

**Village of Pittsford  
PLANNING and ZONING BOARD OF APPEALS  
Regular Meeting – November 26, 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
Recording Secretary:	Linda Habeeb

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

**Zoning Board**

**1. Realty USA, 57 Monroe Avenue – Area variance for a sign  
Present: Larry Mastrella**

**Discussion:** This is a continuation of an open public hearing for signage at Realty USA, located at 57 Monroe Avenue. The applicants had originally proposed installation of a free-standing sign to create greater visibility for the business, and the Board had suggested that they consider alternative types of signage. The applicants are currently proposing installation of building-mounted lettering on the fascia board on the front façade of the building. They stated that RealtyUSA.com is the professional name of the business, and is not intended to indicate an e-mail address. The applicants also stated that the letters will not be lighted.

The Building Inspector noted that, according to Village Code, the building is considered an office complex, for which only one free-standing sign, denoting only the name of the office complex, is allowed. Board members noted that the RealtyUSA business is separate and independent from the other businesses in the Village Green complex, with shared access but separate parking. Chairperson Mitchell explained to the applicants that APRB approval is required for signs.

**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 Dannhauser, to *approve* the application for an area variance for installation of a sign, with the condition that all former signage be removed.

**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 November 26, 2007.

***Findings of Fact:***

- ◆ The business is set back from the street.
  - ◆ The sign will not be lighted.
  - ◆ The business is physically and visually independent from the other businesses in the office complex.
  - ◆ The business is architecturally different and distinct from the other businesses in the office complex and was constructed at a different time.
  - ◆ The business has separate designated parking.
  - ◆ The building property is owned by a different owner than Village Green.
- 1) There are no undesirable changes that will be produced in the character of the neighborhood by granting this variance.
  - 2) The benefit sought by the applicant cannot be achieved by some feasible method other than a variance.
  - 3) The requested variance is not substantial.
  - 4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

**Information Only:**

**1. Special Permit for Café at 25 State Street  
Present: Vicky & Paul Powell  
Ken Bracker, Architect**

**Discussion:** Mr. & Mrs. Powell are requesting a Special Use Permit from the Board of Trustees to allow the operation of a café for people and canines in the building located at 25 State Street. They stated that the café will be divided into two separate areas, with one side designated for people and dogs, and the other side for people-only. The food will be take-out fare, which will be picked up at a window in the café and taken to a booth to consume. They stated that they are proposing two bathrooms, one of which will be handicap accessible. Mr. and Mrs. Powell stated that they will comply with all Health Code regulations for the preparation and serving of the food. They also stated that they will be sharing the parking with three adjacent businesses, and that the employees will be required to use public parking areas. When questioned about the noise level created by barking dogs, the Powells stated that they will strive to create a tranquil atmosphere that will limit the agitation of the dogs.

The proposed hours of operation are:

Monday – Thursday: 6:30 am – 10:00 pm.  
Friday and Saturday: 6:30 am – 11:00 pm.  
Sunday: 7:00 am – 9:00 pm.

Board members expressed concern about the lack of parking on this site, in view of the fact that these businesses will be open during the same hours. There are five on-site parking spaces, where

there is a need for ten. Board members also expressed concerns about the loss of retail space, because the Central Business District has suffered a loss of walk-in retail shopping destinations. Other concerns discussed by the Board are: the proximity of the location to residential properties in the Village; the method of disposal of food and waste; noise generated by the canines; and setting of a precedent for a restaurant in that location. Board members noted that the applicants will need to present a final, to-scale floor plan.

A summary of the PZBA comments will be forwarded to the Board of Trustees in a memo from Chairperson Mitchell.

**2. Pittsford Dairy, 44 North Main Street ~ Special Permit & Preliminary Site Plan  
Present: Ron Morgan, Charles Corby**

**Discussion:** Mr. Morgan and Mr. Corby are requesting a Special Use Permit from the Board of Trustees to serve food at Pittsford Farms Dairy. They stated that the existing store sells dairy products and various specialty items, such as baked goods, coffee, and selective fruits and vegetables. The applicants have indicated a variety of new business initiatives, with seating for up to 56 customers. In addition to the existing business operation, the proposed new facility will include an ice cream parlor, a coffee shop, and a specialty bakery, for take-out or onsite consumption. Mr. Morgan submitted documentation addressing the key points required for the Special Use Permit.

The Board also reviewed a proposed site plan for the project. They noted that there was a change in the proposed location of the processing plant, so that it is less visible from the public way. The plan will maintain the existing drive-up customer parking at the store in the front of the building, with additional parking on the side and in the rear of the building. Board Members explained that some previous approvals allow restaurants to move seating between indoor and outdoor locations seasonally, while maintaining the total permitted seat count. Special care should be taken to control and/or limit the number of parking spaces on this site.

Board members made note that while new zoning could permit additional uses for the Pittsford Farms Dairy property, the Village must be vigilant in retaining the urban farm concept and the historical significance of the residential portions of this parcel.

PZBA comments will be sent to the Board of Trustees by a memo from Chairperson Mitchell.

**Member Items:**

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

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

**Adjournment:** There being no further business, Chairperson Mitchell adjourned the meeting at 9:00 pm.

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Linda Habeeb, Recording Secretary