

Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – August 24, 2009 at 7:00 PM

PRESENT:

Chairperson: Remegia Mitchell
Members: Sally Chamberlin
Meg Rubiano
George Wallace (absent)

Attorney: John Osborn
Building Inspector: Edward Bailey (absent)
Recording Secretary: Linda Habeeb

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

Planning Board

Roger Powers ~ Site Plan

Present: Roger Powers, Betsy Powers, Ned Powers

SEQR: Chairperson Mitchell stated that this is a Type II Action under 617.5(c)(3). No further review is necessary.

The Secretary read the legal notice below which was published on August 12, 2009 in the Brighton-Pittsford Post: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board on Monday, August 24, 2009 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Roger Powers, owner of property located at Tax Acct. #151.19-1-15.1, for site plan approval to install utility poles, pursuant to Chapter 210-83B(18).”*

Discussion: Mr. Powers pointed out the location of the RG&E utility poles on the submitted map, and stated that three of the four poles have been installed. He explained that the utility poles will serve the concrete building and storage sheds on Schoen Place. It was noted that the poles are located approximately 600' from Main Street, and that they are not visible from Main Street. Mr. Powers submitted a map from Professional Land Surveyor, James Missell, showing the exact location of the poles. He stated that there is a conservation easement line on the map that was drafted to be a property line.

Chairperson Mitchell stated that the Board received a letter from Reuben Ortenberg, an attorney representing Charles and Carol Corby, regarding the boundary line between the Corby's property and the Powers' property. The letter stated that it is the position of his clients that the land to which the proposed site plan applies is their property, and not that of Mr. and Mrs. Powers. They requested that the Board delay its review and determination until after the parties have clarified the matter of the ownership of the subject property.

Mr. Osborn stated that the Planning Board has received an application for site plan review from Mr. Powers, which application has been certified as complete by the Village Building Inspector. He further stated that the Planning Board is required to review the site plan only, and that property disputes are not an issue that this Board should consider.

Mr. Osborn cited Village Code § 210-84(B)(d) & (e) for the standards governing the Board's decision-making process when reviewing a site plan application:

§ 210-84. Preliminary application and approval

B. Preliminary approval. Within 90 days of the receipt of a certified complete preliminary site plan application from the authorized official, the Planning Board shall act on it. If no decision is made within said ninety-day period, the preliminary site plan shall be considered conditionally approved. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is conditionally approved. A copy of the appropriate minutes of the Planning Board shall be a sufficient report. The Planning Board's review of a preliminary site plan shall include, but is not limited to, the following considerations:

(d) The location, arrangement, size and design of buildings, lighting and signs.

(e) The relationship of the various uses to one another and their scale.

Public Hearing Opened: Chairperson Mitchell opened the public hearing.

Chairperson Mitchell stated that some of the Board members had not been able to locate the utility poles when they had visited the site during the week. She stated that the public hearing will remain open, and Board members will visit the site and attempt to hold a special meeting before the next regularly scheduled meeting to vote on the application.

Member Items:

Board members briefly discussed the upcoming review of the 75 Monroe Avenue project. Chairperson Mitchell explained to Board members that the applicants had been given a list of items that have to be submitted to the Village prior to the Board's review of the project.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the July 20, 2009 minutes.

Vote: Chamberlin – yes; Mitchell – yes; Rubiano – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on August 24, 2009.

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 8:15 pm.

Linda Habeeb, Recording Secretary