

Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – September 26, 2011 at 7:00 PM

PRESENT:

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

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

PLANNING BOARD

John Caselli, 9 East Jefferson Road ~ Site Plan

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action pursuant to SEQR § 617.5(c).

The Secretary read the legal notice that was published in the September 15, 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, September 26, 2011 at 7:00 pm, to consider an application made by John Caselli, owner of property located at 9 East Jefferson Road, for site plan approval for the construction of a residential garage where the total floor area exceeds 400 square feet or the structure exceeds one story pursuant to Village Code § 210-83B(16). ”*

Discussion: This application proposes construction of a three-car garage in the rear of the property, located at 9 East Jefferson Road. Board members reviewed the submitted plans.

Public Hearing Opened: Chairperson Mitchell opened the public hearing and the following people spoke:

- Mr. & Mrs. Minor, 88 South Main Street, requested to review the site plan.

Chairperson Mitchell noted that there are very few three-car garages existing in the Village. She stated that since neither the applicant nor his representative attended this meeting to answer board members’ questions, the public hearing will remain open until the October 24th meeting.

ZONING BOARD

David Jewett, 44 N. Main Street ~ Temporary zoning permit

Present: David Jewett

The Secretary read the legal notice that was published in the September 15, 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, September, 26, 2011 at 7:00 pm to consider an application made by David Jewett for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths from November 20, 2011 to December 25, 2011, at property known as Pittsford Farms Dairy, owned by Charles Corby, and located at 44 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford."*

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.15(c)(15).

Discussion: This is an application for a temporary zoning permit for the outside sale of Christmas trees and wreaths at the property known as Pittsford Farms Dairy, located at 44 North Main Street. The applicant stated that he has been granted the permit for a number of years, and he agrees to abide by the same conditions as were agreed to in past approvals. He stated that the sale of trees will be only on private property, no closer than 120 feet from the property line, and a temporary sign will not be placed in the public right of way. Chairperson Mitchell reviewed the conditions from a previous approval.

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

One letter was sent to the Village Office in support of the application.

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, as submitted, for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths at the Pittsford Farms Dairy during the holiday season, with the following conditions:

1. The site shall be restored to its original appearance by January 1, 2012.
2. Preparation and sale shall be only on private property side yard no closer than 120 feet from all property lines.
3. Temporary signage shall not be placed in the public right of way.
4. No high-pressure sodium lighting shall be installed or maintained.

Vote: Chamberlin – yes; Mitchell – yes; Rubiano – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on September 26, 2011.

Paul Zachman, 8 Rand Place ~ Area variances

Present: Paul Zachman

The Secretary read the legal notice that was published in the September 15, 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, September, 26, 2011 at 7:00 pm to consider an application made by Paul Zachman, for property located at 8 Rand Place, for:*

1. *An area variance to extend a nonconforming structure on a nonconforming lot, said structure having front setbacks of 18.8 feet and 23.7 feet where 30 feet is required, and having a side setback of 7.1 feet where 10 feet is required; and said lot having an area of 7,800 square feet where 10,500 square feet is required, a width of 65 feet where 70 feet is required, and a depth of 120 feet where 150 feet is required, pursuant to Chapter 210-12: Dimensional requirements, of the Code of the Village of Pittsford, and*
2. *An area variance to reduce a front setback from 23.7 feet to 21.7 feet where 30 feet is required, pursuant to Chapter 210-12B 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)(9) & (12).

Discussion: This is an application for area variances for enclosure of an existing side porch situated below an existing second floor addition. A portion of the porch enclosure includes a 2-foot extension to the south. A rear porch addition is proposed in conjunction with the new rear entrance layout. Board members reviewed the submitted documents.

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 Wallace, to approve the application for area variances, as submitted.

Vote: Chamberlin – yes; Mitchell – yes; Rubiano – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on September 26, 2011.

Aaron Fleischer, 1 Grove Street ~ Special Permit

Present: Aaron Fleischer

Discussion: Chairperson Mitchell stated that the Board will review the application of Aaron Fleischer for a special permit to sell fruit juice drinks to his customers at Rochester Bikram Yoga, located at 1 Grove Street, and provide comments to the Board of Trustees.

The applicant is proposing installing a juice bar in order to provide drinks for his customers upon completion of yoga classes. The only equipment needed to provide the drinks is refrigeration, a sink, a blender, and berries. There will be no cooking odors, and no inspection is required. There is a recycle receptacle inside the studio for trash collection. The staff will monitor the outside area of the building to remove other trash from the premises. No odors, noise, or external impacts are anticipated. Board members had no concerns about this application.

James Aiello, 21 Lincoln Ave ~ Use Variance

The public hearing for 21 Lincoln Avenue will remain open and be continued at the October 24th meeting.

Member Items:

- ◆ Mayor Corby reviewed the status of the 75 Monroe Avenue project.
- ◆ Chairperson Mitchell noted that a space for rent on Main Street is advertised as a salon, and she questioned whether another type of business could occupy that space.
- ◆ Mr. Bailey reported that the space that was the former Pendleton Shop has been rented to a women's apparel shop.
- ◆ Board members discussed a proposed amendment to the Village Code.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the 8/22/11 meeting minutes, as drafted.

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

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 8:45 pm.

Linda Habeeb, Recording Secretary