

**VILLAGE OF PITTSFORD**  
**PLANNING AND ZONING BOARD OF APPEALS**  
Regular Meeting – August 15, 2016 at 7:00 PM

**PRESENT:**

Chairperson:	Justin Vlietstra
Members:	Jo Anne Shannon
	Jeffrey Bove
	Susan Lhota
	Heather Erwin
Building Insp:	Floyd Kofahl
Recording Sec:	Linda Habeeb
PZBA Attorney:	Mindy L. Zoghlin, Esq. (absent)

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to open the workshop portion of the meeting at 6:30 pm.

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

Board members reviewed the applications, draft resolutions, and lighting report from Mr. Quagliata.

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

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

**Conflict of Interest Disclosure:**

Chairperson Vlietstra asked if anyone had a conflict of interest with any of the applications before them, and no one had a conflict of interest to report.

**Alexandra Greco, Village Bakery, 5 State Street ~ Temporary Zoning Permit**

**Present:** Alexandra Greco

**The legal notice was published in the July 28, 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 August 15, 2016 at 7:00 pm, to consider an application made by Alexandra Greco for a Temporary Zoning Permit for the property located at 5 State Street, pursuant to Village Code § 210-109.”*

**Discussion:** The applicant stated that they are requesting a temporary zoning permit to allow the outside display of merchandise for a one-time event at the Village Bakery, located at 5 State Street. The date for the proposed event is Friday August 19, 2016 from 10 am – 2 pm. She stated that they will set up the event at 9 am, and the signage and any trash will be removed within two hours of the end of the event. The event will occur on the restaurant’s patio and will not impact the surrounding area. The applicant explained that the outside merchandise will be samples of the Bakery’s

products for display only, not for sale. She also stated that they support primarily local businesses, using organic, sustainable products. The Building Inspector stated that the event is a temporary use for a one-time event, and he has no concerns with this proposal.

Chairperson Vlietstra stated that the proposed use is on a private patio at a distance from the street and sidewalk and will not interfere with pedestrian safety or be detrimental to the flow of traffic in the vicinity. He also stated that if the applicant requests additional dates for similar outdoor events in 2016, the Building Inspector can authorize the event if notified within one week in advance of the event.

The applicant stated that they may be interested in additional dates in the fall, up to a maximum of three in 2016. If the event is successful, then they would be interested in continuing it in 2017, and asked how many dates are permitted. Chairperson Vlietstra said the board has some discretion when specifying the maximum number of days for a temporary permit, but it does need to be limited to a 6-month period, and it does need to be reasonably interpreted as a temporary activity. The Building Inspector added that they will need to apply in 2017 for a Temporary Zoning Permit, and they should include all desired dates in 2017 in their application.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to adopt Resolution 2016-8, subject to the conditions as stated in the resolution.

**Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Erwin- yes; Bove - yes. Motion carried.** The decision was filed in the office of the Village Clerk on August 15, 2016.

**RESOLUTION 2016-8**  
**Village of Pittsford Zoning Board of Appeals**

**Applicant Name:** Alexandra Greco  
**Address:** Village Bakery and Café  
5 State St.  
Pittsford, NY 14534  
**Action:** Temporary Zoning Permit for outdoor sale of goods  
at Village Bakery and Café, 5 State St.

At a regular meeting of the Village of Pittsford Zoning Board of Appeals (The Board) held at the Village hall on August 15, 2016 at 7:00 p.m. 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 Bove, to wit:

**WHEREAS**, the Village of Pittsford Zoning Board of Appeals received an application from the above mentioned applicant for the above mentioned action 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 and held a public hearing and received comments thereat, and

**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 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. 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. The proposed action is not in a waterfront area of the Village of Pittsford and is not subject to a local waterfront consistency review.
4. Upon issuance of this temporary zoning permit, the proposed use will comply with all regulations, requirements and applicable ordinances of the Village of Pittsford as applicable to the subject property.
5. The proposed use is in the B-1 retail business district which does not permit outside display or sale of merchandise.
6. The proposed use is on a private patio well away from the street and sidewalk and will not interfere with pedestrian safety.
7. The proposed use does not fit with the general purpose and intent of the Zoning Code for the B-1 district but the chosen times, nature, intensity, and location of the use adequately mitigate adverse impacts on the surrounding neighborhood.
8. The proposed use will not tend to depreciate the value of adjacent property, taking into account the temporary nature of the use.
9. The proposed use will not create a hazard to health, safety or general welfare.
10. The proposed use will not be detrimental to the flow of traffic in the vicinity.
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 Alexandra Greco for a temporary zoning permit to allow the outside display of merchandise at 5 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. Dates and times of outdoor merchandise sale shall be August 19, 10am-2pm.
2. All trash and signage shall be removed from the site within 2 hours of the conclusion of ending time of the outdoor merchandise sale.
3. 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.
4. If additional dates for outdoor merchandise sale are desired in 2016 they are authorized with consent of the building inspector of the Village of Pittsford. The building inspector shall be notified at least 1 week in advance. This activity is intended to be temporary in nature and the total number of days for this activity in 2016 shall be limited to 3, and may not be held for more than 1 consecutive days.

