

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting: November 18, 2019 at 7:00 PM

PRESENT:

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

Mayor: Mayor Corby
Trustee: Dan Keating
Trustee: Renee Stetzer

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

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

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

Motion: Chairperson Vlietstra 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; Vlietstra – yes; Marshall – yes; Bannister – yes. *Motion carried.*

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

Chairperson Vlietstra stated that the first item on the agenda is the Town of Pittsford Erie Canal Park and Preserve project.

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

Discussion: 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. Member Vlietstra stated that the Town owns the land, except for one parcel, but the project is located within the Village. In regards to the environmental review (SEQRA), correspondence with the Town discussed the Town being lead agency for a coordinated review. The Planning Board is waiting for a SEQRA notice from the Town to establish them as the lead agency conducting the review. The Planning Board will document any environmental concerns and send it to the Town.

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

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

- Marty Martina, Locust Street, asked about the location for the park. Member Vlietstra stated that the park will be located in the area between the Village public works department and the Monroe Avenue bridge. He inquired about the exact location of the Barn. He presented a map to indicate

the location for the park. He also explained that there is more detailed information on the Village website. Mr. Martina also stated that there is a sign on the property line, and suggested that the proposed barn be located more to the center of the lot.

- Suzanne Shaw asked about the parking for the barn. Mayor Corby explained that for this phase of the project, there is no parking plan, but there will be a future phase that will include parking and a playground. She also stated that she supports the barn reconstruction.

Member Vlietstra stated that the Board is interested in hearing comments from the public regarding this project. The use for the barn has not been determined at this point. There is no access road or utilities proposed at this phase of the project.

- Margaret Caraberis, South Main Street, commented that the plan is not complete, because it doesn't include the next phases of the project. Member Vlietstra stated that the Board has requested more information from the Town regarding parking, access, and utilities.
- Mayor Corby explained that the Town received a grant for this project. The grant is specifically for the trail connection and the historic barn. The grant expires in June of 2020. He further stated that the project is 23 acres of nature in the walkable center of the village, it will be well used, and that he supports for the proposal.

Member Vlietstra explained that the trail is proposed as a mixed-use trail to connect the Auburn Trail to the Erie Canal. He said it would be desirable to have input from the community regarding the trail, such as whether it should be a nature trail, primarily for pedestrians, or whether it should also accommodate bicycles. Member Lhota pointed out that this is a project under the umbrella of connectivity, and the Erie Canal trail is used by walkers, strollers and bicyclists. The Auburn Trail is also used by walkers and bicyclists. The proposed trail will connect trails that already accommodate bicycles.

- Renee Stetzer, 34 Monroe Ave, stated that according to the American Association of State Highway and Transportation, a shared-use trail needs to be 11 feet wide.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bannister, stating that the public hearing will be continued at the November 25th meeting at 5 pm.

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

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## **LWRP review for Amended Comprehensive Plan and Zoning Code updates**

Chairperson Vlietstra provided background leading up to the LWRP public hearing tonight:

Since June, 2019, the Planning Board has been corresponding with the Board of Trustees regarding the draft Zoning Code and Comprehensive Plan. The Planning Board submitted over 500 comments/change requests and the Trustees have discussed them and their own concerns and worked on proposed amendments.

The Planning Board reviewed a proposed list of Zoning Code amendments on October 28 and 29 and discussed remaining outstanding substantive concerns with the Trustees on October 30. At a joint meeting between the Planning Board and Trustees on October 30, remedies for remaining priority concerns were agreed to and a schedule for formal reviews was discussed.

The public hearing for the LWRP review was scheduled for tonight based on the assumption that a draft of the Zoning Code would be released on Thursday November 7 so it could be posted on the Village website and noticed for public review 10 days before tonight's meeting. The Planning Board did not receive copies of the code on November 7. The Planning Board scheduled initial workshops to discuss the new Zoning Code draft on Friday November 8, and Monday November 11, but was not supplied with copies of the Zoning Code before those meetings. At the meeting on November 11, the Mayor was consulted regarding the status of the new Zoning Code and he stated there were numerous omissions in the draft Code and the Trustees were working to get the requested revisions incorporated into the Zoning Code.

I was told that a new draft of the Zoning Code was released today, but I have not seen it.

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

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

- Margaret Caraberis, South Main Street, asked the Board what will be the procedure going forward with the LWRP review.

