

**VILLAGE OF PITTSFORD
PLANNING BOARD**

RESOLUTION #2016-9

DECISION ON SITE PLAN REVIEW

Applicant: Greg Barkstrom, Northfield Commons Holdings LLC
Address: 50 State St
Pittsford, New York 14534

Action: 50 State St. parking lot configuration, lighting, landscaping, drainage, dumpster location.

At a regular meeting of the Village of Pittsford Planning Board held at the Village hall on the 15th day of August 2016 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
Jeffrey Bove
Heather Erwin
Susan Lhota
JoAnne Shannon

Floyd D. Kofahl, Building Inspector
Mindy L. Zoghlin, Esq., PZBA Attorney (absent)

ABSENT: None.

The following resolution was offered by Board Member **Lhota**, who moved its adoption, and seconded by Board Member **Bove**, to wit:

WHEREAS, on May 1, 2014 the Village of Pittsford Code Enforcement Officer issued a Notice of Violation (“NOV”) to Northfield Commons Holdings LLC (“Northfield Common” or the “Applicant”) for constructing, altering or reconfiguring a parking lot at 50 State Street (the “Property”) without site plan review and approval, no fire access road, inadequate turning radius, and obstructing a fire access road. The Code Enforcement Officer directed the Applicant to eliminate new parking stalls created by recent pavement striping immediately (because fire trucks could not get through) and apply to Village Planning and Zoning Board of Appeals for site plan approval that included asphalt pavement, asphalt striping, area lighting, traffic pattern flows and dumpster placement no later than May 28, 2014 for the June 16, 2014 PZBA meeting, and

WHEREAS, on May 6, 2014, the CEO sent the Applicant a second NOV for constructing, altering or reconfiguring parking lot without site plan review and approval, and

WHEREAS, the Applicant did not appeal the May 1, 2014 or the May 6, 2014 NOV to the ZBA, and

WHEREAS, the Village of Pittsford Planning Board received an application from Northfield Common for site plan approval at 50 State Street on May 29, 2014 in connection with the “reconfiguration of parking lot striping and dumpster corral location,” (the “Application”) and

WHEREAS, at its meeting on June 15, 2014, the Village Planning Board opened the public hearing on the Application, declared it to be a Type II Action under SEQRA, and the directed the Applicant to submit a complete site plan, including directional drive lanes, relocation of handicapped parking, comprehensive lighting plan and landscaping plan, and

WHEREAS, a letter from the Code Enforcement Officer to the Applicant dated August 11, 2014

- States that: “due to concerns raised by the Code Enforcement Officer, the Town of Pittsford Fire Marshal, the Pittsford Fire District Commissioners and the Pittsford Volunteer Fire Department, a temporary direction and striping plan, that facilitated emergency vehicle access, was allowed to exist pending the submission and approval of an overall parking and loading plan for the properties”,
- Found that the Applicant created a new parking and loading facility in violation of Village Code section 210-81 when it restriped the lot and instituted a new direction of travel, and
- Directed the Applicant to comply with 210-84 and apply for preliminary site plan approval in time for the September 25, 2014 Planning Board meeting, and

WHEREAS, by letter dated August 12, 2014, the Fire Commissioner advised the Code Enforcement officer that:

“In the case of Northfield Common, an already challenging situation in accessing all of the buildings on the site was made worse by restriping of the property. This was underscored by a

recent call to the site where one of the trucks struck a parked vehicle while attempting to navigate the traffic lanes.”

“We are very concerned that the traffic striping that now exists has restricted our access and hampered our abilities to provide optimum fire protection to the site. We are concerned that the situation may remain in effect for an extended time while Northfield Common undergoes site plan review.”

