

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting May 21, 2018 at 7:00 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Renee Stetzer
Susan Lhota
Heather Erwin

Recording Sec: Linda Habeeb
PZBA Attorney: Mindy L. Zoghlin, Esq.

Motion: Chairperson Vlietstra made a motion, seconded by Member Stetzer, to call the meeting to order at 7:00 pm.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Erwin – yes; Stetzer - yes. *Motion carried.*

Conflict of interest disclosure: Member Vlietstra asked if any of the board members had a conflict of interest with any of the applications before the board. Board members stated that they had no conflicts of interest to disclose.

Pittsford Community Baseball, 42 Sutherland Street ~ Temporary Zoning Permit

The legal notice was published in the Brighton-Pittsford Post on May 10, 2018: *“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 21, 2018 at 7:00 pm, to consider an application made by the Pittsford Community Baseball, Pittsford Panthers, for a temporary zoning permit to allow a fundraiser event at Pittsford Sutherland High School parking lot, on June 24, 2018, from 11 am to 5 pm, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

Discussion: The applicant explained that the proposal is for a temporary permit for a one-day event to raise funds for Pittsford Community Baseball. The event will be held on June 24, 2018 from noon to 5 pm on the canal side of the Sutherland High School parking lot. The event includes the sale of food prepared by a licensed catering company. There will be no open cooking and no tents on the premises. The event will be “carry-in” “carry-out,” and there will be a receptacle for disposal of trash. There will be small signs erected at the corners of Sutherland Street/Jefferson Road and Sutherland Street/Monroe Avenue beginning Friday, June 22nd and ending at 7:00 pm on Sunday June 24th. The event is similar in impact to normal activities occurring at Sutherland High School. The Event has been held many times before at a different location without incident or significant complaints. The event will have minimal impact on the surrounding neighborhood.

Public health and safety were discussed. Electric cords must be secured if used so they do not present a tripping hazard. Tents must be weighted down if any are erected so that they are not blown away by the wind. A fire extinguisher is needed if any cooking is performed at the event. Detailed safety requirements are in the conditions of approval. The applicant stated that they have received a permit from the Monroe County Health Department for their event.

Motion: Member Vlietstra made a motion, seconded by member Lhota, to approve the application for temporary permit for a fundraiser for Pittsford Community Baseball on June 24, 2018, subject to the following conditions:

1. The Event may be operated on June 24, 2018 between the hours of Noon and 5PM plus reasonable setup and take down time. The Building Inspector shall determine reasonable setup and take down time and may authorize, in writing, changes to the location or permitted hours of operation.
2. Signs may be erected at Sutherland High School, on the corners of Sutherland St & Jefferson Rd., and the corner Sutherland St. & Monroe Ave. starting on June 22, 2018 and removed June 24 by 7PM provided permission of the landowners is obtained. The Building Inspector is authorized to approve additional signage locations as requested by the applicant provided it is not in a Village right-of-way or otherwise impairs health, safety, or general welfare.
3. All trash and signage shall be removed by 7PM on the day of the event. Appropriate trash receptacles shall be provided.
4. The Fire Marshal shall be given advance notice of all food service and food trucks that will operate at the Event. All food trucks must have a Rochester Fire Department inspection.
5. Village Code Enforcement Officials shall be allowed to conduct all necessary code inspections prior to, and during, the Event as necessary.
6. The fire lane, sidewalks, and drive aisles shall be kept clear at all times.
7. Tents shall be secured at all times with weights or other appropriate mechanisms. Tents are to be erected no earlier than 6am on the day of the Event. All tents shall be removed at the conclusion of the Event. All tents and/or temporary structures shall comply with all applicable codes and shall be inspected by the Fire Marshal.
8. Electric cords shall be routed and secured to prevent tripping hazards. Electric cords and wiring shall not be placed directly on the ground unless they are properly protected from physical damage and shall be placed so as not to cause a tripping hazard. Electric cords shall be elevated or protected in such a way to prevent contact with water. All electric cords shall be attached to a ground fault protected receptacle.
9. Cooking apparatus and fuel tanks shall be at least 10ft from any tent. If a cooking apparatus is used on-site there shall be a minimum 20 BC rated fire extinguisher and all required permits and inspections from Monroe County Health, Fire Marshal, and other applicable local or state agencies shall be maintained.
10. The applicant will inform the Village if they receive any complaints or requests regarding the Event.
11. The applicant shall obtain permission from Sutherland High School to hold this Event and shall comply with any conditions and requirements imposed by Sutherland High School.
12. The Board reserves the right to revoke the temporary zoning permit if operation of the business creates traffic hazards or unsafe conditions for pedestrians, or if there are health, safety, or welfare concerns that are communicated to the applicant and not resolved. If there is an emergency condition, the ZBA may revoke the permit and provide the applicant with a post-revocation hearing. If there is a non-emergency condition, the ZBA shall provide the applicant with notice and an

opportunity to be heard on the revocation. The ZBA shall have sole discretion to determine whether a condition constitutes an emergency.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Erwin – yes; Stetzer - yes. *Motion carried.* This decision was filed in the office of the Village Clerk on May 21, 2018.

