

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting December 11, 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 7:00 pm.

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

[Renee Stetzer was not present at this time]

Conflict of interest disclosure: Chairperson Vlietstra disclosed that since he had publicly expressed opinions about the Westport Crossing project, he will recuse himself from the discussion for that portion of the meeting.

Pittsford Canalside Properties, 75 Monroe Avenue

Present: Chris DiMarzo, Bryan Powers, Mark IV Enterprises; Tom Daniels

The legal notice was published in the November 30, 2017 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 December 11, 2017 at 7:00 pm to consider an application made by Pittsford Canalside Properties, LLC, for an extension of time to complete Conditions 3 and 20 of Final Site Plan approval.”

Member Vlietstra left the meeting room at this time.

Discussion: Member Lhota stated that she will be Acting Chairperson for the 75 Monroe Avenue portion of the meeting. She stated that the discussion will address the request from Pittsford Canalside Properties for an extension of time to complete conditions of final site plan approval for Westport Crossing, located at 75 Monroe Avenue. She asked the applicants if they wanted to address the board about their application.

Mr. Powers stated that the applicants are requesting an extension of time to comply with conditions #3 and #20 of the November 11, 2014 final site plan approval for Westport Crossing.

Member Lhota opened the hearing for public comment. An email from resident Mike Reynolds, of 35 Church Street, was read into the record, stating that “Extending the site plan approval without careful study to see if it complies with new state building codes is not advisable.” The Building Inspector stated that this application was started prior to the adoption of the new state building code.

Member Lhota closed the public comment portion of the hearing.

Motion: Member Lhota made a motion to adopt the following resolution:

RESOLUTION 2017-16 Village of Pittsford Zoning Board of Appeals

At a regular meeting of the Village of Pittsford Zoning Board of Appeals held at the Village Hall on the 11th day of December 2017 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
Heather Erwin
Susan Lhota
Jo Anne Shannon
Renee Stetzer (absent)
Paul Alguire, Building Inspector
Mindy L. Zoghlin, Esq., PZBA Attorney

The following resolution was offered by Acting Chair Susan Lhota, who moved its adoption, and seconded by Board Member Heather Erwin, to wit:

WHEREAS, the Village of Pittsford Zoning Board of Appeals received an application from Pittsford Canalside Properties ("PCP"), dated 11/3/17, for an extension of time to comply with conditions #3 and #20 of the November 11, 2014 final site plan approval for Westport Crossing, located at 75 Monroe Avenue, pursuant to Village Code section 210-114(B), and

WHEREAS, on December 14, 2015, this Board granted PCP's request to extend the time to comply with conditions #3 and #20 of the November 11, 2014 final site plan approval for Westport Crossing from December 31, 2015 until December 31, 2016, and

WHEREAS, on December 12, 2016, this Board granted PCP's request to extend the time to comply with conditions #3 and #20 of the November 11, 2014 final site plan approval for Westport Crossing from December 31, 2016 until December 31, 2017, and

WHEREAS, on November 14, 2017 the Village of Pittsford adopted a Local Law Imposing a Moratorium on Amendments of the Zoning Code and Map of the Village of Pittsford and the Issuance of Specified Special Permits and Other Approvals Pursuant to and as provided for in the Zoning Code of the Village of Pittsford (the "Moratorium"), and

WHEREAS, PCP'S request for an extension of time is within the scope of the Moratorium because it requests consideration of site plan approval in an R-5 Residential District under Village Code Article XVII, and

WHEREAS, PCP'S request for an extension of time is excepted from the scope of the moratorium under section 5(A)(2) because it seeks approval of the same use, intensity and impact as the existing approval.

NOW THEREFORE, IT IS RESOLVED that PCP's request to extend the time to comply with conditions #3 and #20 of the November 11, 2014 final site plan approval for Westport Crossing is granted because there are no substantial changes in circumstances that would require this Board to deny an extension. The extension shall expire on December 31, 2018.

Justin Vlietstra - Abstain

Susan Lhota - Yes

JoAnne Shannon - Yes

Heather Erwin - Yes

Renee Stetzer - Absent

Dated: December 11, 2017 Pittsford, New York

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

The applicants requested guidance from the Board regarding resolving some of the open issues. Ms. Zoghlin stated that the only issue before the Board at this time is the time extension for the conditions, and the Board has granted that request.

Bank of America, 9 North Main Street ~ Area variances for sign

Present: Peter Sorgi, Hopkins Sorgi & Romanowski PLLC

Discussion: Mr. Sorgi stated that Bank of America is requesting a variance for a free-standing sign to be installed at 9 North Main Street. At the September Zoning Board of Appeals meeting, the application for the sign was withdrawn so the applicant could do further research on an appropriate sign, and to consult with the APRB. At a meeting with the APRB, the applicant was advised that a framed, ground sign, similar to the Pittsford Dairy and the Del Monte spa signs, would be appropriate.

The application proposes a sign that is the same size as the Dairy sign. The applicants believe that the proposed sign will address the visibility issues at the site and that it fits the character of the surrounding area. He stated that the sign complies with the 5-foot setback requirement, and is 7 feet in height, measured from the grade. He also noted that the sign does not have the words, "enter" and "exit" and includes the bank's name and logo.

Ms. Zoghlin requested that the applicant clarify for the Board which sections of the Code he is seeking variances for. He stated that they are seeking a variance for the height of the sign, and a variance from the fact that it is a free-standing sign that is not a directional sign.

Member Vlietstra asked the Building Inspector whether the proposed sign is a directional sign, and Mr. Alguire stated that it is not; directional signs must only have "enter" and "exit" on the sign or "in" and "out" and cannot have the company name. He also stated that in the Village Code, a free-standing directory sign refers to signs for complexes, where there is more than one business in the complex. Village code specifies a maximum height of 60" above grade for freestanding signs. He also explained that this is an additional sign, where there are already a number of existing signs.

Ms. Zoghlin stated that the Board made substantial findings when denying the applicant's previous request for a free-standing monument sign. She explained that if the board is going to deviate from the findings

established in a substantially similar application that was before the board, they will need to state why the differences in the application justify a different result.

Mr. Sorgi stated that some of the differences between this proposal and the previous application are: (1) the proposed sign is not a monument sign, (2) this sign does not have a red background, and (3) the sign is a framed, wood sign.

He also stated that they would be willing to reduce the height of the sign to five feet, so that a variance for the height of the sign will not be required.

Member Vlietstra stated that he is concerned with the quantity of signs at this location. He explained that on the two prominent facades of the building that are visible from the street, they currently have one more sign than allowed, and they are requesting an additional sign.

The application will remain open and the applicants will modify the application and return to the Board at the January PZBA meeting.

[Renee Stetzer arrived]

Member Items:

- New Zoning Map: The zoning for three properties was changed to B4: Olives Restaurant was changed from residential to B4, the same as Northfield Commons, and two buildings on State St. next to the canal bridge were changed from B1 to B4, which allows office use, instead of only retail. The revised boundaries of the Historic District and LWRP boundaries were added to the map.

The Board discussed the new Zoning Map and agreed that the changes are good.

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to refer the Board's comments regarding the new zoning map to the Trustees.

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

- Status of 35 Schoen Place: Board members discussed holding a special meeting to discuss possible SEQR consultants for the project. Board members could not identify a suitable date for a special meeting so discussions will be held at the regular January meeting.
- Minutes:

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to approve the November 20, 2017 minutes, as drafted.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to adjourn the meeting at 8:00 pm.

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

Linda Habeeb, Recording Secretary

