

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting October 21, 2019 at 7:00 PM**

PRESENT:

Chairperson: Justin Leitgeb
Members: Jo Anne Shannon
Susan Lhota
Eli Bannister
Justin Vlietstra (absent)

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

Motion: Member Leitgeb made a motion, seconded by Member Bannister, to open the workshop meeting at 6:30 pm.

Vote: Shannon – yes; Lhota – yes; Leitgeb – yes; Bannister – yes. *Motion carried.*

Motion: Member Leitgeb made a motion, seconded by Member Bannister, to close the workshop meeting and call the regular meeting to order at 7:00 pm.

Vote: Shannon – yes; Lhota – yes; Leitgeb – yes; Bannister – yes. *Motion carried.*

Conflict of Interest Disclosure: Board members had no conflicts of interest to declare.

Member Leitgeb stated that he would be acting as the Chairperson for this meeting.

David Jewett, 44 North Main Street ~ Temporary Zoning Permit

Present: David Jewett

The legal notice was published in the October 3, 2019 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 October 21, 2019 at 7:00 pm to consider an application made by David Jewett for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths in November and December of 2019, at property known as Pittsford Farms Dairy, owned by Charles Corby, and located at 44 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

Discussion: This is an application for a temporary zoning permit for the outside sale of Christmas trees and wreaths from November 18, 2019 through December 30, 2019 at the property known as Pittsford Farms Dairy, located at 44 North Main Street. The applicant stated that he has been granted the permit for a number of years, and he agrees to abide by the same conditions as were agreed to in past approvals. Member Leitgeb asked the applicant if there were any changes to his proposal, and Mr. Jewett stated that nothing has changed since last year. Member Leitgeb asked the secretary if any comments were submitted to the Board or if any complaints have been received. Ms. Habeeb stated no comments or complaints have been received regarding this application.

Motion: Member Leitgeb made a motion, seconded by Member Bannister, to open the public hearing at this time.

Vote: Shannon – yes; Lhota – yes; Leitgeb – yes; Bannister – yes. Motion carried.

Motion: Member Leitgeb made a motion, seconded by Member Bannister, to close the public hearing, as there was no one wishing to speak for or against this application.

Vote: Shannon – yes; Lhota – yes; Leitgeb – yes; Bannister – yes. Motion carried.

Motion: Member Leitgeb made a motion, seconded by Member Bannister, to adopt Resolution 2019-17 granting a temporary zoning permit to allow the outside sale of Christmas trees and wreaths at the Pittsford Farms Dairy during the holiday season, with the following conditions:

1. Dates and times of outdoor merchandise sale shall be November 18, 2019 through December 30, 2019.
2. The Building Inspector may authorize, in writing, changes to the site plan or permitted dates and hours of operation.
3. All trash shall be removed nightly.
4. The site shall be restored to its original state by December 30, 2019. Restoration shall include removal of all trash, signs, decorations, and fixtures that were installed for the action. If additional time is needed for restoration the Building Inspector is authorized to grant reasonable extensions to this deadline.
5. The Building Inspector shall determine that signage for the Action is appropriate in size, quantity, and location.
6. The Building Inspector shall determine that lighting for the Action is appropriate in intensity, quantity, location, and hours of operation.
7. Village Code Enforcement Officials shall be allowed to conduct all necessary code reviews and inspections related to the Action.
8. 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.

Vote: Shannon - yes; Lhota – yes; Leitgeb – yes; Bannister - yes. Motion carried.

**Village of Pittsford
Zoning Board of Appeals**

RESOLUTION 2019-17 Decision on Temporary Zoning Permit

Project: Pittsford Dairy Temporary Zoning Permit Date: 10-21-2019

Applicant Name: David Jewett
Address: Pittsford Farms Dairy
40 Lincoln Ave
Pittsford, NY 14534
Action: Temporary Zoning Permit for outdoor sale of crafts
and Christmas trees at Pittsford Farms Dairy,
44 N. Main St.

