

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – April 28, 2008 at 7:00 P.M.

PRESENT:

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

Chairperson Mitchell called the meeting to order at 7:00 P.M. She noted that Member McBride is present as an alternate Board Member.

Zoning Board

Brad Sluman, 60 North Main Street ~ Temporary Zoning Permit

Discussion: The applicant stated that he is requesting a temporary zoning permit to allow outdoor music on the front patio at the Pittsford Pub from 6 to 9 or 10 pm on Wednesday and Saturday nights during the summer months. He further stated that the music would be low-key, acoustical, background music that customers could enjoy while dining. He is also requesting an extension of the approval to include May 19 – 21, the week of the PGA Classic.

Board members reviewed the Village noise ordinance: “It shall be unlawful and in violation of this chapter to create and/or suffer, permit and/or allow the creation of any unreasonably loud, disturbing or unnecessary noise in the village. Noise of such character, intensity or duration as to endanger the public comfort, peace or repose or to be detrimental to the life or health of any individual is declared to be a nuisance and is prohibited.”

Chairperson Mitchell opened the Public Hearing and the following person spoke:

- Mr. Charles Corby, 44 North Main Street, stated that his residence and his rental property are within close proximity to 60 North Main Street. He said that due to the noise created by the outdoor entertainment, he would prefer that the music end at 8:30 – 9:00 pm.

Board members asked the applicant if the sound could be contained within the patio area and not spill over into the residential area. Board members suggested that the applicant investigate various methods of containing the music within the site.

Motion: Chairperson Mitchell made a motion, seconded by Member Dannhauser, to approve the temporary permit for live, background music in the evening hours during the summer months on the patio at the Pittsford Pub, located at 60 North Main Street, subject to the following conditions:

1. The music will be contained to the site.
2. The music will conform to the Village noise ordinance.
3. The Village reserves the right to revoke the permit at any time upon finding that the conditions have not been met.
4. The applicant will provide a contact number of the proprietor for residents to call to express concerns regarding noise levels.

Vote: Dannhauser – yes; McBride – yes; Mitchell – yes; Lanphear – yes; Peters - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on April 28, 2008.

Planning Board

ESL Credit Union, 11 State Street ~ Minor Site Plan approval

Present: Tim Pryor, General Counsel for ESL; Ed Parrone, Mike Montalto, Parrone Engineering

The Secretary read the legal notice that was published in the April 16, 2008 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, April 28, 2008 at 7:00 P.M. to consider an application made by ESL Federal Credit Union, 11 State Street, for minor site plan approval, pursuant to Chapter 210-83 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 submitted a modified site plan for the parking lot located at 11 State Street. They stated that this proposal eliminates the issue of locating the remote teller in the residential portion of the parking lot, by changing the proposed location of the remote teller to the commercially zoned area of the lot. The proposal will change the State Street entrance from two-way access to entry-only; the access to Church Street will remain the same. They stated that there will be no change to the configuration of the parking lot.

Mr. Pryor stated that the dumpster has been removed from the ESL parking lot and has been replaced with three totes that will be picked up twice a week. He also stated that Bergmann Associates conducted a study of traffic flow at four bank branches in the Village in April 2008. The banks studied were: ESL Federal Credit Union, Canandaigua National Bank, Chase, and Bank of America. He stated that three of the banks have one drive-up lane for ATM and teller service. ESL has no drive-up service at this time. He stated that the traffic study indicated that the right-turn-only exit decreased the traffic on Church Street and is an improvement. The study and a summary of the results were submitted for the record.

Board members asked whether additional landscaping could be added to screen the view of the asphalt in the rear of the lot from the surrounding neighborhood. The applicants stated that they would be willing to modify the site plan to include some landscaping for screening. They stated that they are proposing installation of “hatching” for the parking spaces, since no curbing is permitted. Board Members suggested various modifications to allow enough space for stacking of vehicles at the remote teller. Board members also suggested that the applicants reshape or redesign the exit on Church Street to strongly encourage only right-hand turns. Another suggestion was to reduce the State Street entrance to direct cars to either the remote teller or the bank.

