

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Special Meeting: January 6, 2020 at 6:30 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Susan Lhota
Eli Bannister (excused)
Justin Leitgeb
David Marshall (alternate)

PZBA Attorney: Mindy L. Zoghlin, Esq. (excused)
Recording Sec: Linda Habeeb

Motion: Chairperson Vlietstra made a motion, seconded by Member Marshall, to open the meeting at 6:30 pm.

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

Conflict of Interest Disclosure: Board members had no conflicts of interest to declare.

Town of Pittsford, Erie Canal Park and Preserve ~ Site Plan Review

Present: Paul Schenkel, Commissioner of Public Works; Sue Steele, Landscape Architecture

Discussion: Member Vlietstra stated that this is a continuation of a public hearing for site plan review of the Town of Pittsford’s proposal for a shared-use trail on 20 acres of undeveloped land located on the Erie Canal.

Ms. Steele explained that the plans had been modified to relocate the barn five feet to adhere to the 20-foot setback requirements. Mr. Schenkel submitted a resolution from the Town stating that the proposed project will have no significant adverse impact on the environment and issued a Negative Declaration of Environmental Significance.

Member Vlietstra stated that based on concerns from the public and board members, the board requested that the Town install lighting at the site to discourage vandalism. The Town Fire Marshal, Kelly Cline, submitted a memorandum in response to the Board’s request for lighting to be installed at the historic barn. She stated that in her opinion, the barn’s occupancy and use do not warrant the installation of lights. She further stated that the barn does not pose any safety or security risk based on the proposed use and occupancy. She is opposed to the installation of lights, as electrical would add to the barn creating an unwanted potential hazard for an unoccupied vacant structure. Mr. Schenkel added that installation of lighting is not currently in the budget for the project. He stated that the Town will maintain the site and will address any vandalism that occurs. He further stated that the barn is located a distance from Monroe Avenue, and questioned whether lighting would be a deterrent.

Member Leitgeb commented that his concern was for security, but that he understands the budgetary constraints. He further stated that the project will benefit the community, and it is the Town’s decision whether to install lighting.

- Marty Martina, Locust Street, questioned whether there are future plans to install lighting at the site.

Mr. Schenkel stated that once the barn is reconstructed, there is potential to install some form of electricity, depending on the future use of the barn.

Member Lhota commented that the project enhances community character, and that relocating the salvaged barn to a canal-side location is consistent with historic preservation. Member Vlietstra noted that the building will be vacant, and there are no access roads, parking, electricity, or plumbing, and the Town has indicated that there is no funding for these at this time. The Board has discussed this at length and has determined that while the situation is not ideal, it will not have an adverse impact on the surrounding area or pose a significant safety hazard.

Member Leitgeb commented that the plans indicate which trees are being removed. Ms. Steele stated that they trying to preserve as many trees as possible and are only removing trees that need to be removed. They are targeting the Ash trees for removal which are likely to die anyway. Mr. Schenkel stated that the Town has a policy to replace every tree that it removes. Member Vlietstra asked if they plan to plant any trees, and Ms. Steele stated that they will introduce vegetation, but do not have specifics about the plan at this time. She further explained that in certain areas of the site, it is difficult to maintain trees. Member Vlietstra commented that it would be desirable if, over time, a canopy of trees grows over the trail. He further stated that he is concerned that the width of the trail will hinder the formation of a tree canopy. Mr. Schenkel explained that since this will be a multi-use trail that would require a wider trail. Mr. Vlietstra stated that Trustee Stetzer told the Board that one of the design goals for the wider trail is to allow extra room for bicyclists without requiring bicyclists to dismount like they have to do in Schoen Place when there are a lot of pedestrians present. The consensus of the Board has been to defer to the Town's judgment on the trail's construction details given that taxpayer funds and maintenance are key concerns and there are no significant adverse impacts.