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

Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Erwin - yes; Bove - yes.

Dated: August 15, 2016

Pittsford, New York

By order of the Village of Pittsford Zoning Board of Appeals



**Northfield Common, 50 State Street ~ Site Plan**

**Present:** Charlie Fox, property owner; Greg Barkstrom, Director of Real Estate; David Hou, Attorney, Boylan Code, LLC; Michael Quagliata, Q-Tech Engineering

**Discussion:** Chairperson Vlietstra stated that this is a continuation of a public hearing for 50 State Street that was opened at the April 18, 2016 Planning Board meeting.

Lighting Plan:

Mr. Vlietstra explained that the Village has engaged the services of a lighting consultant, Michael Quagliata, from Q-Tech Engineering firm, to review the lighting plan for the site. Mr. Quagliata was asked to comment on the proposals from the applicant and Building

Inspector, make recommendations to the Board to correct underlit areas of the site, and make recommendations for appropriate lighting controls for the Site. Mr. Quagliata submitted a written report, revised lighting plan drawing, and manufacturer's specifications for his suggested light fixtures for the Board to review. Mr. Barkstrom explained that, per the proposed two-year lighting plan, as the lights are changed, the new fixtures will be identified and approved by the APRB.

Mr. Quagliata indicated in his report that the applicant's proposed pole mounted parking lot light fixture is not appropriate to provide adequate lighting for the parking areas. The fixture has poor light distribution. The proper fixture selection is an LED Type IV distribution Dark Sky rated. The Type IV distribution is a forward throw fixture that is designed to project the light in front of the fixture. These fixtures are available in many architectural styles. All of his recommended lights at the site will have a color temperature of 2700K – 3000K, which is a warm white light and the color of standard household bulbs.

Mr. Quagliata stated that the exit doors between buildings F, H, J and R require light fixtures to illuminate the means of egress. These fixtures should be emergency-type fixtures with battery back-up. He identified some gooseneck lamps that have a period style to them. The problem is that the period style fixtures do not have integral battery packs. The battery has to be remote mounted for these type of fixtures to be compliant with code. With the existing building with hard ceilings, there is no place to install the battery pack without it being exposed to damage or being unsightly. He recommends installing Guardco model safety lights over the exit doors that have an integrated battery backup. Fixtures should be installed at each exit door along with an exterior emergency light fixture. The fixture can be painted to match the buildings and will be unobtrusive in the daytime. Exterior stairs used for exiting the building are required by code to illuminate to a minimum level of 1 footcandle. During a power outage, a minimum of 1 footcandle must be maintained by a battery backup. The proposed light on the east side of Building K can be ordered with a battery backup and will work to illuminate the stairwell. Lighting controls must be installed to conform to the Energy Code. He recommends installing an astronomical time clock in each building to control all the exterior lighting fixtures for the associated building. Also, the building closest to the parking lot pole fixture should control that fixture via the time clock. An astronomical time clock automatically adjusts as the days grow shorter or longer. This eliminates the need to constantly adjust the time settings. The timers can be set to turn on at dusk and turn off at dawn or turn off at prescribed time such as 2am.

Mr. Quagliata recommends replacing the pole lights at Buildings E & K with a bell-shaped double fixture light. The lights on the north end of Building K should remain. The LED fixture on the east side of Building D should remain and be adjusted to 90 degrees. He said that the existing halogen lamps used to illuminate signs should be replaced with gooseneck lamps.

The Building Inspector indicated that many of the lights at the site are preexisting, nonconforming lights. Decorative lights do not require site plan review. All existing decorative style lighting fixtures, such as door coach lights, may remain.