“The situation has created a hazard to life and property, a situation which needs to be mitigated at the earliest possible moment. We renew our earlier urgent request that the parking plan previously in place be restored immediately to allow fire equipment maximum access to the Northfield Common property,” and

WHEREAS, by letter dated August 28, 2014, the Code Enforcement Officer rejected plans submitted by the Applicant because the parking spaces were too small, and because the plans lacked (1) an elevation reference point at street level of Schoen Place, (2) lighting detail, (3) the number of dumpsters in enclosure, (4) operating features of retention pond, and (5) the location of grease traps/interceptors for restaurants, and

WHEREAS, at its meeting on September 15 2014, the Village Planning Board continued the public hearing on the Application, expressed concerns about the size of parking spaces (which will require an area variance), location of dumpsters, and traffic flow, and directed the Applicant to (1) modify the site plan to clearly mark walking lanes, number of dumpsters, location of handicap parking and location of signage, (2) apply to the ZBA for an area variance for parking space size, and (3) submit comprehensive lighting and landscaping plans, and

WHEREAS, the Applicant applied to the Village ZBA for an area variance for parking space dimensions on September 16, 2014, and

WHEREAS, at its meeting on October 20, 2014, the Village ZBA approved the area variance for parking space dimensions, and

WHEREAS, at its meeting on October 20, 2014, the Village Planning Board conducted a “limited site plan review” because “repair and marking of the parking lot needs to be completed before cold weather sets in.” The Planning Board granted the Applicant conditional preliminary site plan approval for the modified site plans dated September 19, 2014 subject to the condition that speed humps and a

one-way sign be installed for safety, and with additional signage and directed the Applicant to submit comprehensive lighting, landscaping and drainage plans, and

WHEREAS, on February 19, 2015 the Applicant submitted grading, landscaping and lighting plans for 50 State Street, and

WHEREAS, before March 3, 2015, the Applicant removed a large tree from the center of the parking lot without Site Plan approval, and

WHEREAS, by letter dated March 3, 2015, the Code Enforcement Officer disapproved the February 19, 2015 plans because, *inter alia*, the grading plans lacked site elevations, the landscaping plans did not show pre-existing and proposed landscaping and there was no stormwater drainage plan or engineering report, and

WHEREAS, by an undated e-mail sent on or before April 28, 2015, the Applicant advised the Village that it wanted to expand the scope of the application for site plan approval from repair and restriping a portion of the parking lot to milling and repaving the entire parking lot, and

WHEREAS by letter dated April 28, 2015 the Code Enforcement Officer advised the Applicant that the proposed paving application must be done in accordance with the specifications and requirements of the Village Engineer pursuant to Village Code 210-81.G(4), and

WHEREAS, by letter dated May 18, 2015 the Village Engineer advised the Code Enforcement Officer that the Applicant’s proposed paving project was larger in size, scale and scope than what was proposed in the May 29, 2014 Application for site plan approval, and identified what the revised plans needed to include to comply with Village Code, and

WHEREAS, on June 18, 2015 the Applicant appealed from the Code Enforcement Officer’s letter dated April 28, 2015 to the ZBA, and

WHEREAS, in November 2015 it was discovered that the Applicant removed an historic Rochester and Eastern Railway station building from the Property without approval from the Planning Board or APRB, and

WHEREAS, the Applicant submitted revised plans to the Planning Board on November 9, 2015, and

WHEREAS, on December 11, 2015 the Applicant withdrew its June 18, 2015 appeal from the April 28, 2015 letter to the ZBA, and

WHEREAS, the Planning Board continued the public hearing on the Application on April 18, 2016, and

WHEREAS the Applicant did not attend the April 18, 2016 Planning Board meeting, and

WHEREAS, on May 6, 2016 the Building Inspector served the Applicant with a Notice of Violation for site plan violations related to grading, lighting, landscaping, and building maintenance, and

WHEREAS, after May 6, 2016 the Applicant and the Building Inspector met at the Property and developed a plan to remedy the issues identified in the May 6, 2016 NOV, and

WHEREAS, by letter dated May 13, 2016 the Monroe County Planning Department sent the Village Planning Board a GML 239-m referral stating that the Application involved a local decision with no county impact, and

WHEREAS, on June 6, 2016 the Village of Pittsford Architectural and Preservation Review Board (“APRB”) granted the Applicant’s request to install two lights as shown on the plans submitted, date stamped and building inspector reviewed on May 20, 2016, and

WHEREAS, the Planning Board continued the public hearing on the Application on July 18, 2016, and

