

**Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – January 23, 2012 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 6:30 P.M.

Green Infrastructure for Stormwater Management – Kelly Emerick

The Village of Pittsford is a member of the Stormwater Coalition of Monroe County, a group that assists municipalities in complying with their NYSDEC MS4 Stormwater Permit. A task group of the Coalition has prepared a presentation to assist in meeting a requirement of the Permit, which states, “. . . educate municipal boards and Planning and Zoning Boards on low-impact development principles, better site design approach, and green infrastructure applications.”

ZONING BOARD

Rabbi Yitzi Hein, 21 Lincoln Avenue ~ Special Exception Use Permit

Present: Rabbi Hein

The Secretary read the legal notice that was published in the January 12, 2012 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, January 23, 2012 at 7:00 pm, to consider an application made by Rabbi Yitzi Hein, for a special exception use permit to operate a religious/educational facility at 21 Lincoln Avenue, pursuant to Village Code § 210-26A.”*

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR § 617.4(b)(9), an unlisted action within a historic district.

Discussion: Rabbi Hein stated that Chabad of Pittsford is requesting a special exception use permit in order to use this property as a residence for the Rabbi and his family in the second level, and to conduct religious/educational programs and classes in the lower level. Chabad of Pittsford is a contract vendee for 21 Lincoln Avenue and therefore, has standing to make this application. He stated that he is proposing conducting adult classes for 10-15 people once a week, and Youth Club classes, with 10-15 students monthly. He stated that the classes will be approximately 1 hour long. He is also proposing holding a monthly prayer service for 20-25 participants on Saturday mornings, a maximum of 8 public

meetings once a month, and special holiday services, with 25-50 attendees, approximately every 6 weeks.

Board members questioned the applicant as to whether he intended to utilize the barn that is located on the property. He stated that it is possible that the organization will use the barn in the future. Chairperson Mitchell informed the applicant that if he decides to utilize the barn in the future, he will be required to return to the PZBA with his proposal, and to seek APRB approval for any changes to the exterior of the building.

Public Hearing Opened: Chairperson Mitchell opened the public hearing at this time. The Secretary reported that the Village received one letter from a resident opposed to this proposal.

- ◆ **David Weir, 19 Lincoln Avenue**, stated that he is opposed to this proposal because (1) it will result in an increase in activity in the area, especially from youth, and (2) it will result in the property becoming tax-exempt or being removed from the taxable base of properties in the Village.
- ◆ **Matthew Lennarz, 27 Lincoln Avenue**, stated that if the proposed activities are limited in numbers of participants and frequency of events, he would support the proposal.
- ◆ **Dr. Gerald Rosen** stated that this use of the property would be beneficial for the neighborhood.
- ◆ **Robert Michaels, 71 State Street**, stated that the proposed use is compatible with the neighborhood.

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

Mr. Turner stated that since the Zoning Board is the only involved agency for the purpose of SEQR review, it was not necessary to mail the proposal to other agencies.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, declaring the Zoning 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 January 23, 2012.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, 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 January 23, 2012.

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the application for a special exception use permit for the property located at 21 Lincoln Avenue, with the following conditions:

1. The number of gatherings will be limited to 10 per month, with a maximum number of participants limited to 25 per event;
2. The activities will not be scheduled simultaneously;
3. There will be no more than 10 additional holiday events per year, with a maximum of 50 attendees;
4. The second floor of the house will be used as a residence for the operator of the program;
5. All activities will take place in the main residence;
6. The property will be required to meet all building and fire code regulations.

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 January 23, 2012.

**Hicks & McCarthy Restaurant, 23 South Main Street ~ Expansion of Special Permit
Present: David Watkins**

The Board reviewed the special use permit expansion request made by David Watkins for Hicks and McCarthy Restaurant, located at 23 South Main Street. The request is to extend business hours until 10 pm on Monday-Saturday, and until 9pm on Sundays. Mr. Watkins intends to add a television screen to one seating area of the restaurant, and has indicated that this will not be visible from the street. There will be no changes in the number of seats or any other condition of this business operation.

Chairperson Mitchell stated that she will draft a memorandum to the Board of Trustees stating that the PZBA has no concerns about extending the hours of operation for this business. Board members recommend that the special use permit state clearly the hours that the business closes to patrons in the evening.

**Linda Brisbane/Marty Martinez, 30 Locust Street ~ Addition
Present: Linda Brisbane/Marty Martinez**

Discussion: The applicants stated that they are seeking information associated with expanding the west/rear side of their house, located at 30 Locust Street. The proposed addition would be a one- or two-story addition that extends from the existing extension on the west side of the house to the back corner of the west side. The expansion will result in the addition being located approximately 36” off the side lot line. This proposal may require a variance from the State Building Code because of the close proximity to the lot line.

Member Chamberlin stated that she would be opposed to this proposal. Members Lanphear, Rubiano, and Wallace were not opposed, and Chairperson Mitchell stated that she would

not be opposed, since the addition would not extend farther to the west than the existing projection.

Member Items

Liaison Update:

Trustee Galli reported that:

1. The Village will be receiving funds for:
 - ✓ A pavilion on Schoen Place
 - ✓ A Village traffic study
2. The Department of Transportation has stated that it will not be able to provide funds for any major improvements.
3. The Village budget process has begun.

Building Inspector report:

Mr. Bailey reported that the new Bakery at 5 State Street will be adding a handicap parking spot, and that he will check on the seating and parking of the delivery van on this site.

Minutes:

Motion: Member Chamberlin made a motion, seconded by Member Rubiano, to approve the 11/15/11 DRC meeting minutes, as drafted.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the 11/28/11 meeting minutes, as drafted.

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

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 9:00 pm.

Linda Habeeb, Recording Secretary