

**Village of Pittsford**  
**PLANNING AND ZONING BOARD OF APPEALS**  
**Regular Meeting – September 28, 2009 at 7:00 PM**

**PRESENT:**

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

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

**ZONING BOARD**

**First Presbyterian Church, 21 Church Street ~ Area variance for a sign**  
**Present: John Leyland, Ed Rummler**

**The Secretary read the legal notice that was published in the September 16, 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, September 28, 2009 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by John Leyland, as agent for the First Presbyterian Church of Pittsford, located at 21 Church Street, for an area variance to install a sign exceeding four square feet at an auxiliary entrance, pursuant to Chapter 168-7F of the Code of the Village of Pittsford: Additional allowable signage.”*

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

**Discussion:** The applicants stated that they are proposing installation of a sign above the portico under the eaves on the Locust Street entrance of the First Presbyterian Church. The size of the proposed sign exceeds that which is allowed by Village Code for an auxiliary entrance. They pointed out that although there is currently a smaller sign on the main entrance to the church on Church Street, the Locust Street entrance is considered a primary entrance to the church from the adjacent handicapped parking lot. They also noted that there is a safety concern, because emergency vehicles have difficulty locating the church. They pointed out that if the second sign is installed, visitors to the church who are unfamiliar with the area will be able to more easily locate the church. The applicants submitted photographs of the proposed sign, and documentation addressing the criteria for granting an area variance.

Member Lanphear stated her concern with setting a precedent by allowing the installation of a sign that is larger than allowed by Village Code at a secondary entrance to the church. She noted the importance of identifying the unique circumstances in this situation that would justify granting the variance. Board members discussed alternative locations for placement of a sign, such as on the brick on the side of the building, but concurred that that location would not be feasible.

Chairperson Mitchell informed the applicants that APRB approval will be required prior to installing the sign.

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

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

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

**Vote:** Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes; Wallace - yes.

**Motion carried.** The decision was filed in the Office of the Village Clerk on September 28, 2009.

**Findings of Fact:**

- ◆ The Locust Street entrance functions as a primary entrance because the parking lot and wheelchair accessible ramp serve this doorway.
- ◆ The entrance should be marked for emergency vehicles.
- ◆ The building is not well marked for visitors accessing the church from Locust Street.
- ◆ The church name is too long. In order to remain within the size of signage allowed by code, the characters would need to be small. Small font will not serve the purpose of being readable from the street.
- ◆ 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

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**David Jewett, 44 N. Main Street, Temporary zoning permit**

**Present: David Jewett**

**The Secretary read the legal notice that was published in the September 14, 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, September 28, 2009 at 7:00 pm to consider an application made by David Jewett for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths from November 20, 2009 to December 31, 2009, at property known as Pittsford Farms Dairy, owned by Charles Corby, and located at 44 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).

**Discussion:** This is an application for a temporary zoning permit for the outside sale of Christmas trees and wreaths at the property known as Pittsford Farms Dairy, located at 44 North Main Street. The applicant stated that he has been granted the permit for a number

of years, and he agrees to abide by the same conditions as were agreed to in past approvals. He stated that the sale of trees will be only on private property, no closer than 120 feet from the property line, and a temporary sign will not be placed in the public right of way. Chairperson Mitchell reviewed the conditions from a previous approval.

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

The Village Office received one letter in support of this application.

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

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to **approve** the application, as submitted, for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths at the Pittsford Farms Dairy during the holiday season, with the following conditions:

1. The site shall be restored to its original appearance by January 1, 2010.
2. Preparation and sale shall be only on private property side yard no closer than 120 feet from all property lines.
3. Temporary signage shall not be placed in the public right of way.
4. No high-pressure sodium lighting shall be installed or maintained.

**Vote:** Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes; Wallace - yes.

**Motion carried.** The decision was filed in the Office of the Village Clerk on September 28, 2009.

***Findings of Fact:***

- This use is consistent with the traditional agricultural use of this farm property.
- This temporary, seasonal use has a low impact on surrounding residential properties.

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**PLANNING BOARD**

**Pittsford Farms Dairy, 44 North Main Street ~ Modifications to site plan**

**Present: Charles Corby, Ron Morgan**

**Discussion:** The applicant reviewed the submitted documentation indicating proposed revisions to the Pittsford Farms Dairy site plan. He stated that they are proposing (1) installation of pavement, instead of loose stone, for the barn overflow parking area, rear drive, and rear parking area; (2) installation of a sidewalk on the north side of the circle extending 60 feet west; (3) installation of an added/defined sidewalk from the south side parking to the south entrance; (4) an entrance to the basement at the northwest corner of the connector building; (5) the addition of a porch patio on the south side store entrance; and (6) removal of one proposed light on the south side of the new building, and addition of two lights by the barn overflow parking.

The applicants stated that the light fixtures have been approved by the APRB. Chairperson Mitchell stated that the applicants will be required to submit a revised, final photometric plan reflecting any changes to the lighting, prior to installation.

Board members also discussed concerns with paving the area in front of the barn that was previously proposed to be loose gravel. Chairperson Mitchell stated her concern with the negative effect that a parking lot area will have on the viewshed from the barn. Board members discussed with the applicants the suggestion of additional landscaping to screen the parking area. The Board also discussed whether this change will have an impact on the drainage in the area. The Building Inspector will contact the engineer to confirm that the design for the relocated detention pond/stormwater system included the fact that they were installing additional paving where stone/gravel was originally proposed (rear driveway, rear of dairy plant, and some parking spots near the existing barn).

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the following elements of the site plan revision:

1. the extension of the sidewalk along the driveway;
2. the addition of the porch patio on the south side store entrance;
3. the extension of the sidewalk four feet on the north side of the circle;
4. the basement entrance on the northwest corner of the connector building; and
5. paving of all areas in the rear of the building shown on the site plan encircled in pink, except for the eight proposed spaces in the front of the barn;

with the condition that the revisions and paving are contingent upon the drainage site plan approval by the Village Engineer.

After further discussion, Chairperson Mitchell withdrew the motion.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the following elements of the site plan revision:

1. the extension of the sidewalk along the driveway;
2. the addition of the porch patio on the south side store entrance;
3. the extension of the sidewalk four feet on the north side of the circle;
4. the basement entrance on the northwest corner of the connector building.

**Vote:** Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes; Wallace - yes.

**Motion carried.** The decision was filed in the Office of the Village Clerk on September 28, 2009.

***Findings of Fact:***

- ◆ The property is listed on the National Register of Historic Places.
- ◆ The Board has taken special consideration of the historic significance of the driveway circle, existing trees, viewshed of the barn, and the primary structure.

Board members and the applicant continued the discussion, and agreed to further review the proposal by visiting the site and holding a special meeting in the next couple of weeks.

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**Member Items:**

- ✓ There are an excessive number of cars parked outside at Sutherland Auto. The building inspector will notify the owners.

- ✓ The handicapped parking at Starbucks is on the sidewalk.

**Minutes**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the August 24, 2009 minutes, as drafted.

**Vote:** Chamberlin – yes; Mitchell – yes; Rubiano – yes. ***Motion carried.*** The decision was filed in the Office of the Village Clerk on September 28, 2009.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the September 2, 2009 minutes, as revised.

**Vote:** Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes; Wallace - yes. ***Motion carried.*** The decision was filed in the Office of the Village Clerk on September 28, 2009.

**Adjournment:** There being no further business, Chairperson Mitchell adjourned the meeting at 9:15 pm.

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Linda Habeeb, Recording Secretary