WHEREAS, at the July 18, 2016 Planning Board hearing the Building Inspector presented the Planning Board with a document entitled “50 State Street Lighting Report/ Summary” dated July 18, 2016, and

WHEREAS, at the July 18, 2016 public hearing the Building Inspector advised the Planning Board that a SWPP would not be required because less than one acre of soil was being disturbed, and

WHEREAS, at the July 18, 2016 Planning Board hearing the Applicant submitted new, undated landscaping, lighting and drainage plans, and

WHEREAS, after the July 18, 2016 public hearing the Applicant submitted:

- Landscaping Plan S-4 dated July 18, 2016 prepared by Ken Backer Architects, a copy of which is attached hereto as Exhibit “A” (the “Landscaping Plan”),

- Site/Drainage Plan dated November 4, 2015 prepared by LandTech Surveying & Planning PLLC, a copy of which is attached hereto as Exhibit “B” (the “Drainage Plan”), and
- Photometric and Lighting Plan S-3A dated July 18, 2016 prepared by Ken Backer Architects, as approved by the APRB on June 6, 2016, a copy of which is attached hereto as Exhibit “C” (the “Lighting Plan”).

The (“Plans”).

WHEREAS, the Planning Board continued the public hearing on the Application at a special meeting on July 28, 2016, and

WHEREAS, as a result of the public hearing, the Planning Board has made the following Findings regarding the **Lighting Plan**:

1. The Lighting Plan does not contain all of the information required by Village Code sections 210-84(A)(3)(v), 117-4, and 117-14(3)- (8):
 - (3) The location and height above grade of all light fixtures, including building-mounted fixtures.
 - (4) The type and lumen rating and wattage of each lamp source.
 - (5) The general style of light fixture and a copy of the manufacturer's catalog information sheet and IESNA cutoff classification system, photometric distribution type, including any shielding information such as house side, internal or exterior shields.
 - (6) A description of the type of controls for the on/off function of the fixtures.
 - (7) A photometric plan showing the initial horizontal luminance on a five-foot-by-five-foot grid across the entire site and a minimum of ten feet beyond the lot or parcel property line.
 - (8) A plan showing the iso-footcandle curve of the combined contribution of all the light fixtures; the footcandles at each five-foot grid crossing; the maximum and minimum footcandle level; and the average to minimum footcandle uniformity ratio for the site.
2. The Planning Board may only waive the aforementioned requirements only if:

- Any such factor or part thereof is found not to be requisite in the interest of the public health, safety or general welfare,
- Any such factor is inappropriate to a particular site plan, and/or
- Any such factor will not mitigate adverse impacts generated by the proposed project, or will not aid in the buffering of dissimilar uses.

Village Code 210-114(B)(4).

3. The Planning Board received recommendations from its lighting consultant, Michael S. Quagliata of Q-Tech Engineering P.C. on August 15, 2016, a copy of which is attached hereto as Exhibit “D”, which consisted of a letter “Lighting Review Northfield Common”, manufacturer’s specifications for suggested light fixtures, and a site lighting plan drawing and the applicant has agreed to adopt these recommendations. Safety lights over exit doors will be Guardco models recommended by Mr. Quagliata. The applicant will remove all existing area light fixtures except for the following:
 - Three lamps that each contain 3 bulbs near Building B.
 - LED lamp on the east side of Building D. This lamp will be adjusted to 90 degrees.
 - Lights in front of buildings R, J, H, F.
 - Lights on the north side of Building K.
4. The lighting plan supplied by Michael S. Quagliata of Q-Tech Engineering P.C. on August 15, 2016 contains all information required by the Board to evaluate the impacts on public health, safety or general welfare.
5. The applicant and Building Inspector represented to the Planning Board that many of the exterior lights identified in the Lighting Plan are preexisting nonconforming luminaires.
6. Decorative luminaries do not require Site Plan Review per §210-83.B.8. All existing decorative style lighting fixtures, such as door coach lights, may remain.

WHEREAS, as a result of the public hearing, the Planning Board has made the following Findings regarding the **Drainage Plan**:

1. The applicant and Building Inspector represented to the Planning Board that the drainage condition at the property constitutes a preexisting nonconforming condition.