Mr. Barkstrom stated that he will install the recommended parking lot pole lights and their cost is essentially the same as the ones on his lighting plan. He also agreed to take down most of the existing area light fixtures, including all of the sodium vapor, mercury, and metal halide fixtures. He said he wanted to review the details of the other recommended fixtures but he thought the Guardco fixtures for safety lights are preferable to fixtures with a remote battery pack. He said he will use astronomical time clocks in each building's electric panel to control exterior lights and he will replace halogen sign lights with more suitable lamps.

Chairperson Vlietstra pointed out concerns that the site entrance is currently poorly lit. It was suggested at a previous meeting that the Village install a streetlight in that location to improve the situation. Board members noted that the lighting levels in the front of Buildings F, H, J, & R are low. Mr. Quagliata said that this is a complex site, and there will never be ideal illumination. The proposed lights that will be installed on the east sides of buildings K and I will greatly improve lighting on the entrance drives. The existing lights in front of buildings F, H, J, and R should remain and will improve light levels over what are shown in his drawing. Additionally, existing lights should remain on the north side of building K and the LED lamp on the east side of building D. The LED lamp on building D should be adjusted to 90 degrees. He did not have photometric data on these lights, so they were not added to the plan.

Mr. Barkstrom said he would like to keep the existing 3-bulb lamps near building B because that will help illuminate that area. Board Members agreed that was reasonable.

Member Vlietstra asked Mr. Quagliata for his recommendations for lights to install first since their installation is intended to be phased in over a two year period. Mr. Quagliata stated that he recommended the pole-mounted parking lot area lights be installed first and the new lights near the entrances by buildings K and I.

#### Drainage:

At the July 28, 2016 PZBA Special Meeting, Mr. Kofahl indicated that the applicants intend to clean out the pond and restore it to its original specifications and maintain it. Mr. Kofahl will monitor the clean-up and require the appropriate certification. He will verify that the cleaned up pond is restored to the original design volume of 680 cubic feet. Mr. Kofahl reported that Rochester Gas and Electric is willing to authorize the Village or its agent to clean up the RG&E right-of-way to restore the natural drainage path.

#### Landscaping:

Member Vlietstra asked the Board members if they thought the landscaping plans were adequate. Board members agreed that the landscaping was significantly improved in this plan and the site is suitably landscaped. Member Vlietstra asked the Board if the proposed walking paths were acceptable and members agreed that they were.

Conditions of Approval:

Chairperson Vlietstra noted that since the applicants have not submitted a complete lighting plan, he suggested granting preliminary site plan approval and it would be up to the Building Inspector or Trustees to permit paving while remaining lighting details are resolved. He also noted that the Board's attorney believes a variance is required because the new light fixtures produce light trespass beyond the property boundary onto the RG&E right-of-way. A variance must be resolved before the Board can vote on final site plans. Mr. Kofahl stated his determination that a variance is not required because light trespass is a preexisting situation that is being improved by the plans.

The applicant, Mr. Barkstrom, said he wanted final site plan approval and didn't want further delays in site improvements. He will implement Mr. Quagliata's recommendations and adopt his lighting plan and his proposed light fixtures.

Other board members suggested proceeding with final site plan approval, with specific conditions.

The site plan approval resolutions and conditions of approval were discussed by the Board. Member Vlietstra said that the drainage system design, parking lot interior landscaping, and some existing light fixtures may not meet code, but the applicant has claimed they are preexisting conditions that predate code. Code section §210-108 provides a means for the Building Inspector to formally declare these issues are preexisting conditions and this will be a condition of approval. Other conditions of approval include:

- Accept Mr. Quagliata's lighting plan, recommendations, and recommended light fixtures with Guardco safety lights.
- Install the parking lot lights and entrance lights first.
- Keep existing lights on the N. side of building K, LED lamp near building D, 3-bulb lamps near building B, and lights in front of buildings R J H and F.
- Remove all other area lamps and replace halogen sign lamps.
- Provide properly stamped landscape plans.
- Submit a document from a professional engineer stating that the existing 620 cubic foot retention pond will have sufficient capacity to withstand a 100-year storm event if it is restored to its design condition.

Board members further amended the draft resolution to change it to final site plan approval, since the new lighting plan is adequate and no variances are required. Board members discussed appropriate deadlines for completion of lighting, landscaping, and pond cleanup with the applicant. Pond cleanup will be resolved by summer 2017, landscaping will be completed in 2017, lighting by November 2018.

