

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – February 23, 2009 at 7:00 P.M.

PRESENT:

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

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

ZONING BOARD

Corn Hill Navigation – Temporary Permit

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) #15. No further review required.

The Secretary read the legal notice that was published in the February 11, 2009 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, on Monday, February 23, 2009 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Vicki Schmitt, of Corn Hill Navigation, for a temporary zoning permit to allow the seasonal operation of the vessel known as Sam Patch from the dock adjacent to Erie Canal Park on Schoen Place, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

Chairperson Mitchell opened the public hearing at this time. As there was no representative from Corn Hill Navigation in attendance, and as there was no one to speak for or against this application, the public hearing will remain *open*.

Dave Gross, 25 Boughton Avenue ~ Area variances
Present: Dave Gross

The Secretary read the legal notice that was published in the February 11, 2009 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, on Monday, February 23, 2009 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by David Gross, for property located at 25 Boughton Avenue, for an area variance to extend a nonconforming structure, said structure having a front setback of 13.31 feet where 25 feet is required, pursuant to Chapter 210-6D of the Code of the Village of Pittsford.”*

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5 #15. No further review required.

Discussion: Chairperson Mitchell stated that the applicant was granted a temporary permit for this project at the January Zoning Board meeting. The applicant briefly reviewed his proposal for

a two-story addition in the rear of the house and a new garage. A revised survey map was submitted for the record.

Public Hearing Opened: Chairperson Mitchell opened the public hearing, and the following person spoke:

Paula Sherwood, 23 Boughton Avenue, stated that she supports the project, and thanked Mr. Gross for the care and attention to the property.

Public Hearing Closed: Chairperson Mitchell closed the public hearing at this time.

Motion: Member Chamberlin made a motion, seconded by Chairperson Mitchell, to *approve* the application for an area variance for 25 Boughton Avenue, as submitted.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on February 23, 2009.

Findings of Fact:

- ◆ There are no undesirable changes that will be produced in the character of the neighborhood by granting this variance.
- ◆ The benefit sought by the applicant cannot be achieved by some feasible method other than a variance.
- ◆ The requested variance is not substantial.
- ◆ The proposal will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

Peter Crooker, 15 Sutherland Street – Area variances
Present: Peter Crooker

The Secretary read the legal notice that was published in the February 11, 2009 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, on Monday, February 23, 2009 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Peter Crooker, owner of property located at 15 Sutherland Street, for an area variance to expand by 63 square feet a preexisting, nonconforming structure on a preexisting, nonconforming lot, said structure having a front setback of 26 feet where 70 feet is required, and a side setback of 12.5 feet where 15 feet is required, and said lot having a width of 66 feet where 100 feet is required, a depth of 150 feet where 175 feet is required, and an area of 9900 square feet where 17,500 square feet is required, pursuant to Chapter 210-6 of the Code of the Village of Pittsford: Nonconforming buildings, structures, lots, or uses.”*

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) #12 & 13. No further review required.

Discussion: The applicant stated that the proposal is for an area variance for a second-floor addition on the rear of the house located at 15 Sutherland Street.

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

- ◆ Member Lanphear stated that she had received one phone call in support of the application from a neighbor on Sutherland Street.

Public Hearing Closed: Chairperson Mitchell closed the public hearing at this time.

Motion: Member Lanphear made a motion, seconded by Chairperson Mitchell, to *approve* the application for area variances for 15 Sutherland Street, as submitted.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on February 23, 2009.

Findings of Fact:

- ◆ There are no undesirable changes that will be produced in the character of the neighborhood by granting this variance.
- ◆ The benefit sought by the applicant cannot be achieved by some feasible method other than a variance.
- ◆ The requested variance is not substantial.
- ◆ The proposal will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

Michael Newcomb, 57 North Main Street, Variance for signs
Present: Michael Newcomb; Bob Bringley, Marathon Engineering

The Secretary read the legal notice that was published in the February 11, 2009 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, on Monday, February 23, 2009 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Michael Newcomb, for property located at 57 North Main Street, for an area variance to permit the installation of two signs on the principal elevation of a commercial building where one sign is permitted, pursuant to Chapter 168-7A(1) of the Code of the Village of Pittsford.”*

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action under § 617.5(c) #15.

Discussion: Mr. Newcomb stated that he is proposing installing two signs on the building located at 57 North Main Street. He stated that a single sign would not be visible when the gas station canopies are installed. He is requesting a variance to allow two signs, within the square feet permitted by the Village Code for one sign, installed lower on the building. He stated that the pole sign will remain.