Member Vlietstra stated that the Board needs to determine if all the concerns have been addressed, but they haven't yet seen the document in its final form. Mayor Corby asked Member Vlietstra why the Board has not seen the document in its final form. Member Vlietstra stated that the document was just released today, and the Board has not had an opportunity to review it. Mayor Corby stated that he apologizes on behalf of the Village, and asked what the Board needs to move the process forward. Trustee Keating suggested that the Board use the worksheet to review changes that were made by the Trustees. Member Lhota stated that there is a transmission problem where, at times, there is a discrepancy between changes that were made that do not appear in the latest draft of the code.

Member Vlietstra stated that the Board has not had an opportunity to review the site plan portion of the draft and is also concerned with proposed dimensional standards of buildings. Mayor Corby suggested that the Board of Trustees adopt the Code on Thursday, and then modify it based on the Planning Board's LWRP consistency review. Member Marshall pointed out that if the Board of Trustees completes the LWRP review, it would not come back to the Planning Board. The Planning Board could make recommendations based on their review, but there would be no requirement that the Trustees act on these recommendations. Trustee Keating pointed out that that is also the case now, as the Planning Board is a referring board, and the final LWRP review is with the Trustees. Member Vlietstra stated that the Trustees can only conduct the review if the Planning Board fails to act on it. The Planning Board does LWRP reviews, not the Trustees. However, before the Planning Board can act it needs to receive a copy of the Draft Zoning Code and Comprehensive Plan and have time to read and review it. Ms. Zoghlin stated that it is not the LWRP review that is significant; it's the comments on the substance of the Zoning Code that are significant.

**Motion:** Member Vlietstra made a motion, seconded by Member Bannister, that the application for an LWRP review of the draft Zoning Code is incomplete and cannot be acted on tonight because the Planning Board did not receive a copy of the revised draft Zoning Code reflecting expected substantive changes prior to the public hearing for appropriate consideration as explained above.

**Vote: Vlietstra - yes, Shannon - yes, Bannister – yes, Lhota – yes, Marshall – abstain.**

**Comprehensive Plan Discussion:**

- Submitted by Justin Leitgeb for consideration:

#### Zoning Map

- Missing Schoen Place road (present on adopted zoning map)
- Missing road that connects N. Main and State St. behind Library (present on adopted zoning map)

#### Comprehensive Plan

1. The words village and town should be capitalized in the sentence at the end of the third paragraph on page 13 for consistency.
2. Section under page 14, “Public Open House & Public Hearing - June 24, 2019” is marked “TBD” and should be completed.
3. Page 19, last sentence contains a typo which should be fixed, or the sentence could be reworded for clarity. Could delete word indicated, “However, because the ~~currently~~ population is small, a single new residential development could have a significant impact on Village growth in the future.” However, consider making sentence more clear to indicate the type of change suggested e.g., “However, because the population is small, the addition of a single residential development could result in a rapid, substantial increase in population in the future.”
4. Page 19: I am not sure why the following sentence is written in bold - “**Pittsford Village’s population will remain relatively stable.**” It seems that the following sentence indicating a proportionally significant increase in population is at least as important. Consider removing the bold styling.
5. Pages 19-20 consider making it more clear that the 2017 ACS data is an estimate - it is not a full survey of all residents as in years that the census is conducted.
6. Page 21 typo “no Village residents’ bike to work.” Remove apostrophe after “residents.”
7. Page 21: Given that many in the community feel strongly about active transportation, and that the ACS is an estimate, perhaps we should not emphasize facts like, “Out of 100 Village workers... 0 Biked” Based on personal experience I know two Village residents who bike to work pretty much year-round.
8. Page 21: “This level of traffic also impacts potential pedestrian and bicyclist conflicts.” How does it impact pedestrian and bicycle conflicts? Change to, “may lead to pedestrian and bicyclist conflicts.”
9. Page 21: change “pedestrian-scaled streets” to “pedestrian-scale streets”
10. Page 21 capitalize Village in, “The district was further expanded in 2016 including nearly the entire village with more than 120 properties.”
11. Page 21 typo - add word in brackets: “This rich architectural character is [a] source of pride for the Village.”
12. Page 25 remove comma in brackets, “A general statement of a future condition towards which actions of a narrower scope[,] are aimed.”
13. Page 29, capitalize “village” in first sentence.

