

Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – May 24, 2010 at 7:00 PM

PRESENT:

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

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

ZONING BOARD

Charles Clottin, 10 North Main Street ~ Temporary Zoning Permit
Present: Charles Clottin, Harladay Hots, Inc.

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

The Secretary read the legal notice that was published in the April 14, 2010 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, May 24, 2010 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Charles Clottin, of Harladay Inc., for a temporary zoning permit to allow the seasonal operation of a vending cart at 10 North Main Street on Monday through Friday, weather permitting, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.*

Discussion: Mr. Clottin stated that he is seeking a temporary zoning permit for operating a vending cart in the lot located at 10 North Main Street. He stated that the lot is owned by the Town of Pittsford, and he has received permission from the Town to operate his business on the lot, contingent on his being granted a temporary zoning permit from the Village. He is proposing operating the vending cart business on Monday through Friday, from 11 am to 2 pm, from May through August 2010. He provided documentation indicating that the business is fully insured and licensed with the Monroe County Health Department. The applicant stated that he has obtained liability insurance in the amount of two million dollars, with the Village of Pittsford listed on the insurance certificate as additional insured. He stated that if he receives the permit from the Village, the Fire Marshal will inspect the cart to insure that it meets Fire Code regulations.

Board members reviewed the application and expressed concerns with increased traffic in the area of ingress and egress to the Library. They also expressed concern with the possibility of customers stopping in the road and purchasing food from their cars. They questioned the applicant regarding trash removal, and he stated that there will be trash and recycling containers on the site, and he will be responsible for trash removal.

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

- **Christine Woodring**, stated that she is the owner of a business in the Village, and she noted that there is a problem with traffic and parking in the area.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the application, as submitted, with the maximum operation times of Monday through Friday, from 11 am to 2 pm, from May 25, 2010 to August 31, 2010, with the following conditions:

1. The applicant will remove all trash that is generated by this business.
2. The applicant will position the vending cart far enough back from the road to prevent cars from stopping in the road and causing traffic problems.
3. The Village reserves the right to revoke the permit if the business creates traffic hazards or unsafe conditions for pedestrians, or if there are other issues or repeat concerns that are not addressed by the applicant.
4. The Fire Marshal will meet with the applicant to inspect the vending cart to insure that it meets the Fire Code regulations.
5. The applicant has received permission from the Town of Pittsford to operate the vending cart in the proposed location.

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 May 24, 2010.

Pittsford Canalside Properties, LLC, 75 Monroe Avenue, Application for Special Permits for Multiple Dwelling Buildings and Restaurant

Present: Paul Lytle, Facilitator; Frank Hagelberg, Attorney; Richard LaCroix, Barkstrom & LaCroix; Mark IV: Anthony and Chris DiMarzo, Donald Riley, Vice President Marketing & Development; Bryan Powers, Engineer

Discussion: Mr. Lytle reviewed the status of the current application. He stated that the Board of Trustees has determined that the Special Use Permit application is complete, and referred the application to the PZBA and APRB for comment. The PZBA will review the application and develop comments/recommendations to submit to the Board of Trustees. The Trustees will utilize the recommendations to determine whether to issue the Special Permits for the project. If the Special Permits are granted, the site plan review/project development process can proceed. The Development Review Committee (DRC) will serve as overall communication and schedule coordinator for the project.

Mr. Hagelberg introduced the members of the applicant's development team. He provided some history of the site and reviewed the status of the application and the steps needed to move forward with the project. He stated that the property was formerly occupied by a heating and fuel oil distribution facility, and was the site of a significant oil spill in 1999. Since acquiring the property, the applicant has been involved in a "Brownfield" remediation program authorized by the New York State Department of Environmental Conservation.

He further stated that Pittsford Canalside Properties, LLC has extensive experience with waterfront development and is sensitive to historic preservation issues. The applicants

stated that the proposal will reduce contamination at the site, provide rental housing opportunities for new and current residents, and increase the tax base. Mr. Hagelberg noted that Pittsford Canalside Properties, LLC not only develops properties, but manages them after they have been developed.

