

**Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – February 28, 2011 at 7:00 PM**

PRESENT:

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| 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.

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) #15

The Secretary read the legal notice that was published in the February 10, 2011 edition of the Brighton Pittsford Post: *“Please take notice that a public hearing will be held before the Village of Pittsford Zoning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, February 28, 2011 at 7:00 pm, 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, 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 to operate a vending cart in the lot located at 10 North Main Street. He stated that the Town of Pittsford owns the lot, 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 10 am to 3 pm, from May through October 2011. He provided documentation indicating that the business is fully insured and licensed with the Monroe County Health Department. He stated that he operated his business successfully last year, with a minimum of problems. He also stated that he encourages his customers to park their cars, and then return to the cart to pick up their food, rather than queuing up in the road.

Board members reviewed the application and expressed concerns with increased traffic in the area, particularly in the morning at the set-up time, when other merchants in the area will be opening their businesses.

Public Hearing Opened: Chairperson Mitchell opened the public hearing at this time, and a letter opposing the granting of this permit was entered into the record.

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 for a temporary zoning permit, as submitted, from May 1, 2011 to October 31, 2011, with the maximum operation times of Monday through Friday, with set-up to occur no earlier than 10:30 am, and dismantling and vacating of the premises to occur no later than 3:30 pm, and 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 February 28, 2011.

Paul Schwedfeger, 20 North Main Street ~ Area variance

Present: Paul Schwedfeger

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

The Secretary read the legal notice that was published in the February 10, 2011 edition of the Brighton Pittsford Post: *"Please take notice that a public hearing will be held before the Village of Pittsford Zoning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, February 28, 2011 at 7:00 pm, to consider an application made by Dr. Paul Schwedfeger for an area variance to erect a free-standing directory sign at 20 North Main Street, pursuant to Chapter 168-D, of the Code of the Village of Pittsford."*

Discussion: The applicant stated that he is proposing installing a freestanding, directory sign on property adjacent to the Town parking lot. He stated that a sign will enable customers to more easily locate his office. He submitted documentation indicating the location and dimensions for the proposed sign. The applicant confirmed that only one sign per tenant would be included in the sign frame and that there is a maximum of seven tenants in the building.

Chairperson Mitchell stated that the applicant will also need to apply to the Architectural and Preservation Review Board for approval of the sign.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the application for an area variance for a sign, as submitted, with the following condition:

- The height of the sign above grade will not exceed 52 inches, as shown on the submitted application.

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 February 28, 2011.

Findings of Fact:

- ◆ The proposed sign will be installed in a unique location, positioned so that it cannot be viewed from the street.
- ◆ Prior to the subdivision of this property, it would have been entitled to this sign and a sign on the street.
- ◆ There is a maximum of seven tenants in this building. Each will have a placard sign within the sign structure. The total number of business placard signs will not exceed seven (7).
- ◆ There are no undesirable changes that will be produced in the character of the neighborhood by granting this area variance.
- ◆ The variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- ◆ The benefit sought cannot be achieved by some feasible method other than an area variance.
- ◆ The requested variance is not substantial.

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

Present: Paul Ferranti

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR I § 617.4(b)(9).

Discussion: This is an open application for a proposal to operate a marshal arts studio in the building located at 19 South Main Street. Mr. Ferranti submitted his business plan for the studio, which indicated that the classes will be for children and adults, with 15 – 20 students per class. He presented a class schedule, indicating the proposed times for the classes. The classes will start at 4:15 pm and end at 7:45 pm, Monday – Thursday and Saturday mornings from 9–12. He indicated that there will be three employees working at the facility. A receptionist will monitor the front area to assure that children are properly supervised.

Board members expressed concerns with traffic and parking issues in the area. Mr. Ferranti stated that they had obtained a schedule of the classes currently being held at the Breathe studio, and have scheduled their classes so as not to conflict with those classes. The building inspector stated that, according Village Code §§ 210-31D and 210-78, based on the square footage of the space, the business would be allotted 15 parking spaces in the parking lot.