14. Page 34, definition of an accessory dwelling unit is confusing and has a typo (delete crossed-out word). *“An accessory dwelling unit is a single, smaller already existing residential unit independent of, but located within, attached to, or on the same lot as ~~a~~ the owner-occupied single family home.”* How can we support the provision of more accessory dwelling units if they are defined as already existing?
15. Page 36, “Develop an incentive program for commercial property owners to help reduce presence of vacant space.” What is this proposing, specifically? Other municipal incentive programs, in the Town and State have been controversial and have a history of poor results. Consider weakening this wording so that such programs would be considered and studied, instead of moving directly to development of such programs.
16. Page 39, mentions that the proclamation on diversity dated June 1 is on the Village webpage (change this wording to say, “web site” instead of web page), but I cannot find it. Consider making it prominent so that it is easy to find.
17. Page 44, typo (add word in brackets) - “Encourage private investment to operate a trolley for historic tours and for jitney service [to] circulate throughout the Village.”
18. Page 44 #6, do we want to create more parking space, whether public or private? This seems to encourage the addition of more parking space. This may be at odds with the active transportation goals of the Comp Plan.
19. Page 47 (D) (1-3) does not seem like something that the Village needs to spend resources on - this already exists through various private and open source initiatives.
20. Page 47 (D) (3) typo, “Historic Pittsford” (extra capital letter “I”)
21. Page 49 second paragraph, “undertaking” should be changed to plural since multiple initiatives are mentioned, “With consideration of Pittsford Village’s geology of sandy soils, ever more frequent, intense rain events, and a 100-year old storm water system at or near capacity, the storm water system along with other Village infrastructure systems (e.g. water, sewers, utilities, etc.) will need to be considered in all future undertakings by the Village and its constituents.”
22. Page 56 #9 - “Establish a method for resolving potential conflicts between jurisdictions on matters relating to land use a development within the Village.” I’m not clear on what this means - shouldn’t state and local law make the methods for resolution clear? Otherwise, for small matters, is there a fundamental issue with communication? By saying, “Establish a method” it seems that we are looking for a “one size fits all” solution which probably doesn’t exist. I would delete this point entirely and focus on continual improvement of municipal processes and relationship-building between municipalities so that in the future issues are simpler to resolve in a manner that is satisfactory to both parties.
23. Page 57 list on bottom of page - fix inconsistent use of period at end of list items (only two out of 9 end in period)
24. Page 60 seems to contradict itself - paragraph one says, “The aesthetics of the Village were not dictated by design principles but grew organically over time.” Then paragraph two says, “To maintain the authenticity of the Village’s history, it is essential [that] Pittsford retains those patterns and design principles intrinsic to its built environment.” Were there design principles that were deployed is the Village grew (if so, what were they?) or not? Also, possible minor typo, add “that” where indicated in brackets if text is left as-is.

25. Page 60 make sure that sentences are consistently terminated by periods (there seems to be a mix of complete sentences and incomplete sentences in the timeline, consider making this consistent as well).
26. Page 61, fix awkward wording. Currently reads, *“The entirety of the Village is now considered an historic district and subject to the requirements of Chapter 211, the Village of Pittsford Historic Preservation Code.”* Sentence could be broken into two. Also the capitalization of “Village of Pittsford Historic Preservation Code” implies that it is the title of that section of code which is incorrect. Suggested replacement - *“The entirety of the Village is now considered an historic district. As such it is subject to the requirements of Chapter 211 of the Village Code regarding Historic and Architectural Preservation.”*
27. Page 62, when we refer to “Pittsford decision-makers” are we talking about Town, Village or both?
28. Page 64, add comma where indicated by brackets, “TND complements SIS[,] creating a holistic approach to high-quality and contextual design in a community.”
29. Page 64, are we referring to Town of Pittsford or Village? “Pittsford should foster a pattern of development that enhances community character.”
30. Page 67, typo, “Pittsford”
31. Page 68, two page number references are wrong in first paragraph. “Our Historic Context” is on 60 and “Our Design Principles” is on 62.
32. Page 71, two instances of the word “village” are not capitalized. Capitalize them (or at least second occurrence, after it refers to “village core” which may not be capitalized) for consistency with rest of doc.
33. Page 71, last paragraph may not be consistent with latest iteration of site plan for Erie Canal Park and preserve – comp plan calls for hiking in that area while the trails seem to cater towards biking between Auburn Trail and Erie Canalway trail.
34. Page 72, the middle section of the land that is labelled as “Owned by Town of Pittsford” is actually not owned by the Town of Pittsford.
35. Page 73, “Linear Park” capitalize “village” and two occurrences of “canal” that are not capitalized.
36. Page 75, add comma where indicated by brackets, “Provide parking lot screening that is varied and more natural[,] utilizing characteristic fencing and native plants.”
37. Page 75, second paragraph – sentence should be terminated by a period.
38. Page 75, #8, first bullet point needs terminating period for consistency with rest of list.
39. Page 75, caption under map refers to Parkland and Greenspace Map on Page 74, instead it should refer to the “Park and Greenspace Map”
40. Page 76, correct multiple inconsistencies with capitalization and terminating punctuation in map. Should “Plumbs Lane” have an apostrophe?
41. Page 90, missing space after “)”  
Page 90, typo – add missing words in brackets: “Ensuring [that] downtown structures are being effectively utilized is [a] component of this strategy which includes the occupation of upper-floor units for residences or offices.”
42. Page 94, add letters and words in brackets: “The viability of the above concepts require[s] investigation, particularly [in terms of] the impact of additional traffic in the area.”