Member Marshall asked about the status of the agreement with the owners of the private property on the site. Mr. Schenkel stated that they will have an easement with the owners of the property allowing access to the property. At a later date, the Town may acquire the land in a land swap with the owner. That takes time to negotiate so an easement is being sought and hopefully executed next month.

Mr. Marshal asked if we can vote on this with this issue unresolved. Mr. Vlietstra stated this can be made a condition of approval, and Building Permits should not be issued until the matter is resolved.

Mr. Schenkel stated the Town has no intention to work on private property without proper permission.

The Board reviewed the draft LWRP resolution template and discussed findings on how it complies with the 15 LWRP criteria:

Local Waterfront Revitalization Program (LWRP)

1. The park is consistent with the LWRP's desired land use goals for this area, as well as the Comprehensive Plan, as previously discussed at the 12/16/2019 Planning Board meeting.

Constructing the salvaged barn is consistent with historic preservation and community character. This project is intended to benefit the public.

2. There will be no new water dependent uses. There will be no impacts on water quality of the Canal.
3. The proposal does not impact agricultural lands within the LWRP area.
4. Marine resources and coastal waters are not adversely impacted by the proposal. No alteration of the Canal banks is proposed.
5. The project involves a passive recreational trail in an undeveloped area. Ecological concerns are minimal. The proposal has been submitted to the DEC and Army Corps of Engineers and they have not raised any concerns. A geotechnical report from Foundation Design, P.C. reviewed the site and proposal and made recommendations. A landscape architect, Sue Steele, has designed the trail route to minimize impacts on wetlands and mature trees.
6. Water resources are not impacted by the proposal: canal waters are unaffected and ecological concerns were addressed as stated above. There will be no redirecting of any of the existing wetlands on the site.
7. Flooding and erosion are not of concern. No alterations of the canal bank are proposed.
8. Air quality is protected because the woods are being preserved.
9. The proposal will not generate solid waste and hazardous substances.
10. The proposal is providing public access and recreational use of coastal waters and public lands.
11. Visual quality and scenic resources are being enhanced because the woods are being preserved and made accessible to the public and a salvaged historic barn is being reconstructed along the Canal.
12. Historic resources are being preserved by reconstructing a salvaged barn in a publicly accessible location. Its placement and orientation are designed to enhance viewsheds along the Canal.
13. The Pittsford Town Board is lead agency for the environmental review and found no potentially significant environmental impacts. A Negative Declaration of environmental significance was issued on 12/17/2019.
14. The Pittsford Environmental Guidebook and Greenprint for Pittsford's future is not applicable to this project.
15. The proposal does not involve dredging and will minimally impact soils.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, finding that the Erie Canal Park and Preserve project is consistent with the Local Waterfront Revitalization Program (LWRP) and adopting Resolution 2020-1, as discussed and revised.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Marshall, to revise Resolution 2020-1 so that the SEQR review citation is an unlisted action, instead of Type 1, and to correct the spelling of "consistency" in the heading.

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

Site Plan

The Board reviewed the draft site plan resolution template and discussed findings.

1. The Village Building Inspector has determined that the action does not create any zoning violations.
2. The project complies with the Village Comprehensive Plan. The comprehensive plan calls for this area to be open space and this proposal advances this goal. Relocating the salvaged barn to a canalside location where it can be seen by the public is consistent with historic preservation goals in the comprehensive plan.

