

**Village of Pittsford**  
**PLANNING and ZONING BOARD OF APPEALS**  
**Regular Meeting – August 25, 2008 at 7:00 P.M.**

**PRESENT:**

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin Tom Dannhauser Lili Lanphear John Limbeck
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**

**Frederick Schwind, Main Street ~ Temporary Zoning Permit**

**Present:** Frederick Schwind

**The Secretary read the legal notice that was published in the August 13, 2008 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, August 25, 2008 at 7:00 pm to consider an application made by Frederick Schwind for a temporary zoning permit to operate a mobile vending cart, in a location to be determined, 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:** Mr. Schwind submitted a proposal to operate a mobile vending cart in the Village. He stated that he had approached the Town of Pittsford requesting to operate his vending cart on a Town-owned North Main Street location within the Village, but that Town officials had indicated that there were no locations available at this time. Chairperson Mitchell stated that until Mr. Schwind can secure a location to operate his vending cart, the Board cannot start the approval process. There was a general discussion of the types of issues that the Board would be concerned with if the applicant can find a suitable location, such as increased traffic, trash removal, proximity to residential property, and types of cooking equipment and cooking odors. Mr. Osborn stated that the Village would require \$1 million in liability insurance.

Chairperson Mitchell stated that the public hearing will remain open, so that the applicant has the opportunity to further investigate locations for his proposed business.

~~~~~

**Pittsford Farms Dairy, 44 North Main Street ~ Site Plan & Conditional Use Permit**

**Present:** Ron Morgan, Charles Corby, Charlie Corby, Bob Bringley, Marathon Engineers

**SEQR:** Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR § 617.4.

**Discussion:** Chairperson Mitchell stated that this is a continuation of an open public hearing for approval to replace the current dairy at 44 North Main Street with a new facility that will contain a new store, an ice cream parlor, an on-site bakery, and a new processing facility. The existing Dairy's facilities and equipment are obsolete and require replacement. Due to its small size and construction, the existing dairy building does not conform to current New York State Department of Agriculture and Market regulations.

Site Plan:

The applicants for Pittsford Farms Dairy presented a revised site plan to the Board, stating that the plan shows the items requested by the Board at the July 28<sup>th</sup> PZBA meeting: the locations of the directional signs, the setback to North Main Street, the location of the property line, landscaping locations, the location of the dumpster enclosure, and some elements of the lighting plan. Mr. Bringley stated that the plan shows the locations for the trees, but not the proposed varieties. Board members stated that the final site plan should include the tree species, as well as size of trees at the time of planting. Also proposed is the replacement of an existing fence with a picket fence and a board fence, with a slight change in the location of the fence. Chairperson Mitchell noted that APRB approval will be required for the fence and gate.

Board members noted that the applicants had previously proposed unpaved gravel for the area between the new dairy and the barn, but that this proposal calls for pavement in that area. The applicants stated that the change to pavement was made because of maintenance issues. Chairperson Mitchell raised the question of planting trees to screen the parked cars in the area for the overflow parking. The applicants stated that except in unusual circumstances, most patrons will continue to park their cars in the driveway, and not in the overflow parking area.

Board members further discussed the proposed lighting plan with the applicants. Mr. Bringley stated that the lights will be low-intensity, downcast lights, appropriate for a residential setting. Board members noted that all elements of lighting were not included in the site plan, such as the building-mounted lights and the motion-sensor light in the rear parking lot. Chairperson Mitchell stated that cumulative modifications to the lighting plan could substantially change the entire plan. She also noted that APRB approval will be required for the light fixtures.

Mr. Bringley stated that he had responded to the issues/questions raised by the Village Engineer regarding drainage on the property. He said that there will be no long-term water accumulation in the collection pond, and that there were good percolation rates. Chairperson Mitchell pointed out that Mr. Harter had not had an opportunity to comment on Mr. Bringley's response.

Also discussed was the proposed signage. The applicants reviewed the signage, and the Board requested that all signs, existing and proposed, be added to the site plan.

Special Use Permit

The Board next discussed the application for the special permit. Applicants submitted documents listing the proposed hours of operation for the ice cream parlor, indicating that they are proposing 23 seats inside the building and 15 outside, for a total of 38 seats. They stated that the outside seats will be used only in good weather, and will not be used inside the building during inclement weather. There will be a specialty bakery located within the new Pittsford Farms Dairy store, which should not produce cooking odors that would be offensive to the public. Retail goods will include pastries, ice cream service and packaged ice cream, seasonal produce, soft drinks and coffee, frozen foods and assorted dairy products. Board members questioned the applicants as to the frequency and hours of deliveries. They stated that most deliveries will be between 5 am – 9 am, six days a week. Member Lanphear noted that the Dairy is not in close proximity to other residential properties, and therefore, delivery trucks should not be a problem. There are 2 more car parking spaces than required by Code. Trash will be managed by the Dairy owners and staff, and a garbage dumpster will be in an enclosed site on the rear of the building, per our site plan approval.