Chairman Vlietstra then asked the Applicant if he understood the revised resolution and agreed to the conditions as set forth in it. Mr. Barkstrom responded that he understands and agrees to the conditions.

Mr. Barkstrom asked if he can pave the rest of the parking lot, and Chairperson Vlietstra responded that that will be up to the Building Inspector, and he will have to meet key conditions of approval before construction work. In particular, the preexisting status of drainage, lighting, and landscaping will need to be granted by the Building Inspector, and if any of those are denied, the issues will need to be revisited by the Board.

**Motion:** Member Lhota made a motion, seconded by Member Bove, to adopt Resolution 2016-9, as amended to approve final site plans.

**Vote: Shannon - yes; Vlietstra - no; Lhota - yes; Erwin- yes; Bove - yes. Motion carried.**  
The decision was filed in the office of the Village Clerk on August 15, 2016.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to adjourn the meeting at 8:45 pm.

**Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Erwin - abstain; Bove - yes. Motion carried.**

## VILLAGE OF PITTSFORD PLANNING BOARD

### RESOLUTION #2016-9 DECISION ON SITE PLAN REVIEW

**Applicant: Greg Barkstrom, Northfield Commons Holdings LLC**  
**Address: 50 State St**  
**Pittsford, New York 14534**

**Action: 50 State St. parking lot configuration, lighting, landscaping, drainage, dumpster location.**

At a regular meeting of the Village of Pittsford Planning Board held at the Village hall on the 15<sup>th</sup> day of August 2016 at 7:00 p.m. The meeting was called to order by Justin Vlietstra and upon roll being called, the following were present:

PRESENT: Justin Vlietstra  
Jeffrey Bove  
Heather Erwin  
Susan Lhota  
JoAnne Shannon

Floyd D. Kofahl, Building Inspector  
Mindy L. Zoghlin, Esq., PZBA Attorney (absent)

ABSENT: None.

The following resolution was offered by Board Member **Lhota**, who moved its adoption, and seconded by Board Member **Bove**, to wit:



**WHEREAS**, on May 1, 2014 the Village of Pittsford Code Enforcement Officer issued a Notice of Violation (“NOV”) to Northfield Commons Holdings LLC (“Northfield Common” or the “Applicant”) for constructing, altering or reconfiguring a parking lot at 50 State Street (the “Property”) without site plan review and approval, no fire access road, inadequate turning radius, and obstructing a fire access road. The Code Enforcement Officer directed the Applicant to eliminate new parking stalls created by recent pavement striping immediately (because fire trucks could not get through) and apply to Village Planning and Zoning Board of Appeals for site plan approval that included asphalt pavement, asphalt striping, area lighting, traffic pattern flows and dumpster placement no later than May 28, 2014 for the June 16, 2014 PZBA meeting, and

**WHEREAS**, on May 6, 2014, the CEO sent the Applicant a second NOV for constructing, altering or reconfiguring parking lot without site plan review and approval, and

**WHEREAS**, the Applicant did not appeal the May 1, 2014 or the May 6, 2014 NOV to the ZBA, and

**WHEREAS**, the Village of Pittsford Planning Board received an application from Northfield Common for site plan approval at 50 State Street on May 29, 2014 in connection with the “reconfiguration of parking lot striping and dumpster corral location,” (the “Application”) and

**WHEREAS**, at its meeting on June 15, 2014, the Village Planning Board opened the public hearing on the Application, declared it to be a Type II Action under SEQRA, and the directed the Applicant to submit a complete site plan, including directional drive lanes, relocation of handicapped parking, comprehensive lighting plan and landscaping plan, and

**WHEREAS**, a letter from the Code Enforcement Officer to the Applicant dated August 11, 2014

- States that: “due to concerns raised by the Code Enforcement Officer, the Town of Pittsford Fire Marshal, the Pittsford Fire District Commissioners and the Pittsford Volunteer Fire Department, a temporary direction and striping plan, that facilitated emergency vehicle access, was allowed to exist pending the submission and approval of an overall parking and loading plan for the properties”,
- Found that the Applicant created a new parking and loading facility in violation of Village Code section 210-81 when it restriped the lot and instituted a new direction of travel, and

- Directed the Applicant to comply with 210-84 and apply for preliminary site plan approval in time for the September 25, 2014 Planning Board meeting, and

**WHEREAS**, by letter dated August 12, 2014, the Fire Commissioner advised the Code Enforcement officer that:

“In the case of Northfield Common, an already challenging situation in accessing all of the buildings on the site was made worse by restriping of the property. This was underscored by a recent call to the site where one of the trucks struck a parked vehicle while attempting to navigate the traffic lanes.”

