

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting: December 16, 2020 at 6:30 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Justin Leitgeb
David Marshall
Susan Lhota

Attorney: Mindy Zoghlin
Recording Secretary: Linda Habeeb

Motion: Chairperson Vlietstra made a motion, seconded by Member Leitgeb, to call the regular meeting to order at 6:30 pm, noting that all five members of the Planning Board are present.

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

Chairperson Vlietstra stated that pursuant to Governor Cuomo’s recent Executive Orders, this meeting is being conducted online in response to the state's response to COVID-19. We are video conferencing instead of meeting in person. Meeting notice is posted on the village website, which includes a link to this meeting, so any member of the public can participate in this meeting and observe the discussions.

Conflict of interest disclosure: Chairperson Vlietstra stated that he has a conflict of interest with 75 Monroe Avenue, and will recuse himself from all discussions, deliberations, and votes regarding the project. None of the other Board Members had conflict of interests to disclose.

Member Vlietstra left the meeting at this time.

Pittsford Canalside Properties, LLC, 75 Monroe Ave. ~ Extension of time to complete conditions of final site plan approval

Present: Chris DiMarzo; Bryan Powers

Discussion: Member Lhota stated that she will be Acting Chairperson for this application. She explained that on November 16, 2020, the Planning Board received a letter from Pittsford Canalside Properties requesting an extension to comply with Condition 20 of the Final Site Plan for 75 Monroe Avenue. She stated that this is not the first time the Board has had this request. Since there have been no changes physically with the project since 2015, the Planning Board has granted this request each year. Board members agreed that since there have been no changes, there is no reason not to extend it for another year.

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

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

Mr. Powers introduced himself and stated that he and Mr. DiMarzo were available to answer any questions.

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

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

Motion: Member Lhota made a motion, seconded by Member Shannon, to approve PCP’s request for a one-year extension of time to comply with Condition 20 of November 11, 2014 site plan approval for Westport Crossing because there are no substantial changes in circumstances that would require this Board to deny such an extension.

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

VILLAGE OF PITTSFORD PLANNING BOARD

RESOLUTION 2020-7 DECISION ON APPLICATION TO EXTEND TIME TO COMPLETE FINAL SITE PLAN CONDITION OF APPROVAL

Project 75 Monroe Avenue **Date:** 12-16-2020
Applicant Name: Pittsford Canalside properties, LLC
Applicant Address: 301 Exchange Blvd., Rochester, NY 14608
Action: Request for Extension of Time to Complete Final Site Plan Condition of Approval

At a regular meeting of the Village of Pittsford Planning Board duly convened on December 16, 2020 at 6:30 p.m. via Go-To-Meeting, the following resolution was offered by Acting Chair Susan Lhota, who moved its adoption, and seconded by Board Member Shannon, to wit:

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,

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,

WHEREAS, on December 11, 2017, 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, 2017 until December 31, 2018,

WHEREAS, on December 10, 2018, 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, 2018 until December 31, 2019, and

WHEREAS, on January 3, 2019, this Board found that PCP complied with Condition #3 of the Final Site Plan Approval,

WHEREAS, on December 5, 2019, this Board granted PCP’s request to extend the time to comply with condition # 20 of the November 11, 2014 final site plan approval for Westport Crossing from December 31, 2019 until December 31, 2020, and

NOW THEREFORE, IT IS RESOLVED that PCP’s request for a one-year extension of the time to comply with condition # 20 of the November 11, 2014 final site plan approval for Westport Crossing from December 31, 2020 to December 31, 2021 is granted because there are no substantial changes in circumstances that would require this Board to deny an extension.

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

Susan Lhota	Yes
Justin Leitgeb	Yes
JoAnne Shannon	Yes
David Marshall	Yes

Dated: December 16, 2020
Pittsford, New York

By order of the Village of Pittsford Planning Board

Susan Lhota, Acting Chair
Village of Pittsford Planning Board



Member Vlietstra returned to the meeting.

Jennifer Collins, 8-10 Schoen Place ~ Pavilion

Present: Jennifer Collins, Business owner

Discussion: Ms. Collins is proposing installing a pavilion for a shared seating area between Aladdin’s and Lock 32 to be utilized by those two businesses, as well as Simply Crepes and the Coal Tower. She stated that she has hired an architect who developed the plan for the pavilion. The design also includes extending the patio area around it and finishing it off. It is currently pavement that had previously been parking. She is proposing a concrete patio area and a fire structure or a gas fire pit, and landscaping.

