

**Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – September 26, 2012 at 7:00 PM**

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin Meg Rubiano George Wallace Lili Lanphear
Alternate:	Jason Rosenberg
Attorney:	Jeff Turner (absent)
Recording Secretary:	Linda Habeeb

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

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 13, 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 Wednesday September 26, 2012 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, 2012 to December 25, 2012, 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 Wallace, 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, 2013.
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; Lanphear – yes; Rubiano – yes; Wallace - yes.

Motion carried. The decision was filed in the Office of the Village Clerk on September 26, 2012.

Peter Messner, 19 Monroe Avenue ~ Sign

Present: Peter Messner, business owner

SEQR: Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR § 617 .5(c) #9.

Discussion: Chairperson Mitchell stated that this is a continuation of a public hearing that was opened at the August 27th PZBA meeting. The Village Attorney determined that a coordinated review of the environmental issues raised by this project is required under the SEQR regulations.

Mr. Messner has a concern that there is a safety issue with cars entering the parking lot, and then making an abrupt turn to drive out, damaging parked autos and possibly injuring customers exiting the store. This becomes a greater problem in the winter when the snow storage area takes up several spaces at the rear west corner of the property. He also explained that his customers are unable to locate the parking lot for his business and that they often use the public parking lot behind the Burdette Building. He stated that he is proposing installing a freestanding sign on the west side of the entrance to direct customers to the parking lot and prevent unintended lot entries. Mr. Messner stated that he does not limit use of his lot except on special event days; otherwise, visitors to the Village are welcome to park in this lot. The dimensions of the proposed sign are 1'7" x 2'8".

Board members discussed concerns with setting the precedent of allowing a second business/directional sign for this business, and suggested various alternatives to the proposed sign. The Board also stated concerns with the proposed height, from the ground to the top of the installed sign. Board members will visit the site to determine if the proposed sign is an appropriate height.

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, that the Village of Pittsford Zoning Board declares itself the Lead Agency under the New York State Environmental Quality Review Act (SEQR), in connection with the application by Peter Messner, for an area variance for property located at 19 Monroe Avenue.

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 September 26, 2012.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, declaring that the project will not result in any large and important impacts and is one that 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 September 26, 2012.

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the application for installation of a 1'7" x 2'8" freestanding sign at the entrance of the business located at 19 Monroe Avenue, the height to be determined after a site visit.

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 September 26, 2012.

Findings of Fact

- Safety considerations support installation of the sign.
- The business is a retail business with parking in the rear, with little visible access from the street.
- The parking lot entrance is located adjacent to the public parking lot entrance. Drivers often confuse the two entrances or believe that they are connected in the rear of the Messner lot.
- There are no undesirable changes that will be produced in the character of the neighborhood by approving this variance.
- The variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- The benefit sought cannot be achieved by some other feasible method.
- The requested variance is not substantial.

Liaison Report:

- Trustee Galli reported on the status of the 75 Monroe Avenue project. He stated that there will be a public meeting Tuesday October 9th at 5:00 pm at the Village Hall.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the 8/20/12 meeting minutes, as written.

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

Motion carried.

Motion: Member Lanphear made a motion, seconded by Member Wallace, to approve the 8/27/12 meeting minutes, as written.

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

Motion carried.

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 8:30 pm.

Linda Habeeb, Recording Secretary