**VILLAGE OF PITTSFORD
ZONING BOARD OF APPEALS**

RESOLUTION 2018-7 – Decision on Temporary Zoning Permit

Project: Pittsford Panthers Temporary Zoning Permit

Date: 05-21-2018

Applicant Name: Pittsford Community Baseball – Pittsford Panthers

Address: 35 Wrenfield Lane
Pittsford, NY 14534

Action: Little league fundraiser at Sutherland High School, 55 Sutherland St, that involves sale of food by a licensed caterer and will be held on June 24, 2018 from Noon - 5PM

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on May 21, 2018, at 7PM at Village Hall, 21 N. Main St, Pittsford, NY 14534, the following resolution was offered by Board Member Vlietstra, who moved its adoption, and seconded by Board Member Lhota;

WHEREAS, the Zoning Board of Appeals of the Village of Pittsford has received an application for a temporary zoning permit pursuant to §210-109 of the Zoning Law of the Village of Pittsford to permit operation of a little league fundraiser on June 24, 2018 at Sutherland High School, 55 Sutherland St, that includes the sale of food prepared by a licensed catering establishment (the “Event”) and;

WHEREAS, the Board has received and reviewed an application, held a public hearing, and received comments thereat; and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):

The proposed action is a minor temporary use of land having negligible or no permanent impact on the environment, and therefore is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(15).

2. Monroe County Planning Review:

This application involves a seasonal temporary permit and is therefore exempt from GML 239-m review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994.

3. Waterfront Consistency Review:

The proposed action is a Type II action under SEQR and is not subject to a waterfront consistency review.

WHEREAS, after review, the Board has weighed the effects of the requested permit on the health, safety, and welfare of the neighborhood and community and made the following findings:

1. The Event will be held at Sutherland High School which is in the R-1 residential district.
2. The Event will produce less traffic than regular school day activities that normally occur at the School.
3. The Event is similar in impact to normal activities occurring at Sutherland High School.
4. The Event will not introduce substantial adverse impacts on the surrounding neighborhood, taking into account the temporary nature of the use.
5. The Event will not tend to depreciate the value of adjacent property, taking into account the temporary nature of the use.
6. The Event will not create a hazard to health, safety, or general welfare.
7. The Event will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
8. The Event has been held many times before at a different location, Pittsford Dairy, without incident or significant complaints.

NOW THEREFORE IT IS RESOLVED by the Zoning Board of Appeals of the Village of Pittsford that this **Temporary Zoning Permit** is hereby **granted** for the reasons stated above, subject to the following conditions:

1. The Event may be operated on June 24, 2018 between the hours of Noon and 5PM plus reasonable setup and take down time. The Building Inspector shall determine reasonable setup and take down time and may authorize, in writing, changes to the location or permitted hours of operation.
2. Signs may be erected at Sutherland High School, on the corners of Sutherland St & Jefferson Rd., and the corner Sutherland St. & Monroe Ave. starting on June 22, 2018 and removed June 24 by 7PM provided permission of the landowners is obtained. The Building Inspector is authorized to approve additional signage locations as requested by the applicant provided it is not in a Village right-of-way or otherwise impairs health, safety, or general welfare.
3. All trash and signage shall be removed by 7PM on the day of the event. Appropriate trash receptacles shall be provided.
4. The Fire Marshal shall be given advance notice of all food service and food trucks that will operate at the Event. All food trucks must have a Rochester Fire Department inspection.
5. Village Code Enforcement Officials shall be allowed to conduct all necessary code inspections prior to, and during, the Event as necessary.
6. The fire lane, sidewalks, and drive aisles shall be kept clear at all times.
7. Tents shall be secured at all times with weights or other appropriate mechanisms. Tents are to be erected no earlier than 6am on the day of the Event. All tents shall be removed at the conclusion of the Event. All tents and/or temporary structures shall comply with all applicable codes and shall be inspected by the Fire Marshal.