2. The applicant represented to the Planning Board that if the existing 620 cubic foot retention pond is restored to its design condition, it will have sufficient capacity to withstand a 100-year storm event.

WHEREAS, as a result of the public hearing, the Planning Board has made the following Findings regarding the **Landscaping Plan**:

1. The Landscaping Plan contains the seal and signature of architect Kenneth D. Bracker.
2. The Landscape Plan does not contain the seal and signature of any landscape architect.
3. Village Code section 210-86(D) requires a Landscape Plan to contain the seal and signature of a licensed landscape architect.
4. The Landscaping Plan does not appear to meet the interior landscaping requirements set forth in Village Code section 210-81(G)(3).

NOW THEREFORE, IT IS RESOLVED that the Village of Pittsford Planning Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-84.A because it finds the Site Plan application contains adequate information and the missing application factors are not necessary to evaluate the action's impacts on public health, safety, or general welfare.

NOW THEREFORE, IT IS RESOLVED that the Village of Pittsford Planning Board, pursuant to Article XVII of the Village Zoning Code, after due deliberation on site plans for 50 State St, based on the testimony received at the public hearing, **grants final site plan approval subject to the following conditions**:

1. The applicant shall apply for and receive a Certificate of Existing Use for the existing nonconforming luminaires pursuant to Village Code sections 117-15 and 210-108.
2. The applicant shall implement the Lighting Plan recommended by Michael S. Quagliata of Q-Tech Engineering P.C. on August 15, 2016. Gardco safety lights shall be used; all other lights shall be the models specified in Mr. Quagliata's Lighting Plan.

3. All exterior lights at the site shall be LED and shall have a color temperature of 2700K – 3000K (warm white).
4. Astronomical Time Clocks shall be used for lighting controls for all area lights and safety lights.
5. The Applicant shall apply for and receive any approvals needed from the APRB for lighting fixtures.
6. The lighting plan will be gradually implemented in coordination with the Building Inspector. The following light fixtures shall be installed first:
 - The pole mounted parking lot area lights.
 - The area light on the East side of building K.
 - The area light on the East side of building I.
7. All halogen lights used to illuminate signs shall be removed and replaced with gooseneck lamps or other suitable fixtures approved by the APRB. The APRB shall approve locations of light fixtures for sign illumination.
8. The lighting plan shall be fully implemented by **November 1, 2018**.
9. The applicant shall apply for and receive a Certificate of Existing Use for the existing nonconforming drainage and parking space conditions pursuant to Village Code section 210-108.
10. On or before **November 15, 2016**, the applicant shall provide a letter from a licensed professional engineer stating that the existing 620 cubic foot retention pond will have sufficient capacity to withstand a 100-year storm event if it is restored to its design condition.
11. The applicant shall restore the existing 620 cubic foot retention pond to its design condition no later than **June 15, 2017**.
12. On or before **July 15, 2017**, the applicant shall submit a letter from a professional engineer to the Planning Board stating that the existing 620 cubic foot retention pond has been restored to its design condition.
13. The applicant shall apply for and receive a Certificate of Existing Use for the existing nonconforming interior landscaping pursuant to Village Code section 210-108.
14. The applicant shall cause the Landscaping Plan to contain the seal and signature of a licensed landscape architect no later than **November 15, 2016**.

15. All approved landscape implementation shall be completed no later than **October 1, 2017.**
16. All approved plans shall have final copies submitted for approval signature of the Planning Board Chairperson. The Planning Board Chairperson shall not sign these plans until conditions 1, 9, 10, 12, 13, and 14 have all been met.

Chairman Vlietstra then asked the Applicant if he understood the resolution and agreed to the conditions as set forth in it. The Applicant responded that they understand and agree to the conditions.

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

Justin Vlietstra	No
Jeffrey Bove	Yes
Heather Erwin	Yes
Susan Lhota	Yes
JoAnne Shannon	Yes

Dated: August 15, 2016
Pittsford, New York

By order of the Village of Pittsford Zoning Board of Appeals



Justin Vlietstra, Chair