

Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting - November 22, 2010 at 7:00 PM

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin
	Meg Rubiano
	George Wallace
	Lili Lanphear

Attorney:	Jeff Turner
Building Inspector:	Edward Bailey
Recording Secretary:	Linda Habeeb

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

PLANNING BOARD

Sean Jefferson, 1 Grove Street ~ Special Exception Use Permit

Present: Sean Jefferson

The Secretary read the legal notice that was published in the November 11, 2010 edition of the Brighton Pittsford Post: *"Please take notice that a public hearing will be held before the Village of Pittsford Planning and Zoning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, November 22, 2010 at 7:00 pm, to consider an application made by Sean Jefferson for a special exception use permit to operate a music studio at 1 Grove Street."*

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

Discussion: Mr. Jefferson stated that he is proposing operating a private music studio at 1 Grove Street. He stated that the music classes would be for children and adults, and would generally be conducted in the afternoon and evenings. He stated that for private lessons, there will be one student and one teacher per studio; for classes, such as music theory and music history, the maximum number of students will be 15 per class. The staff will include 6 instructors and 1 receptionist. The Building Inspector indicated that there is adequate parking in the lot to accommodate this use. The applicant submitted documentation describing the proposal and showing the acoustical design that will be installed to contain noise within the studio.

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

Tom & Cindy Heagerty, Elm Street, stated that they are concerned with after-hours street parking on Grove Street near their home.

Mr. Jefferson stated that he would be willing to direct his customers to park in the parking lot rather than on the surrounding streets.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the application, as submitted, with the following conditions:

1. Parents, students, and teachers will be directed to park only in the parking lot and not on the surrounding streets.
2. The maximum hours of operation will be from 10 am - 9:30 pm.
3. The Zoning Board will review the application in one year.

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 November 22, 2010.

Michael Lebowitz, 21 Lincoln Avenue ~ Subdivision

Present: Michael Lebowitz, Mitchell Pierson Realtors; James Aiello, owner

Discussion: Mr. Lebowitz reviewed the history of the property located at 21 Lincoln Avenue, and the current status of the application before the Board. He stated that the property is currently being marketed as a single-family dwelling. Mr. Lebowitz stated that Mr. Aiello is proposing to subdivide the existing lot into two separate lots, creating a single-family lot on each of the subdivided lots. At previous meetings, Board members had expressed concerns with the proposal, because it would result in the creation of two substandard lots. Board members reiterated their concern with setting the precedent of approving a subdivision that would create substandard lots. The applicants pointed out that the majority of the homes in the village are on non-conforming lots, and that their intention is to improve the property by creating single-family residential lots and removing the parking lot.

The applicants presented a map indicating that the property had been, in the past, divided into two separate lots. Chairperson Mitchell suggested that the applicants propose subdividing the property as it had been previously divided, which would involve moving the barn. Attorney Turner stated that he had spoken with the Architectural Preservation and Review Board Chair, who indicated that the barn structure could be moved. The applicants stated that this was not an acceptable solution.

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

David Weir, 19 Lincoln Avenue, stated that he supports the proposal to subdivide the property.

Tom Grant, 17 Lincoln Avenue, stated that he supports the proposal to subdivide the property.

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

Various board members expressed concern regarding the precedent of subdividing a conforming lot into two non-conforming lots.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to *deny* the application for subdivision of the property located at 21 Lincoln Avenue, as submitted.

Vote: Chamberlin - yes; Mitchell - yes; Lanphear - yes; Rubiano - yes; Wallace - no.
Motion carried. The decision was filed in the Office of the Village Clerk on November 22, 2010.

Greg Kissell, 18 South Main ~ Board of Trustees Special Permit review

Discussion: Mr. Kissell stated that he is proposing to operate a take-out pizza business in the building located at 18 South Main Street. He stated that the space is only 800 square feet, and therefore, there will be no customer seating. The hours of operation will be every day from 11 am to 10 pm. He stated that there will be 4 employees inside the building and 2-3 drivers.

Board members expressed concerns with the limited parking in the area. Mr. Kissell stated that his employees will be directed to park in the municipal lot, which will allow customers to utilize the available parking spaces. Board members also questioned the applicant as to the proposed method for venting cooking odors. The Building Inspector stated that the odors should not be directed out into the street.

The Board will send their recommendations to the Board of Trustees.

Information only:

Paul Ferranti, 19 South Main Street ~ Special exception use for an instructional facility

Discussion: Mr. Ferranti stated that he is proposing operating a marshal arts studio in the building located at 19 South Main Street. He submitted his business plan for the studio. He stated that the classes will be for children and self-defense classes for woman, with 15 - 20 students per class.

Board members stated their concerns with increasing the demand for parking in this already congested area of the village. The applicants stated that they have agreements with Bank of America and Messner Carpeting to use their parking lots after 4 pm in the

afternoon. Attorney Turner informed the applicant that he should submit letters from the bank and Messner's that set out this parking lot agreement.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the 8/30/10 meeting minutes, pending the addition of the findings of fact.

Vote: Chamberlin - yes; Mitchell - yes, Lanphear - yes; Rubiano - yes; Wallace - yes.
Motion carried.

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the 10/25/10 meeting minutes, as drafted.

Vote: Chamberlin - yes; Mitchell - yes, Lanphear - yes; Rubiano - yes; Wallace - abstain. **Motion carried.**

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 10:00 pm.

Linda Habeeb, Recording Secretary