“We are very concerned that the traffic striping that now exists has restricted our access and hampered our abilities to provide optimum fire protection to the site. We are concerned that the situation may remain in effect for an extended time while Northfield Common undergoes site plan review.”

“The situation has created a hazard to life and property, a situation which needs to be mitigated at the earliest possible moment. We renew our earlier urgent request that the parking plan previously in place be restored immediately to allow fire equipment maximum access to the Northfield Common property,” and

**WHEREAS**, by letter dated August 28, 2014, the Code Enforcement Officer rejected plans submitted by the Applicant because the parking spaces were too small, and because the plans lacked (1) an elevation reference point at street level of Schoen Place, (2) lighting detail, (3) the number of dumpsters in enclosure, (4) operating features of retention pond, and (5) the location of grease traps/interceptors for restaurants, and

**WHEREAS**, at its meeting on September 15 2014, the Village Planning Board continued the public hearing on the Application, expressed concerns about the size of parking spaces (which will require an area variance), location of dumpsters, and traffic flow, and directed the Applicant to (1) modify the site plan to clearly mark walking lanes, number of dumpsters, location of handicap parking and location of signage, (2) apply to the ZBA for an area variance for parking space size, and (3) submit comprehensive lighting and landscaping plans, and

**WHEREAS**, the Applicant applied to the Village ZBA for an area variance for parking space dimensions on September 16, 2014, and

**WHEREAS**, at its meeting on October 20, 2014, the Village ZBA approved the area variance for parking space dimensions, and

**WHEREAS**, at its meeting on October 20, 2014, the Village Planning Board conducted a “limited site plan review” because “repair and marking of the parking lot needs to be completed before cold weather sets in.” The Planning Board granted the Applicant conditional preliminary site plan approval for the modified site plans dated September 19, 2014 subject to the condition that speed humps and a one-way sign be installed for safety, and with additional signage and directed the Applicant to submit comprehensive lighting, landscaping and drainage plans, and

**WHEREAS**, on February 19, 2015 the Applicant submitted grading, landscaping and lighting plans for 50 State Street, and

**WHEREAS**, before March 3, 2015, the Applicant removed a large tree from the center of the parking lot without Site Plan approval, and

**WHEREAS**, by letter dated March 3, 2015, the Code Enforcement Officer disapproved the February 19, 2015 plans because, *inter alia*, the grading plans lacked site elevations, the landscaping plans did not show pre-existing and proposed landscaping and there was no stormwater drainage plan or engineering report, and

**WHEREAS**, by an undated e-mail sent on or before April 28, 2015, the Applicant advised the Village that it wanted to expand the scope of the application for site plan approval from repair and restriping a portion of the parking lot to milling and repaving the entire parking lot, and

**WHEREAS** by letter dated April 28, 2015 the Code Enforcement Officer advised the Applicant that the proposed paving application must be done in accordance with the specifications and requirements of the Village Engineer pursuant to Village Code 210-81.G(4), and

**WHEREAS**, by letter dated May 18, 2015 the Village Engineer advised the Code Enforcement Officer that the Applicant’s proposed paving project was larger in size, scale and scope than what was proposed in the May 29, 2014 Application for site plan approval, and identified what the revised plans needed to include to comply with Village Code, and

**WHEREAS**, on June 18, 2015 the Applicant appealed from the Code Enforcement Officer’s letter dated April 28, 2015 to the ZBA, and

**WHEREAS**, in November 2015 it was discovered that the Applicant removed an historic Rochester and Eastern Railway station building from the Property without approval from the Planning Board or APRB, and

**WHEREAS**, the Applicant submitted revised plans to the Planning Board on November 9, 2015, and

**WHEREAS**, on December 11, 2015 the Applicant withdrew its June 18, 2015 appeal from the April 28, 2015 letter to the ZBA, and

**WHEREAS**, the Planning Board continued the public hearing on the Application on April 18, 2016, and

**WHEREAS** the Applicant did not attend the April 18, 2016 Planning Board meeting, and

**WHEREAS**, on May 6, 2016 the Building Inspector served the Applicant with a Notice of Violation for site plan violations related to grading, lighting, landscaping, and building maintenance, and