8. Electric cords shall be routed and secured to prevent tripping hazards. Electric cords and wiring shall not be placed directly on the ground unless they are properly protected from physical damage and shall be placed so as not to cause a tripping hazard. Electric cords shall be elevated or protected in such a way to prevent contact with water. All electric cords shall be attached to a ground fault protected receptacle.
9. Cooking apparatus and fuel tanks shall be at least 10ft from any tent. If a cooking apparatus is used on-site there shall be a minimum 20 BC rated fire extinguisher and all required permits and inspections from Monroe County Health, Fire Marshal, and other applicable local or state agencies shall be maintained.
10. The applicant will inform the Village if they receive any complaints or requests regarding the Event.
11. The applicant shall obtain permission from Sutherland High School to hold this Event and shall comply with any conditions and requirements imposed by Sutherland High School.
12. The Board reserves the right to revoke the temporary zoning permit if operation of the business creates traffic hazards or unsafe conditions for pedestrians, or if there are health, safety or welfare concerns that are communicated to the applicant and not resolved. If there is an emergency condition, the ZBA may revoke the permit and provide the applicant with a post-revocation hearing. If there is a non-emergency condition, the ZBA shall provide the applicant with notice and an opportunity to be heard on the revocation. The ZBA shall have sole discretion to determine whether a condition constitutes an emergency.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra - yes
 Susan Lhota - yes
 Renee Stetzer - yes
 Heather Erwin - yes
 JoAnne Shannon - yes

Dated: May 21, 2018

By order of the Zoning Board of Appeals of the Village of Pittsford

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**Impact Earth, 50 State Street ~ Temporary Zoning Permit**

**Present:** Robert Putney, Impact Earth, Inc.

**The legal notice was published in the May 10, 2018 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 21, 2018 at 7:00 pm, to consider an application made by Impact Earth, Inc., for a temporary zoning permit to allow the seasonal operation of a Farmer's Market at 50 State Street on Saturday mornings, between June and October, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.*

**Discussion:** The applicant is requesting a temporary zoning permit to allow the seasonal operation of a farmers market at 50 State Street on Saturdays from June 1, 2018 to October 31, 2018, between the hours of 10am and 2pm plus reasonable setup and take-down time. Mr. Putney stated that this is the same proposal that was approved last

year, except that the number of vendors has increased by four, for a total of 30 tents. Each vendor is allowed two 10 x 10 tents this year. He also stated that they no longer will be using eight parking spaces that were approved last year. He explained that approximately 50 percent of the patrons walk to the market. He stated that there will be one food truck, which will be located either in front of Northfield Music or at Pittsford Lumber. Building Inspector, Kelly Cline, stated that there is a turning radius required for emergency vehicles in front of Pittsford Lumber. Mr. Putney explained that they will be using only the parking area, and not the drive aisle. Ms. Cline stated that a problem that occurred last year was that cars were parking between the buildings; the applicant needs to post “no parking” signs so that no one can park along those areas.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to open the public hearing at this time.

**Vote:** Shannon – yes; Vlietstra – yes; Lhota – yes; Erwin – yes; Stetzer - yes. *Motion carried.*

**John Limbeck**, 62 State Street, stated that the farmers market is located directly behind his house. He stated that last year, cars were blocking the aisles, and an emergency vehicle would not have been able to access the area in an emergency. He further stated that the noise from the market and the music is excessive, and debris is deposited into his yard. He stated that the market is having a negative impact on his property. He questioned the safety of the food trucks and electrical dangers, and Ms. Cline explained that the food trucks and electrical cords are inspected and regulated appropriately. Member Vlietstra pointed out that these issues are included in the resolution as conditions of approval. Another comment made by Mr. Limbeck is that the food truck is in direct competition with restaurants in the area. He suggested that the market be moved to another location.

**Art Pires**, State Street, commented that the music should be located at the farthest point from residents, with the speakers facing west. He also suggested that the location of tents, trucks, refuse containers and parking, noting limit of parking to just west of NFC maintenance building, designated with barrier such as pedestals, rope line and “No parking beyond this point” sign. He also questioned whether parking is permitted in the RGE right of way.

Ms. Cline stated that as to the parking concerns, it is a matter of having appropriate supervision indicating to patrons where parking is allowed, and preventing parking in inappropriate areas. Board members suggested that signs or barricades be installed in the areas where patrons should not be parking. Mr. Putney stated that he will provide supervision to limit parking in the appropriate areas. Ms. Cline also stated that last year, there was excessive signage advertising the market, and the Town has worked with the applicant to determine appropriate signage for the market this year.

Mr. Pires asked what recourse the Village has if there is not proper control by the farmers market. Member Vlietstra explained that as a condition of the approval, the Board can revoke the permit, if there are complaints that are unresolved. The Building Inspector is the person that will handle complaints. He also stated that the market is held for only four hours each week, and while there are some problems associated with it, there are also benefits to having the market in the Village; for example, it brings people into the Village and provides greater visibility for the existing Village businesses. He further stated that the Mayor of Fairport has said that even business at their local grocery store increases when the farmers market is there. The Village is urban and people cannot expect to always be able to park directly in front of a store they are visiting. There are plenty of parking spaces within a short walk of the market. Pittsford Lumber is a concern as they are a business that requires nearby parking; appropriate signage should be installed to reserve some parking spaces for them next to their building.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to close the public hearing at this time.