At a regular meeting of the Village of Pittsford Zoning Board of Appeals (The Board) held on October 21, 2019 at 7:00 p.m. at Village Hall, 21 N. Main St, Pittsford, NY 14534, the following resolution was offered by Board Member Leitgeb, who moved its adoption, and seconded by Board Member Bannister, 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 and site plan drawing and 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)(21).

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 in a waterfront area of the Village of Pittsford but is not subject to a local waterfront consistency review because it is a Type II action under SEQRA.

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-2 retail business district, which requires business to be completely conducted indoors per §210-33.
2. 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.
3. The proposed use does not fit with the general purpose and intent of the Zoning Code for the B-2 district but the duration is limited.

4. The proposed use is on a private lawn well away from the street and sidewalk and will not interfere with pedestrian safety.
5. The proposed use has been an annual tradition in the Village for many years without incident.
6. The proposed use will not tend to depreciate the value of adjacent property, taking into account the temporary nature of the use.
7. The proposed use will not create a hazard to health, safety or general welfare.
8. The proposed use will not be detrimental to the flow of traffic in the vicinity.
9. 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 David Jewett for a temporary zoning permit to allow sale of outdoor merchandise at 44 N. Main 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 November 18, 2019 through December 30, 2019.
2. The Building Inspector may authorize, in writing, changes to the site plan or permitted dates and hours of operation.
3. All trash shall be removed nightly.
4. The site shall be restored to its original state by December 30, 2019. Restoration shall include removal of all trash, signs, decorations, and fixtures that were installed for the action. If additional time is needed for restoration the Building Inspector is authorized to grant reasonable extensions to this deadline.
5. The Building Inspector shall determine that signage for the Action is appropriate in size, quantity, and location.
6. The Building Inspector shall determine that lighting for the Action is appropriate in intensity, quantity, location, and hours of operation.
7. Village Code Enforcement Officials shall be allowed to conduct all necessary code reviews and inspections related to the Action.
8. 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.

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

	Yes	No	Abstain
Eli Bannister	x	<input type="checkbox"/>	<input type="checkbox"/>
Justin Leitgeb	x	<input type="checkbox"/>	<input type="checkbox"/>
Susan Lhota	x	<input type="checkbox"/>	<input type="checkbox"/>
JoAnne Shannon	x	<input type="checkbox"/>	<input type="checkbox"/>

Dated: October 21, 2019

By order of the Village of Pittsford Zoning Board of Appeals

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**Town of Pittsford, Erie Canal Park and Preserve ~ Site Plan Review**

**Present:** Paul Schenkel, Commissioner of Public Works; Sue Steele, Landscape Architecture

**The legal notice was published in the October 3, 2019 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 October 21, 2019 at 7:00 pm to consider an application made by the Town of Pittsford for site plan review for development of a shared-use trail and reassembly of a salvaged historic barn within the undeveloped land located at Tax parcels 151.17-2-18.2, 151.17-2-18.3, 151.17-2-21, 151.18-1-54, 151.18-1.55.2, pursuant to Village Code §210-83.”*

**Discussion:** Mr. Schenkel stated that the Town of Pittsford is developing a shared-use trail on 20 acres of undeveloped land located on the Erie Canal along with the re-assembly of a salvaged historic barn. Mr. Schenkel explained that the proposal is to re-assemble the salvaged Snyder Barn formerly located on Calkins Road. The barn was originally constructed in 1850-1860. The applicant proposes to erect the existing structure on a 20-acre plot on the Erie Canal to serve as a centerpiece for the Erie Canal Park and Reserve. The building will undergo all necessary upgrades to meet current building codes while maintaining barn architecture elements from its origin. The size of the building will be determined on the use of the existing timber frame structure.

The project area is comprised of several parcels and bound by the Auburn Trail at the north and the Erie Canalway Trail to the south. The area is currently undeveloped open space and contains .62 acres of freshwater ponds, and a Class B intermittent stream. There are no documented New York State or Federal Wetlands. The proposed development includes approximately 0.35 miles of a new shared-use trail and interpretive signage on the parcel. The project is funded by New York State Department of State under Title 11 of the Environmental Protection Fund. The project will implement the 2010 Town and Village of Pittsford Erie Canal Area Master Plan, joint Town and Village of Pittsford LWRP, and the Town’s Comprehensive Plan. The proposed shared-use trail will provide connectivity between two high-use trail systems, provide a new recreational facility, and offer nature education and interpretive opportunities to the immediate neighbors and community at large.

