

**VILLAGE OF PITTSFORD**  
**PLANNING AND ZONING BOARD OF APPEALS**  
Regular Meeting July 16, 2018 at 7:00 PM

**PRESENT:**

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

PZBA Attorney: Mindy L. Zoghlin, Esq.  
Bldg. Inspector: Kelly Cline  
Recording Sec: Linda Habeeb

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Shannon, to call the workshop session to order at 6:30 pm.

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

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

**Vote: Shannon – yes; Vlietstra – yes; Lhota – 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.

**Sheila Fustanio, 1 Grove Street ~ Site Plan**

**Discussion:** This is a continuation of an open public hearing for installation of a generator on the south side of the Pickle Factory building located at 1 Grove Street. The generator will be installed 5 feet from the building, as required by Village Code. The proposal is for installation of a quiet, low-decibel generator. The testing of the generator will be during high-peak traffic times, so as not to disturb the surrounding neighbors.

Ms. Fustanio submitted a landscaping plan for the Board to review. The plan is for planting three DeGroot Arborvitae to form a screen in front of the generator. The trees will be three feet high and 18 inches wide initially. They will grow at the rate of about 6 inches per year. They will be placed along the curb of the parking lot, approximately three feet behind the curb. The total distance between the building and the curb is 17 feet. The generator needs to be five feet from the building and five feet from the trees. The dimensions of the generator are 48 inches in length, 26 inches wide, and 29 inches high. These trees will screen the generator from the parking lot.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Stetzer, to close the public hearing at this time, as there was no one wishing to speak for or against this application.

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

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Shannon, to grant preliminary Site Plan Approval and Final Site Plan Approval of the site plan dated 6-16-2016 with landscaping proposal dated 7-16-2018 with the following conditions:

1. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 1 year of the adoption date of this resolution.
2. The generator shall do its weekly self-test on Wednesdays at noon.

**Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Stetzer - yes. Motion carried. The decision was filed in the office of the Village Clerk on July 16, 2018.**

### **RESOLUTION 2018-13 DECISION ON SITE PLAN**

**Project: Generator - Pickle Factory**

**Date: 7-16-2018**

**Applicant Name:** Sheila Fustanio  
**Address:** 1 Grove Street  
Pittsford, NY 14534

**Action:** Installation of a natural gas powered electric generator, Kohler model 20RESCL, for use during power outages

At a meeting of the Planning Board of the Village of Pittsford (the "Board") duly convened on July 16, 2018, at 7PM at Village Hall, 21 N. Main St, Pittsford, NY 14534,

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

**WHEREAS**, The Village of Pittsford Planning Board (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 generator is a non-residential accessory structure under 4000sqft and **is** a Type II action pursuant to 6 NYCRR 617.5(c).7. No further review is required.
2. Monroe County Planning Review:
3. 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.
4. Waterfront Consistency Review:
5. The proposed action is within the Village's waterfront area but is a Type II action under SEQR so it is not subject to a Waterfront Consistency Review.

6. The proposed action **Does Not** require approvals from state or county agencies. Separate review of Preliminary and Final Site Plans **Is Not** required.

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

1. The Village Building Inspector explained the application and the submitted information to the Board and recommended waiving application requirements because adequate information has been submitted by the applicant for the board to make a determination on this application.
2. The Building Inspector has determined that the action does not create any Zoning Violations.
3. This Action does not involve any alterations to drainage, site lighting, parking, site access, or buildings.
4. The site is already landscaped and no substantial changes to landscaping are proposed by this action. The applicant has agreed to plant three arborvitae shrubs for screening the generator.
5. Adequate utility service to support the generator is provided because the Building Inspector and Fire Marshal have reviewed the Action and looked at utility connections and have no concerns.
6. Adequate screening of the generator is provided because:  
The Applicant has agreed to plant three evergreen arborvitae in front of the generator as screening.
7. Noise from the generator **will not** adversely impact adjacent properties because the generator is a quiet model that will produce less than 70dB of noise at the property line. It will do weekly self tests that require it run for 10-15 minutes. This self test is being scheduled for Wednesdays at noon. Adjacent property owners attended the public hearing and stated this is a good time to run these self tests. Actual emergency use of the generator will produce prolonged noise but this is a very infrequent use.
8. The plans **will not** adversely impact adjacent properties because the applicant has addressed screening and noise concerns.