**Vote:** Shannon – yes; Vlietstra – yes; Lhota – yes; Erwin – yes; Stetzer - yes. *Motion carried.*

Mr. Putney stated that he appreciates hearing the comments, and he expressed that the concerns raised are all correctable issues. Board members discussed holding a special meeting to work out these issues, but decided that the Building Inspector will follow through to assure that all problems are appropriately addressed. As a condition of approval, a site layout plan shall be submitted to the Village by June 1 and approved by the building inspector. This plan shall show the reserved parking spots, music location, food truck location, location of parking directional signage.

**Motion:** Member Vlietstra made a motion, seconded by member Stetzer, to approve the application for a temporary zoning permit to allow the seasonal operation of a farmers market at 50 State St. subject to the following conditions:

1. The farmers market may be operated on Saturdays from June 1, 2018 to October 31, 2018, between the hours of 10am and 2pm plus reasonable setup and take-down time. The Building Inspector shall determine reasonable setup and take-down time and may authorize, in writing, changes to the location or permitted hours of operation.
2. All trash and signage shall be removed by 3PM each Saturday. Appropriate trash receptacles shall be provided.
3. The Village Building Inspector and Fire Marshal shall be notified at least 1 week prior to operation at any special event that is expected to draw significantly higher attendance.
4. The ZBA reserves the right to revoke the temporary zoning permit if operation of the business creates traffic hazards or unsafe conditions for pedestrians, or if there are health, safety, or welfare concerns that are communicated to the applicant and not resolved. If there is an emergency condition, the ZBA may revoke the permit and provide the applicant with a post-revocation hearing. If there is a non-emergency condition, the ZBA shall provide the applicant with notice and an opportunity to be heard on the revocation. The ZBA shall have sole discretion to determine whether a condition constitutes an emergency.
5. The Fire Marshal shall inspect the farmers market and shall inspect any food trucks. The Fire Marshal shall be given advance notice of all food service and food trucks that will operate at the Event. All food trucks must have a Rochester Fire Department inspection.
6. Village Code Enforcement Officials shall be allowed to conduct all necessary code inspections prior to, and during, the Event as necessary.
7. The fire lane, sidewalks, and drive aisles shall be kept clear at all times. Particular attention needs to be made at setup and take-down to keep the fire lane open and maintain a drive aisle.
8. Tents shall be secured at all times with weights or other appropriate mechanisms. Tents are to be erected no earlier than 8:30AM on Saturdays. All tents shall be removed at the conclusion of the Event, no later than 2PM. All tents and/or temporary structures shall comply with all applicable codes and shall be inspected by the Fire Marshal.
9. Electric cords shall be routed and secured to prevent tripping hazards. Electric cords and wiring shall not be placed directly on the ground unless they are properly protected from physical damage and shall be placed so as not to cause a tripping hazard. Electric cords shall be elevated or protected in such a way to prevent contact with water. All electric cords shall be attached to a ground fault protected receptacle.

10. Cooking apparatus and fuel tanks shall be at least 10ft from any tent. If a cooking apparatus is used on-site there shall be a minimum 20 BC rated fire extinguisher and all required permits and inspections from Monroe County Health, Fire Marshal, and other applicable local or state agencies shall be maintained.
11. The applicant will inform the Village if they receive any complaints or requests regarding the Event.
12. The Applicant shall maintain a liability insurance policy of at least \$1,000,000 naming the Village of Pittsford as certificate holders. Additionally, the applicant shall provide the Village with copies of Certificates of Insurance for all vendors as follows: all food or beverage vendors shall provide a certificate indicating a minimum of \$1,000,000. All non-food/craft vendors shall provide a certificate indicating a minimum of \$300,000 coverage.
13. The applicant shall comply with the Town of Pittsford General Rules for Special Events, which is attached to this document.
- 14. A site layout plan shall be submitted to the Village by June 1 and approved by the building inspector. This plan shall show the reserved parking spots, music location, food truck location, location of parking directional signage.**
15. Adequate supervision of the event shall be provided.

**Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Erwin – yes; Stetzer - yes. *Motion carried.* This decision was filed in the office of the Village Clerk on May 21, 2018.**

**Village of Pittsford  
Zoning Board of Appeals**

**RESOLUTION 2018-8: Decision on Temporary Zoning Permit**

|                        |                                                                  |                                |
|------------------------|------------------------------------------------------------------|--------------------------------|
| <b>Project:</b>        | <u>Farmers Market Temporary Zoning Permit</u>                    | <b><u>Date: 05-21-2018</u></b> |
| <b>Applicant Name:</b> | <u>Robert Putney, Impact Earth</u>                               |                                |
| <b>Address:</b>        | <u>55 Dartford Rd</u><br><u>Rochester, NY 14618</u>              |                                |
| <b>Action:</b>         | <u>Seasonal operation of a farmers market at 50 State Street</u> |                                |

The following resolution was offered by Board Member Vlietstra, who moved its adoption, and seconded by Board Member Stetzer, to wit:

**WHEREAS**, the Village of Pittsford Zoning Board of Appeals (the “Board”) received an application from Robert Putney of Impact Earth, Inc. for a temporary zoning permit to allow the seasonal operation of a Farmers Market (the “Proposed Use” or “Event”) at 50 State St. pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford, and

**WHEREAS**, in connection with such application, the Zoning Board of Appeals has received and reviewed an application, Letter of Intent, Site Plan Drawing, Certificate of Liability Insurance, held a public hearing and received comments, and

**WHEREAS**, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):

The proposed action is a minor temporary use of land having negligible or no permanent impact on the environment, and therefore is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(15).

2. Monroe County Planning Review:

This application involves a seasonal temporary permit and is therefore exempt from GML 239-m review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994.

3. Waterfront Consistency Review:

The proposed action is within the Village's waterfront area but is a Type II action under SEQR and is not subject to a waterfront consistency review.

**WHEREAS**, after review, the Zoning Board of Appeals has weighed the effects of the requested temporary zoning permit on the health, safety and welfare of the neighborhood and community, and made the following findings:

1. The Proposed Use is in the B-4 business district and the building inspector determined that farmers markets are not a permitted use.
2. B-4 Zoning does permit the following similar uses:
  - a. "Agriculture or agricultural-related uses such as tours, petting zoos, gardens, etc., agricultural entertainment."
  - b. "Farm markets, produce stands, greenhouses, and processing of agricultural products."
  - c. "Supermarkets (groceries, meats and baked goods)."
  - d. "Restaurants and carry-out restaurant as permitted in § 210-74."
3. Special Events and Festivals have historically been held in the B-4 Business District.
4. The Proposed Use is similar to other permitted uses and fits with the general purpose and intent of the Zoning Code for the B-4 district.
5. The Proposed Use is in a private parking lot at 50 State St which is a commercial shopping plaza.
6. The proposed use will not introduce substantial adverse impacts on the surrounding neighborhood, taking into account the temporary nature of the use.
7. The Proposed Use will not tend to depreciate the value of adjacent property, taking into account the temporary nature of the use.
8. The Proposed Use will not create a hazard to health, safety, or general welfare.
9. The Proposed Use will not be detrimental to the flow of traffic in the vicinity. The site is a private parking lot and will not block traffic on adjacent public roads.
10. Some parking spaces will be temporarily used that are normally allocated to other businesses at the site. However the Farmers' Market will attract foot traffic from nearby pedestrians along the Erie Canal and other parking is available nearby and accessible via sidewalks.
11. The Proposed Use will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

**NOW THEREFORE, IT IS RESOLVED** that the application of Robert Putney of Impact Earth, Inc. for a temporary zoning permit to allow the seasonal operation of a Farmers Market at 50 State St. pursuant to

Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford is hereby granted for the reasons stated above, subject to the following conditions:

1. The farmers market may be operated on Saturdays from June 1, 2018 to October 31, 2018, between the hours of 10am and 2pm plus reasonable setup and take down time. The Building Inspector shall determine reasonable setup and take down time and may authorize, in writing, changes to the location or permitted hours of operation.
2. All trash and signage shall be removed by 3PM each Saturday. Appropriate trash receptacles shall be provided.
3. The Village Building Inspector and Fire Marshal shall be notified at least 1 week prior to operation at any special event that is expected to draw significantly higher attendance.
4. The ZBA reserves the right to revoke the temporary zoning permit if operation of the business creates traffic hazards or unsafe conditions for pedestrians, or if there are health, safety or welfare concerns that are communicated to the applicant and not resolved. If there is an emergency condition, the ZBA may revoke the permit and provide the applicant with a post-revocation hearing. If there is a non-emergency condition, the ZBA shall provide the applicant with notice and an opportunity to be heard on the revocation. The ZBA shall have sole discretion to determine whether a condition constitutes an emergency.
5. The Fire Marshal shall inspect the Farmers Market and shall inspect any food trucks. The Fire Marshal shall be given advance notice of all food service and food trucks that will operate at the Event. All food trucks must have a Rochester Fire Department inspection.
6. Village Code Enforcement Officials shall be allowed to conduct all necessary code inspections prior to, and during, the Event as necessary.
7. The fire lane, sidewalks, and drive aisles shall be kept clear at all times. Particular attention needs to be made at setup and takedown to keep the fire lane open and maintain a drive aisle.
8. Tents shall be secured at all times with weights or other appropriate mechanisms. Tents are to be erected no earlier than 8:30AM on Saturdays. All tents shall be removed at the conclusion of the Event, no later than 2PM. All tents and/or temporary structures shall comply with all applicable codes and shall be inspected by the Fire Marshal.
9. Electric cords shall be routed and secured to prevent tripping hazards. Electric cords and wiring shall not be placed directly on the ground unless they are properly protected from physical damage and shall be placed so as not to cause a tripping hazard. Electric cords shall be elevated or protected in such a way to prevent contact with water. All electric cords shall be attached to a ground fault protected receptacle.
10. Cooking apparatus and fuel tanks shall be at least 10ft from any tent. If a cooking apparatus is used on-site there shall be a minimum 20 BC rated fire extinguisher and all required permits and inspections from Monroe County Health, Fire Marshal, and other applicable local or state agencies shall be maintained.
11. The applicant will inform the Village if they receive any complaints or requests regarding the Event.
12. The Applicant shall maintain a liability insurance policy of at least \$1,000,000 naming the Village of Pittsford as certificate holders. Additionally, the applicant shall provide the Village with copies of Certificates of Insurance for all vendors as follows: all food or beverage vendors shall provide a

