

Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Special Meeting – March 31, 2008 at 5:30 PM

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin
	Tom Dannhauser
	Lili Lanphear
Alternate:	William McBride
Absent	Dennis Peters
Recording Secretary	Anne Hartsig

Chairperson Mitchell called the meeting to order at 5:30 P.M.

Zoning Board

1. Corn Hill Navigation – Temporary Permit Request

Present: Victoria Schmitt

SEQR: Chairperson Mitchell stated this is a Type II Action under 617.5 (c) #15. No further review is necessary.

Legal Notice: The Secretary read the legal notice below which was published on March 19, 2008 in the Brighton-Pittsford Post:

“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals, Monday, March 31, 2008 at 5:30 PM at the Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Corn Hill Navigation, for a temporary zoning permit to allow the seasonal operation of the vessel known as Sam Patch from the dock adjacent to Erie Canal Park on Schoen Place, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford”.

Discussion: Ms. Schmitt explained the operation of the *Sam Patch*, the packet boat replication that has been operating from Schoen Place for the past several years. Ms. Schmitt stated that Corn Hill Navigation has a 17-year history of contributing to community development through education, awareness, and enjoyment.

Board members discussed plans for issues such as parking, hours of operation, trash, and signage. Ms. Schmitt said there are no significant changes in operation planned for the 2008 boating season.

Public Hearing Opened: Chairperson Mitchell opened the public hearing. Board members heard the following comments: Resident Jeffrey Mason asked why the permit is only “temporary”. It was explained that the boat does not have a fixed location and the operation is seasonal. The Secretary noted that a letter had been received from Edward Collins and is part of the official record. Mr. Collins expressed concerns about the need for more parking on Schoen Place due to additional boat traffic. The letter was not specific to Corn Hill Navigation operations and may also have been sent in reference to another application from the Erie Canal Boat Company.

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

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Motion: A motion was made by Member Dannhauser, seconded by Chairperson Mitchell, to approve a temporary permit for Corn Hill Navigation for the 2008 boating season as described in the application received and date stamped March 20, 2008.

Vote: Dannhauser – yes, Chamberlin – yes, Mitchell – yes, Lanphear – yes, McBride – yes.

Motion carried.

The decision was filed in the Office of the Village Clerk on March 31, 2008.

2. Erie Canal Boat Company – Temporary Permit Request

Present: Peter Abele

SEQR: Chairperson Mitchell stated this is a Type II Action under 617.5 (c) #15. No further review is necessary.

Legal Notice: The Secretary read the legal notice below which was published on March 19, 2008 in the Brighton-Pittsford Post:

“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals, Monday, March 31, 2008 at 5:30 PM at the Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Peter Abele, owner of the Erie Canal Boat Company, for a temporary zoning permit to allow the operation of a seasonal canoe and kayak rental business to be located on Schoen Place, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford”

Discussion: Mr. Abele explained the plan and process for his proposed boat rental business. He has operated a similar business in the Village of Fairport for the last few years. Plans include the rental of approximately 15 boats including kayaks, canoes and paddleboats, a temporary kiosk to house paddles, life vests and paper work, storage of boats, hours and dates of operation, trash, and signage. He also stated that he has applied for required approvals from the Army Corp of Engineers and the NYS Canal Corporation. Chairperson Mitchell mentioned that there will be construction along Schoen Place this summer. Mr. Abele responded that having had a conversation with Mayor Corby, he is aware of the upcoming construction.

Public Hearing Opened: Chairperson Mitchell opened the public hearing. The Secretary noted that a letter had been received from Edward Collins and is part of the official record. Mr. Collins expressed concerns about the need for more parking on Schoen Place due to additional boat traffic. The letter may have been in reference to Corn Hill Navigation as well as the Erie Canal Boat company. In addition, a letter was received and date stamped 3/25/08 from Virginia Degenhardt. Ms. Degenhardt stated her opposition to this application due to the competition it would generate for the Towpath Bike Shop, which sells and rents kayaks. This letter is part of the official record. Mr. Abele responded that he has had a conversation with Scott Likely, the owner of Towpath Bike Shop. Mr. Likely expressed no concerns about business competition because the main focus of his business is bicycles. The Secretary told Board members that Mayor Corby had written a letter to the Canal Corporation in support of the concept of the business. A copy of the letter is part of the official record.

