

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

PRESENT:

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

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

Zoning Board

Melisa DuPre, 16 S. Main Street ~ Special exception use permit
Present: Melisa DuPre

The Secretary read the legal notice that was published in the May 14, 2008 edition of the Brighton Pittsford Post: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board at the Village Hall, 21 North Main Street, Pittsford, New York on Wednesday, May 28, 2008 at 7:00 P.M. to consider an application made by Malisa Dupre for property located at 16 South Main Street, for a special exception use permit for an instructional use, pursuant to Chapter 210-26 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: The applicant is requesting a special exception use permit to operate *Synergy*, a recreational and instructional facility in the lower level of the building located at 16-20 South Main Street. She stated that the proposal is to conduct small martial arts and fitness classes for adults and children, as well as one-on-one personal training classes. She stated that the group classes will have a maximum of 15 students, and will be held primarily in the early morning and evening hours. Board members questioned the applicant as to parking for the facility, and she stated that there are currently 6 parking spaces in the rear lot, which are shared by other building tenants. She noted that other tenants’ business hours are different from those proposed by *Synergy*. Board members also expressed concern with increased traffic that will be generated by vehicles dropping off and picking up children for classes at the facility.

Chairperson Mitchell and Mr. Osborn reviewed Village Code §210-26(23) regarding Special Exception Use Permits:

§ 210-26 Use regulations.

(23) Recreation and instructional facilities are permitted upon the granting of a special exception use permit by the Zoning Board of Appeals, pursuant to § 210-113B(2), provided that such use is limited to 25 persons at any time, except that such use may exceed 25 persons only after a specific finding by such Board that the intensity of the proposed use is appropriate for and compatible with the neighborhood and facility in which the use is to be located. [Added 7-9-2002 by L.L. No. 4-2002]

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time.

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

Motion: Member Lanphear made a motion, seconded by Chairperson Mitchell, to approve the special exception use permit for an instructional and recreational facility at 16-20 South Main Street, subject to the following conditions:

1. Group classes will be limited to a maximum of 15 students.
2. The class times will be limited to: Mon.-Fri.: 6am to 8am; 4:30pm to 8pm; Sat: 8am to 11:30am.
3. The Board recommends that class times be spaced 15 minutes apart.
4. Personal training will be limited to a maximum of 2 students at a time.
5. The sum total of students at Synergy at any time shall not exceed 15.
6. The Zoning Board will review this permit in one year.

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 May 28, 2008.

Findings of Fact:

1. The location for the facility is behind a storefront, without access from Main Street. This non-retail use does not interrupt the storefront continuum along Main Street.
2. The property has designated parking; most parking spaces will be available for the students' use because classes will be held during hours that are less used by other building tenants.
3. Most classes will held prior to, or after, prime business hours.

Planning Board

1. Sunup of Rochester, 19 Monroe Avenue, Minor site plan

Present: Peter Messner

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 Wednesday, May 28, 2008 at 7:00 P.M. to consider an application made by Sunup of Rochester, for property located at 19 Monroe Avenue, 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 II SEQR Action under SEQR § 617.5(c)(7)(15).

Discussion: The applicant presented plans for a renovated entryway for the business, located at 19 Monroe Avenue. He stated that he is proposing the addition of a gable front to address the maintenance issue of ice buildup on the roof. The building will be changed from double-occupancy to single-occupancy, but the access to the building will remain the same. Board members questioned the applicant as to landscaping changes, and he stated that although they will be removing a small amount of shrubbery, the landscaping will remain the same. The sidewalk will also be repaired. He said that they are proposing a larger sign, which is within Village Code limitations. No changes to the parking are proposed.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time.

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

Motion: Member Dannhauser made a motion, seconded by Chairperson Mitchell, to approve the application, as submitted.

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 May 28, 2008

2. Eric Geoca, Rand Place (Private drive), Site Plan

Present: Eric Geoca, Geoca Homes

Laurence Heininger, P.E., PMP

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 Wednesday, May 28, 2008 at 7:00 P.M. to consider an application made by Eric Geoca for property located at Rand Place, Tax Acct #164.10-01-45.2, for site plan approval for a single-family dwelling, pursuant to Chapter 210-83 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)(9).

Discussion: The applicant presented a preliminary site plan for new construction of a house on the private drive on Rand Place. The applicant stated that the lot meets the required setbacks. Mr. Heininger presented the drainage plan for the project, stating that the house has been located to optimize drainage on the site. He further noted that the lot is located on a private drive with a private sanitary sewer; water supply is from an 8-inch MCWA main on Rand Place. He stated that the front gutters will move the water to an existing drainage ditch. When questioned by Board members, he stated that the ditch is stable.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time, and the following people spoke:

Jim Curtin, 25 E. Jefferson Road, stated that the proposed drainage plan is not adequate, the ditch is not stable, and there is water seepage into the neighbors' backyards.

