

**Village of Pittsford**  
**PLANNING and ZONING BOARD OF APPEALS**  
**Regular Meeting – September 24, 2007 at 7:00 P.M.**

**PRESENT:**

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin Tom Dannhauser Lili Lanphear (absent) Dennis Peters
Alternate:	William McBride
Attorney:	John Osborn
Building Inspector:	Edward Bailey (absent)
Recording Secretary:	Linda Habeeb

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

**Planning Board**

**1. Philip Nothnagle, 33 S. Main Street ~ Site Plan**  
**Present: Mark Beebe**

**Discussion:** This is a continuation of an open public hearing for installation of a fence on the southwest edge of the parking lot at 33 South Main Street to replace dying vegetative screening in the area. The Village requires screening of the parking lot, but the vegetation is not surviving because of a lack of water and sunlight in the area. The applicant had proposed installation of a 6-foot fence in place of the vegetation, but Board Members had indicated that a 6-foot high fence creates a visual barrier, and that a 4-foot fence would be preferable. After referring to the Code, it was determined that the minimum height required to screen a parking lot is 4 feet. It was noted that the proposed fence would be only 50 feet from Lincoln Avenue; therefore, a 6-foot fence would negatively alter the view shed from Lincoln Avenue.

At the previous Board meeting, Michael Newcomb questioned whether Village Code requires a fence to screen the residential houses on Lincoln Avenue from the commercial property. He indicated that he wants the fence to extend to the east behind two residential structures at 6-8 and 10 Lincoln Avenue. Chairperson Mitchell presented a memorandum from the Building Inspector stating that, "Although Chapter 210 of the Code of the Village of Pittsford requires that parking lots be screened with a fence or vegetation, there is no provision for requiring that existing parking lots be screened, other than to maintain their existing screening. The Nothnagle property is before the Board because they removed existing screening and were required to replace it, and now would like to modify the previously-approved screening material."

The applicant stated that he has already purchased the trees, and he plans on planting three, 5-foot trees, but is requesting approval for the fence, in the event that the vegetation does not survive.

Chairperson Mitchell closed the public hearing, as there were no further comments regarding this application.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Dannhauser, to *approve* the application for a fence at 33 South Main Street, with the following modifications:

1. The fence will start at a point parallel to the western edge of the existing structure at 10 Lincoln Avenue, and extend an additional 14 feet to the western property line;
2. the fence will measure four feet in height; and
3. there will be a gap to accommodate two existing trees, as indicated on the proposed site plan.

**Vote:** Dannhauser – yes; Chamberlin – yes; Mitchell – yes; McBride – yes; Peters - yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on September 24, 2007.

**Information Only:**

✧ **Justin Hahs, 10 State Street ~ Hungry's**

**Discussion:** The applicant presented a proposal for a special permit for the operation of a restaurant, Hungry's, at 10 State Street, at the site of the old "Jonny's Hots." The menu will be very similar to Jonny's Hots, and will provide carry-out and delivery service. The proposed use will require no changes to the exterior or the interior of the building. Mr. Hahs stated that the proposed site will not create any additional noise, late-night activity, or any other nuisances.

The proposed hours of operation will be the same as were approved for Jonny's Village Hots:

Sunday	Noon – 8 PM
Monday – Wednesday	11 AM – 12 AM
Thursday – Saturday	11 AM – 1:30 AM

The applicant stated that the proposal calls for a total of five employees, with a maximum of 1-2 working at one time. Board members questioned Mr. Hahs as to the proposed times for deliveries to the restaurant. He stated that he did not know at this point when the deliveries would be made. Board members expressed concern with large delivery trucks blocking traffic and causing congestion in front of Thirsty's. Chairperson Mitchell asked the applicant the proposed method of trash disposal, and he stated that the restaurant will share a dumpster with Thirsty's. He also stated that there are sealed dumpsters for the disposal of fryer oils. He stated that he would be responsible for cleaning up the carry-out trash in the parks and sidewalk areas.

Chairperson Mitchell stated that she will inform the Board of Trustees of the Zoning Board's evaluation of the proposal. She stated that some of the concerns to be addressed are:

1. Hours of operation should not exceed those approved for Jonny's Hots.
2. Trash in the park and nearby street area should be monitored by Hungry's.
3. Delivery of supplies should be made from the rear parking lot, when possible, and should be scheduled to avoid traffic congestion on State Street.

The following concerns were raised about deliveries in the general area, including Great Northern Pizza, Thirsty's, Brueggers, other Main Street eateries:

- Food deliveries are a problem when they are made in large trucks which block traffic.
  - Truck sizes and parking options present concerns to neighbors.
  - Some services, such as parking lot cleaning and/or trash collection at restaurants and ESL, start too early in the morning, especially on weekends.
- ❖ **Pauline Riley, Church Street**, stated that there is an unapproved dumpster in the parking lot at ESL, and that she is interested in Village rules for dumpsters in general. The Board of Trustees will be discussing this issue at a future meeting.

**Member Items:**

**Minutes:** Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the August 27, 2007 minutes, as drafted.

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

**Adjournment:** There being no further business, Chairperson Mitchell adjourned the meeting at 8:30 pm.

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Linda Habeeb, Recording Secretary