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

Motion: A motion was made by Member Dannhauser, Member Chamberlin to approve a temporary permit for the Erie Canal Boat Company to operate a seasonal boat rental business on Schoen Place for the 2008 boating season as outlined in submitted materials and in the application received and date stamped March 18, 2008, with the condition that the total number

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of boats for rent shall be no more than 15 and with the condition that the applicant will return to the Zoning Board if additional boats are requested.

Vote: Dannhauser – yes, Chamberlin – yes, Mitchell – yes, Lanphear – yes, McBride – yes.
Motion carried.

The decision was filed in the Office of the Village Clerk on March 31, 2008.

Information Only

1. Special Permit for Wahl’s Microcreamery at 45 Schoen Place

Present: Tom Frisina

Mr. Frisina, who has been in business since August of 2006, explained that he will request a Special Permit from the Board of Trustees at a public hearing on April 8, 2008 as required for the expansion of the current space of his business and to move some plumbing and some electrical components to facilitate the operation of his business. He stated that he will not be increasing the number of tables or chairs. He presented a diagram and explained the proposed floor plan of the operation. He said the product, hours of operation, number of employees, garbage arrangements, and parking will not change from the present operation.

Board members told Mr. Frisina that it is required of all take-out restaurants in the village to empty Village trash receptacles located near the specific business. Great Northern Pizza, Pontillos Pizza, and Ben and Jerry’s were given as examples. Mr. Frisina stated he will continue to empty Village trash receptacles when his business is operational.

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

Open Application

1. Newcomb Oil Company – 57 North Main Street – Minor Site Plan Public Hearing Continuation

Present: Michael Newcomb, Jr.

Discussion: Chairperson Mitchell told the applicant that Village Attorney Jeff Turner advised that a variance is required for approval of the light plan that has been presented because the plan as written does not comply with the Code. In addition, a long form SEQR review is required. Mr. Newcomb was given the proper forms and will discuss the applications with the Building Inspector.

Lighting expert Mike Quagliata was consulted regarding the Village lighting code as compared to the lighting plan for this application. In his opinion, it is not possible for this plan to comply in a way that will allow for safety. He offered the following suggestions for this particular location:

1. create lighting that will be safe under the gas pump canopies
2. 250 watt bulbs can be used for perimeter lighting
3. downcast lights on the perimeter can bring the illumination to 6 foot candles
4. metal halide bulbs should be used

Mr. Newcomb said lights under the canopies will be completely off when the business is closed. He said building soffit lights will be on at night. Behind the building, lighting spills from fixtures used by the Del Monte Lodge. In addition, a wall pack will be installed. Chairperson Mitchell asked Mr. Newcomb to include all lighting on the site when he submits a new lighting plan.

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Ms. Mitchell noted that the following components of this site plan have been resolved: parking, ingress/egress, handicap spaces, canopies, and the proposed addition on the back of the building. She stated that in addition to lighting, the other issue that remains is the landscaping. Mr. Newcomb submitted a new site plan date stamped March 31, 2008. Members discussed landscaping around and under the sign. Mr. Newcomb plans to move plantings to either side of the sign and plant flowers under the sign. It was noted that landscaping has been added to the northeast corner of the property.

Motion: A motion was made by Chairperson Mitchell, seconded by Member Dannhauser, to approve the site plan for 57 North Main Street that was presented and date stamped 3/31/08 with the exclusion of the lighting elements and with the inclusion of the location of the addition, dumpsters and enclosures, parking, general layout, ingress/egress and landscaping, noting that lighting for canopies and freestanding or building-mounted lights has not been approved at this time, and that occupancy is conditional upon obtaining a variance for a lighting plan.

Vote: Dannhauser – yes, Chamberlin – yes, Mitchell – yes, Lanphear – yes, McBride – yes.

Motion carried.

The decision was filed in the Office of the Village Clerk on March 31, 2008.

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 7:15 P. M.

Anne Z. Hartsig, Recording Secretary