

Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – April 25, 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.

ZONING BOARD

Pittsford Pub, 60 N. Main Street ~ Temporary Permit

Present: Brad Sluman, owner; Charles Searles

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

Discussion: This is a continuation of an open public hearing for a temporary permit to allow live, outdoor music on the front patio at the Pittsford Pub, from 7 pm to 10 pm on Wednesday through Saturday nights during the summer months. The applicant stated that the music will be background music that customers can enjoy while dining.

Board members questioned the applicant as to whether there were any problems with the music in the past. Mr. Sluman stated that there was one complaint regarding a performer whose music was very loud, and he corrected the problem. He further stated that he closely monitors the sound and will insure that it is confined to the property. Chairperson Mitchell noted that at the March meeting, a resident reported that in the previous season, there were a number of occurrences when the music was loud and disturbed the surrounding neighbors.

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

- Denise Sluman asked if the Pittsford Pub is allowed to advertise the music on their website.

Chairperson Mitchell stated that if this application is approved, they can advertise the music on the website.

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 temporary permit for live, background music on the patio at the Pittsford Pub, located at 60 North Main Street, on Wednesday-Saturday, from 7pm-10pm, from April 15, 2011 to October 15, 2011, subject to the following conditions:

1. The music will be contained to the site.
2. The music will conform to the Village noise ordinance.
3. The Village reserves the right to revoke the permit at any time upon finding that the conditions have not been met.
4. The applicant will provide a contact number of the proprietor for residents to call to express concerns regarding noise levels.

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 April 25, 2011.

St Louis Church, 21 Rand Place ~ Extension of Special Exception Use Permit, Site Plan; and Change of Lot Line

Present: Sally Schrecker, Operations Manager; Brendan Bystrack, LaBella Associates.

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

The Secretary read the legal notice that was published in the April 14, 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, April 25, 2011 at 7:00 pm, to consider an application made by St. Louis Church of Pittsford for extension of the special exception use permit for property located at 21 Rand Place, pursuant to Village Code § 210-11B(1)(A).”*

The Secretary read the legal notice that was published in the April 14, 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, April 25, 2011 at 7:00 pm, to consider an application made by St. Louis Church of Pittsford for property located at 21 Rand Place, for (1) Site plan approval, pursuant to Village Code § 210-83B, and (2) Change of lot line, pursuant to Village Code § 210-83B(3).”*

Discussion: The applicants stated that this is a second application before the Planning Board and Zoning Board of Appeals for site plan approval and extension of the existing special exception use for the 21 Rand Place parcel and the Church parcel. On June 10, 2010, the Church, in accordance with § 210-83(B) of the Village Code, submitted applications to the Planning Board and the Zoning Board. As part of the prior application, St. Louis Church submitted a letter of intent, which outlined St. Louis Church’s proposal based on feedback from the Board and the community. At the August 30, 2010 meeting, the Board denied the applications.

The applicants stated that in response to further feedback from the Village, they have reworked the proposal, and now propose the following:

1. Shifting the western property line of 21 Rand Place parcel east 16 to 19 feet and adding it to the church parcel.
2. Configuring the 21 Rand Place parcel to have an overall lot size of 14,214 square feet, making the parcel nearly 4,000 square feet above the minimum lot size of 10,500 square feet.
3. Reducing the width of the proposed concrete sidewalk from six feet to five feet.
4. Removing the portion of the brick wall beyond the front setback (30 feet) .
5. Decreasing the width of the access drive at the right-of-way from 30 feet to 24 feet.
6. Lighting of the sidewalk from Reddington Hall to Rand Place, the height, style, and lamp to be determined by APRB and Planning Board.
7. Angled parking along the westerly boundary line of the 21 Rand Place parcel.
8. Landscaping along the westerly and northerly boundary lines.

The applicants further stated that they are proposing a design that addresses the two safety concerns that currently exist at the entrance to St. Louis Church off of Rand Place:

1. Line of sight to public sidewalk: Currently, when vehicles exit the St. Louis driveway, drivers have a good line of sight to the left (north) and can see pedestrians on the public walkway. However, the line of sight to the right (south) side is entirely blocked by the cars parked in the two parking spaces that face the street and by the brick wall that extends up to the sidewalk.

Proposed solution: Relocation of the two parking spaces and removal of that portion of the brick wall beyond the front setback, which would bring all parking and fencing back to the 30-foot setback line of the house at 21 Rand Place, and that of other houses on the block.

2. Pedestrian walkway: Currently, pedestrians entering or leaving the St. Louis property walk in the driveway, commingled with vehicles that are entering or leaving. Such common use of the driveway by vehicles and pedestrians presents a hazard to the pedestrians.

Proposed solution: Construction of a pedestrian walkway that is separated from moving vehicles. Because there is not enough space for the driveway, the existing parking, the tree line, and the sidewalk on the present campus portion of the property, the construction of the pedestrian walkway will result in the loss of 5 parking spaces. To accommodate the loss of parking spaces along the boundary line between the 21 Rand Place parcel and the Church parcel as a result of the installation of the pedestrian walkway, the westerly boundary line of the 21 Rand Place parcel will be shifted east 16 to 19 feet and added to the Church parcel, which will require both site plan approval and modification of the special exception use permit. There will be no increase or decrease in the number of parking spaces with this application, as the five existing diagonal parking spaces located along the northerly boundary line will be relocated to the westerly boundary line.