Chairperson Mitchell stated that the Board will send their recommendations regarding the special permit to the Board of Trustees.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin, declaring the Planning Board as lead agency for SEQR.

**Vote:** Dannhauser – yes, Chamberlin – yes, Mitchell –yes; Lanphear – yes; Limbeck - yes.

**Motion carried.** The decision was filed in the Office of the Village Clerk on August 25, 2008.

Board members completed Part 2 of the SEQR Environmental Assessment Form.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Dannhauser, declaring that changes to the Pittsford Farms Dairy site will not result in any large and important impacts and is one that will not have a significant impact on the environment; therefore, a negative declaration is made.

**Vote:** Dannhauser – yes, Chamberlin – yes, Mitchell –yes; Lanphear – yes; Limbeck - yes.

**Motion carried.** The decision was filed in the Office of the Village Clerk on August 25, 2008.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Limbeck, to approve the Pittsford Farms Dairy site plan, date stamped 8/22/08, as submitted, with the exception of the lighting, landscaping, and signage details, and conditioned on the review and approval of the drainage plan by the Village Engineer.

**Vote:** Dannhauser – yes, Chamberlin – yes, Mitchell –yes; Lanphear – yes; Limbeck - yes.

**Motion carried.** The decision was filed in the Office of the Village Clerk on August 25, 2008.

**Findings of Fact:**

- Pittsford Farms Dairy property, aka 44 North Main Street, is included in the Performance Zoning Overlay District, as identified by Article XIII-A of the Village of Pittsford Code.
- The Dairy processing plant and retail store is a pre-existing, non-conforming use.
- The applicant meets the eligibility requirements for obtaining a conditional use permit, as specified by Village Code section 210-56.2(D).
- The underlying zoning districts for this property are B-2 and R-1.
- The property is listed on the National Register of Historic Places.
- Processing plant renovations are required for the Dairy to meet Monroe County Health Department and Department of Agriculture standards.
- Improved and updated equipment will not fit within the existing processing plant.
- Adjacent property uses are commercial and agricultural. Therefore, the Dairy processing plant with retail store and food service will have no significant negative impact on neighboring properties.
- The Board has taken special consideration of the historic significance of the driveway circle, existing trees, viewshed, of the barn, and the primary structure.
- Early morning deliveries will not significantly impact the surrounding commercial neighbors, and the frequency of deliveries will be reduced as a result of larger raw milk storage capacity in the new processing plant site.

**Public Hearing Closed:** Chairperson Mitchell closed the public hearing at this time, reserving approval for the remaining open portions of the site plan.



**Pittsford Flour Mill, 11 Schoen Place, SEQR**

Board members completed Part 2 of the SEQR Environmental Assessment Form.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin, declaring that the Omnipoint Communications application for installation of cell antennas at 11 Schoen Place will not result in any large and important impacts and is one that will not have a significant impact on the environment; therefore, a negative declaration is made.

**Vote:** Dannhauser – yes, Chamberlin – yes, Mitchell –yes; Lanphear – yes; Limbeck - yes.

**Motion carried.** The decision was filed in the Office of the Village Clerk on August 25, 2008.

**Member Items:**

- The Board reviewed and discussed findings of fact for the July 28, 2008 PZBA meeting. The findings will be incorporated into the minutes of that meeting.
- Board members reviewed the update to the Village Lighting Code. One issue discussed was regulation of unshielded light bulbs in fixtures that have existed

on historic homes for many years. The Board discussed methods of educating residents about this regulation.

- Member Limbeck updated the Board on the Development Review Committee meeting regarding 10 Lincoln Avenue. A potential buyer for the house and Mr. Newcomb explained the proposal for the property. A new foundation will be prepared, and the house will be relocated to a more central location on the lot, and brought forward in line with the surrounding residences. Approximately 10 feet of the lot will be sold to the neighbor, so that a driveway can be installed. An approximately 600 square foot, two-story addition will be built on the rear of the house, a porch added to the front, and a detached garage built in the rear. Mr. Cardamone plans to rehabilitate the interior of the house and furnish it with antiques. He stated that he has numerous business clients who need lodging for up to 3-4 months at a time, and he plans on using this house for that purpose.
- Tom Dannhauser's resignation: Member Dannhauser announced that he is moving from the Village and resigning from the PZBA. Chairperson Mitchell thanked him for his years of service and his valuable contribution to the Board, and stated that he will be missed.

**Minutes:** July 16, 2008 (Sp. Mtg.)  
July 28, 2008

**Motion:** Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the July 16, 2008 minutes, as drafted.

**Vote:** Dannhauser – yes, Chamberlin – yes, Mitchell – yes; Lanphear – yes; Limbeck - yes.

**Motion carried.** The decision was filed in the Office of the Village Clerk on August 25, 2008.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the July 28, 2008 minutes, as drafted, with the addition of the findings of fact.

**Vote: Dannhauser – yes, Chamberlin – yes, Mitchell – yes; Lanphear – yes; Limbeck - yes.**

**Motion carried.** The decision was filed in the Office of the Village Clerk on August 25, 2008.

**Adjournment:** Chairperson Mitchell adjourned the meeting at 9:30 pm.

---

Linda Habeeb, Recording Secretary