

**Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – February 27, 2012 at 7:00 PM**

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin Meg Rubiano George Wallace Lili Lanphear
Planning Consultant:	John Steinmetz
Attorney:	Jeff Turner
Building Inspector:	Edward Bailey
Recording Secretary:	Linda Habeeb

Chairperson Mitchell called the meeting to order at 7:05 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 16, 2012 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 27, 2012 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 renewal of the 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 Saturday, from 10 am to 3 pm, from May through December 2012. 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.

Chairperson Mitchell questioned the applicant as to whether the increased traffic from customers picking up their orders had been an issue last year. He 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. Member Lanphear stated a concern that the landscaping in the area has been damaged by the applicant's business. The Building Inspector stated that there have been no problems or issues with this applicant's business.

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

Dan Clifford, Thirsty's, 8 State Street: asked the Board to explain the basis for allowing this temporary permit. He stated that this seasonal business is competing with local, tax-paying businesses in the Village.

Chairperson Mitchell explained that this use is a permitted use under the Village Code. She further stated that the Zoning Board imposes restrictions when issuing the permit, and the Village can revoke it if the conditions are not complied with. Mr. Clottin stated that the nature of the business is such that it can only operate during the summer months. He further noted that it is not a restaurant with seating, and has a different clientele than Village businesses. He submitted documentation signed by customers who would like the business to remain in the Village.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the application for a temporary zoning permit, as submitted, from May 1, 2012 to November 30, 2012, 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.
6. The applicant will work with the Building Inspector to resolve ground maintenance issues and restore the site prior to the start of business in the Spring.

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 27, 2012.

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 February 16, 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, on Monday, February 27, 2012 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 thousands of school students experience *Sam Patch* cruises each year. The program creates an economic and educational asset to the Village. 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.

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, to approve a temporary zoning permit for Corn Hill Navigation for the 2012 boating season, as described in the application submitted, and with the following conditions:

- Signage will be used 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 and through the website 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.
- The applicant will provide the Village a copy of a Certificate of Insurance, naming the Village of Pittsford as additional insured, prior to docking the vessel.

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 27, 2012.

Westport Crossing Development, 75 Monroe Avenue, Application for Special Permits for Multiple Dwelling Buildings and Restaurant

Present: Mark IV: Chris & Anthony DiMarzo, Frank Hagelberg, Attorney Donald Riley, Vice President Marketing & Development; Bryan Powers, Engineer

Discussion: Chairperson Mitchell stated that the Board will be discussing Pittsford Canalside Properties' response to the Planning Consultant's review of the response to the Board's request for additional information regarding the potential impacts of developing the land at 75 Monroe Avenue.

Cost of Community Services:

In response to Mr. Steinmetz's comment that "the applicant should provide the analysis used to reach the conclusion that the property tax revenues generated from the development will more than offset the cost of providing fire, ambulance, and police services to the additional population," Mr. DiMarzo stated that the Fire District has a special District Tax rate of .06597cents/&1000 of assessed value in 2012; therefore, Westport Crossing will provide its fair share of Fire District revenue. The board discussed use of the term "fair share" and methods of statistical analysis to justify the contention that property taxes would be sufficient to offset any additional costs of community service. Chairperson Mitchell also noted that there is a proposed restaurant for the site, which will also impact this analysis. The applicant stated that they submitted a letter from the Fire Department confirming their ability to serve this development. It was decided that the Board would review this item again after reading the letter from the Fire Department.

Infrastructure:

In response to Mr. Steinmetz's comment that the applicant should summarize the availability or demonstrate that there is sufficient capacity in the existing utility infrastructure to support the proposed development, Mr. DiMarzo stated that a discussion of the utilities available to service the proposed development can be found in the "Response to additional information requested by the Village for review of Special Use Permits for 75 Monroe Avenue, per letter dated August 14, 2009 and revised April 26, 2010." It was noted that the Engineer's report will further clarify these issues.