Mr. Ferranti stated that two other businesses in the area had agreed to allow overflow parking in their parking lots. Mr. Turner stated that the applicants will need to obtain a non-revocable deed or easement with these businesses, identifying the number of parking spaces, if they intend to include this in the final approval. The applicants stated that they will direct their employees to park their vehicles offsite, in order to make available more parking spaces. They also indicated that they would instruct parents to park their vehicles and not queue or stack their vehicles waiting to pick up their children.

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

Public Hearing Closed: Chairperson Mitchell closed the public hearing at this time, as there was no one wishing to speak for or against this application.

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

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 February 28, 2011.

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

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

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 February 28, 2011.

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the application for a special exception use for operation of an instructional facility, as submitted, with the following conditions:

1. The hours of operation will be as indicated on the class schedule, submitted and date-stamped on 2/28/11;
2. The maximum number of students receiving instruction at any one time will be 15;
3. Employees will park their vehicles offsite;
4. The applicants will maintain a class attendance log;
5. The applicants will distribute a letter to parents that describes parking options, both on-site and at the other business locations, as well as drop-off and pick-up safety and restrictions.
6. The Zoning Board will review this application in 6 months.

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 February 28, 2011.

PLANNING BOARD

ESL Federal Credit Union, 11 State Street ~ Modification of approved application

Present: Peter Woods, ESL; Joseph Burkart, NPV Inc.

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR Action under SEQR I § 617.4(b)(9).

Discussion: This is an open application requesting a modification to the approved hours of operation of the ESL Federal Credit Union, located at 11 State Street, to allow the bank to remain open one hour later on Mondays and Thursdays, and a half hour later on Saturdays. Mr. Woods stated that the reason for the proposed change in the hours is to be consistent with other branches of the bank in the area.

Chairperson Mitchell noted that at the January meeting, a number of concerns regarding landscaping and traffic violations at the bank were raised by neighbors from the surrounding area. Mr. Burkart stated that the landscaping issues were currently being addressed: damaged trees and plants will be replaced, as indicated on the approved site plan.

Mr. Woods stated that they had reviewed security tapes of the bank parking lot, and will attempt to address the traffic violations indicated on the tapes. They are considering a number of options: additional signage to direct customers to enter and exit the bank in accordance with the rules, reminding employees to follow the traffic rules, and directing employees to remind the customers. He further stated that some people who exit this parking lot are not bank customers, but tenants, cut-through drivers or clients of other businesses in the building.

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

Janet Reynolds, 35 Church Street, stated that nothing has been done to correct the traffic problems at the bank. She further noted that this bank is located on a residential street, not on Main Street, and the neighbors are very dissatisfied with the lack of action taken by the bank to correct this situation.

Chairperson Mitchell stated that the application will remain open to allow the board to review the original approved plan and hours of operation at other Village banks. This application will be addressed at the March 28th PZBA meeting.

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

Present: Charles Corby

Discussion: Mr. Corby stated that they are proposing installing a closed-loop cooling tower at the Dairy, to be located behind the rear building, facing east, not visible from Main Street. Board members questioned Mr. Corby as to whether the unit could be screened from view. He stated that since it is a cooling unit, it cannot be screened.

Chairperson Mitchell stated that Board members will visit the site to view the unit, prior to making a decision.

Discussion Item: James Aiello, 21 Lincoln

Mr. Aiello stated that he is seeking input from the Board on options for his vacant property, located at 21 Lincoln Avenue. He further stated that the house is falling into disrepair and beginning to have a negative impact on the surrounding neighborhood. He indicated that the house is too large to sell as a single-family residence. He is considering applying to the Board for a use variance, under the hardship clause. Mr. Turner stated that he will review the criteria for a use variance with the applicant.

Member Items:

Motion: Member Lanphear made a motion, seconded by Member Rubiano, to approve the 1/24/11 meeting minutes, as drafted.

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 February 28, 2011.

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

Linda Habeeb, Recording Secretary