

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting October 16, 2017 at 7:00 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Renee Stetzer
Susan Lhota
Heather Erwin
Building Insp: Paul Alguire

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to call the meeting to order at 6:55 pm.

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

Chase Bank, 31 State Street ~ Site Plans

Chairperson Vlietstra stated that he has been informed that Chase Bank will not be attending the meeting, and therefore, he made a motion, seconded by Member Erwin, to hold open the public hearing to be continued at the next regular Planning Board meeting, or at such time as the applicants submit plans for the Board to review.

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

Minutes: September 18, 2017:

Board members discussed revisions to the draft minutes from the previous meeting, and agreed that the changes would be incorporated into the final version of the minutes.

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to approve the 9/18/17 meeting minutes, as amended.

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

Melissa Valle, Knauf Shaw LLP

Melissa Valle, from Knauf Shaw, LLP, requested an update on the status of the 25 Schoen Place project. Ms. Zoghlin stated that the applicant submitted a large set of documents to the Village, and the Village is in the process of interviewing consultants to evaluate the documents. The Building Inspector is reviewing the application for completeness. The Board of Trustees must approve any contracts for consultants and the applicant shall be required to deposit funds to cover the cost of consultants pursuant to Village Code §210-110. Once the deposits are received, the boards can then refer the applications to the consultants to start working on the project. She noted that there have been situations with other applications where consultants have been retained, and then the project is delayed or stopped because escrow funds are either exhausted or insufficient for the process to continue.

Ms. Zoghlin noted that one of the legal issues that has come up in connection with the applications is whether there can be a site plan that proposes to construct or make use of land that is not owned by the applicant or the developers, as in the RG&E right-of-way and stormwater management facility.

Chairperson Vlietstra stated that the Village has received an estimate from one consultant to conduct various aspects of review of some of the technical issues, such as drainage and traffic. He reported that board members also met with another consultant, who provided an estimate to assist the Board with Planning issues and SEQR review. The Board also received an estimate from a landscape architect to work with the board on the project. He stated that the landscape architect has experience in multiple disciplines. Interviews with planners and other consultants are being set up.

Liaison Report:

Trustee Lanphear reported that:

- ≈ All floors of the building located at **18 South Main Street** have been rented to a tenant who plans to open a gaming recreation center in the building. She explained that the building is located in a B1A zoning district, in which the first floor of the building is required to be used only for retail establishments. The tenant will need to demonstrate that he intends to use the space for retail sales. She commented that the landlord should have explained to the potential tenant that this is not a permitted use prior to renting the space to him. The applicant has submitted an application to the Zoning Board requesting a use variance. Chairperson Vlietstra commented that there is a very high burden of proof when requesting a use variance.
- ≈ **85 South Main Street** – The building inspector issued a violation order because the owner replaced the windows in the house without APRB approval.
- ≈ **Sutherland Auto** is in violation of their site plan because the number of cars in their lot exceeds that which was approved.
- ≈ **Northfield Common** - The owners have not cleaned out the pond, which was required to be completed by July 2017.

Motion: Chairperson Vlietstra made a motion, seconded by Member Erwin, to adjourn the meeting at 7:30 pm.

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

Linda Habeeb, Recording Secretary