

**Village of Pittsford**  
**PLANNING and ZONING BOARD OF APPEALS**  
**Regular Meeting – December 15, 2008 at 7:00 P.M.**

**PRESENT:**

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin
	Lili Lanphear
	John Limbeck (absent)
	Meg Rubiano
Attorney:	John Osborn
Trustee:	Tim Galli
Building Inspector:	Edward Bailey (absent)
Recording Secretary:	Linda Habeeb

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

**ZONING BOARD**

**Mike Kinney, 1 Grove Street** ~ Approval of a church as a permitted use in an M-1 District  
**Present:** Mike Kinney

**The Secretary read the legal notice that was published in the December 10, 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, December 15, 2008 at 7:00 pm, to consider an application made by Mike Kinney for a Community Church at 1 Grove Street, in the M-1 District, pursuant to Chapter 210-46A(29), Other Uses in the M-1 District, 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). No further review required.

**Discussion:** The applicant stated that he is requesting approval to use the space located at 1 Grove Street for church services on Sunday mornings. He explained that Bridge Community Church is a combination of two small Baptist churches that are merging into one congregation. He stated that they are leasing the space for a period of one year, at which time they will most likely move to another location. He said that there will be approximately 30 members, who will meet from 9 am to 1 pm on Sundays. Since most of the members are families, they will require only ten parking spaces, which is more than adequately provided by the existing parking lot.

Board members noted that churches require one parking space for every three seats, per Village Code, so the spaces in the existing parking lot are adequate for this use. The applicant stated that the parking lot has the required number of handicap parking spaces. The Board stated that, according to the Building Inspector, the building is vacant on Sunday mornings. Board members asked the applicant if the church services will produce any noise in the neighborhood surrounding this location. Mr. Kinney stated that the music will be only acoustic guitar and piano or keyboard, and that no amplifiers or speaker system will be used. Board members also questioned the applicant as to whether there will be church activities occurring at times other than Sunday morning, such as pot-luck dinners, etc. The applicant stated that these types of activities will not occur at this location, but will be conducted off-site, such as in private homes.

Mr. Kinney stated that there will be no interior renovations to the space, other than painting. He also noted that there will be no signage at this time. Chairperson Mitchell explained that if they

decide to install signage, they will be required to get approval from the Architectural and Preservation Review Board for the sign, and that all signage requests must first be presented to the Building Inspector. Chairperson Mitchell stated that, according to the Building Inspector, no other permits are required for this use.

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

- **Tom and Cindy Heagerty, 19 Elm Street**, stated that they are concerned about parishioners parking in front of their house and blocking their driveway. Mr. Kinney assured them that he will instruct church members to use the parking lot and not the street for parking. He stated that the main entrance to the church is at the parking lot, so it is unlikely that members will park on the street.
- **Mary Sgabellone, 9 Grove Street**, stated that she is also concerned about parking on her street.

**Public Hearing Closed:** Chairperson Mitchell closed the Public Hearing, as there were no other comments or phone calls regarding this application.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the use of the space at 1 Grove Street by Bridge Community Church for Sunday services, conditioned on church members parking only in the parking lot and not on the surrounding streets.

**Vote:** Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on December 15, 2008.

**Findings of Fact:**

1. The space becomes an assembly space once there are more than 50 people.
2. The applicants are using 1000 square feet; they are allowed 142 people (1 per 7 square feet for movable seating). They anticipate 30-50 attendees.
3. The building has adequate sprinklers, and the space has multiple exits.
4. There is adequate off-street parking to serve this use. The parking lot is not used by other tenants on Sundays. This use will not adversely affect the existing flow of traffic and the existing adjacent areas.
5. There will be no noise, no on-site meals, and no late hours of operation.
6. There are no undesirable changes that will be produced in the character of the neighborhood by granting this variance.
7. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
8. A church is a permitted use. This decision is based on Village Code § 210-46(A):

**§ 210-46. Use regulations.**

Within the M-1 District, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for one or more of the following uses:

A. Principal uses shall be as follows:

(29) Subject to the approval of the Planning Board, other similar principal use or uses that would not adversely affect the existing flow of traffic and the existing adjacent areas.

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**Member Items:**

- Board members briefly discussed the proposed new R-5 Zoning district, which addresses undeveloped areas in the northwest quadrant.
- Member Lanphear stated that she had questioned the Building Inspector regarding the permanent roof and deck extension approved by the APRB at Aladdin's. She said that this appears to be an expansion of use and involves other issues in addition to the appearance. The Building Inspector had previously reported that no increase in the number of seats is involved, nor any change in use, so site plan approval is not required. Because Aladdin's received an area variance when the ZBA allowed them to expand eight years ago, no variance is required this time, because neither the footprint nor the seating was expanded.
- Member Lanphear reported that the pedestrian sidewalk at Starbucks has been covered with blacktop and converted into a parking space.

**Minutes:**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the October 13, 2008 minutes, as amended.

**Vote:** Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on December 15, 2008.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the October 27, 2008 minutes, as drafted.

**Vote:** Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on December 15, 2008..

**Adjournment:** Chairperson Mitchell adjourned the meeting at 8:00 pm.

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Linda Habeeb, Recording Secretary