

**VILLAGE OF PITTSFORD  
PLANNING AND ZONING BOARD OF APPEALS  
Special Meeting November 4, 2019 at 5:00 PM**

**PRESENT:**

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

Recording Sec: Linda Habeeb

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Shannon, to open the meeting at 5:00 pm.

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

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

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

**Present:** Sue Steele, Landscape Architecture

**Discussion:** Member Vlietstra stated that this is a continuation of a proposal from the Town of Pittsford for the development of a shared-use trail on 20 acres of undeveloped land located on the Erie Canal, and the re-assembly of a salvaged historic barn. 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.

The applicants have completed a Phase I cultural resource and archeological report on the project and have submitted this and associated plans to New York's State Historic Preservation Office (SHPO). Ms. Steele submitted a letter from SHPO stating that no historic properties, including archaeological and/or historic resources, will be affected by this project, and that SHPO concurs with the report's recommendation that no further archaeological investigations for this proposed project are warranted. Member Vlietstra requested a copy of the report. Ms. Steele stated that the Town is working through the other permit applications, which will be submitted within the week.

Ms. Steele also indicated that the Town is moving forward with the SEQR review process. Member Vlietstra pointed out that if the Town is planning on doing a coordinated review for SEQR, the Village will need to receive a SEQR notice letter from the Town requesting that the Town be named as lead agency. This has a mandatory 30-day waiting period. Ms. Steele stated that after review by the Town attorney, a letter will be sent to the Village with the lead agency request. There was some discussion regarding whether this required a short-form or long-form for SEQR review. It was decided that the short form could be used, but the Board would use the long form FEAF Part 2 to evaluate impacts and identify any concerns. The Board would respond to a SEQR notice letter from the Town with any appropriate comments and concerns.

Member Vlietstra stated that one concern is that the scope of the project has not been clearly defined. For example, one parcel on the site is owned by Harris & Rainey. There was some discussion of a subdivision of this parcel of the land, and the Board is not clear what the ramifications of that would be. Ms. Steele explained that the subdivision will not likely be completed before June 2020, when the grant expires, so they are now pursuing an easement for the land. Member Vlietstra stated that if the Town doesn't purchase that land, the land will not be usable for commercial purposes. Currently, the land is zoned residential, but with the proposed draft Zoning Code updates, it will be zoned as Open Space, as in a park. Board members expressed that it would be informative to know the land owners' plans for this parcel of land.

Member Vlietstra stated that another issue is that the Village has a moratorium in place in this district that is scheduled to expire on Dec 1<sup>st</sup>. The Village Zoning Code and Comprehensive Plan are being completely rewritten, and adoption is anticipated in December in proximity to the moratorium expiration. The Planning Board cannot act until the moratorium is resolved. There was some discussion as to whether this project is exempted from this moratorium. However, given the expected expiration and required timeframes in the SEQR review the matter is moot.

Ms. Steele stated that a joint permit application for any disturbance within the wetlands and streams is being submitted to the Army Corps of Engineers and DEC. This will be a 60-day process. The Town will submit an application to the Canal Corporation concerning work along the canal. The Canal Corporation will not issue a permit until the Town is ready to begin the work. They will have comments on site design. Member Vlietstra explained that according to current Village Code, the process can be divided into Preliminary Site Plan and Final Site Plan review. Preliminary approval can be granted and final approval would wait until other agencies have weighed in on the project. Reviews requiring substantial approvals from State and Federal agencies are not common and the Board will have to evaluate the best process forward. He further stated that at a minimum, the Board needs to know that these agencies generally approve of the project. The Planning Board does not want to approve any plans that need modifications to comply with requirements of other agencies. The Board requested copies of any permit applications and any correspondence the Town has with these agencies.

Member Vlietstra expressed concern with the concept of using the canal path for construction vehicle access and fire/emergency vehicle access. He asked whether the Fire Marshal has reviewed the plans. He also stated that egress lighting is required at all the building exits per Building code and there are other lighting requirements to ensure public safety, but no electricity or utilities are supplied to the building in the submitted plans. Typically, the routing of utilities is a prime concern in building placement on a site. Ms. Steele stated she thought the Town has the ability to supply utilities when needed but will consult with the Town and provide utility information at the next meeting. Board members also questioned Ms. Steele about the use of the barn. She explained that the use for the structure has not been determined. Currently, the plan is for the building to be a shelter or pavilion. There was some discussion that it may be preferable to have separate applications for the trail and the barn as the trail does not present the same level of scrutiny for zoning code and building code compliance. Ms. Steele pointed out that the grant requires both the trail and the structure. Member Vlietstra stated that Zoning Code requires that buildings have parking, and the plan does not include a plan for parking. Ms. Steele stated that parking is not within the scope of this phase of the project.

