

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

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin
	Lili Lanphear
	Meg Rubiano
Mayor:	Bob Corby
Attorney:	John Osborn
Building Inspector:	Edward Bailey
Recording Secretary:	Linda Habeeb

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

ZONING BOARD

1. Corn Hill Navigation – Temporary Permit
Present: Vicki Schmitt, Corn Hill Navigation
Captain Robert Mangold, Canal Society

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

Discussion: Chairperson Mitchell opened the public hearing for Corn Hill Navigation at the February 23rd meeting, but there was no representative from Corn Hill Navigation in attendance at that meeting, so the hearing remained open.

Ms. Schmitt stated that she is requesting a temporary permit for operation of the *Sam Patch*, a packet boat replication that has been operating from Schoen Place for the past several years. Ms. Schmitt stated that Corn Hill Navigation is a not-for-profit organization, with a long history of contributing to community development through education, awareness, and enjoyment. She stated that the organization is committed to economic revitalization, and pointed out that 75 percent of their customers are from outside the Pittsford area.

She explained that the proposal is for the Sam Patch to operate from May to October, with two or three cruises daily, including dinner cruises and private charters. Board members questioned the applicant about concerns with parking in the area. Ms. Schmitt said that there are signs to guide customers to the proper parking areas, that their website directs patrons to park in the designated area, and that her employees park only in the designated area behind the Flour Mill. She stated that there are no significant changes in operation planned for the 2009 boating season.

Public Hearing Opened: Chairperson Mitchell opened the public hearing.

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

Motion: A motion was made by Chairperson Mitchell, seconded by Member Lanphear, to approve a temporary permit for Corn Hill Navigation for the 2009 boating season, as described in the application submitted, with the condition that the applicant provide the Village a copy of a certificate of insurance, naming the Village of Pittsford as additional insured; the certificate must reflect a \$1,000,000 single limit of liability for bodily injury and property damage.

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

The decision was filed in the Office of the Village Clerk on March 23, 2009.

**2. Pittsford Pub, 60 North Main Street, Temporary Permit
Present: Mr. & Mrs. Searles**

The Secretary read the legal notice that was published in the March 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 at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, March 23, 2009 at 7:00 pm, to consider an application made by Brad Sluman for a temporary zoning permit to allow outdoor entertainment in the evening hours from April 15, 2009 through September 15, 2009, at the property known as The Pittsford Pub, located at 60 North Main Street, 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. No further review is required.

Discussion: The applicant stated that he is requesting a temporary permit to allow live, outdoor music on the front patio at the Pittsford Pub, from 6 pm to 10 pm on Wednesday through Saturday nights during the summer months. He further stated that the music will be low-key, acoustical, background music that customers can enjoy while dining. He also inquired into the possibility of obtaining a two-year permit for the music. The Building Inspector stated that issuance of a two-year permit is not allowed by Village Code.

Chairperson Mitchell opened the Public Hearing and the following person spoke:

- Robert Corby, 7 Washington Avenue, requested that the applicants monitor the level of sound of the music so that it is confined to the property and doesn't spill over into the surrounding neighborhood.

Mr. Searles stated that he closely monitors the sound and will insure that it is confined to the property. He provided a contact number to the Village for residents to use if they have concerns regarding noise levels.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the temporary permit for live, background music on the patio at the Pittsford Pub, located at 60 North Main Street, on Wednesday-Saturday, from 6pm-10pm, from April 15, 2009 to September 15, 2009, subject to the following conditions:

1. The music will be contained to the site.
2. The music will conform to the Village noise ordinance.
3. The Village reserves the right to revoke the permit at any time upon finding that the conditions have not been met.
4. The applicant will provide a contact number of the proprietor for residents to call to express concerns regarding noise levels.

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

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

Discussion: The applicant stated that he is withdrawing his request for an area variance to permit the installation of two signs on the principal elevation of a commercial building. He said that there are two separate businesses, with separate leases, occupying the building. He further noted that, according to Village Code, in a multiple-use commercial building, each separate business is permitted a sign, the combined total square footage of which does not exceed the square footage permitted for the building.

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

Discussion: Mr. Bringley presented revised plans for renovation of the former gas station at 21 Schoen Place. He stated that in response to comments from Scott Harter, the Village Engineer, and Doug McCord, the Village Greenway improvement project landscape architect, he has made revisions to the previously submitted plans. Mr. Harter had also requested that the applicants verify cross-easements that were put in place during the Flour Mill approval process. He also stated that due to the unwillingness of adjacent property owners to construct combined entrances to the property, some of Mr. McCord's suggested changes would not be feasible. He stated that Mr. Newcomb is proposing to relocate the entrance only on his property, with pedestrian and vehicular access to the property. There will be a sidewalk adjacent to the curb.

Chairperson Mitchell 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%.

Chairperson Mitchell stated that further discussion with Mr. McCord for clarification of his concerns, along with a final review by Scott Harter, will be required prior to approval for the project being granted. She also stated that a copy of the closure certification from the DEC regarding the removal of the gas tanks will need to be provided to the Village Office for the file prior to the issuance of a certificate of occupancy.

PLANNING BOARD

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

Discussion: Mr. Bringley presented the landscaping plan for 21 Schoen Place. He stated that there will be some foundation plantings along the building and one tree added. He pointed out that there is limited space for additional plantings. Chairperson Mitchell suggested that he coordinate with Doug McCord to add more landscaping. She also stated that the specifications for the proposed tree and other plantings are to be added to the final site plan.

Due to possible Village or adjoining property owner's construction plans for the east boundary sidewalk, the applicant's construction process may be delayed. Mr. Bringley suggested that the applicant submit a letter of credit to the village, addressing the costs of this sidewalk installation.

Member Items:

- ✦ Board Members discussed the sign installed at Breathe Yoga, 19 South Main Street. Because the letters are applied directly to the building façade, on a contrast color background, the sign appears to be larger than is permitted by Village Code. Mayor Corby stated that he has a proposal to change the language of the sign ordinance to clarify the intent of the existing Code. Attorney Osborn will review the Breathe determination and report back to the Board.
- ✦ Mayor Corby updated the Board on the Monoco property. He stated that Roger Brown has been hired as a consultant to address aesthetic character, size of the lots, scale, design elements, and overall density on the site. He also noted that the developers are possibly proposing a restaurant use for the property. Board members stated concerns that commercial property would greatly increase the traffic in the area. Board members expressed their concern about the proximity to the residential district. Also, the desired intent has always been not to draw customer traffic from the central business district of the Village.
- ✦ Mayor Corby and Board members discussed the proposed change to Village Code § 210-83, which requires site plans to be reviewed by the Planning Board. Board members expressed no concerns with the proposal.
- ✦ Board members reported that:
 1. There is no longer any landscape screening between the Great Northern Pizza and ESL properties.
 2. The remote teller at ESL is lighted at night.
 3. A Northfield Common merchant, "Amore Gifts" has been placing a promotional board sign in the canal towpath flowerbeds.

Minutes:

Motion: Chairperson Rubiano made a motion, seconded by Member Mitchell, to approve the February 23, 2009 minutes.

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

Adjournment: Chairperson Mitchell adjourned the meeting at 9:00 pm.

Linda Habeeb, Recording Secretary