

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – May 22, 2006 at 7:00 P.M.

PRESENT:

Chairperson:	Remegia Mitchell (absent)
Members:	Sally Chamberlin Lili Lanphear Ted Weniger Tom Dannhauser
Attorney:	John Osborn
Record Secretary:	Linda Habeeb

Member Weniger called the meeting to order at 7:00 P.M.

Zoning Board

1. Michele Koplin, 46 E. Jefferson Road ~ Area variance for a deck
Present: Michele Koplin

The Secretary read the legal notice that was published in the May 10, 2006 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, May 22, 2006 at 7:00 P.M. to consider an application made by Michele B. Koplin, owner of property located at 46 East Jefferson Road, for the following variance : An area variance to construct a deck in the rear yard with a portion of the deck having a rear setback of 26 feet, where a rear setback of 30 feet is required in the R-2 District, pursuant to Chapter 210-12D of the Code of the Village of Pittsford: Dimensional requirements.”*

SEQR: Member Weniger stated that this is a Type II SEQR Action under SEQR § 617.5(C) #12 & 13.

Discussion: The applicant is requesting an area variance to construct a deck in the rear yard of the property located at 46 East Jefferson Road. The applicant submitted drawings and documentation indicating the dimensions and placement of the proposed deck. The rear boundary line of the property is diagonal, and approximately two-thirds of the deck will be within the approved limits.

Public Hearing Opened: Member Weniger opened the Public Hearing.

Public Hearing Closed: Member Weniger closed the Public Hearing, as there were no comments, letters, or phone calls regarding this application.

Motion: Member Chamberlin made a motion, seconded by Member Dannhauser, to approve the application for an area variance for a deck, as submitted.

Vote: Dannhauser – yes; Chamberlin – yes; Lanphear – yes; Weniger – yes.

Motion carried. The decision was filed in the Office of the Village Clerk on May 22, 2006.

2. Breathe Yoga, Cyndi Weis ~ Review of Special Exception Use

Discussion: At the May 23, 2005 Zoning Board meeting, the applicant was granted approval to modify a special exception use in order to move the first floor yoga studio to the second floor, thereby allowing more space for the retail store on the lower level. One of the conditions of the approval was that the Zoning Board would review the permit the following year. Member Weniger reviewed the conditions of the approval granted at the May, 2005 meeting:

1. The hours of operation shall be between 6 am and 9 pm.
2. The number of persons per class shall be limited to 25.
3. The Zoning Board will review this permit in one year.
4. Classes will be held in off-peak parking times.
5. Classes will have low levels of noise.
6. The business meets the guidelines of the Comprehensive Plan as it applies to the historic retail district by helping to create “a new balance of uses and services” in the Central Business District (Comprehensive Plan, page 49).
7. Classes are limited in size.

He stated that the issues to be discussed at this meeting were whether the conditions of the approval are being met, and whether any changes to the business have been made since the approval was granted. Board members questioned the applicant as to the hours of operation and the size of the average yoga class. Ms. Weis stated that the yoga classes range from very small, with approximately 6-8 participants, to larger classes with 20-25 participants. When questioned as to the number of employees working at any one time, the applicant stated that the maximum number of employees working at the same time is 5. She further stated that the business now provides additional services, such as skin care and massage. Member Lanphear pointed out that the layering of businesses has increased the intensity of use of the building in the last few years.

Public Hearing Opened: Member Weniger opened the Public Hearing, and the following people spoke:

Jim Cronin, Pendleton Shop, 1 South Main Street, stated that the parking situation is currently a hardship for retail business. He further stated that Breathe Yoga is a “round-the-clock” business, and that he has lost business due to the lack of available parking spaces.

Clare Fox, Echoes of Time, 17 South Main Street, stated that with the operation of multiple businesses within one building, she is concerned with the influx of vehicles resulting in congestion and lack of adequate parking. She also pointed out that there is a dangerous situation with speeding vehicles in the Burdett’s parking lot. And she stated that she also has lost business due to inadequate parking for customers.

Sue Triolo, Ewe Two, 15 South Main Street, stated that the situation is the worst it has been in her 22 years of owning a business in the Village. The parking lot is often full with no parking spaces for customers. She suggested that the applicant not hold yoga classes between the hours of 10 and 5. She further stated that on Saturdays, there are no office workers, which should result in there being approximately 180 more parking spaces than during the workweek.

Bob and Pat Bryant, Hicks and McCarthy's, 23 South Main Street, stated that they do not put the blame for the parking situation on Ms. Weis, but instead questioned why the Village Boards have not taken steps to correct the parking problem. Mr. Bryant further stated that he is frustrated with the Village's governing bodies not responding to the merchants' concerns. He stated that Hicks and McCarthy's restaurant has sent a letter to all their employees directing them to park on side streets or at remote parking areas, not on Main Street or in the parking lot, so that those parking spaces are left open for customers. Mrs. Bryant pointed out that when customers come to the restaurant for a meal, there is generally more than one person in a car, while most of the yoga instruction participants come with a single person in each car, using more of the parking spaces.

