

**Village of Pittsford**  
**PLANNING AND ZONING BOARD OF APPEALS**  
**Regular Meeting – March 28, 2011 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

**Aaron Fleischer, 1 Grove Street ~ Special Use Permit**

**Present: Aaron Fleischer**

**The Secretary read the legal notice that was published in the March 17, 2011 edition of the Brighton Pittsford Post:** *“Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, March 28, 2011 at 7:00 pm, to consider an application made by Aaron Fleischer to operate a yoga studio at 1 Grove Street, in the M-1 District, pursuant to Chapter 210-46A(29), Other Uses in the M-1 District, 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).

**Discussion:** The applicant stated that he is proposing operating Bikram Yoga classes at a studio in the building located at 1 Grove Street. He explained that Bikram Yoga is a patented series of postures and breathing exercises completed in a period of 90 minutes, and performed in a room heated to 105 degrees. He stated that the classes will have an average of 10 participants, and he submitted the proposed class schedule indicating the starting and ending times for the classes. A portion of the space will be used for retail sale of yoga items and packaged food items, which is permitted by Village Code. There will be no food service on site. The Building Inspector stated that there is adequate parking for this use. The applicant stated that he will direct his students to park in the parking lot rather than on the street. The studio will be located in an area of the building that will not interfere with parking on the surrounding streets, as the doorway is a distance from the public right of way.

**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 Rubiano, to approve the application for a special use permit, as submitted, with the following conditions:

1. The maximum number of participants in each class will be limited to 20.
2. There will be one class per time slot, as indicated on the class schedule that was submitted on 3/28/11.
3. The applicant will maintain a class attendance log, which will be retained for annual review.
4. The Board will review this 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 March 28, 2011.

\*\*\*\*\*

**Charles Fitzsimmons, 5 State Street – Special Use Permit**  
**Present: Tucker Kuhe**

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR §

**Discussion:** Mr. Kuhe presented plans for a retail bakery to be located in the former Schoen Place Auto building at 5 State Street. Stating that 8-10 seats would be available for eating on the premises, the applicant indicated that there is a possibility of some outdoor seating seasonally. The primary purpose for this bakery is to provide baked goods for restaurants. He further indicated that the bakery will conduct a limited amount of food frying, using small fryers that will be vented to the exterior of the building. There will be four employees working at a time. Hours of operation are 6:30 am – 5 pm.

Board members noted that this is a narrow lot with cars often backing across the sidewalk to enter traffic or making three-point turns on the sidewalk in order to enter State Street going forward. Additionally, congested parking from Starbuck’s creates a spillover situation that can block access or create unsafe conditions.

Board members determined that there are several issues that should be addressed during the Trustee review process. These include: ingress and egress from the site, cooking odors, number of seats and the placement or allowance of outdoor seating as it affects parking and parking lot safety, access to the entrance from designated safe walkways, dumpster location and screening, and delivery truck elements, including times of day, size of vehicles, and safe ingress/egress. Chairperson Mitchell will submit a memo to the Board of Trustees summarizing this review and the issues that are identified as potential concerns.

It was noted that in addition to a special permit from the Board of Trustees, site plan approval will be required from the Planning Board. Approvals for exterior changes will be required from the APRB. The PZBA will review the application and develop comments/recommendations to submit to the Board of Trustees.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Chamberlin, to grant lead agency status to the Board of Trustees for the purpose of SEQR review for 5 State Street.

**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 March 28, 2011.

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

**Discussion:** At the February PZBA meeting, Mr. Corby presented a proposal for installation of a closed-loop cooling tower at the Dairy, to be located behind the rear building, facing east, not visible from Main Street. Chairperson Mitchell suggested that Board members visit the site to view the unit, prior to making a decision.

There was some discussion as to whether the unit should be screened, but it was determined that installation of bollards to protect the unit would be preferable. Building Inspector Bailey indicated that the noise produced by the unit will be a low-decibel sound, appropriate for the industrial building.

**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 Chamberlin, to approve the proposal for installation of a cooling unit, as submitted, with the following conditions:

1. Bollards will be installed to protect the unit.
2. The unit will be painted to match the building.
3. The approval is contingent on the applicant's submittal of a complete and accurate site plan prior to occupancy.