3. Vehicular access, traffic, and circulation are adequate because the building is vacant. The Town Fire Marshal and Fire Department stated emergency vehicles can access the building and trail.
4. Parking is adequate because the barn is a vacant unoccupied building that does not require parking. The trailhead has a parking area at the intersection of Village Lane and Grove St.
5. Pedestrian and bicycle access is adequate because this is a primary design feature of the proposal, and there is no vehicular traffic.
6. Drainage is adequately addressed because the amount of impermeable surface being added is low, and the DEC and Army Corps of Engineers are reviewing the plans. Correspondence from the DEC indicated no significant concerns.
7. Proposed and existing water and sanitary sewers are adequate because the building is vacant; water and sewers are not required.
8. Trash management - Not applicable because the building is vacant. No trash receptacles are planned to be added at the trail heads.
9. Lighting - Lighting is not provided nor is it required for a vacant building.
10. The site is adequately landscaped because the area is a woodland area which is attractive and consistent with the Village Comprehensive Plan.
11. Adequate screening of parking areas, utilities, and structures is provided because the site will remain woodlands; the salvaged barn is being built for visibility and aesthetics, and therefore, there is no need to screen it from view from the Canal.
12. The site plans are compatible with adjacent uses and will not adversely impact adjacent properties because the area is a woodland area, the site is distant from adjacent properties, and there will be minimal traffic generated.
13. Proposed new signs are limited to informational kiosks and simple directional signs and present no concern regarding size, arrangement, and design.
14. A snow removal plan is not needed for the hiking trail or vacant building.
15. The Town Fire Marshal wrote a letter that was also reviewed by the Fire Department which stated accessibility by fire and emergency vehicles is adequate.
16. The barn is vacant, but is municipally owned and a salvaged historic structure. It is being reconstructed for public benefit.
17. The Town Fire Marshal has stated that the barn does not pose any safety or security risk, based on the proposed use and occupancy.

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

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

The Board Discussed conditions of approval:

1. This approval is conditioned on the Town of Pittsford obtaining permanent access to all land used for the shared use trail. At the time of this decision some of the land involved in this action is privately owned and there is no easement in place to grant the Town permanent access to this land.
2. The Historic Preservation Board shall grant a certificate of approval for the Action and all approved plans shall conform to the Final Site Plans.
3. The Planning Board finds that small changes in trail location, building location, or building orientation are permitted.
4. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 1 year of the adoption date of this resolution.

Finding: the action is consistent with this policy because:

The park is consistent with the LWRP's desired land use goals for this area, as well as the Comprehensive Plan, as previously discussed at the 12/16/2019 Planning Board meeting. Constructing the salvaged barn is consistent with historic preservation and community character. This project is intended to benefit of the public.

(2) Protect water-dependent uses, promote siting of new water-dependent uses in suitable location and support efficient harbor operation (LWRP Policy 2).

Finding: the action is consistent with this policy because:

There will be no new water dependent uses. There will be no impacts on water quality of the Canal.

(3) Protect existing agricultural lands within the LWRP area (LWRP Policy 3).

Finding: The proposal does not impact agricultural lands within the LWRP area.

(4) Promote sustainable uses of living marine resources in coastal waters (LWRP Policy 4).

Finding: the action is consistent with this policy because marine resources and coastal waters are not adversely impacted by the proposal. No alteration of the Canal banks is proposed.

(5) Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands and rare ecological communities (LWRP Policy 5).

Finding: the action is consistent with this policy because:

The project involves a passive recreational trail in an undeveloped area. Ecological concerns are minimal. The proposal has been submitted to the DEC and Army Corps of Engineers and they have not raised any concerns. A geotechnical report from Foundation Design, P.C. reviewed the site and proposal and made recommendations. A landscape architect, Sue Steele, has designed the trail route to minimize impacts on wetlands and mature trees.

(6) Protect and improve water resources (LWRP Policy 6).

Finding: the action is consistent with this policy because:

Water resources are not impacted by the proposal -- canal waters are unaffected and ecological concerns were addressed as stated above.

(7) Minimize loss of life, structures and natural resources from flooding and erosion (LWRP Policy 7).

Finding: the action is consistent with this policy because:

Flooding and erosion are not of concern. No alterations of the canal bank are proposed.

(8) Protect and improve air quality in the LWRP area (LWRP policy 8).

Finding: the action is consistent with this policy because:

Air quality is protected because the woods are being preserved.

(9) Minimize environmental degradation in the LWRP area from solid waste and hazardous substances (LWRP Policy 10).

