

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting November 20, 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 7:05 pm.

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

Conflict of interest disclosure: Chairperson Vlietstra asked if any board members had a conflict of interest with any of the agenda items, and no one had a conflict to report.

Chase Bank, 31 State Street ~ Site Plans

The Building Inspector reported that there has been no new information submitted from Chase Bank. He explained that they need to submit a complete site plan, based on a survey map. He also reported that there is an open violation on the property regarding the lighting.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to table the application until additional information is submitted to complete the application.

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

Information only:

Marty Strenczewilk, 18 South Main Street

Discussion: Mr. Strenczewilk explained that Splyce Inc., is looking to open a store at 18 South Main Street. The space will be used as a gaming center, where fans of competitive video game tournaments can watch online broadcasts of these events, play games on an Xbox or Playstation console at the store, and socialize with other like-minded individuals.

Chairperson Vlietstra explained that according to Village Zoning Code, the first floor of the building at 18 South Main Street is designated for retail use. The Board informed Mr. Strenczewilk that if he wants to request a use variance from the Zoning Board, he will need to fill out a complete application and submit it to the Board.

Member Vlietstra explained that the Building Inspector and the Zoning Board of Appeals have the ability to interpret Village Code. Applicants can appeal any determination made by the Building Inspector's to the Zoning Board of Appeals. He further stated that amusement centers are not permitted in a B1A district, but recreation and instructional facilities are permitted by special use permit from the ZBA. Village code defines a 'recreation and

instruction facility' as, "An establishment providing indoor recreation or instruction to the public. Typical uses include art, music and dance studios; health, exercise and fitness establishments; and educational facilities."

At this time the Building Inspector has not made a determination whether the use complies with Village Zoning Code, whether it constitutes an amusement center, or whether it constitutes a recreational facility.

Member Vlietstra explained that a request for a use variance is when a person cannot make a profit on the property with the uses that are permitted by the Zoning code, so he or she requests relief from the Zoning Code for a nonpermitted use due to unnecessary hardship. Ms. Zoghlin stated that Mr. Strenczewilk should consult with an attorney to explain the hardship criteria and what type of proof is required to establish that he is entitled to a use variance.

25/35 Schoen Place project

A moratorium was passed by the Board of Trustees on November 14, 2017, the impacts of which have not been determined. A letter from the Building Inspector, dated October 26, 2017, addressed five major concerns with the proposal, which could result in significant changes to the proposed project. These concerns include:

1. Document lot line changes and other information needed for Subdivision Review.
2. Obtain permission for subdivision of land currently owned by RG&E.
3. Address the letter from NYS Department of Agriculture and Markets that found aspects of the proposed project to be in violation of the terms of the conservation easement on Powers Farm.
4. Respond to recommendations from the State Historic Preservation Office (SHPO) to more thoroughly explore the adaptive reuse of historic buildings.
5. Submit an application to US Army Corps of Engineers for proposed alterations to a stream.

[Note: a copy of the Building Inspector's Letter is attached.]

Another outstanding issue is that insufficient funds have been provided by the applicant for the Board to retain consultants needed to review the project.

Member Vlietstra asked the Board if they wanted to discuss proposals from consultants. The Board agreed to defer discussion of potential consultants for the project until the project is ready to move forward.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to adopt the 2018 PZBA meeting schedule.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to approve the October 16, 2017 draft minutes, as amended.

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

Liaison Report:

Trustee Lanphear reported that there will be a workshop meeting with the Village Boards to discuss the moratorium, and clarify which applications that come before the board are included in the moratorium and which are exempt.

Motion: Chairperson Vlietstra made a motion, seconded by Member Erwin, to adjourn the meeting at 7:40 pm.

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

Linda Habeeb, Recording Secretary