Chairperson Mitchell opened the public hearing, and the following people spoke:

John Wilson, Boylan, Brown, Code, Vigdor & Wilson, stated that he continues to represent a number of ESL's neighbors, who have the following concerns:

1. The change of design presents obvious traffic and related issues concerning Church Street.
2. The right-hand, one-way-turn-only on Church Street was, and remains, of critical importance, but it is simply not working as designed.
3. Will the realignment, as they predicted, "clog up the State Street entrance" and make worse the problems encountered there and on State Street?
4. ESL recognizes that this change will point "headlights using the teller on dark nights" toward Church Street, rather than State Street, as originally planned. What can be done to avoid or minimize that "dramatically increased" impact?
5. In particular, the new alignment will queue or stack cars not behind the teller facility but in front of it and, quite literally, right next to the windows of Mr. Cook's law office. What can or will be done to mitigate these newly encountered disruptions to ESL's closest neighbor?
6. A number of Village residents asked the Board to examine and document why the remote teller could not be located on the East wall of the building, accessed by a one-way exit-only lane to be constructed along that wall.
7. We request that no action be taken until the Board has taken an opportunity to objectively and professionally assess the issues, and the Board has provided a full and fair opportunity for meaningful public participation, with both the public and the Board having an opportunity for independent expert review and subsequent public comment and participation.

Janet Reynolds, Church Street (1) disputed ESL's traffic study, stating that a greater number of vehicles than indicated in the traffic study are turning left onto Church Street; (2) stated her opinion that the SRF traffic study contained many inconsistencies; and (3) stated that snow should be immediately removed from the site.

Pauline Riley, Church Street, stated (1) that there is an unapproved dumpster in the ESL parking lot; (2) that trash haulers, snowplows, and tow trucks enter the parking lot from the exit-only area; and (3) that three new no-parking sign have been installed on the south side of the lot.

John Limbeck, 62 State Street, stated that erecting this facility in the commercial portion of the lot is a permitted use of the property. He further stated that the dumpster issue is a continuing problem throughout the Village which is currently being addressed by a Village ordinance. He also noted that the Village does not enforce moving traffic violations, nor does the Village require businesses to remove snow. He stated his opinion that the Board should not deny ESL an opportunity to do business in that location.

Mike Reynolds, Church Street, stated that (1) Church Street is a unique street, in that the end of the street becomes blocked with traffic; (2) other businesses would not be allowed to direct all their traffic onto Church Street; and (3) ESL has been uncooperative with the Church.

Ed Parrone, Parrone Engineering, stated that Parrone Engineering had previously exhaustively studied and rejected the alternative plan suggested by the neighbors. He also stated his opinion that SRF Associates is a very credible firm, and that it is more important that a traffic specialist be able to understand a formal traffic report than that an untrained person be able to understand it.

Pauline Riley expressed concern about the delay in posting minutes to the website. She also inquired as to the method used in reporting comments and questions in the minutes. Chairperson Mitchell explained the minutes approval process and further explained that minutes are a summary of discussions, rather than a verbatim transcription.

The applicants submitted a SEQR Full Environmental Assessment Form, which will be sent to the appropriate agencies for comment.

Chairperson Mitchell stated that the public hearing will remain *open*, pending further evaluation of the traffic study and attorney Wilson's newly submitted documents, receipt of comments regarding SEQR, and the other issues discussed.

Building Inspector Report:

- Mr. Bailey reported that an application for construction of a new residence on Rand Place will be submitted for board review.

LWRP Greenway Plan ~ Review

The Secretary read the legal notice that was published in the April 16, 2008 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, April 28, 2008 at 7:00 P.M. for review of a waterfront project, pursuant to Chapter 121-4, Local Waterfront Consistency, of the Code of the Village of Pittsford."*

Chairperson Mitchell explained that under Village Code § 121-4, the Planning Board is authorized to review and make determinations regarding the consistency of proposed actions with the Local Waterfront Revitalization Program (LWRP), Town and Village of Pittsford policy standards and conditions, and the LWRP Design Guidelines.