certificate indicating a minimum of \$1,000,000. All non-food/craft vendors shall provide a certificate indicating a minimum of \$300,000 coverage.

13. The applicant shall comply with the Town of Pittsford General Rules for Special Events, which is attached to this document.

**14. A site layout plan shall be submitted to the Village by June 1 and approved by the building inspector. This plan shall show the reserved parking spots, music location, food truck location, location of parking directional signage.**

15. Adequate supervision of the event shall be provided.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra - yes  
Susan Lhota - yes  
Renee Stetzer - yes  
Heather Erwin - yes  
JoAnne Shannon - yes

Dated: May 21, 2018  
Pittsford, New York

By order of the Village of Pittsford Zoning Board of Appeals

Justin Vlietstra, Chair

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9 North Main Street, Bank of America ~ Sign Variance

Present: Peter Sorgi, Bank of America

Discussion: Member Vlietstra stated that this is a request for a freestanding monument sign in the front of the property located at 9 North Main Street, which the Village of Pittsford Zoning Code does not allow. The applicant has received approval for replacement of 6 existing identification signs. Mr. Sorgi stated that he reviewed other signage in the area, and reported that Chase Bank has 19 signs, including 2 ground signs that are in the vicinity of the Village, Canandaigua National Bank has 13 signs, and Bank of America has 17 signs. He stated that the board had requested that the applicant revise, simplify, and reduce the size of the proposed ground sign. He further explained that the APRB requested that the applicant review other signs in the area and consider proposing a framed sign.

Member Vlietstra stated that the quantity of small informational signs is not before the Board; he is concerned about the quantity of large signs that say "Bank of America". Canandaigua Bank has one building mounted sign on the front and signs near each door. Chase Bank has more signs: two building mounted signs (one facing each street), signs near each door, and two freestanding monument signs that predate our sign code. None of these banks have signage on their ATM canopy. Bank of America has proposed signs near each door, two signs on the front of the building, two signs on the ATM canopy and the freestanding monument sign. When reviewing the variance for the two signs on the front of the building the Board placed a condition that no window signs be installed so one type of sign was exchanged for another type of sign and the total quantity is still consistent with code. When reviewing signage over the ATM canopy the board found the situation to be quite different from the other banks because it is detached and located in the back of the parking lot. If it were considered a building then the signs would be permitted. Since the ATM canopy is an accessory structure the signage was not permitted but the Board found reasonable arguments to support granting the variance. For the freestanding monument sign in

the current application it presents a different situation, we are not just exchanging one type of sign for another or giving flexibility on definitions; in this situation the sign is just not permitted by Village code.

Member Vlietstra stated that the Board previously denied a prior variance application for this property for a freestanding monument sign on April 4, 2016. The Board also had extensive discussions on September 18, 2017 on signage regarding the unique situations existing on this property and difficulties locating signs. Circumstances have changed since the prior application was considered in 2016 but the prior findings should be considered when reviewing the current application. The findings of the April 4, 2016 denial were read aloud.

Board members pointed out that other options have been pursued since the Board reviewed the prior application in 2016. Trees have been trimmed, which resulted in no improvement in visibility. Alternative locations for signs were explored and discussed by the Board in September of 2017. The applicant has demonstrated to the satisfaction of the Board that these alternatives are not viable to achieve the appropriate visibility for the business. The Board has always agreed that visibility of signage is a legitimate problem on this property. The Board noted that this property has unique characteristics and challenges, in that parts of the building are obstructed from view, and the colonial revival architecture of the building causes substantial difficulties with sign placement. The building is made of brick with few practical locations to mount a sign large enough to be visible. Member Vlietstra noted that none of the other banks has large signs on their ATM canopies, but the Board found reasons that these other banks have different circumstances, for example, the ATMs are attached to the building, where the Bank of America ATM is detached.