Chairperson Mitchell questioned whether the applicant was proposing any signage for the canopies, and Mr. Newcomb stated that the canopies will not have signage, but that the pumps may have some type of company logo. Member Lanphear expressed concern with setting the precedent of allowing two signs on the same façade of a building. She stated that it is necessary to identify the unique circumstances that justify granting the requested variance in this situation. Board members discussed whether the existing architectural features of the building are unique circumstances for this purpose, and whether the sign visibility issue raised by the applicant should be addressed before the canopy is installed. The canopies were scheduled to be relocated from the Schoen Place gas station to the new Main Street location next week. This has been delayed.

Chairperson Mitchell stated that the Board will hold *open* the public hearing until the canopies are installed.

Michael Newcomb, 21 Schoen Place, Parking and setback variances
Present: Michael Newcomb, owner; Bob Bringley, Marathon Engineering

The Secretary read the legal notice that was published in the February 11, 2009 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, on Monday, February 23, 2009 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Michael Newcomb, owner of property located at 21 Schoen Place, for variances for parking lot design and setbacks, pursuant to Chapter 210-43B, 210-43D, 210-81E(1), and 210-81G(3) of the Code of the Village of Pittsford.”*

SEQR: Chairperson Mitchell stated that this is a Type I unlisted SEQR Action under SEQR § 617.4(b)(9); property is contiguous to a Preservation District that includes the Canal.

Discussion: Mr. Bringley presented plans for renovation of the former gas station at 21 Schoen Place. He stated that the existing two-story addition will be removed, and a one-story addition added. He said that the ground floor will be converted to retail space, and the second story will remain as office space. He stated that there will be 29-30 parking spaces, which is greater than the required 27 spaces. He also stated that the project will be coordinated with the ongoing street improvement project on Schoen Place.

Mr. Bringley reviewed the area variances requested in the application:

1. Village Code Chapter 210-43(B): Front setback for parking.
2. Village Code Chapter 210-43(D): Rear yard setback - minimum of 20 feet.
3. Village Code Chapter 210-81(E)(1): Parking screened from abutting streets.
4. Village Code Chapter 210-81(G)(3): Landscaping of paved area 5%.

He stated that because this is a pre-existing, non-conforming property, these variances are required for this project. When questioned by Board members regarding the size of the drive aisles, the applicant stated that the Building Inspector had informed him that a variance was not required for the drive aisles. Chairperson Mitchell asked the applicant to explain the procedure for removal of gas tanks. Mr. Newcomb stated that all gas tanks are registered with the Department of Environmental Conservation, and they have officials who regulate and oversee the proper removal of the tanks.

Public Hearing Opened: Chairperson Mitchell opened the public hearing, and the following person spoke:

- ◆ Debbie Napier, 17 Sutherland Street, asked Mr. Newcomb if gas for boats would be available, and he stated that gas would no longer be sold in the Village.

Chairperson Mitchell stated that the public hearing will remain *open*, pending completion of the SEQR process.

PLANNING BOARD

Michael Newcomb, 21 Schoen Place, Site plan
Present: Michael Newcomb; Bob Bringley, Marathon Engineering

The Secretary read the legal notice that was published in the February 11, 2009 edition of the Brighton Pittsford Post: *“Please take notice that a Public Hearing will be held before the Village of*

PZBA 2/23/09

Regular Mtg.

Pittsford Planning Board, on Monday, February 23, 2009 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Michael Newcomb, owner of property located at 21 Schoen Place, 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 unlisted SEQR Action under SEQR § 617.4(b)(9); the property is contiguous to a Preservation District which includes the Canal.

Discussion: Mr. Bringley reviewed the proposed site plan, which includes the utility plan, the drainage plan, the landscaping plan, and the lighting plan.

Chairperson Mitchell explained that because the property is located in a Preservation District and is in close proximity to the canal, this project will require an environmental impact assessment, as prescribed by 6 NYCRR Part 617 State Environmental Quality Review (SEQR). The Planning Board will send the proposal and a letter to the involved and interested agencies, requesting to be named as Lead Agency. After a waiting period of 30 days, the Planning Board will be named as Lead Agency at the April 27th Planning Board meeting. Ms Mitchell also explained that this project will require review by the Village Engineer and the Landscape Architect, with any fees to be charged back to the applicant. The public hearing will remain *open* until the April 27th PZBA Meeting.

Member Items:

Member Lanphear requested an update on the sidewalk issue at Starbucks. Chairperson Mitchell stated that the Building Inspector will need to address this issue.

Minutes:

Motion: Chairperson Rubiano made a motion, seconded by Member Mitchell, to approve the January 26, 2009 minutes, as written.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.*

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

Linda Habeeb, Recording Secretary