**WHEREAS**, after May 6, 2016 the Applicant and the Building Inspector met at the Property and developed a plan to remedy the issues identified in the May 6, 2016 NOV, and

**WHEREAS**, by letter dated May 13, 2016 the Monroe County Planning Department sent the Village Planning Board a GML 239-m referral stating that the Application involved a local decision with no county impact, and

**WHEREAS**, on June 6, 2016 the Village of Pittsford Architectural and Preservation Review Board (“APRB”) granted the Applicant’s request to install two lights as shown on the plans submitted, date stamped and building inspector reviewed on May 20, 2016, and

**WHEREAS**, the Planning Board continued the public hearing on the Application on July 18, 2016, and

**WHEREAS**, at the July 18, 2016 Planning Board hearing the Building Inspector presented the Planning Board with a document entitled “50 State Street Lighting Report/ Summary” dated July 18, 2016, and

**WHEREAS**, at the July 18, 2016 public hearing the Building Inspector advised the Planning Board that a SWPP would not be required because less than one acre of soil was being disturbed, and

**WHEREAS**, at the July 18, 2016 Planning Board hearing the Applicant submitted new, undated landscaping, lighting and drainage plans, and

**WHEREAS**, after the July 18, 2016 public hearing the Applicant submitted:

- Landscaping Plan S-4 dated July 18, 2016 prepared by Ken Backer Architects, a copy of which is attached hereto as Exhibit “A” (the “Landscaping Plan”),
- Site/Drainage Plan dated November 4, 2015 prepared by LandTech Surveying & Planning PLLC, a copy of which is attached hereto as Exhibit “B” (the “Drainage Plan”), and
- Photometric and Lighting Plan S-3A dated July 18, 2016 prepared by Ken Backer Architects, as approved by the APRB on June 6, 2016, a copy of which is attached hereto as Exhibit “C” (the “Lighting Plan”).

The (“Plans”).

**WHEREAS**, the Planning Board continued the public hearing on the Application at a special meeting on July 28, 2016, and

**WHEREAS**, as a result of the public hearing, the Planning Board has made the following Findings regarding the **Lighting Plan**:

1. The Lighting Plan does not contain all of the information required by Village Code sections 210-84(A)(3)( v), 117-4, and 117-14(3)- (8):
  - (3) The location and height above grade of all light fixtures, including building-mounted fixtures.
  - (4) The type and lumen rating and wattage of each lamp source.
  - (5) The general style of light fixture and a copy of the manufacturer's catalog information sheet and IESNA cutoff classification system, photometric distribution type, including any shielding information such as house side, internal or exterior shields.
  - (6) A description of the type of controls for the on/off function of the fixtures.
  - (7) A photometric plan showing the initial horizontal luminance on a five-feet-by-five-feet grid across the entire site and a minimum of ten feet beyond the lot or parcel property line.
  - (8) A plan showing the iso-footcandle curve of the combined contribution of all the light fixtures; the footcandles at each five-foot grid crossing; the maximum and minimum footcandle level; and the average to minimum footcandle uniformity ratio for the site.
2. The Planning Board may only waive the aforementioned requirements only if:

- Any such factor or part thereof is found not to be requisite in the interest of the public health, safety or general welfare,
- Any such factor is inappropriate to a particular site plan, and/or
- Any such factor will not mitigate adverse impacts generated by the proposed project, or will not aid in the buffering of dissimilar uses.

Village Code 210-114(B)(4).

3. The Planning Board received recommendations from its lighting consultant, Michael S. Quagliata of Q-Tech Engineering P.C. on August 15, 2016, a copy of which is attached hereto as Exhibit "D", which consisted of a letter "Lighting Review Northfield Common", manufacturer's specifications for suggested light fixtures, and a site lighting plan drawing and the applicant has agreed to adopt these recommendations. Safety lights over exit doors will be Guardco models recommended by Mr. Quagliata. The applicant will remove all existing area light fixtures except for the following:
  - Three lamps that each contain 3 bulbs near Building B.
  - LED lamp on the east side of Building D. This lamp will be adjusted to 90 degrees.
  - Lights in front of buildings R, J, H, F.
  - Lights on the north side of Building K.
4. The lighting plan supplied by Michael S. Quagliata of Q-Tech Engineering P.C. on August 15, 2016 contains all information required by the Board to evaluate the impacts on public health, safety or general welfare.
5. The applicant and Building Inspector represented to the Planning Board that many of the exterior lights identified in the Lighting Plan are preexisting nonconforming luminaires.
6. Decorative luminaries do not require Site Plan Review per §210-83.B.8. All existing decorative style lighting fixtures, such as door coach lights, may remain.