Member Vlietstra explained that the Historic Preservation Board will review the architectural drawings for the barn, but the Board requested that the applicant provide a copy of the architectural plans that are to be submitted to the HPB, including the elevations and the basic materials. At the Board's request, the

applicant provided a copy of the grant application. It was noted that the Auburn Trail goes through Village property and is owned by RG&E. Ms. Steele stated that the Town maintains the Auburn Trail. Board members requested a copy of the agreement between the Village and the Town regarding this property. Ms. Steele stated that the Town has an easement with RGE and will provide a copy of the agreement.

Ms. Steele stated that the material for the trail has been changed to recycled asphalt millings. She further noted that the recycled asphalt millings will not leach into the wetlands. Member Vlietstra asked if the applicants have considered mulch for the trail as is used in Tinker Park in Henrietta. He also questioned the reason that bicycles will be allowed to utilize the trail vs a nature trail intended primarily for pedestrian use. The Auburn trail and Erie Canal path are already connected via the access road to the Village DPW building. Ms. Steele stated that it is a shared-use trail for pedestrians and bicycles. Member Vlietstra explained that his concern is that if the trail is a wide gravel trail designed for bicycles, it will discourage pedestrian traffic due to the lack of shade, width, and materials being less desirable than traditional hiking trails through the woods such as the 1000-acre swamp in Penfield. Bicycles are prohibited in most Town and County parks. Ms. Steele stated that it provides an off-road connection, allowing folks traveling the Auburn Trail to connect to the Erie Canalway Trail, without having to go through parking lots. It is designed to accommodate both pedestrian and bicycle traffic, per the Active Transportation Plan. It is also designed to be wide enough to safely accommodate both types of traffic with good visibility. She further noted that the trail wasn't envisioned to be only a nature park. Board members noted that whether it is a nature park or mixed-use trail isn't their decision; input from the residents that will use this trail is important.

Member Vlietstra explained that, in his opinion, a path that is 10-11 feet in width plus 3ft shoulders on each side is too wide. He further stated that a path that is 8 feet in width is common and adequate for a lightly traveled mixed-use trail that would accommodate both pedestrians and bicycles. This is not a trail that will have thousands of people a day. Member Lhota suggested that the Board question the committee as to the reason that the trail was designed to be the proposed width, but she also stated that the Board cannot redesign the proposed project. Member Vlietstra stated that the Board is under an obligation to review the environmental impacts of the proposal and approve something that minimizes environmental impacts "to the maximum extent practicable". He also stated that he considers the width of the trail to be vital as to whether it is attractive to pedestrians; he walks a lot and wide trails like the Lehigh-Valley trail are hot and uninteresting. Ms. Steele explained that the proposed project follows the NY Bikeway Safety Standards for Trail Use. She stated that this is an opportunity for children to walk in a safe environment and learn about nature. Member Lhota stated that the Board should keep in mind that this project is unique, and other park standards may not apply to this situation.

Member Lhota asked if this project will be presented to the public. Ms. Steele stated that the plan will be presented to the public with a request for public input. Board members expressed an interest in hearing from the public regarding the project. Member Shannon noted that there is another portion of this land that could be kept solely as walking trails. Member Leitgeb requested that any changes from the original submission regarding the dimensions and material for the trail be submitted in writing for the record. He also stated that regarding the path that is going through the park, there was some uncertainty as to whether there would be a budget for the elevated pathway, and it will be important for site plan review to know where the path is going to go through that portion. Member Leitgeb also asked if there will be a bridge over the running water on the south of the property. Ms. Steele stated that there is a plan to have a culvert in that area. She further stated that this area will be reviewed by the Army Corps of Engineers, and there will be environmental review and regulations associated with the area of the stream.

Board members requested that the applicant submit copies of the survey and wetland delineation maps. Member Vlietstra asked about possible restoration efforts of the stream banks. Ms. Steele stated that they will be maintaining and stabilizing the stream banks as part of the construction, but there are no plans to impact the current flow of water.

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

The applicant will provide the requested documentation, and will plan on coming back before the Board for the December 9<sup>th</sup> meeting.

**Motion:** Member Vlietstra made a motion, seconded by Member Lhota, to adjourn the meeting at 9 pm.  
**Vote: Shannon** – yes; **Vlietstra** – yes; **Lhota** – yes; **Leitgeb** – yes. ***Motion carried.***

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Linda Habeeb, Recording Secretary