43. Page 94, provide citation for study by NGKF.
44. Page 97, cite article quoted from Business Insider.
45. Page 99, capitalize “canal” in the following two bullet points at right of page: “Maintain and enhance public access along the canal.” “Ensure future infill plans adhere to the historic development patterns of structures along Schoen Place preserving the canal viewshed.”
46. Page 103, capitalize “canal” in the following: “Its unique width creates very engaging waterfront vistas along the Erie canal system.”
47. Page 105, capitalize “canal” in the following: “Visitors and residents could experience both the amenities of Schoen Place as well as the canal unimpeded by vehicular traffic.”

PZBA Comments/changes for the Comp Plan dated November 2019 (received by the Planning Board on 11/14/2019) discussed November 18, 2019. This is in addition to Justin Leitgeb’s written list of potential concerns.

Attorney Zoghlin stated there were several action items under Local Partners where the PZBA should not have responsibility. They are: Pg. 36 - 7, Pg. 45 - 8 (and it should be yes under VB action), Pg. 51 - 3,4,5, Pg. 56 - A7 (This should be VB, not anyone else), Pg. 56 - A8 (not PZBA, HPB, or CEO), Pg. 57 - 2,4 (not PZBA or HPB).

- Pg. 19 - Last paragraph - remove bold styling and reword the last sentence to say “Because the population is small, a single new development could have a significant impact on Village services”.
- Pg. 36 - 2 - Change “ensure” to “support”.
- Pg. 36 - 5 - Use “Develop a policy” rather than an incentive program.
- Pg. 41 - C2 - “support action items” instead of ensure.
- Pg. 44 - 7 - Attorney Zoghlin questioned whether this is even allowed and suggested eliminating it.
- Pg. 44 - 8 - Change “create” to “support”.
- Pg. 46 - 2 - delete the word “all”.
- Pg. 50 - 2 - add “when feasible”.
- Pg. 50 - 3 - add “where feasible”.
- Pg. 53 - D1 - The PZBA or HPB can’t do this unless code is adopted that empowers the Boards to do so; and therefore it should be a “yes” under VB action.
- Pg. 53 - D3 - add Village Engineer to Local Partners.
- Pg. 53 - E2 - How does this relate to native plantings?
- Pg. 62 - add the LWRP as a fourth bullet under Design Principles.
- Pg. 65 - “Diversity of Housing” - could be some sensitivity to the wording- consider rewording it to not be so specific.
- Pg. 67 - Remove the Erie Canal Master Plan from supplemental plans.
- Pg. 88 - Remove last two sentences under the top illustration as there is no photo below or illustration on the following page.
- Pg. 102,103,104,105 - Remove 3 monolithic buildings in the concept plan.

**Motion:** Member Vlietstra made a motion, seconded by Member Lhota, to adjourn the meeting at 8:30 pm.  
**Vote:** Shannon – yes; Lhota – yes; Vlietstra – yes; Marshall - yes; Bannister – yes. *Motion carried.*