The design standards recommend that the shared-use trail will be 11-14’ in width with a 3-5’ wide shoulder. The Town anticipates serving cyclists and families with children based on the current user types of the Erie Canalway Trail, increased connectivity to the Auburn Trail, and proximity to services in the

Village of Pittsford and along Monroe Avenue. The proposed at-grade shared-use trail is 11' wide stone dust trail with a minimum 3' wide shoulder. In areas near open water and/or steep slopes, a 5' wide shoulder is proposed. In areas of standing water and highly saturated soils, the shared-use trail will be elevated.

Mr. Schenkel explained that the Town received a grant from Consolidated Funding Application Process for this project. The grant is specifically for the trail connection and the historic barn. The grant expires in June of 2020. The long-term use for the barn has not yet been determined.

Ms. Steele reviewed the site with the Board. The trail travels north-south, winding through the site to avoid wet areas, significant trees, steep slopes, and to capture preferred views of the landscape. Starting at the Auburn Trail to the north, a small trailhead will be constructed, with informational signage to identify the trail and provide trail users with basic orientation and wayfinding information. The stone dust trail is proposed to be 11' wide with a 3' wide shoulder for approximately 500 feet. The trail would then transition to a 10' wide elevated trail minimizing impacts to the wetlands adjacent to the existing ponds. The elevated trail will be approximately 300 linear feet and transition back to an 11' wide stone dust trail. The trail continues southeast and south for another 1,000 linear feet and connects to the Erie Canalway Trail. This alignment is approximately 1,800 feet in length. This alignment is preferred due to the minimal total trail length, limited disturbance to the wet areas, and opportunities for interpretive elements.

Board members questioned what proportion of the site will be boardwalk. Ms. Steele stated that it will be only a short segment, approximately 200 to 300 linear feet. It will be mainly an educational opportunity which will not obstruct the viewshed. There will be a geotechnical analysis performed to obtain information on the physical properties of soil and foundations for proposed structures. The next step will be the joint permitting process, where applications will be submitted to the Department of Environmental Conservation (DEC) and the Army Corps of Engineers. The DEC is primarily interested in work that is performed along the banks of the drainage channel and how the shoreline and vegetation are treated. Board members identified some areas of running water on the site and questioned the applicants about the plans for these areas. Ms. Steele explained that these details will be worked out later in the process.

The applicants stated that they have completed Phase I of the project and have submitted plans to New York's State Historic Preservation Office (SHPO). SHPO requested an archeological resource report, which has been completed, and there were no significant findings and no recommendations for further investigation. Ms. Steele also noted that the Canal Corporation is aware of the project, and she will provide further details to them when she has received feedback from the Boards. The LWRP checklist was submitted with the site plan application. Mr. Schenkel stated that in regards to SEQRA review, the Town is prepared to perform the review, but wanted to consult with the Village Boards to assess which municipality should conduct the review.

Ms. Steele stated that she is uncertain whether budget is sufficient for the boardwalk portion of the trail. Board members asked if it were not, whether an alternate route would be proposed. Member Leitgeb stated that if there was an alternate route being considered around the wetland areas, it should be mapped and marked.

The applicants explained that one parcel on the site is owned by Harris & Rainey. The Town is currently pursuing a subdivision of the property to provide access to the site. The applicants will need to provide proof of consent from the owners of the property for the Town's submittal of an application to the Village

for site plan approval. Mr. Schenkel stated that the Town will provide this proof of consent. Member Leitgeb asked who will be responsible for maintaining the trail in the northeastern Village-owned portion of the site. Mr. Schenkel stated that the Town will maintain that portion of the site and that the legal details are in the process of being worked out.