**NOW, THEREFORE, BE IT RESOLVED**, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-84.A because it finds the Site Plan application contains adequate information and the missing application factors are not necessary to evaluate the action's impacts on public health, safety, or general welfare.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby **grant Preliminary Site Plan Approval** and **Final Site Plan Approval** of the site plan dated 6-16-2016 with landscaping proposal dated 7-16-2018 with the following conditions:

1. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 1 year of the adoption date of this resolution.
2. The generator shall do its weekly self-test on Wednesdays at noon.

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

Justin Vlietstra - Yes  
Susan Lhota - Yes  
Renee Stetzer - Yes  
JoAnne Shannon - Yes  
Heather Erwin - Absent

**Dated: July 16, 2018**

By order of the Planning Board of the Village of Pittsford.

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**Paul Zachman, 34 Sutherland Street ~ Site Plan Review**

**Present:** Paul Zachman, Boardwalk Design

**The legal notice was published in the September 29, 2016 edition of the Brighton Pittsford**

**Post:** *"Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday July 16, 2018 at 7:00 pm to consider an application made by Virginia Kaufner, owner of property located at 34 Sutherland Street, for reapplication for construction of a detached garage, where the site plan approval has expired."*

**Discussion:** Mr. Zachman explained that this application was originally approved by the Planning Board in 2016, but the project was not constructed and the approval has expired. The submitted application before the Board is the same as the one approved in 2016. The application is for site plan approval for construction of a detached, two-car residential garage at 34 Sutherland Street. There is currently no garage at the site. The APRB has reviewed and approved architectural plans for the proposal.

The Building Inspector determined that the proposed garage is in compliance with Zoning Regulations. The side and rear setbacks meet Village Code requirements. Chairperson Vlietstra stated that drainage was discussed and resolved in the original review in 2016. The applicant stated that one mature Blue Spruce tree will be removed. Chairperson Vlietstra noted that there are deciduous trees at the rear property line that separate the site from the community center, and stressed the importance of maintaining these trees. He asked the applicant to take reasonable precautions to prevent damage to the roots since trees are often killed accidentally by construction activities. Mr. Zachman said he agrees that the trees are important and that heavy equipment will be kept on the driveway side and should not encroach on the trees or damage their roots. He also stated that a plastic fence will be installed to protect the trees from the equipment.

The applicant provided photographs of the proposed light fixtures. Chairperson Vlietstra stated that these types of lights should be low-wattage bulbs that will not add glare.

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

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

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Shannon, to close the public hearing at this time, as there was no one wishing to speak for or against this application.

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

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Stetzer, to grant Preliminary Site Plan Approval and Final Site Plan Approval of the site plan dated September 13, 2016 and September 16, 2016 with the following conditions:

1. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 1 year of the adoption date of this resolution.
2. Code compliant light fixtures shall be used.
3. The applicant may increase the side setback of the garage by several feet.

**VILLAGE OF PITTSFORD  
PLANNING BOARD**

**RESOLUTION 2018-15 – DECISION ON SITE PLAN**

**Project: 34 Sutherland Site Plan**

**Date: 7-16-2018**

**Applicant Name:** Paul Zachman  
**Address:** Boardwalk Design  
604 Pittsford Victor Rd  
Pittsford, NY 14534

**Action:** Construction of a 2-car detached residential garage at 34 Sutherland St.

At a meeting of the Planning Board of the Village of Pittsford (the “Board”) duly convened on July 16, 2018, at 7:00 PM 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 Stetzer;

**WHEREAS**, The Village of Pittsford Planning Board (the “Board”) Appeals received an application from the above mentioned applicant for the above mentioned action pursuant to Article XVII, Site Plan Approval, of the Code of the Village of Pittsford; and

**WHEREAS**, in connection with such application, the Board has received and reviewed an application, site plan drawing, elevation drawings, and held a public hearing and received comments thereat; and

**WHEREAS**, The Board has authority to modify preliminary and final site plans pursuant to Village Code §210-114.B.1.a.

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

1. State Environmental Quality Review (SEQR):

The proposed action **is** a Type II action pursuant to 6 NYCRR 617.5(c).9. No further review is required. In making this classification, the Board recognizes that the single family residence is a contributing structure in the Village of Pittsford Historic District. For that reason, the Board has also considered the criteria contained in 6 NYCRR 617.7(c) to determine whether there may be the potential for a significant adverse impact on the environment based on those criteria. For the reasons set forth below, this Board finds that the Proposed Action will not have any potentially significant adverse environmental impacts:

- A. The Action is for new construction of a garage and no significant changes to historic buildings are proposed. There are no potentially significant impacts to historic resources.
- B. The garage is behind the house and minimally visible from the street and does not present any potentially significant impacts on viewsheds or aesthetic resources.