Mr. LaCroix stated that the property consists of a 7.4-acre site located on the west side of Monroe Avenue, bordered on the north by the Erie Canal and on the south by a railway line operated by CSX transportation. The grade of the land will be lowered to provide access to the canal. He stated that the proposal is for construction of 182 rental apartment units in two buildings, together with a free-standing clubhouse building and restaurant that will accommodate 150 diners. Both surface and underground parking will be provided, and residents and visitors will be able to take advantage of a number of amenities along the canal frontage. He provided documentation indicating that the proposal is consistent with the R-5 Zoning District.

Board members expressed concerns with the height of the proposed units and the traffic that will be generated from the restaurant. Mr. Hagelberg stated that a traffic study for this area was conducted, and the conclusion was that the existing Level of Service (LOS) on Monroe Avenue will not be denigrated by this project. Member Lanphear questioned whether a permit will be required for the changes in the grading, and the applicants stated that a permit from the Canal Authority is required for any grading changes. She also questioned whether the 150-seat restaurant would include a bar, and Mr. LaCroix stated that a bar and restaurant would include the maximum seats allowed by the R-5 Zoning. Member Rubiano asked whether both the roads on the site will be two-way roads, and the applicants stated that the road closest to the canal will be a one-way road.

Chairperson Mitchell opened the discussion to the public at this time, and the following people spoke:

- **Fran Kramer, 17 Golf Avenue**, stated that she is a long-time resident of the Village, which is unique in New York State. She said that the scope of this project will not enhance the Village, and that the unique qualities of the Village should be maintained.
- **Herb Kramer, 17 Golf Avenue**, questioned the applicants as to the reason that the units will be rented, instead of sold. He is concerned with college students creating a “dormitory-type” situation at the site. Mr. Hagelberg said that they anticipate that young people and older, retired empty-nesters will rent the units.
- **George Muller, 96 Brook Road**, asked whether there would be a sidewalk connecting to Pittsford Plaza, and Chairperson Mitchell pointed out that Pittsford Plaza is in the Town of Pittsford, not the Village, and is not within the scope of this project.
- **Doug Drake, 28 Monroe Avenue**, stated that traffic at Monroe Avenue and Sutherland Street is currently excessive, and he suggested that the Board carefully review the traffic study. Mr. Hagelberg invited Mr. Drake to review the traffic study, which was conducted under established standards with appropriate measurements. Chairperson Mitchell stated that the Village has hired a traffic engineer to review the applicant’s traffic study. Mr. Drake stated that this project will lower the value of homes in the Village, and the additional revenue-producing ideas proposed already exist in the Village. Mr. Drake also questioned the applicants as to the cost of the rental units. Mr.

DiMarzo stated that a 1-bedroom unit would rent for approximately \$1500, and 2-3-bedroom units would rent for \$1800-2200.

- **Mayor Corby** reviewed the provisions of the R-5 zoning ordinance, and stated that the Village thrives because it has a compact walkable community.

Member Lanphear explained that the Planning/Zoning Board will give recommendations to the Board of Trustees, who will utilize these recommendations to determine whether to issue the special permits. She reminded residents to participate in the public hearings and to provide their feedback to these elected officials.

Chairperson Mitchell thanked the applicants and those from the audience that spoke. She stated that Board members will hold a special meeting to walk the site, and this application will be placed on the June 28th meeting. In summary, if the special permit are granted, site plan review begins, and the Planning Board will then review more detailed plans, which will include all aspects of site plan review, including landscaping, sidewalks, drainage, etc.

Pittsford Farms Dairy, 44 North Main Street ~ Landscaping, fence
Present: Charles Corby

Discussion: The applicant presented a color-coded drawing of the landscape of the Dairy, which indicated the location for the trees proposed to be planted on the property. He stated that the species of the trees are: Little Leaf Linden (south of store and east of relocated house), Norway Spruce (south of drive and north of store), Cleveland Pear (south side of plant), and Spirea (border around outside terrace). Planting to screen the west edge of the parking area near the barn will be selected. He also submitted a drawing of the proposed fence to be installed, which will provide a buffer for the residence.

Chairperson Mitchell stated that the final document should be signed by a landscape architect and must also indicate the planting size of the trees and shrubs. She also stated that the proposed lights and signs will need to be approved by the APRB. Board members will visit the site, and the application will remain open.

Member Items:

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the April 26, 2010 minutes, as drafted.

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

Motion carried.

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 9:45 pm.

Linda Habeeb, Recording Secretary