

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – July 17, 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 Lhota, to call the workshop session to order at 6:30 pm.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to call the meeting to order at 7:00 pm.

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

Chairperson Vlietstra opened the meeting by welcoming a new member to the Board, Renee Stetzer. Ms. Stetzer stated that she will abstain from voting on the applications before the Board tonight.

Conflict of interest disclosure: Member Shannon disclosed that she is a member of the Board of Directors of Historic Pittsford, but stated that this would not affect any decisions regarding any of the applications before the board.

Buffalo Bills, Inc., Sutherland High School ~ Temporary Permit

The legal notice was published in the June 29, 2017 edition of the Brighton Pittsford Post: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals, on Monday July 17, 2017 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by the Buffalo Bills, Inc., for a temporary zoning permit to use the Sutherland High School parking lot for vehicle parking for attendees of the Buffalo Bills training camp during the 2017 season, pursuant to Chapter 210-109, Temporary Permits, of the Code of the Village of Pittsford.”*

Discussion: The Buffalo Bills, Inc. are proposing to utilize the Sutherland High School parking lot in the same manner that was approved by the Zoning Board in past years. For the past seventeen years, the Bills have used St. John Fisher College’s campus as the location of the Bills’ training camp in preparation for the upcoming football season. In order to provide parking for spectators of the training camp, the Bills have received

permission from the School District to use parking space located at Sutherland High School for Satellite Parking. The Bills are seeking a Temporary Zoning Permit from the Zoning Board to utilize the Sutherland High School parking lot during the 2017 training camp, from July 27th through August 15th. The high school parking lot will be serviced by 8-12 shuttle buses, which will be operated by fully insured and licensed drivers, with each bus running at staggered times about 15 minutes apart. There will be at least one parking attendant at the high school parking lot during each day of the lot's use. The Bills have provided the training camp and shuttle schedules.

Board members noted that this is a commercial use in a residential district, but indicated that they have no concerns with this proposal. The shuttle bus service is similar to regular activities that occur at Sutherland high school.

Kelly Cline recommended changing the wording of condition #3 will be modified to read, "All trash shall be removed at the end of each day of operation."

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to adopt Resolution 2017-11, approving a temporary zoning permit for the Buffalo Bills, Inc.; Exhibit A, the shuttle schedule, will be attached to the resolution.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Erwin – yes; Stetzer - abstain.
Motion carried. This decision was filed in the office of the Village Clerk on July 17, 2017.

Village of Pittsford Zoning Board of Appeals

RESOLUTION 2017-11 Decision on Temporary Zoning Permit

Project: Buffalo Bills Temporary Zoning Permit **Date:** 07-17-2017

Applicant Name: Buffalo Bills, LLC
Address: One Bills Drive
Orchard Park, NY 14127

Action: Seasonal operation of a shuttle bus and parking for Buffalo Bills training camp

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

WHEREAS, the Village of Pittsford Zoning Board of Appeals (the "Board") received an application from Buffalo Bills, LLC for a temporary zoning permit to allow the seasonal operation of a shuttle bus and parking for Buffalo Bills training camp (the "Proposed Use" or "Event") at Sutherland High School pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application, letter of intent, letter from Jeffrey Beardsley of Pittsford School District, schedule of training camp operational hours, site plan drawing, map and description of shuttle route, certificate of liability insurance, held a public hearing and received comments, and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):

The proposed action is a minor temporary use of land having negligible or no permanent impact on the environment, and therefore is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(15).

2. Monroe County Planning Review:

This application involves a seasonal temporary permit and is therefore exempt from GML 239-m review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994.

3. Waterfront Consistency Review:

The proposed action is a type 2 action under SEQR so it is not subject to a waterfront consistency review.