The Building Inspector explained that the variance application has been modified. There needs to be a variance for the parking lot in what is technically the front yard. Currently, there exists 133 spaces with

the use that is there now, and with the pavilion it would require 155. The variance application is requesting relief for 22 spaces of the total existing property.

Member Vlietstra explained that with the parking being deficient, the two options are to apply for a variance or for the Trustees to amend the Code. There has been discussion of amending code because all businesses between the Canal and Schoen Place have difficulty complying with parking code. There is nowhere to construct new parking along the Canal. Member Vlietstra asked Trustee Stetzer about the status of possible amendments to the Zoning Code. He expressed that it would be helpful for the Board to know whether the Trustees intend to amend the Code or whether the variance is going to be the solution. Trustee Stetzer said that she will raise this issue with the other Trustees get back to the Board as to the status. Member Vlietstra commented that the Code change will take some time to accomplish. The Trustees will have to make a proposal, hold a public hearing for the Code review, do an environmental review for SEQ, which takes at least 30 days, and send it to County Planning. From when they decide they want to move forward with it, it will realistically take at least 45 days to adopt.

Building Inspector Steve Lauth stated that in the Schoen Place area, the Code requires one parking space for every three seats in a restaurant. An idea was raised to change the level to one parking space for every four seats, which would then allow the area based on the current use to have eight extra spaces prior to the pavilion going in. If that was amended, the pavilion would not create more than what's necessary for the total parking, and they wouldn't need a variance. They're trying to figure out a way to most expeditiously accomplish a change in that area that will help the businesses.

Mr. Dunleavy, from Lock 32, stated that he would be hesitant to commit to making a financial contribution to the construction of the pavilion if he does not have assurance that his business can utilize it. He raised the possibility of applying for a use variance to assure use while the Trustees are going through the process to officially change the Code. Ms. Zoghlin explained that a use variance is much more difficult to obtain than an area variance, as it requires substantial dollars and cents proof of the financial hardship that cannot be alleviated in any other way.

Member Vlietstra stated he is concerned that all of the multiple businesses in that area would want to use the pavilion, but without the Code change to the Tavern District boundary, the Board may have to put a condition of approval that the pavilion cannot be used by Lock 32. The Trustees would have to go through the process of changing the boundary line to the Tavern District. He expressed that this process should be started as soon as possible since it takes time.

Ms. Collins stressed that in addition to Lock 32, the pavilion would benefit multiple businesses in that area, which are struggling right now. She is interested in doing anything she can to give these tenants, Village businesses, a lifeline during this time. She stated that she will be going before the Historic Preservation Board for information only to continue to move the process forward. She said they have a couple of options as far as how to enclose the structure, but she doesn't want to invest financially until she knows if this will even be possible.

Member Vlietstra stated the discussion of the process going forward is a good start. It's very helpful for everyone involved to state any concerns and issues early on in the process. The Zoning Board will be hearing the variance requests at their January meeting. The Code issues need to be resolved before the Planning Board can review the site plan. The Planning Board will review issues including drainage, lighting, and landscaping. One of the Code requirements is that parking lots should be screened from

view, as much as possible. He understood the Building Inspector has been working with the applicant and the Canal Corp to move the pavilion slightly onto Canal Corp property to make room for landscaping next to the parking lot to provide screening.

Ms. Collins stated that she has spoken with the Canal Corporation, and they are in agreement with the proposed location for the pavilion, pending the Village's approval. Amended drawings are in progress.

- The question was raised as to whether the Board can review the proposal while the Code is being amended. Ms. Zoghlin stated that the Board can review it during that time, but they will need to apply whatever code is in effect at the time that the application is before them. She also commented that a property owner can make an application to a municipality to request a change of code, it doesn't have to originate from the municipal board. Member Vlietstra pointed out that that would make it a Type I SEQR action, and it would elevate reviews required for the entire application so the Board would also have to do an LWRP review. That would be additional administrative work that may add time to the review process.

Member Items:

Minutes:

Motion: Member Vlietstra made a motion, seconded by Member Leitgeb, to approve the October 19, 2020 minutes, as revised.

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

Motion: Member Vlietstra made a motion, seconded by Member Shannon, to approve the October 29, 2020 minutes, as revised.

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

Motion: Member Vlietstra made a motion, seconded by Member Lhota, to approve 2021 Meeting Schedule.

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

Motion: Member Vlietstra made a motion, seconded by Member Lhota, to adjourn the meeting at 8:30 pm.

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

Linda Habeeb, Recording Secretary