Finding: the action is consistent with this policy because the proposal will not generate solid waste and hazardous substances.

(10) Provide for public access to, and recreational use of, coastal waters, public lands and public resources of the LWRP area (LWRP Policy 11).

Finding: the action is consistent with this policy because:

The action is providing public access and recreational use of coastal waters and public lands.

(11) Enhance visual quality and protect outstanding scenic resources (LWRP Policy 12).

Finding: the action is consistent with this policy because:

Visual quality and scenic resources are being enhanced because the woods are being preserved and made accessible to the public and a salvaged historic barn is being reconstructed along the canal.

(12) Preserve historic resources of the LWRP area (LWRP Policy 13).

Finding: the action is consistent with this policy because:

Historic resources are being preserved by reconstructing a salvaged barn in a publicly accessible location. Its placement and orientation are designed to enhance viewsheds along the Canal.

(13) All actions must conform to the State Environmental Quality Review Act (SEQRA) regulations (6 NYCRR Part 617).

Finding: the action is consistent with this policy because:

The Pittsford Town Board is lead agency for the environmental review and found no potentially significant environmental impacts. A Negative Declaration of environmental significance was issued on 12/17/2019.

(14) All actions must adhere to Village protective measures for environmental resource preservation (Pittsford Environmental Guidebook and the Greenprint for Pittsford's Future).

Finding: This policy is not applicable to this action because the Pittsford Environmental Guidebook and the Greenprint for Pittsford's Future apply to the Town of Pittsford, not the Village of Pittsford.

(15) Perform dredging and disposal of dredge spoil materials in a manner which is protective of natural resources.

Finding: the action is consistent with this policy because the proposal does not involve dredging and will minimally impact soils.

NOW THEREFORE, IT IS RESOLVED that the Planning Board of the Village of Pittsford finds the action to be consistent with waterfront consistency standards.

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

Justin Vlietstra	Yes
Susan Lhota	Yes
Justin Leitgeb	Yes
Eli Bannister	Absent
JoAnne Shannon	Yes
David Marshall (Alternate)	Yes

Dated: January 7, 2020

VILLAGE OF PITTSFORD PLANNING BOARD

RESOLUTION 2020-2 DECISION ON SITE PLAN

Project: Erie Canal Town Park

Date: 1-6-2020

Applicant Name: Town of Pittsford

Address: 11 South Main St.

Pittsford, NY 14534

Action: Construction of a shared use trail that connects the
Erie Canal Trail to the Auburn Trail and reconstruct a
salvaged barn.

At a meeting of the Planning Board of the Village of Pittsford (the “Board”) duly convened on January 6, 2020, at 6:30 PM at Village Hall, 21 N. Main St, Pittsford, NY 14534,

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

WHEREAS, Pittsford Village and the Town of Pittsford share several unique features within their boundaries, among them is the Erie Canal, a waterfront landmark on the National Historic Register, and significant wooded acreage.

WHEREAS, The Erie Canal Park and Preserve, whose proposed trail through the NW Quadrant wooded preserve connecting the graded path along the canal with the Auburn Trail, promises to enhance and encourage recreational opportunities for both residents and visitors.

WHEREAS, Construction of the trail and barn represent an opportunity to highlight the cooperative spirit between elected officials and administrative boards of the two separate municipalities, Pittsford Village and the Town of Pittsford.

WHEREAS, The Village of Pittsford Planning Board (the “Board”) received and reviewed an application from the Town of Pittsford applicant for site plan review of the above mentioned action; and

WHEREAS, The Board has held a public hearing, and received comments thereat; and

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

1. State Environmental Quality Review (SEQR):

The proposed action is an unlisted action in SEQR and the Pittsford Town Board is the lead agency conducting the environmental review. The Town Board found the action does not identify any significant adverse impacts and issued a negative declaration on December 17, 2019. No further review is required.