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested temporary zoning permit on the health, safety and welfare of the neighborhood and community, and made the following findings:

1. The Proposed Use will be held at Sutherland High School which is in the R-1 residential district.
2. The Proposed Use will utilize shuttle buses and is similar in nature and impact to normal activities occurring at Sutherland High School.
3. The route driven by shuttle busses was selected to minimize traffic on residential streets.
4. The Proposed Use will not introduce substantial adverse impacts on the surrounding neighborhood, taking into account the temporary nature of the use.
5. The Proposed Use will not tend to depreciate the value of adjacent property, taking into account the temporary nature of the use.
6. The Proposed Use will not create a hazard to health, safety or general welfare.
7. The Proposed Use will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
8. The Proposed Use is a renewal of a prior approval and the Event has been successfully executed in the past.

NOW THEREFORE, IT IS RESOLVED that the application from Buffalo Bills, LLC for a temporary zoning permit to allow the seasonal operation of a Shuttle Service at Sutherland High School pursuant to Chapter 210-109, Temporary Permits, of the Code of the Village of Pittsford is hereby granted for the reasons stated above, subject to the following conditions:

1. The shuttle bus service may be operated in accordance with the Buffalo Bills Training Camp 2017 Satellite Parking Lots and Shuttle Schedule, a copy of which is attached hereto as Exhibit "A", plus reasonable setup and take down time. The Building Inspector shall determine reasonable setup and take down time and may authorize, in writing, changes to the location or permitted dates and hours of operation.
2. All signage for the Event shall be removed at the conclusion of the Event. The Building Inspector shall determine that signage is appropriate in quantity, size, and location.
3. All trash shall be removed at the end of each day of operation.
4. Porta potties shall be regularly cleaned and maintained so they do not produce offensive odors.
5. Village Code Enforcement Officials shall be allowed to conduct all necessary code inspections prior to, and during, the Event as necessary.
6. The applicant will inform the Village if they receive any complaints or requests regarding the Event.
7. The ZBA reserves the right to revoke the temporary zoning permit if the Event creates traffic hazards or unsafe conditions for pedestrians, or if there are health, safety or welfare concerns that are communicated to the applicant and not resolved. If there is an emergency condition, the ZBA may revoke the permit and provide the applicant with a post-revocation hearing. If there is a non-emergency condition, the ZBA shall provide the applicant with notice and an opportunity to be heard on the revocation. The ZBA shall have sole discretion to determine whether a condition constitutes an emergency.
8. The Applicant shall maintain a liability insurance policy of at least \$1,000,000 naming the Village of Pittsford as certificate holders.

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

Justin Vlietstra - Yes

Susan Lhota - Yes

**Buffalo Bills Training Camp
2017 Satellite Parking Lots and Shuttle Schedule**

Exhibit A



| Day | Open Hours | Shuttle Schedule | Shuttle Lots |
|-----------------|------------------|------------------|---|
| July 27, 2017 | 5:00pm – 9:00pm | 4:45pm – 9:15pm | Mendon High School; Barker Road Middle School Overflow Lot: Calkins Road Middle School |
| July 28, 2017 | 2:00pm – 6:00pm | 1:45pm – 6:15pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| July 29, 2017 | 7:45am – 11:45am | 7:30am – 12:00pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| July 30, 2017 | 7:45am – 11:45am | 7:30am – 12:00pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| July 31, 2017 | 7:45am – 11:45am | 7:30am – 12:00pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| August 1, 2017 | Closed | | |
| August 2, 2017 | 7:45am – 11:45am | 7:30am – 12:00pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| August 3, 2017 | 7:45am – 11:45am | 7:30am – 12:00pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| August 4, 2017 | Closed | | |
| August 5, 2017 | Closed | | |
| August 6, 2017 | 2:00pm – 6:00pm | 1:45pm – 6:15pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| August 7, 2017 | 7:45am – 11:45am | 7:30am – 12:00pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| August 8, 2017 | 7:45am – 11:45am | 7:30am – 12:00pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| August 9, 2017 | Closed | | |
| August 10, 2017 | Closed | | |
| August 11, 2017 | Closed | | |
| August 12, 2017 | 2:00pm – 6:00pm | 1:45pm – 6:15pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| August 13, 2017 | 7:45am – 11:45am | 7:30am – 12:00pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| August 14, 2017 | 7:45am – 11:45am | 7:30am – 12:00pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |
| August 15, 2017 | 7:45am – 11:45am | 7:30am – 12:00pm | Mendon High School; Sutherland High School Overflow Lot: Barker Road Middle School |

There will be a \$1 charge for fans to ride the shuttle buses (for riders between the ages of 12-62) and all services are accessible.