The applicants stated that they are proposing installing a 6-foot, board-on-board fence on the proposed lot line, and adding a 2-foot section of the fencing to the top of the brick wall. They are also proposing a 19-foot drive aisle. Board members questioned the applicants as to the reason for proposing a 19-foot drive aisle. The applicants stated that the width of the drive aisle is required for emergency access, and it meets Village Code requirements. Chairperson Mitchell asked why the applicants are proposing a 10-foot area for snow storage. The applicants stated that a 10-foot area is necessary for the amount of snow that collects in the area.

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

Collete Yon, 27 Rand Place, stated that this proposal will change the property from residential to commercial property, with a purposeful disregard for the needs of the neighborhood. She stated that the property should stay as residential property.

Robert Seidel, 38 Rand Place, stated that the applicants are proposing to permanently change the residential property to accommodate parking. He stated that the safety issues can be addressed separately.

Samantha Brody, 29 Rand Place, submitted photographs of the area around the Church on Easter Sunday, and stated that there were no crossing guards, and a total disregard for safety issues.

Cindy Wallace, 3 Rand Place, stated that the proposed plan would create more problems with safety. She said that since the size of the congregation has been reduced, there is no need for more parking.

Mary Menzie stated that the proposal will encroach on the residential neighborhood with increased pavement. She also noted that it is unsafe for cars to back over the sidewalk area.

Hendrina Schindler, Rand Place, stated that the neighborhood should remain residential.

Alison Huffman, 5 Elmbrook Drive, stated that the street should remain residential, because it is important to maintain the Village atmosphere.

Frank Galusha, 24 Boughton Avenue, stated that he supports the proposal because changing the property line does not violate Village Code, the house maintains its residential character, and it improves the safety problem.

A letter from **John Parker, from Historic Pittsford,** stating his opposition to the proposal was read aloud and entered into the record.

Chairperson Mitchell stated that the Village attorney has determined that a coordinated review of the environmental issues raised by this project is required under the SEQR regulations. The application will remain open until the SEQR process has been completed.

Charles Fitzsimmons, 5 State Street – Site Plan

Present: Charles Fitzsimmons

SEQR: Chairperson Mitchell stated that this portion of the application for site plan only is a Type II SEQR Action under SEQR § 617.5(C)(15). The Board of Trustees conducted a coordinated review of the environmental issues raised by this project as required under the SEQR regulations.

Discussion: The applicant presented plans for a retail bakery to be located in the former Schoen Place Auto building at 5 State Street. The proposal is for a total of 30 seats, 20 on the inside and 10 outside, seasonally. He stated that the bakery will have four employees. There are 14 parking spaces available, including the employee parking. There is currently no handicap parking, and the applicant said that according to the deed, the handicap parking space is shared with Starbuck's. He further indicated that the bakery will conduct a limited amount of frying, using small fryers that will be vented to the exterior of the building. The hours of operation will be 6 am to 8 pm. He stated that they will request that deliveries be made by small trucks, but if larger trucks are required, they will only be used during off-hours. Trash pickup will be between 6-10 am.

Board members expressed concern with the narrow entryway and the lack of safe ingress and egress from the parking lot. Also, congested parking from Starbuck's creates a spillover situation that can block access or create unsafe conditions. Board members suggested possible locations for adding a handicap parking space and landscaping to the site plan.

Public Hearing Opened: Chairperson Mitchell opened the public hearing at this time. There was no one wishing to speak for or against this application.

Chairperson Mitchell stated that the public hearing will remain open, and the applicant will submit a revised site plan that addresses these concerns at next month's PZBA meeting.

Bank of America, 9 North Main Street ~ Site Plan for ADA improvements

Present: Sal Ciaramitaro, Jones Lang LaSalle

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

The Secretary read the legal notice that was published in the April 14, 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, April 25, 2011 at 7:00 pm, to consider an application made by Bank of America, owner of property located at 9 North Main Street, for Minor Site Plan approval for ADA improvements pursuant to Village Code § 210-83."*

Discussion: The applicant stated that Bank of America is proposing replacing the existing handicap ramp in order to comply with current ADA regulations. He stated that on the north, the width of the ramp will be 15 inches wider, on the west, it will be 1 foot closer to the

parking lot, and on Main Street, there will be no changes. They are also proposing re-grading the two handicap spaces. He stated that the plan is compliant with Village Code for parking. He submitted a site plan indicating the location of the ramp and the parking spaces.

Chairperson Mitchell stated that the Village attorney has determined that a coordinated review of the environmental issues raised by this project is required under the SEQR regulations. The application will remain open until the SEQR process has been completed.

Discussion Item: Resident Concern

Mr. Heagerty, of Elm Street, stated his concern with the number of special permits issued by the Village for the Pickle Factory on Grove Street. He said that there are a number of vehicles parked near his home during off hours.

Chairperson Mitchell explained that these allowed uses are subject to review by the Planning Board, and they will take into consideration his concerns when reviewing these applications. The Board can request that applicants use the parking lot instead of street parking as part of the approval. She also noted that if any problems occur, Mr. Heagerty should contact the Village office and the complaints will be investigated.

SEQR:

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 of amendments to the Village's Comprehensive Plan.

Building Inspector's Report:

- 75 Monroe Avenue ~ Mark IV has new revised drawings.
- 22 E. Jefferson Road ~ Has a variance for front yard parking.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the 3/28/11 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 April 25, 2011.

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 10:15 pm.

Linda Habeeb, Recording Secretary