Lynn Drake, 44 Rand Place, reiterated that the drainage is not adequate, and that water is always flowing. She also expressed concern with the wear and tear, disruption and vehicle parking that the construction will cause.

Jane Anderson, 25 Eastview Terrace, stated that there are multiple springs on the hill.

Sandra Lovell, 21 Eastview Terrace, expressed concern with headlights shining onto her property. She asked if the applicant intends to add landscaping to mitigate this.

The applicant stated that he and Mr. Heininger will work with the neighbors to develop a revised plan that will address their concerns. Chairperson Mitchell informed the applicant that the Village engineer will also review the plan, with any expense incurred for his services to be charged back to the applicant. The hearing will remain *open*, pending submittal and review of a revised plan for drainage.

Mr. Heininger said that the erosion plan for the construction period includes a silt fence. Chairperson Mitchell told Mrs. Lovell that landscaping on residential property may not be an element that the Planning Board can dictate, and that she will confirm this with the Building Inspector.

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

Present: Matt Kirwin, Hiscock & Barclay

Jeremiah Jordan

William Johnson, Consultant

Discussion: This is a continuation of an open public hearing for a special use permit and site plan approval to mount six antennas on 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 Communications must place a telecommunications facility in a technologically appropriate location. They stated that the Grain Silo 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. Mr. Kirwin stated that since the comments of the New York State Office of Parks, Recreation, and Historic Preservation (SHPO) had indicated that the roof-mounted antennas previously proposed “will have an adverse impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places,” they are revising the application to propose side-mounting of the antennas on the Grain Silo. The proposal has been conditionally approved by the APRB, subject to the Planning Board’s approval and the consultant’s report.

Chairperson Mitchell stated that there is an unresolved issue from the Flour Mill site plan that should be addressed prior to granting approval for this proposal.

Mr. Johnson presented his report to the Board. He stated that three primary issues were identified: (1) Whether the antennas can be lowered on the side of the structure to avoid visual impact; (2) Whether OCI needs six antennas as proposed; (3) Whether there is a coverage gap in the area.

Mr. Johnson stated that according to FCC regulations, the antennas cannot be mounted lower on the building, because of the danger of potential excessive human exposure to radio wave energy. Mr. Johnson next addressed whether the OCI needs six antennas, as proposed. He stated that the use of two antennas to receive the weak mobile device signal accomplishes “spatial diversity.” He explained that spatial diversity is the ability to combine weak signals from separate locations and thereby reduce signal dropouts. The third issue is the existence of a coverage gap. He stated that according to the RF propagation plot exhibits, although the proposed site is not central to the area, a coverage gap does exist in the area south of the Village. Based on the applicant’s minimum service threshold level, need has been demonstrated.

Copies of Mr. Johnson's Telecommunications Facility Site Review, dated May 21, 2008, and his co-location summary report will be maintained as part of this record.

Member Dannhauser questioned the applicant about exposure from the cables located inside the building. Mr. Johnson explained that the cables inside the building are shielded. Mr. Osborn asked the applicant about insurance coverage, and Mr. Kirwin stated that insurance certificates will be provided when the building permit is issued.

Board members asked the applicant and consultant whether, in the future, other cell antennas can be installed in this location. Mr. Johnson will submit a follow-up report regarding this issue. In summary, same-level co-location is unlikely because of mechanical and electrical challenges.

Motion: Chairperson Mitchell made a motion, seconded by Member Dannhauser, to approve the Omnipoint Communications application for installation of cell antennas, as revised on 5/15/08, with the following conditions:

1. Applicant will submit insurance certificates to the Village Office, with the Village of Pittsford listed as additional insured.
2. Applicant will provide the Village documentation of a post-construction, field measurement analysis evaluating the strength of the radio wave transmissions, and provide documentation demonstrating compliance with FCC limits for exposure.
3. Applicant will provide documentation that all outstanding site plan issues with the property owner have been resolved.

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 May 28, 2008.

Motion: Chairperson Mitchell made a motion, seconded by Member Dannhauser, to grant a special use permit for installation of cell tower antennas at 11 Schoen Place.

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 May 28, 2008.

Member Items:

- Chairperson Mitchell reviewed the findings of fact for the determination of the consistency of the Greenway project with the Local Waterfront Revitalization Program (LWRP) for the April 28th minutes.
- Member Lanphear questioned the number of outside table at Mustards and location of handicapped parking space.

Minutes

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the 4/28/08 minutes, as amended.

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 May 28, 2008.

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

PZBA 5/28/08
Regular Mtg.

Linda Habeeb, Recording Secretary