Renee Stetzer - Abstain
Heather Erwin - Yes
JoAnne Shannon - Yes

Dated: July 17, 2017
Pittsford, New York

By order of the Village of Pittsford Zoning Board of Appeals

Justin Vlietstra, Chair

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**Chase bank, 31 State Street ~ Site Plan Review**

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to keep the public hearing open for Chase Bank to be continued at the next regular meeting to be held on August 21, 2017.

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

**David & Tina Mattia, 44 Sutherland Street ~ Site Plan Review**

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Erwin, to keep the public hearing open for 44 Sutherland Street to be continued at the next regular meeting to be held on August 21, 2017.

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

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Information only:

David and Joann Minor, 88 South Main Street

Discussion: The Minors explained that they have been approached by neighbors that abut the rear section of their lot requesting to purchase the land from them. The Zoning Code in an R-2 district requires 10,500 square feet to create a conforming lot. It is not possible to comply with the required dimensions in either the R-2 or R-1 residential zones. They requested an informal discussion with the Board to determine if they should expend the necessary time and money to formally request subdivision of their property and, if the subdivision is approved, whether the resulting nonconforming lot will be “buildable” or not.

Board members noted that subdividing the lot as they propose would create two lots that are below the minimum area and minimum width. Although there are a number of other small and narrow lots around the village, all of them have old houses that predate code. Ms. Zoghlin stated that if the subdivision will result in violation of the Zoning

Code, the Minors will need to seek subdivision approval from the Planning Board, and an area variance from the Zoning Board of Appeals.

They will have to demonstrate that the proposed lot line change meets the criteria for an area variance:

1. Will an undesirable change be produced in the character of the neighborhood or be a detriment to nearby properties?
2. Can the benefit be achieved by some other feasible method?
3. Is the requested variance substantial?
4. Will the request create an adverse effect or impact on the physical or environmental conditions of the neighborhood or district?
5. Is the alleged difficulty self-created?

Ms. Zoghlin stated that it is relatively common to sell land with a contingency that the buyer pay for and obtain all permits for subdividing the land.

Ms Zoghlin stated that the land could be sold and merged with an adjacent property without obtaining a variance as long as the properties involved comply with the lot dimensional requirements after the lot line adjustment.

The Minors thanked the Board for taking the time to answer their questions.

Member Items:

Mayor Corby and Trustee Lili Lanphear reviewed the status of the 2017 Comprehensive Plan Committee. They reported that Village resident, Tom Cummings, has been named Chairperson of the Committee. The PZBA will work on a draft of code related issues they would like considered and send this to the Trustees and Comprehensive Plan committee.

Also discussed was the status of the Town of Pittsford's new community center. Mayor Corby stated that, according to the New York Conference of Mayors (NYCOM), towns are subject to Village Zoning laws. He also stated that since the community center is in the National Historic District, a Type I SEQR environmental review of the project is required. However the Town classified the action as repairs and maintenance and deemed it a Type 2 action exempt from an environmental review.

Ms. Zoghlin stated she sent the Town a letter explaining why the Town is legally required to comply with the Village's zoning laws but the Town conducted their own analysis and decided that they will not subject themselves to Village's zoning laws. The Town can issue themselves a Building Permit which will bypass the Village's Building Inspector.

Mr. Vlietstra asked which code they believe does not apply. Do they have to comply with the Village's lighting code, parking lot code, landscaping requirements, historic preservation requirements? Ms. Zoghlin stated that the position of the Town is they are exempt from all of it.

- **Minutes: May 8, 15, 22, June 19**

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to approve the May 8, 2017 meeting minutes as amended.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to approve the May 15, 2017 meeting minutes as amended.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to approve the May 22, 2017 meeting minutes as amended.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to approve the June 19, 2017 meeting minutes as amended.

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

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

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