

**Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – October 22, 2007 at 7:00 P.M.**

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin Tom Dannhauser Lili Lanphear 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. David Jewett, 44 N. Main Street, Temporary zoning permit
Present: David Jewett**

The Secretary read the legal notice that was published in the October 10, 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, October 22, 2007 at 7:00 pm to consider an application made by David Jewett for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths from November 20, 2007 to December 31, 2007, at property known as Pittsford Farms Dairy, owned by Charles Corby, and located at 44 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: This is an application for a temporary zoning permit for the outside sale of Christmas trees and wreaths at the property known as Pittsford Farms Dairy. The applicant stated that he has been granted the permit for a number of years, and he agrees to abide by the same conditions as were agreed to in past approvals. Chairperson Mitchell reviewed the conditions from a previous approval.

Public Hearing Opened: Chairperson Mitchell opened the public hearing. There was one letter in support of the application.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing, as there were no other comments or phone calls regarding this application.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to *approve* the application, as submitted, for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths at the Pittsford Farms Dairy during the holiday season, with the following conditions:

1. The site shall be restored to its original appearance by January 1, 2008.
2. Preparation and sale shall be only on private property side yard no closer than 125 feet from all property lines.
3. Temporary signage shall not be placed in the public right of way.
4. No high-pressure sodium lighting shall be installed or maintained.

Vote: Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear – yes; Peters – yes.

Motion carried. The decision was filed in the Office of the Village Clerk on October 22, 2007.

Findings of Fact:

- This use is consistent with the traditional agricultural use of this farm property.
- This temporary, seasonal use has a low impact on surrounding residential properties.

2. Pittsford Flour Mill, 11 Schoen Place, Special Use Permit and Modification of Site Plan

**Present: Jeffrey Davis, Hiscock & Barclay
Terri Burkholder**

The Secretary read the legal notice that was published in the October 10, 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, October 22, 2007 at 7:00 pm to consider an application made by Omnipoint Communications, Inc., for a special use permit for a telecommunications antenna at 11 Schoen Place, pursuant to Chapter 210-91 of the Code of the Village of Pittsford.*

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR § 617.4(b)(9).

Discussion: The applicants stated that they represent Omnipoint Communications, Inc., a public utility in New York responsible for providing wireless telephone service in the geographic area that includes Monroe County and the Village of Pittsford. They presented a proposal for a special use permit to co-locate six antennas on the roof of the former grain silo, located at 11 Schoen Place. The applicants stated that in order to provide adequate wireless service to the Village of Pittsford area, Omnipoint must place a telecommunications facility in a technologically appropriate location. They further stated that the Flour Mill tower is the only feasible site in the Village to fill in the existing coverage gap in the Pittsford area and provide the capacity and coverage necessary for the Pittsford cell. The project entails installation of six panel antennas at a centerline height of 123.58'. The antennas will be connected to three equipment cabinets located inside the grain silo cupola, and access will be through an existing stairwell to the penthouse. They also stated that the proposed co-location will be an inert facility that will not create any noise or vibration, will not increase population density, will not significantly increase traffic, will not create any demand on municipal facilities, will not create any environmental problems, and will not create any detriment to neighboring properties or change the character of the surrounding area.

Chairperson Mitchell questioned the applicants as to whether they would consider co-locating with other cell towers. The applicants stated that they already are co-located with other cell towers in the Town of Pittsford, most of which are full. Board members also questioned the applicants as to the profile size of the antennas. The applicants stated that the antennas will be 4 feet in height, 6 inches in width, and 3 inches deep, and, including the platform, will measure approximately 6 feet in height. Board members asked the applicants if the antennas could be located on the side of the building, instead of on top. The applicants stated that they cannot locate the antennas on the side of the building, because they would have to project two feet from the structure in order to maintain good reception.

Chairperson Mitchell asked Paul Zachman, Chairperson of the APRB, to report on the status of this application with regard to APRB approval. Chairperson Zachman stated that the APRB recommended that the transmitter equipment not be screened, and that it be painted or finished in a manner that would reduce the visual impact of the equipment; the theory being that the visual impact of a screen large enough to cover the equipment would itself be disruptive and possibly appear to be another addition. He stated that the applicants need to come back before the APRB with final plans, prior to receiving approval from the Board.

Member Dannhauser questioned the applicants as to whether it would be possible that in the future, other companies will share the site with Omnipoint Communications. The applicants stated that it is possible that other companies could share the site, but the other companies will also have to come before the Planning Board and seek approval for their proposal.

Chairperson Mitchell stated that the Village will hire a consultant to analyze the proposal and make recommendations to the Board. She informed the applicants that they will be charged for the consultant's fees and any related engineer's fees. She also stated that there is not currently an approved site plan on file for this property, and that the Flour Mill developers will need to submit a final plan, showing modifications to the originally approved site plan, which also indicate the location of the antennas. Chairperson Mitchell informed the applicants that the SEQR process will need to be completed prior to continued hearings of the proposal.

The Public Hearing will remain *open*, pending submittal of a final site plan and completion of the SEQR process.

Information Only:

✧ **Kerry Stich, Bella Bleu, 32½ S. Main Street ~ Sign**

Discussion: Ms. Stich stated that in order to create greater visibility for her business, she was considering proposing installing a second sign near the street. She presented a photograph of a proposal for a sign, hung from a lamppost near the street. She stated that she shares the space in which her business is located with another business, which would also hang a sign on the lamppost. The Board expressed concern with two signs hanging on the lamppost and with setting precedents for additional business signage. Chairperson Mitchell stated Ms. Stich will need to apply for an area variance for the proposed signs. The Board supplied Ms. Stich with a copy of the criteria for granting an area variance. It was suggested that Ms. Stich meet with the Building Inspector to discuss various options for signage.

Member Items:

PZBA 10/22/07

Regular Mtg.

- ✧ Member Lanphear reported that there is extensive construction ongoing at 18 and 28 Boughton Avenue.
- ✧ Member Dannhauser reported that the dumpster in the ESL parking lot has not been removed.
- ✧ Chairperson Mitchell stated that there is a joint board meeting scheduled for October 30th at 7:00 pm.

Minutes: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the September 24, 2007 minutes, as drafted.

Vote: Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear – abstain; Peters – yes; McBride - yes. ***Motion carried.***

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

Linda Habeeb, Recording Secretary