**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 March 28, 2011.

ZONING BOARD

**Corn Hill Navigation – Temporary Permit  
Present: Vicki Schmitt, Corn Hill Navigation**

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) #15. No further review required.

**The Secretary read the legal notice that was published in the March 17, 2011 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, March 28, 2011 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Vicki Schmitt, of Corn Hill Navigation, for a temporary zoning permit to allow the seasonal operation of the vessel known as Sam Patch from the dock adjacent to Erie Canal Park on Schoen Place, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

**Discussion:** Ms. Schmitt stated that she is requesting a temporary zoning permit for operation of the *Sam Patch*, a packet boat replication that has been operating from Schoen Place for the past several years. She stated that Corn Hill Navigation is a not-for-profit organization, with a long history of contributing to community development through

education, awareness, and enjoyment. She further stated that 70 percent of the customers that patronize the *Sam Patch* are from outside the Pittsford area, as tracked by zip codes from reservations. The program creates an economic and educational asset to the Village. She also noted that 2011 marks the 20<sup>th</sup> anniversary of Corn Hill Navigation's founding. Ms. Schmitt stated that they lease 15 parking spaces from the RG&E, that they rent dumpster space from Newcomb Oil Co., and that the ARC recycles all cans, bottles and paper products from the *Sam Patch*. Skip Bailey indicated that there were no complaints about this usage last year.

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

Mayor Corby stated that previous problems with landscaping around the ticket booth and trash removal have been corrected and are no longer concerns.

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

**Motion:** A motion was made by Chairperson Mitchell, seconded by Member Rubiano, to approve a temporary zoning permit for Corn Hill Navigation for the 2011 boating season, as described in the application submitted, and with the following conditions:

- Coordination of signage with Ted Collins to direct customers to parking areas;
- Landscaping around the ticket pavilion will be improved and maintained by Corn Hill Navigation personnel and ARC throughout the boating season, including elimination of weeds and litter;
- Village trash receptacles will not be used for trash, food waste, recycle waste, or other debris generated by the *Sam Patch* boating operation;
- Customers will be informed by phone regarding designated parking areas for *Sam Patch* tours, to avoid conflicts with merchants in the area;
- Trash and recycling waste will be removed from the site daily and will not be left overnight on Village or Canal Corporation property;
- Chains may not be used to moor the *Sam Patch* to Village-owned wooden bollards unless they are covered in some manner to protect the bollards;
- Provide the Village a copy of a Certificate of Insurance, naming the Village of Pittsford as additional insured, prior to docking the vessel. The minimum amount of insurance is to be equal to or greater than the amount accepted by the Village in 2010.

**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 March 28, 2011.

\*\*\*\*\*

**Pittsford Pub, 60 North Main Street, Temporary Permit**

**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 March 17, 2011 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, March 28, 2011 at 7:00 pm, to consider an application made by Irene Searles for a temporary zoning permit to allow outdoor entertainment in the evening hours from April 15, 2011 through October 15, 2011, at the property known as The Pittsford Pub, located at 60 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford."*

**Discussion:** The applicant was not present at the meeting.

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

- ◆ Robert Corby, Washington Avenue, stated that in the previous season, there were a number of occurrences when the music was loud and disturbed the surrounding neighbors.

Chairperson Mitchell stated that the public hearing will remain open, and the application will be placed on the April 25<sup>th</sup> PZBA agenda.

\*\*\*\*\*

**Member Items:**

The building Inspector reported that:

- The owner of 21 Lincoln Avenue will be applying to the Zoning Board for a use variance.
- ESL will be conducting an independent traffic study to review traffic concerns in the area of the bank.
- St Louis Church currently has a number of noncompliance issues, including screening and lighting.

Board members reviewed the revised site plan for St. Louis Church.

**Motion:** Member Chamberlin made a motion, seconded by Chairperson Mitchell, to approve the 2/28/11 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 March 28, 2011.

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

---

Linda Habeeb, Recording Secretary

Village of Pittsford documents are controlled, maintained, and available for official use on the Village of Pittsford Website, located at <http://www.VillageofPittsford.org>. Printed versions of this document are considered uncontrolled. Copyright © (2010) Village of Pittsford.