2. Monroe County Planning Review:

The application was referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and Monroe County Planning responded to the 239-m referral with no recommendations.

3. Waterfront Consistency Review:

The proposed action is within the Village’s waterfront area and is subject to a waterfront consistency review. The Planning Board issued a determination on January 6, 2020 that the action is consistent with waterfront standards of the Village of Pittsford.

4. The proposed action does require approvals from state or county agencies.

WHEREAS, after review, the Planning Board has weighed the effects of the requested action on health, safety and welfare of the neighborhood and community, and made the following findings:

1. The Village Building Inspector explained the application and the submitted information to the Board and recommended waiving application requirements because the provided site plan and architectural drawings provide adequate information for the board to make a determination on this application.
2. The Building Inspector has determined that the action does not create any Zoning Violations.
3. The project does conform with the Village Comprehensive Plan. The comprehensive plan calls for this area to be open space and this proposal advances this goal. Relocating the salvaged barn to a canalside location where it can be seen by the public is consistent with historic preservation goals in the comprehensive plan.
4. Vehicular access, traffic, and circulation are adequate because the building is vacant. The Town Fire Marshal and Fire Department stated emergency vehicles can access the building and trail.
5. Parking is adequate because the barn is a vacant unoccupied building that does not require parking. The trailhead has a parking area at the intersection of Village Ln and Grove St.
6. Pedestrian and bicycle access is adequate because this is a primary design feature of the proposal, and there is no vehicular traffic.
7. Drainage is adequately addressed because the amount of impermeable surface being added is low, and the DEC and Army Corps of Engineers are reviewing the plans. Correspondence from the DEC indicated no significant concerns.
8. Proposed and existing water and sanitary sewers are adequate because the building is vacant; water and sewers are not required.
9. Trash management - Not applicable because the building is vacant.
10. Lighting is not provided nor is it required for a vacant building.
11. The site is adequately landscaped because the area is a woodland area which is attractive and consistent with the Village Comprehensive Plan.
12. Adequate screening of parking areas, utilities, and structures is provided because the site will remain woodlands; the salvaged barn is being built for visibility and aesthetics, and therefore, there is no need to screen it from view from the Canal.
13. The site plans are compatible with adjacent uses and will not adversely impact adjacent properties because the area is a woodland area, the site is distant from adjacent properties, and there will be minimal traffic generated.
14. Proposed new signs are limited to informational kiosks and simple directional signs and present no concern regarding size, arrangement, and design.
15. A snow removal plan is not needed for the mixed-use trail or vacant building.
16. The Town Fire Marshal wrote a letter that was also reviewed by the Fire Department which stated accessibility by fire and emergency vehicles is adequate.
17. The barn is vacant, but is municipally owned and a salvaged historic structure. It is being reconstructed for public benefit.
18. The Town Fire Marshal has stated that the barn does not pose any safety or security risk, based on the proposed use and occupancy.

NOW, THEREFORE, BE IT RESOLVED, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-30.4.C 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, BE IT RESOLVED that the Board does hereby **grant Site Plan Approval** of the site plan dated January 2, 2020 with the following conditions:

1. This approval is conditioned on the Town of Pittsford obtaining permanent access to all land used for the shared use trail. At the time of this decision some of the land involved in this action is privately owned and there is no easement in place to grant the Town permanent access to this land.
2. The Historic Preservation Board shall grant a certificate of approval for the Action and all approved plans shall conform to the Final Site Plans.
3. The Planning Board finds that small changes in trail location, building location, or building orientation are permitted.
4. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 1 year of the adoption date of this resolution.
5. The question of the foregoing resolution was duly put to vote as follows:

6.

Justin Vlietstra	Yes
Susan Lhota	Yes
Justin Leitgeb	Yes
Eli Bannister	Absent
JoAnne Shannon	Yes
David Marshall (Alternate)	Yes

Dated: January 7, 2020

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

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

Linda Habeeb, Recording Secretary