Board members asked whether the historic barn will be sided. Mr. Schenkel explained that the proposal is to replicate the original barn as closely as possible, and a structural engineer will be involved in the process. The eventual use for the barn on the site has yet to be determined. Access to the barn has also not been determined at this time, but will probably be from the Monroe Avenue side. There are no plans for utilities at this time.

Board members asked about tree removal. The applicants explained that there will be some trees removed, but they are attempting to minimize tree removal and replace vegetation that is removed, where possible. It was noted that there is a spruce plantation located on the site, which has existed for many years.

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

**Vote:** Shannon – yes; Lhota – yes; Leitgeb – yes; Bannister – yes. *Motion carried.*

- **Alysa Plummer, 66 South Main Street**, stated that she strongly supports this project. She further stated that it is a good opportunity for collaboration between the Town and the Village. Ms. Plummer noted that there has been a problem with dumping in the area of the DPW, and she suggested implementing a stewardship policy for the area. She also asked if the applicants were considering installing solar panels on the barn. Mr. Schenkel explained that solar panels are a possibility, but that this has not been decided yet.
- **Rory Juliano, High Street**, also supports this project. He asked about the long-term plans for the property beyond this project. Mr. Schenkel stated that at this point, there are no definite plans for the future of the property beyond this proposal.
- **Renée Stetzer & Brooke Fossey** submitted a letter regarding the project to the Planning Board:

Dear Planning Board Members,

Walk Bike Pittsford is writing in support of the Erie Canal Park and Preserve, which will undergo a site plan review at your PZBA meeting on October 21, 2019. The Erie Canal Park and Preserve will create a new ADA compliant multi-use trail connection between the Auburn Rail Trail and Erie Canalway Trail. This new trail connectivity will improve commuting options for those on bike and foot, as well as enhance and expand recreation options within the Village and Town of Pittsford. The trail will help better connect our community with the surrounding towns, encourage more people to use alternative modes of transportation for short and long trips, inspire people to get outside, and expand outdoor recreation options for those who use wheelchairs and other mobility assisted devices. The educational opportunities regarding the wildlife habitat, greenspaces and the history of the barn and railroad will encourage more people of all ages and abilities to walk, bike and roll through our trails, village and local business districts.

This project will help energize a section of the canal path and greenspace right here in our village, honoring and preserving its history. *Renée Stetzer & Brooke Fossey*

Member Leitgeb asked about the width of the trail, and Ms. Steele stated that the proposed width of the trail is 11 feet. The paved portion of the canal trail is approximately 10 feet. Member Leitgeb noted that the path seems to be oriented mainly to bicycle traffic. He asked if they had considered the project being more of a nature trail. Ms. Steele stated that the width is needed for safety purposes, and it is anticipated that the trail will be a shared-use trail.

Board members requested that the wetlands be identified on the map. Ms. Steele pointed out the wetland location on the map. She stated that the DEC has no concerns with improvements within the wetlands. Board members asked if the applicants had considered other types of trail surfaces other than stone dust. Mr. Schenkel stated that they are also considering using asphalt millings or paving. Member Leitgeb stated that with the use of stone dust, there is a concern with runoff into the wetland areas. Ms. Steele stated that if they use stone dust, they will keep the slopes at less than three percent. Members questioned the applicants about the proposed material for the boardwalk. They stated that the material for the boardwalk has not been determined, but they are considering various types of wood options. Ms. Steele stated that they will have ramps constructed within ADA standards.

Board members discussed the SEQRA process and whether the Town or the Village should be lead agency in the process. The Planning Board will further discuss which municipality will assume the role of lead agency for this proposal. Ms. Zoghlin explained that the applicants will need a Performance Zoning Overlay District (PZOD) conditional use permit. There was discussion about how the moratorium impacts this requirement.

**Motion:** Member Leitgeb made a motion, seconded by Member Bannister, to keep the public hearing open.  
**Vote:** Shannon – yes; Lhota – yes; Leitgeb – yes; Bannister – yes. *Motion carried.*

**Motion:** Member Leitgeb made a motion, seconded by Member Bannister, to adjourn the meeting at 8:30 pm.

**Vote:** Shannon – yes; Lhota – yes; Leitgeb – yes; Bannister – yes. *Motion carried.*