**WHEREAS**, as a result of the public hearing, the Planning Board has made the following Findings regarding the **Drainage Plan**:

1. The applicant and Building Inspector represented to the Planning Board that the drainage condition at the property constitutes a preexisting nonconforming condition.

2. The applicant represented to the Planning Board that if the existing 620 cubic foot retention pond is restored to its design condition, it will have sufficient capacity to withstand a 100-year storm event.

**WHEREAS**, as a result of the public hearing, the Planning Board has made the following Findings regarding the **Landscaping Plan**:

1. The Landscaping Plan contains the seal and signature of architect Kenneth D. Bracker.
2. The Landscape Plan does not contain the seal and signature of any landscape architect.
3. Village Code section 210-86(D) requires a Landscape Plan to contain the seal and signature of a licensed landscape architect.
4. The Landscaping Plan does not appear to meet the interior landscaping requirements set forth in Village Code section 210-81(G)(3).

**NOW THEREFORE, IT IS RESOLVED** that the Village of Pittsford Planning 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, IT IS RESOLVED** that the Village of Pittsford Planning Board, pursuant to Article XVII of the Village Zoning Code, after due deliberation on site plans for 50 State St, based on the testimony received at the public hearing, **grants final site plan approval subject to the following conditions**:

1. The applicant shall apply for and receive a Certificate of Existing Use for the existing nonconforming luminaires pursuant to Village Code sections 117-15 and 210-108.
2. The applicant shall implement the Lighting Plan recommended by Michael S. Quagliata of Q-Tech Engineering P.C. on August 15, 2016. Gardco safety lights shall be used; all other lights shall be the models specified in Mr. Quagliata's Lighting Plan.
3. All exterior lights at the site shall be LED and shall have a color temperature of 2700K – 3000K (warm white).
4. Astronomical Time Clocks shall be used for lighting controls for all area lights and safety lights.

5. The Applicant shall apply for and receive any approvals needed from the APRB for lighting fixtures.
6. The lighting plan will be gradually implemented in coordination with the Building Inspector. The following light fixtures shall be installed first:
  - The pole mounted parking lot area lights.
  - The area light on the East side of building K.
  - The area light on the East side of building I.
7. All halogen lights used to illuminate signs shall be removed and replaced with gooseneck lamps or other suitable fixtures approved by the APRB. The APRB shall approve locations of light fixtures for sign illumination.
8. The lighting plan shall be fully implemented by **November 1, 2018**.
9. The applicant shall apply for and receive a Certificate of Existing Use for the existing nonconforming drainage and parking space conditions pursuant to Village Code section 210-108.
10. On or before **November 15, 2016**, the applicant shall provide a letter from a licensed professional engineer stating that the existing 620 cubic foot retention pond will have sufficient capacity to withstand a 100-year storm event if it is restored to its design condition.
11. The applicant shall restore the existing 620 cubic foot retention pond to its design condition no later than **June 15, 2017**.
12. On or before **July 15, 2017**, the applicant shall submit a letter from a professional engineer to the Planning Board stating that the existing 620 cubic foot retention pond has been restored to its design condition.
13. The applicant shall apply for and receive a Certificate of Existing Use for the existing nonconforming interior landscaping pursuant to Village Code section 210-108.
14. The applicant shall cause the Landscaping Plan to contain the seal and signature of a licensed landscape architect no later than **November 15, 2016**.
15. All approved landscape implementation shall be completed no later than **October 1, 2017**.
16. All approved plans shall have final copies submitted for approval signature of the Planning Board Chairperson. The Planning Board Chairperson shall not sign these plans until conditions 1, 9, 10, 12, 13, and 14 have all been met.



Chairman Vlietstra then asked the Applicant if he understood the resolution and agreed to the conditions as set forth in it. The Applicant responded that they understand and agree to the conditions.

**Vote: Shannon - yes; Vlietstra - no; Lhota - yes; Erwin- yes; Bove - yes. *Motion carried.***

Dated: August 15, 2016

Pittsford, New York

By order of the Village of Pittsford Planning Board

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Linda Habeeb, Recording Secretary