Clare Fox, Echoes of Time, 17 South Main Street, stated that one of the conditions of the Breathe Yoga approval was that she would operate the business mainly in "off-peak" hours, but that this has not been the case. She further stated that this one business has monopolized the parking lot.

In response to questions about the Village's perceived lack of response to parking concerns, Mr. Bailey, the Building Inspector, informed the merchants that the Zoning Board cannot make legislation regarding parking, that the Board of Trustees is the correct venue in which to address these concerns.

Ms. Weis stated that her customers have also complained that they cannot always find parking spaces, but that she considers it a positive situation, in that it indicates that the Village is a busy, vibrant place. She further stated that her yoga business brings customers into the Village, some of whom stay and patronize other Village businesses.

There was some discussion as to which hours constitute "peak" and "off-peak" hours. Varied opinions were expressed, but a consensus was not reached on this issue.

Member Weniger stated that the Board is leaving open the public hearing, pending gathering further information from Ms. Weis regarding the size of the classes and the additional employees providing services.

In discussion, there are 5 points that need to be reviewed in order to review this special use permit: (1) Enforcement of parking restrictions – the Village needs to monitor and put enforcement in place in the Burdett lot and on Main Street in order to alleviate the parking issue. (2) Employers and employees should be notified of alternative parking locations. (3) "Peak Parking Times" should be clarified in the Special Use Permit. (4) Attendance records will be requested from Breathe to support compliance of the Special Use Permit restrictions and also to review the parking options. (5) The Special Use Permit was for Yoga classes, a juice bar, and a retail operations. The addition of massage and skin care should be reviewed and decided if it materially changes the Permit.

Planning Board

Bob Bryant, 23 S. Main St. (Hicks & McCarthy) ~ Outside deck

Discussion: The applicant presented drawings of the proposed temporary deck and surrounding area. There was some discussion as to whether the Planning Board was to review the drawings using the criteria for site plan approval. It was decided that the Board was responding to a site

plan review request from the Board of Trustees. The applicants stated that the deck would allow for a maximum of twenty patrons to be served, four tables for two, and three tables for four. The deck will be surrounded by lattice and planters. The proposed use also addresses existing safety concerns, by delineating a consistent walk path to the rear lot by striping the pavement and installing speed bumps.

Motion: In response to the Board of Trustees' request for site plan review, Member Weniger made a motion, seconded by Member Chamberlin, to agree to the site plan to support the Special Exception Use, as submitted, with the following conditions:

- The deck will be a maximum of 11'x 20' with a maximum 7-inch rise above ground.
- There will be a 4-foot walk between the deck and the existing planter on the outside wall of Regalia Gift Shop.
- A 4-foot walk extending from the western end of the deck to the Hicks and McCarthy's ramp entrance adjacent to the drive will be striped as a pedestrian walkway.
- A minimum 11-foot driveway will be maintained throughout.
- The deck will be surrounded, as per planning diagrams, by lattice and planters.
- Temporary speed bumps will be installed by the Village with appropriate signage.
- Speed bumps and striping must be installed prior to the deck's dining use.
- The Building Inspector will confirm all dimensions and conditions prior to dining use.
- The special exception use will be seasonal and in effect through October 2006; the deck is to be removed by November 1, 2006.

Vote: Dannhauser – yes; Chamberlin – yes; Lanphear – yes; Weniger – yes.

Motion carried. The decision was filed in the Office of the Village Clerk on May 22, 2006.

Findings of Fact:

- The table count was submitted to, and agreed to by, the Board of Trustees.
- The Bryants have submitted confirmation that this use has been approved by the Burdetts.
- Pedestrian safety:
 - ✓ The plan shows improved pavement markers;
 - ✓ The Village will install temporary speed bumps supplied by the Village;
 - ✓ The Village will be responsible for the installation of signage;
 - ✓ There is an existing one-way sign at the driveway, and possibly an additional lighting device along with the sign may be installed by the village;
- As with other outside-service restaurants, the applicants are required, and the Bryants have agreed, to remove an equal number of seats from inside the restaurant, so that they do not expand their special use permit.
- Lack of enforcement at other restaurants is a Board of Trustee issue.
- Hicks and McCarthy's delivery trucks are small paneled and will make deliveries early in the day and park at another location.
- The Bryants sent a letter to their employees requiring them to park on the side streets or at remote parking areas, not in Burdett's parking lot or on Main Street.

Member Items:

Member Lanphear reported that she attended a Planning and Zoning conference and that one of the topics discussed was developing more effective ways to deal with applicants.

PZBA Meeting

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The Board also discussed the process of issuing special use permits. Mr. Bailey reviewed the notification and publishing requirements that are followed by the Village Office staff.

Building Inspector's report:

Mr. Bailey reported that:

- Mark IV has made a preliminary proposal for residential construction for the Monoco Oil property.
- Sutherland Auto was cited for having an excessive number of display cars on the property.

Minutes:

Motion: Member Weniger made a motion, seconded by Member Chamberlin, to approve the April 24, 2006 minutes, as drafted.

Vote: Dannhauser – yes; Chamberlin – yes; Lanphear - yes; Weniger - yes.

Motion carried.

Adjournment: There being no further business, Member Weniger adjourned the meeting at 10:15 PM.

Linda Habeeb, Recording Secretary