The Board reviewed the Schoen Place Improvement Project plans. The work consists principally of construction of a roadway, curbing, sidewalks and parking lots, drainage facilities, drinking fountains, streetlights, electrical service and distribution, and landscaping, on the north side of Schoen Place.

Chairperson Mitchell opened the public hearing, and the following people spoke:

Residents John Limbeck and Rusty Likly stated that the planned improvements for Schoen Place would be beneficial to the area, and they indicated their approval.

Chairperson Mitchell closed the public hearing.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, stating that the Greenway Project is consistent with the Local Waterfront Revitalization Program (LWRP) policy standards and conditions and the LWRP Design Guidelines.

Vote: Dannhauser – yes; McBride – yes; Mitchell – yes; Lanphear – yes; Peters - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on April 28, 2008.

Findings of Fact:

1. The actions of the Greenway project are consistent with said policies and purposes of the Local Waterfront Consistency Law.
2. The Greenway project ensures a proper balance between resources and the need to accommodate population growth, economic development, and attract the traveling public.
3. The actions of the Greenway project foster a pattern of development in the LWRP area that incorporates the design guidelines contained in Section V of the LWRP and which enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of the waterfront location, minimizes adverse effects of development, takes advantage of the community's location on the canal to provide amenities for residents and visitors and guides future development so that it complements, not competes with or detracts from, the historic village.
4. The project protects water-dependent uses, promotes siting of new water-dependent uses in suitable locations, and supports efficient harbor operation.
5. The project minimizes the loss of life, structures, and natural resources from flooding and erosion.
6. The actions of the Greenway project provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the LWRP area.
7. The project enhances visual quality and protects outstanding scenic resources.
8. The Greenway project preserves historic resources of the LWRP area.
9. The actions of the Greenway project conform to the State Environmental Quality Review Act (SEQRA) regulations (6 NYCRR Part 617).

Annexation Discussion – Mayor Corby

Mayor Corby stated that the Village and Town have received a petition from Pittsford Canalside Properties, LLC for annexation of a portion of the former Monoco Oil property that is located within the Town of Pittsford to the Village of Pittsford. The property is currently not served by sewers. Annexation will provide access to the Village's sewer system and will facilitate development of the property. Mayor Corby said that the increase in population and real property taxes resulting from development of the property will significantly benefit the Village, without diminishing revenue to the Town. The property is zoned as residential, which is beneficial for the reasons that residential property generates less traffic, is more compatible with the historic character of Monroe Avenue, and will keep the vitality in the center of the Village.

The Pittsford Village Board and Pittsford Town Board will hold a joint public hearing to consider the annexation request at 7 p.m., Thursday, May 1 in the Fisher Room in the Pittsford Community Library.

Minutes

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the 1/28/08 minutes, as amended.

Vote: Dannhauser – yes; Mitchell – yes; Lanphear – yes; Peters - yes. ***Motion carried.*** The decision was filed in the Office of the Village Clerk on April 28, 2008.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the 2/25/08 minutes, as amended.

Vote: Dannhauser – yes; Mitchell – yes; Lanphear – yes; McBride - yes. ***Motion carried.*** The decision was filed in the Office of the Village Clerk on April 28, 2008.

Motion: Chairperson Mitchell made a motion, seconded by Member Dannhauser, to approve the 3/24/08 minutes, as drafted.

Vote: Dannhauser – yes; Mitchell – yes. ***Motion carried.*** The decision was filed in the Office of the Village Clerk on April 28, 2008.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the 3/31/08 minutes, as amended.

Vote: Dannhauser – yes; Mitchell – yes; Lanphear – yes; McBride - yes. ***Motion carried.*** The decision was filed in the Office of the Village Clerk on April 28, 2008.

Adjournment: Chairperson Mitchell adjourned the meeting at 10:00 pm.

Linda Habeeb, Recording Secretary