Member Vlietstra stated that he has concerns with the quantity of signs at the site. The other board members stated no concerns with the number of signs at this particular property. Member Stetzer stressed the lack of visibility for the bank, and stated that she has no concerns with installing a monument sign in that location. Member Shannon expressed concern with setting a precedent with approving the monument sign. Board members stated that this is a unique situation that justifies granting a variance for the sign and the unique qualities of this property have been discussed in detail. Member Erwin stated that the new sign design is significantly improved over the one reviewed in 2016. It better matches other freestanding signs in the Village and matches the character of the Building. The applicant has considered alternatives and addressed the concerns previously raised by the Board regarding the appearance of the sign. Member Lhota agreed that the new plans adequately address prior concerns. Board members agreed that there are impacts from the additional signage but the benefit to the applicant outweighs the impacts on the community and there is a lack of good alternatives.

The Board reviewed the criteria for the requested area variance.

- A. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:

The character and size of the sign are compatible with the character of the building and neighborhood. The smaller size, character, materials, and appearance are much improved over the prior application reviewed on April 4, 2016.

- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because:

Other options have been pursued since the Board reviewed the prior application on April 4, 2016. Trees have been trimmed which resulted in no improvement in visibility. Alternative locations for signs were explored and discussed by the Board extensively on September 18, 2017. The applicant has demonstrated to the satisfaction of the Board that these alternatives are not viable to achieve the desired benefits on this particular property. It is worth noting that the discussion of alternatives on September 18, 2017 was specific to the unique characteristics of this particular property.

- C. The requested variance **is** substantial in that:

It is a request for a “Freestanding” Monument sign where the Village of Pittsford Zoning does not allow for such a sign. This is therefore a 100 percent requested variance.

- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:

The character and size of the sign are compatible with the character of the building and neighborhood. The sign location and size are appropriate for the site.

- E. The alleged difficulty **is** self-created because:

The applicant has received approval for replacement of six (6) existing identification signs. The applicant has not shown significant reasoning of financial loss or any other negative impact on their daily operations.

- F. The Variance **is** the minimum necessary to provide relief because:

The size of the sign is smaller than previously submitted on April 4, 2016. Further reduction in size would not significantly reduce impacts on the community. Alternatives were considered and this is the best option to achieve the applicant’s desired benefit for improved visibility of signage.

- G. The following physical characteristics of the property are relevant to this variance request:

The building is a unique commercial building with distinctive colonial-revival architecture. The architecture of the building causes substantial difficulties with sign placement. The building is made of brick with few practical locations to mount a sign large enough to be visible, lacks a storefront cornice, and has windows with many small panes that make window mounted signs impractical. The street frontage is atypical and much longer than other businesses on Main St. The building has two distinct “wings” that have distinct facades that would typically be used for two different commercial establishments but they are joined as one long commercial business. Linden trees along the street on Village property have grown with many low branches which block visibility of building mounted signage. The trees block the visibility of signage and attempts to trim them have not corrected visibility concerns. The growth habit of these trees are pyramidal with broad branches close to the ground.

- H. The following additional findings are noted:

The applicant has addressed all the concerns raised in 2016 and other options have been exhausted.

Motion: Member Vlietstra made a motion, seconded by Member Shannon, to approve the application for an area variance for a freestanding sign at 9 North Main Street, with the following conditions:

1. This variance shall expire if the sign is not constructed within 2 years.
2. This variance only applies to the sign proposed in this application in Appendix A, Option One that depicts a sign with a white background and blue text that says "Bank of America" plus the Bank of America logo and no other text.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Erwin – yes; Stetzer - yes. *Motion carried.* This decision was filed in the office of the Village Clerk on May 21, 2018.

**VILLAGE OF PITTSFORD
ZONING BOARD OF APPEALS**

RESOLUTION 2018-9: DECISION ON AREA VARIANCE

Project: Sign Installation

Date: 5-21-2018

Applicant Name: Bank of America, National Association
Address: 101 N. Tryon Street
Charlotte, NC 28255

Action: Installation of a freestanding monument sign

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the "Board") duly convened on May 21, 2018, at 7PM at Village Hall, 21 N. Main St, Pittsford, NY 14534,

The following resolution was offered by Board Member Vlietstra, who moved its adoption, and seconded by Board Member Shannon, to wit:

WHEREAS, The above named applicant for an Area Variance of Sections **168-7** of the Zoning Law of the Village of Pittsford to permit installation of a freestanding sign where none is permitted and;

WHEREAS, The Board received and reviewed an application from the above mentioned applicant for the above mentioned action; and

WHEREAS, The Board has held a public hearing, and received comments thereat; and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):
 The Action involves construction or expansion of a non-residential structure involving less than 4000 square feet of gross floor area and is a Type II action that is not subject to SEQRA Review pursuant to 617.5(c)(7).
2. Monroe County Planning Review:
 - a. The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and Monroe County Planning responded to the 239-m referral with no recommendations.
3. Waterfront Consistency Review:
 The proposed action is a Type II action under SEQR so it is not subject to a Waterfront Consistency Review.

