist for the PZBA application. He concluded that as the requirements for applicants are varied and lengthy, based on the Village Code, the Building Inspector would be the person who can best determine what is required for each application.

Minutes: Chairperson Mitchell made a motion, seconded by Member Dannhauser, to approve the May 23, 2007 minutes, as modified.

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