Access to Erie Canal:

Access to the canal will be addressed in site plan review.

Impact on Local Parking Resources:

A count of off-street and on-street parking spaces studied within the Village Four Corners was conducted at various times between 3:30 and 5:30 pm. The total number of off-street and on-street spaces studied within the Village Four Corners was determined to be 470 spaces. Of these, 134-165 spaces were available during the study times. Mark IV determined that in general, there is usually parking available within the various public-parking areas within the Village Four Corners. Board members questioned whether the hours studied represented "peak times," and suggested that the applicant document the basis for using this timeframe. Member Lanphear suggested that the peak time within the business district is 11:30 -1:30pm Monday through Friday.

Noise and Odor:

Mr. Steinmetz commented that, in his opinion, the applicant provided a thorough analysis of the potential noise impacts generated by the restaurant.

Visual Resources:

Board members will conduct a site visit of the area to assess the visual impact of the project.

Lighting:

The Planning Board will require detailed lighting design as part of site plan review.

Home Ownership Rates:

Member Wallace raised the issue as to whether the proposed development is in conflict with the Village's Comprehensive Plan, which recommends maintaining the existing balance of rental property and ownership in the Village. Mr. Hagelberg stated that the Comprehensive Plan consists of many components, including the R-5 Zoning ordinance, which specifically permits multiple residence projects. Mr. Turner stated that it is not this Board's charge to determine whether the R-5 Ordinance is in compliance with the Comprehensive Plan.

The applicant stated that there is a significant difference between the level of care often afforded by nonresident landlords of one- and two- family homes, and the level of care the owner of an apartment or townhouse project must provide in order to sustain viable levels of occupancy.

Chairperson Mitchell reviewed the criteria for issuance of a special permit:

(c) Standards for special permit application review. No special permit shall be granted unless and until the applicant has demonstrated to the satisfaction of the Village Board of Trustees that:

[1] Access to the site and the size of the site are adequate for the proposed use.

The Board determined that all the information regarding this issue has been supplied by the applicant, and that the issue has been adequately addressed.

[2] The proposed development will be compatible, in terms of scale, massing, orientation, and architectural design, with the visual character of the Village and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

Board members determined that the APRB has submitted written recommendations regarding this issue.

[3] The proposed use will not create a hazard to health, safety, or the general welfare.

The Board determined that the existing plan addresses some of these issues, and the other issues will be addressed during site plan review.

[4] Public access and amenities are provided along the canal shoreline abutting the project. The Planning Board may require inclusion of sidewalks, docks, promenades, benches, and landscaping to ensure that the waterfront is easily accessed by the public.

Board members determined that this issue will be addressed during site plan review.

[5] The proposed density does not exceed a maximum of 25 dwelling units per acre.

The applicant has submitted a report stating that the density of the project meets this criteria, and the Building Inspector will submit a report confirming this.

[6] The applicant has demonstrated that the traffic generated by the proposed use will not be detrimental to the surrounding area.

The traffic review conducted by SRF traffic consultants confirms that the increase in traffic generated by the project will not have a significant impact in the area.

[7] Proposed buildings shall be unique and varied in design with a residential scale and architectural articulation that relates to the Village of Pittsford's building traditions. This means:

[a] Varied roof heights, projecting bays, gables, recesses, and porches shall be used to visually divide larger buildings to produce a scale that is visually compatible with Village's distinctive aesthetic character.

[b] Uniform building designs are to be avoided, and individual buildings within groups of buildings will be designed to create unique and distinct identities.

The APRB has submitted written recommendations regarding these issues.

Chairperson Mitchell stated that the Board will conduct a site visit on March 6th, and this project will be on the March 26th PZBA agenda.

Liaison Update:

Trustee Galli reported that:

- ✓ The Village Budget process has begun.
- ✓ The Village Trustees met with Mark IV and reviewed revisions to the 75 Monroe Avenue development plan.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the 1/23/12 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 9:30 pm.

Linda Habeeb, Recording Secretary