WHEREAS, after review, the Board has weighed the effects of the requested variance on the health, safety, welfare of the neighborhood and community and made the following findings:

- A. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:
 - a. The character and size of the sign are compatible with the character of the building and neighborhood. The smaller size, character, materials, and appearance are much improved over the prior application reviewed on April 4, 2016.
- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because:
 - a. Other options have been pursued since the Board reviewed the prior application on April 4, 2016. Trees have been trimmed which resulted in no improvement in visibility. Alternative locations for signs were explored and discussed by the Board extensively on September 18, 2017. The applicant has demonstrated to the satisfaction of the Board that these alternatives are not viable to achieve the desired benefits on this particular property. It is worth noting that the discussion of alternatives on September 18, 2017 was specific to the unique characteristics of this particular property.
- C. The requested variance **is** substantial in that:
 - a. It is a request for a “Freestanding” Monument sign where the Village of Pittsford Zoning does not allow for such a sign. This is therefore a 100 percent requested variance.
- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:
- E. The character and size of the sign are compatible with the character of the building and neighborhood. The sign location and size are appropriate for the site.
- F. The alleged difficulty **is** self-created because:
- G. The applicant has received approval for replacement of six (6) existing identification signs. The applicant has not shown significant reasoning of financial loss or any other negative impact on their daily operations.
- H. The Variance **is** the minimum necessary to provide relief because:
 - a. The size of the sign is smaller than previously submitted on April 4, 2016. Further reduction in size would not significantly reduce impacts on the community. Alternatives were considered and this is the best option to achieve the applicant’s desired benefit for improved visibility of signage.
- I. The following physical characteristics of the property are relevant to this variance request:
 - a. The building is a unique commercial building with distinctive colonial-revival architecture. The architecture of the building causes substantial difficulties with sign placement. The building is made of brick with few practical locations to mount a sign large enough to be visible, lacks a storefront cornice, and has windows with many small panes that make window mounted signs impractical. The street frontage is atypical and much longer than other businesses on Main St. The building has two distinct “wings” that have distinct facades that would typically be used for two different commercial establishments but they

are joined as one long commercial business. Linden trees along the street on Village property have grown with many low branches which block visibility of building-mounted signage. The trees block the visibility of signage and attempts to trim them have not corrected visibility concerns. The growth habit of these trees is pyramidal with broad branches close to the ground.

J. The following additional findings are noted:

- a. The applicant has addressed all the concerns raised in 2016 and other options have been exhausted.

NOW THEREFORE IT IS RESOLVED by the Zoning Board of Appeals of the Village of Pittsford that this area variance request is hereby **granted** for the reasons stated above, subject to the following conditions:

1. This variance shall expire if the sign is not constructed within 2 years.
2. This variance only applies to the sign proposed in this application in Appendix A, Option One that depicts a sign with a white background and blue text that says "Bank of America" plus the Bank of America logo and no other text.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra – yes
Susan Lhota – yes
Renee Stetzer – yes
Heather Erwin – yes
JoAnne Shannon – yes

Dated: May 21, 2018

By order of the Zoning Board of Appeals of the Village of Pittsford

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Member Lhota stated that PCP has asked the Planning Board to extend the statute of limitations to challenge the LWRP determination.

**Motion:** Member Lhota made a motion, seconded by Member Shannon, that the Planning Board may authorize its attorney to enter into a Tolling Agreement with PCP to extend the statute of limitations to challenge the LWRP determination until December 1, 2018.

**Vote:** Shannon – yes; Vlietstra – abstain; Lhota – yes; Erwin - yes; Stetzer – yes. *This decision was filed in the office of the Village Clerk on May 21, 2018.*

**Member Items:**

**Motion:** Member Vlietstra made a motion, seconded by Member Stetzer, to approve the 3/19/18 minutes, as drafted.

**Vote:** Shannon – yes; Vlietstra – abstain; Lhota – yes; Erwin – yes; Stetzer – yes. *Motion carried.*

**Motion:** Member Vlietstra made a motion, seconded by Member Shannon, to adjourn the meeting at 10:00 pm.

**Vote:** Shannon – yes; Vlietstra – yes; Lhota-yes; Erwin – yes; Stetzer – yes. *Motion carried.*

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Linda Habeeb, Recording Secretary