

Village of Pittsford Zoning Board of Appeals

RESOLUTION 2024-13 DECISION ON APPLICATION TO REHEAR PARKING LOT VARIANCE AND LOT COVERAGE VARIANCE

Project **5 State Street** **Date: 08-07-2024**

Applicant Name: **R.C. (Chuck) Mancini**

Applicant Address: **30 Fords Crossings, Honeoye Falls, NY 14450**

Action: **Convert an existing parking lot to an outside seating area**

At a regular meeting of the Village of Pittsford Zoning Board of Appeals held at the Village Hall on the ___ day of August, 2024 at 6:30 p.m. The meeting was called to order by Acting Chair Susan Lhota and upon roll being called, the following were present:

PRESENT: Susan Lhota
 JoAnne Shannon
 Jared Cook
 David Wilkes
 Mike Reynolds

ABSENT: Justin Vlietstra, Chair

The following resolution was offered by David Wilkes, who moved its adoption, and seconded by Board Member Susan Lhota to wit:

WHEREAS, on April 5, 2023 the ZBA passed Resolution 2023-6; Resolution 2023-7; and 2023-8 which granted three area variances with respect to 5 State Street (collectively, the “Area Variance”); and

WHEREAS, Resolution 2023-6 granted an Area Variance for 95% Lot Coverage, whereas Village Code section 210-21.6 requires lot coverage not to exceed 60% (the “Lot Coverage Variance”); and

WHEREAS, Resolution 2023-7 granted an Area Variance permitting construction of a masonry and wooden fence/wall around the perimeter of a 40’ x 50’ patio, varying in height 8’ 5’, whereas Village Code section 98-1 requires front yard structures to be less than 3’ in height (the “Fence Variance”); and

WHEREAS, Resolution 2023-8 granted an Area Variance permitting 0 parking spaces, whereas Village Code section 210-25.2 requires the Property to have 26 parking spaces (the “Parking Variance”); and

WHEREAS, 5 State Street Pittsford LLC and Pittsford Bakery LLC commenced a combined Article 78/ Declaratory Judgment action to challenge the Variances (among other

things) in a matter captioned *5 State Street Pittsford LLC et ano v. The Village of Pittsford et al* (Monroe Co. Supreme Court Index No. E2023005785) (the “Lawsuit”); and

WHEREAS, on June 11, 2024, the Monroe County Supreme Court, Hon. Kevin M. Nasca presiding, issued a Decision, Order, and Judgment which, among other things, dismissed the claims with respect to the Fence Variance (the “Decision”); and

WHEREAS, upon review of the Decision, the ZBA desires to rehear the applications that resulted in the Lot Coverage Variance and Parking Variance;

NOW THEREFORE, be it resolved that the ZBA shall hold a rehearing to review the Lot Coverage Variance and Parking Variance.

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

	Yes	No	Abstain
Susan Lhota	X	<input type="checkbox"/>	<input type="checkbox"/>
JoAnne Shannon	X	<input type="checkbox"/>	<input type="checkbox"/>
David Wilkes	X	<input type="checkbox"/>	<input type="checkbox"/>
Mike Reynolds	X	<input type="checkbox"/>	<input type="checkbox"/>
Jared Cook	X	<input type="checkbox"/>	<input type="checkbox"/>

Dated: August 7, 2024
Pittsford, New York

By order of the Village of Pittsford Zoning Board of Appeals

Susan Lhota, Acting Chair