

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Special Meeting – September 8, 2008 at 5:00 pm

PRESENT: Remegia Mitchell, Chair
John Limbeck
Sally Chamberlin
Lili Lanphear
Jeff Turner, Counsel

Chairperson Mitchell called the meeting to order at 5:15 pm.

Pittsford Farms Dairy: Performance Zoning Overlay District- Article XIII.A.

§210-56.2. Procedure (D)

To be eligible for a conditional use permit, the applicant has demonstrated that the proposed project meets or exceeds the following criteria as specified in the above section of Village of Pittsford Local Law.

- (1) The project proposed a lower overall density and/or intensity of use than would be permitted by the underlying zoning and, therefore, preserves more open land.
 - ◆ The food processing and retail is a pre-existing, non-conforming use that will continue with the granting of this Conditional Use Permit.
 - ◆ All permitted uses in the B-2 and R-1 Districts have a density which exceeds that requested by this applicant.
- (1) The project proposes a use that is more compatible with the surrounding context than would be permitted by the underlying zoning.
 - ◆ The Planning Board has considered traffic generation, noise, truck traffic, scale, density, intensity of use, impact to historic resources, viewsheds and aesthetics. The Board has considered permitted B-2 and R-1 uses and believes that this use will have less impact on traffic generation, noise, truck traffic, scale, density, intensity of use, impact to historic resources, viewsheds, and aesthetics than other permitted uses.
 - ◆ None of the uses in the B-2 and R-1 Districts are more compatible with the surrounding farmland than this continued Dairy use.
- (2) The project preserves natural resources and historic resources to a greater degree than would be possible with the underlying zoning.
 - ◆ The existing residence and surrounding property is listed on the National Register of Historic Places. Preservation of this property was given priority consideration in granting of this permit.
 - ◆ The project maintains the traffic circle, a significant feature of the property.

- ♦ The project maintains the residence and property features noted on the National Register as significant.
- ♦ The project preserves the viewshed of the agricultural property.
- ♦ The Dairy must be rebuilt in order to comply with NYS Dept. of Health and Board of Agriculture standards. There is inadequate space to rebuild the dairy processing plant and comply with current health and agriculture code on the existing footprint. Permitting this continued dairy use, which could not be continued without the new structure, helps preserve the appearance and historic integrity of the property.

§§ 210-56.3 Standards (A).

In addition to provisions in section 210-84 B(1) (a) through (h) of this chapter, the Planning Board shall, in granting of a Conditional Use Permit, make its determination based on the project's incorporating of the following elements as applicable:

- ♦ The Board has reviewed the proposed request for a Conditional Use Permit and finds that the project is in compliance with sub-paragraphs (1) through (7) and (9) through (13) of this section.
- ♦ With regard to sub-paragraph (8), parking has been arranged to preserve the traditional on-site parking and traffic flow. Additional parking has been located on the sides and rear of the building.

Motion: Chairperson Mitchell made a motion to grant a Conditional Use Permit to this applicant, at tax account #151.18-1-49, to the extent of waiving the area and use zoning regulations of the Village of Pittsford Code for the B-2 and R-1 Districts, so as to permit the construction of the building as more fully set forth in the application and the use of the property as a dairy processing plant, retail store, and food service business, subject to special use permit to be granted by the Board of Trustees, and subject to the hours of operation and details as set forth in the application as approved on August 25, 2008, and with the condition that no additional B-2 or R-1 uses shall be permitted on this site without returning to the Planning Board for modification of the Conditional Use Permit.

Motion seconded by member Limbeck.

Vote: Limbeck – yes; Chamberlin – yes; Lanphear – yes; Mitchell – yes.

Motion carried. The decision was filed in the Office of the Village Clerk on September 8, 2008.

The board discussed a question received from a constituent regarding the SEQR determination of ESL. Chairperson Mitchell will write a letter of explanation regarding the process to the resident.

Meeting adjourned at 5:40 pm.