2. Monroe County Planning Review:

The proposed action **is not** within 500 feet of the Erie Canal, State Highway, Municipal Boundary, and/or a County Agricultural District and **is not** subject to referral to Monroe County Planning for review pursuant to General Municipal Law section 239-m.

3. Waterfront Consistency Review:

The proposed action is not within the Village's waterfront area so it is not subject to a waterfront consistency review.

4. The proposed action **Does Not** require approvals from state or county agencies. Separate review of Preliminary and Final Site Plans **Is Not** required.

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

- 1. This application is a renewal of a prior application reviewed and approved by the Planning Board on October 17, 2016.
- 2. The Village Building Inspector explained the application and the submitted information to the Board and recommended waiving application requirements because the provided site plan and architectural drawings provide adequate information for the board to make a determination on this application.
- 3. The Building Inspector has determined that the action does not create any Zoning Violations. Setbacks comply with code requirements. The lot was created in 1923 and is a substandard lot. Approximately 18% of the lot is paved which exceeds the 12% maximum permitted for the R-1 district. The driveway in its current configuration existed in 1975 and lot coverage requirements for pavement came into effect after 1975. The plans will not increase the amount of pavement and the nonconformity predates the zoning law. Code does not differentiate between gravel and asphalt as a pavement so the change from gravel to asphalt is insignificant.
- 4. Drainage is reasonably addressed by the applicant. The Building Inspector investigated the site, soil conditions, and plans and deemed the drainage plan adequate considering the limited roof area generating stormwater.
- 5. Light fixtures will not introduce light trespass onto adjacent properties. All light fixtures shall be code compliant and the proposed fixtures are low wattage. The property is residential so public

safety concerns are not relevant to the lighting plan.

- 6. The APRB has reviewed and approved architectural plans for the action.

**NOW, THEREFORE, BE IT RESOLVED**, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-84. A because it finds the Site Plan application contains adequate information and the missing application factors are not necessary to evaluate the action’s impacts on public health, safety, or general welfare. The application is for a residential property so there are no public safety concerns, and drainage was adequately addressed by the applicant. Remaining application requirements are inappropriate for this type of application.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby **grant Preliminary Site Plan Approval and Final Site Plan Approval** of the site plan dated September 13, 2016 and September 16, 2016 with the following conditions:

- 1. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 1 year of the adoption date of this resolution.
- 2. Code compliant light fixtures shall be used.
- 3. The applicant may increase the side setback of the garage by several feet.

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

- Justin Vlietstra - Yes
- Susan Lhota - Yes
- Renee Stetzer - Yes
- JoAnne Shannon - Yes
- Heather Erwin - Absent

**Dated: July 16, 2018**

By order of the Planning Board of the Village of Pittsford

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**Buffalo Bills, Inc., Sutherland High School - Temporary Permit**

**The legal notice was published in the June 28, 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, on Monday July 16, 2018 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by the Buffalo Bills, Inc., for a temporary zoning permit to use the Sutherland High School parking lot for vehicle parking for attendees of the Buffalo Bills training camp during the 2018 season, pursuant to Chapter 210-109, Temporary Permits, of the Code of the Village of Pittsford."*

**Discussion:** The Buffalo Bills, Inc. are proposing to utilize the Sutherland High School parking lot in the same manner that was approved by the Zoning Board in past years. For the past 18 years, the Bills have used St. John Fisher College's campus as the location of the Bills' training camp in preparation for the upcoming football season. In order to provide parking for spectators of the training camp, the Bills have received permission from the School District to use parking space located at Sutherland High School for Satellite Parking. The Bills are seeking a

Temporary Zoning Permit from the Zoning Board to utilize the Sutherland High School parking lot during the 2018 training camp. The high school parking lot will be serviced by 8-12 shuttle buses, which will be operated by fully insured and licensed drivers, with each bus running at staggered times about 15 minutes apart. There will be at least one parking attendant at the high school parking lot during each day of the lot's use. The Bills have provided the training camp and shuttle schedules.

This is a commercial use in a residential district, but board members indicated that they have no concerns with this proposal. The shuttle bus service is similar to regular activities that occur at Sutherland high school.

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

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

**Motion:** Member Stetzer made a motion, seconded by Member Lhota, to close the public hearing at this time, as there was no one wishing to speak for or against this application.

