

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – April 27, 2009 at 7:00 P.M.

PRESENT:

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

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

ZONING BOARD

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 located 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.

Chairperson Mitchell asked Mr. Bringley to review the area variances requested in the application:

1. Village Code Chapter 210-43(B): Front setback for parking. This is a pre-existing, nonconforming condition, where the parking is not in compliance with the Village zoning ordinance, which was adopted after the project was built.
2. Village Code Chapter 210-43(D): Rear yard setback - minimum of 20 feet. This is a pre-existing, nonconforming condition, where the rear yard setback is not in compliance with the Village zoning ordinance, which was adopted after the project was built.
3. Village Code Chapter 210-81(E)(1): Parking screened from abutting streets. The applicant is providing some screening on the land that is part of the ongoing road improvement project, and the Village will be responsible for some of the screening, adding street trees, curbing, and road reconstruction.
4. Village Code Chapter 210-81(G)(3): Landscaping of paved area 5%. The proposed plans cannot meet this requirement, because of the parking requirements for this use, and the fact that the entire site is paved. The applicants will introduce some landscaping to the area.

The applicant stated that there will be ingress and egress on the east property edge, and egress-only on the west property edge.

As there were no public comments regarding this application, Chairperson Mitchell closed the public hearing at this time.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the application for four area variances at the property located at 21 Schoen Place.

Vote: Mitchell – yes; Lanphear – yes; Rubiano – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on April 27, 2009.

Findings of Fact:

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

PLANNING BOARD

Michael Newcomb, 21 Schoen Place, Site plan

Present: Michael Newcomb; Bob Bringley, Marathon Engineering

Discussion: Mr. Bringley presented the revised site plan to the Board. Chairperson Mitchell questioned the applicants regarding the sidewalk on the east property line. Mr. Bringley stated that they have made provisions for an easement that gives the Village the right to build a sidewalk in the area in the future. The sidewalk will temporarily be a painted, striped, asphalt sidewalk. Mr. Bringley stated that the easement is 7' wide and the sidewalk is 5' wide.

Chairperson Mitchell stated that Village Engineer had requested that the applicants verify cross-easements that were put in place during the Flour Mill approval process. Mr. Bringley stated that they have filed two easements for the area where the sewer crosses private property, but that the other portion is located on Village property.

Chairperson Mitchell stated that the Planning Board requires further clarification from the Landscape Architect, Doug McCord, and Mayor Corby regarding the plans for a sidewalk along the east property line. A poured concrete sidewalk will be required for future approval and the responsibility for costs and installation of this sidewalk will remain an open portion of this application and approval process until such time as the Village makes a determination. She also stated that the applicant will be required to provide the Village Office a copy of the closure certification from the DEC regarding the removal of the gas tanks prior to the issuance of a certificate of occupancy.

Member Lanphear questioned the applicants as to the proposed location for dumpsters, and Mr. Bringley stated that there will be totes, not dumpsters, because the business will generate only a small amount of trash.

As there were no public comments regarding this application, Chairperson Mitchell closed the public hearing, except for the east sidewalk portion of the application.

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

Vote: Mitchell – yes; Lanphear – yes; Rubiano – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on April 27, 2009.

SEQR: Board Members completed Part 2 of the SEQR Environmental Assessment Form.

PZBA 4/27/09

Regular Mtg.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, declaring that the project will not result in any large and important impacts and, therefore, is one that will not have a significant impact on the environment; therefore, a negative declaration is made.

Vote: Mitchell – yes; Lanphear – yes; Rubiano – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on April 27, 2009.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the site plan application, as submitted, with the exception of the east sidewalk installation, with the following conditions: (1) a copy of the closure certification from the DEC regarding the removal of the gas tanks will be provided to the Village Office prior to issuance of a certificate of occupancy; and (2) all costs incurred for the engineer's and landscape architect's review of the project will be charged to the applicant.

Vote: Mitchell – yes; Lanphear – yes; Rubiano – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on April 27, 2009.

Member Items:

- ❖ Member Lanphear reported that the railings on the house at 25 Boughton Avenue have been removed. The Building Inspector stated that the applicant is planning to replace the railings and will meet with the APRB.
- ❖ Member Lanphear also noted that the sidewalk at Starbucks has not been restored. The Building Inspector reported that they will restore the sidewalk in the Spring.

Minutes:

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

Vote: Mitchell – yes; Lanphear – yes; Rubiano – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on April 27, 2009..

Motion: A motion was made by Chairperson Mitchell, seconded by Member Lanphear, to enter executive session to discuss a matter of possible litigation.

Vote: Mitchell – yes; Lanphear – yes; Rubiano – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on April 27, 2009.

Adjournment: Chairperson Mitchell adjourned the meeting at 8:30 pm.

Linda Habeeb, Recording Secretary