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

**Motion:** Member Stetzer made a motion, seconded by Member Vlietstra, to approve the application for a temporary zoning permit, subject to the following conditions:

1. The shuttle bus service may be operated in accordance with the Buffalo Bills Training Camp 2018 Satellite Parking Lots and Shuttle Schedule, a copy of which is attached hereto as Exhibit "A", 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 dates and hours of operation.
2. All signage for the Event shall be removed at the conclusion of the Event. The Building Inspector shall determine that signage is appropriate in quantity, size, and location.
3. All trash shall be removed at the end of each day of operation.
4. Porta potties shall be regularly cleaned and maintained so they do not produce offensive odors.
5. Village Code Enforcement Officials shall be allowed to conduct all necessary code inspections prior to, and during, the Event as necessary.
6. The applicant will inform the Village if they receive any complaints or requests regarding the Event.
7. The ZBA reserves the right to revoke the temporary zoning permit if the Event 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.



- 8. The Applicant shall maintain a liability insurance policy of at least \$1,000,000 naming the Village of Pittsford as certificate holder.

**Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Stetzer - yes. Motion carried. This decision was filed in the office of the Village Clerk on July 16, 2018.**

**Village of Pittsford  
Zoning Board of Appeals**

**RESOLUTION 2018-14 Decision on Temporary Zoning Permit**

**Project: Buffalo Bills Temporary Zoning Permit Date: 07-16-2018**

**Applicant Name:** Buffalo Bills, LLC  
**Address:** One Bills Drive Orchard Park, NY 14127

**Action:** Seasonal operation of a shuttle bus and parking for Buffalo Bills training camp

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

**WHEREAS**, the Village of Pittsford Zoning Board of Appeals (the “Board”) received an application from Buffalo Bills, LLC for a temporary zoning permit to allow the seasonal operation of a shuttle bus and parking for Buffalo Bills training camp (the “Proposed Use” or “Event”) at Sutherland High School 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, letter from Jeffrey Beardsley of Pittsford School District, schedule of training camp operational hours, site plan drawing, map and description of shuttle route, 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 a type 2 action under SEQR so it 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 will be held at Sutherland High School which is in the R-1 residential district.
2. The Proposed Use will utilize shuttle buses and is similar in nature and impact to normal activities occurring at Sutherland High School.
3. The route driven by shuttle busses was selected to minimize traffic on residential streets.
4. The Proposed Use will not introduce substantial adverse impacts on the surrounding neighborhood, taking into account the temporary nature of the use.
5. The Proposed Use will not tend to depreciate the value of adjacent property, taking into account the temporary nature of the use.
6. The Proposed Use will not create a hazard to health, safety or general welfare.
7. The Proposed Use will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
8. The Proposed Use is a renewal of a prior approval and the Event has been successfully executed in the past.

**NOW THEREFORE, IT IS RESOLVED** that the application from Buffalo Bills, LLC for a temporary zoning permit to allow the seasonal operation of a Shuttle Service at Sutherland High School 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 shuttle bus service may be operated in accordance with the Buffalo Bills Training Camp 2018 Satellite Parking Lots and Shuttle Schedule, a copy of which is attached hereto as Exhibit "A", 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 dates and hours of operation.
2. All signage for the Event shall be removed at the conclusion of the Event. The Building Inspector shall determine that signage is appropriate in quantity, size, and location.
3. All trash shall be removed at the end of each day of operation.
4. Porta potties shall be regularly cleaned and maintained so they do not produce offensive odors.
5. Village Code Enforcement Officials shall be allowed to conduct all necessary code inspections prior to, and during, the Event as necessary.
6. The applicant will inform the Village if they receive any complaints or requests regarding the Event.
7. The ZBA reserves the right to revoke the temporary zoning permit if the Event 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.

8. The Applicant shall maintain a liability insurance policy of at least \$1,000,000 naming the Village of Pittsford as certificate holders.

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

Justin Vlietstra - Yes  
Susan Lhota - Yes  
Renee Stetzer - Yes  
JoAnne Shannon - Yes  
Heather Erwin - Absent

Dated: July 16, 2018  
Pittsford, New York

By order of the Village of Pittsford Zoning Board of Appeals

**Member Items:**

Board members discussed upcoming applications.

**Motion:** Member Vlietstra made a motion, seconded by Member Shannon, to adjourn the meeting at 7:45 pm.

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

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Linda Habeeb, Recording Secretary