

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
REGULAR MEETING**

Wednesday, March 1, 2023, at 6:30 PM

PRESENT:

Chairperson:	Justin Vlietstra
Members:	Jo Anne Shannon (absent) Susan Lhota David Marshall Katie Hoppin Mike Reynolds (alternate, left at 8:23 pm)
Attorney:	Mindy L. Zoghlin
Recording Secretary:	Meghan Arscott

CALL TO ORDER –

Motion by Chairperson Vlietstra, and seconded by Member Hoppin, to open the PZBA meeting for March 1, 2023.

Vote: Vlietstra – yes; Lhota – yes; Marshall – yes; Hoppin – yes; Reynolds – yes; *Motion Passes*

CONFLICTS OF INTEREST DISCLOSURE –

Member Hoppin explained that another attorney in her office represents an adverse party to the applicant of Thirsty's. She did not feel there was a conflict as she did not have direct contact with the applicant or the client. The remaining board members indicated they had no conflicts of interest to disclose.

• **8 State Street**

Present: Daniel Clifford

An application was received by the Building Inspector on 02.01.23. Due to the Public Hearing notice not being published, the Board cannot open the public hearing at tonight's meeting. The Board asked Attorney Zoghlin for an explanation of what can be done in this situation. She stated that the Board can hear the initial presentation of the application and ask questions, but board members cannot start deliberation.

The public hearing will be opened at the next regular meeting on April 5, 2023, meeting.

The applicant presented his application to add a wood pergola to the rear patio.

The Building Inspector informed the Board that the pergola is not a building, and does not meet the definition of a building or structure, under the current code, therefore, it does not fall into any restrictions on pre-existing, non-conforming.

The Building Inspector stated one additional matter that is being considered is adding new light fixtures to the alley between 8 and 10 State St. to improve safety.

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
REGULAR MEETING**

Wednesday, March 1, 2023, at 6:30 PM

The Board explained the review requirements for site plans to the applicant.

Chairperson Vlietstra suggests the following items be added to the application, at the owner's discretion:

- A snow-removal plan for the walkway
- Plan for outdoor lighting upgrades
- Special-use permit application requirements (hours of operation, seating plan, etc.)

Attorney Zoghlin suggests getting a letter of support from the neighbor or having the neighbor sign the application, due to the easement on the property. Part of the patio is on the neighbor's property.

Member Marshall asked if the matter before the board is just the pergola, or the entire site plan. He expressed concern about unnecessarily expanding the project. Attorney Zoghlin stated the pergola is before the Board.

Member Vlietstra stated there are application requirements for snow removal plans and lighting plans and these plans help document the property. According to the Building Inspector, 8 State St. as it a very old business and no site plans have previously been approved. Since they came in for site plan review it makes sense to consider aspects related to public health and safety. On other commercial properties the Board has asked for things like lighting improvements, landscaping improvements, bike racks and worked with the applicant to make sensible updates.

• **5 State Street – Information Only**

Present: Chuck Mancini (applicant), Matt Tomlinson (engineer), Ryan Kelly (architect)

Chuck Mancini and his team present the concept of a cycle café to the Board. They are here to see if this is something the planning board is going to support. Mr. Mancini has not yet leased 5 State Street, as he will not proceed with the project if the boards are not interested. If there is support, they intend to move forward, seeking approval from all three Boards.

The café is based on a Spanish café called La Fabrica. This will be the first international licensing agreement. They intend to have a heated, outdoor courtyard to hold seven tables, including a communal table, space for bicycle parking, walkways, and radiant heaters in the winter for year-round use. The patio will also hold planters for greenery. Minor changes will be made to the exterior of the building, like paint and the updated sign.

The business will be open from 7 am to 3 pm on Mondays, Wednesdays, Thursdays, Fridays, and Saturdays. It will be open from noon to 4 pm on Sundays. Closed on Tuesdays. The café will serve a brunch menu that includes local, fresh foods.

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
REGULAR MEETING**

Wednesday, March 1, 2023, at 6:30 PM

Mr. Mancini plans to discuss employee parking with the owner of 14 South Main Street, for the use of their lot. Employees can also use the public lot across the street and street parking.

It is important for Mr. Mancini to have an August opening. He would like approvals by April, construction done in May and June, staff training in July, and opening in August.

If the courtyard is not passed, the café will not move forward.

The architect proposed raising the current parking lot above grade in the northeast corner, 18-24 inches, so it can be used as additional step-seating. He proposed low screening walls along the west side of the courtyard, a welcoming entrance from the street to a cobblestone courtyard, and planting trees for canopy coverage and street appeal.

The engineer discusses parking. There are currently five spaces, along the front of the building, at 5 State Street that they intend to remove. There is public parking across the street and crosswalks for patrons that wish to drive to the café. He believes this is in the comprehensive plan of the village to drive pedestrian and bicycle traffic.

The Village Building Inspector mentions that the parking lot at 5 State Street has been closed for a while, and there has been no negative impact.

The team requested feedback, on their concept plan, to move forward with completed applications/packages to each Board, so approval is granted at the appropriate time to keep on schedule.

The two businesses at 5 State Street have traditionally shared the dumpsters and the ADA parking space.

Mike Reynolds – the owner of 5 State Street (no relation to the PZBA Member) – stated that when the property was subdivided in the 90s, there was an easement for the ADA space, there is a shared dumpster area, and they sub-bill water and sewer to the Village Bakery.

Chairperson Vlietstra informed the team of a couple of issues with the property and plan. (1) Half of the parking lot is Village property, and the Village Board would need to grant approval for a special permit, and (2) Altering a parking lot in the village could make it SEQR Type 1 and require an environmental review; the Village has its own type 1 list for SEQR.

The architect would like a higher, stone wall, greater than the allowed three feet height restriction for a fence, to add more privacy in the courtyard to frame-in the seating area. The design team needs to review the code to add a “structure” greater than three feet.

Chairperson Vlietstra discussed some zoning code issues. The property is well above the lot coverage limit for the zoning district, so adding an outdoor seating area appears prohibited by

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
REGULAR MEETING**

Wednesday, March 1, 2023, at 6:30 PM

the code. To make it legal, variances may be possible, but it's unclear if area variances or use variances are required to rectify the code issues; further review is needed.

The Board will discuss sending a letter to the Board of Trustees to propose a zoning code change for this property, 8 State St, and 10 State St, which have the same problem. The zoning code is designed to regulate commercial property adjacent to residential property. None of these three properties are adjacent to residential property, and all three have approximately 100% lot coverage.

The Building Inspector stated he has been researching lot-coverage issues in the code and is discussing it with the Trustees.

The applicants stated they would like the Planning Board to send a letter to the Trustees addressing the zoning, but they are concerned about the amount of time this will take as they have a tight schedule.

The applicant stated that outdoor seating previously existed on this property in the proposed location. Chairperson Vlietstra stated that emergency measures were adopted under the covid-19 pandemic to temporarily permit outdoor seating in front of restaurants, and those laws have expired.

MEMBER ITEMS

Motion by Chairperson Vlietstra, and seconded by Member Marshall, to take a five-minute break.

Vote: Vlietstra – yes; Lhota – yes; Marshall – yes; Hoppin – yes; Reynolds – yes; *Motion Passes*

Member Reynolds left the meeting at 8:23 pm.

Motion by Chairperson Vlietstra, and seconded by Member Marshall, to resume the meeting.

Vote: Vlietstra – yes; Lhota – yes; Marshall – yes; Hoppin – yes; *Motion Passes*

The Board discussed and edited the drafted Resolution to the Board of Trustees, regarding zoning changes for 5, 8, and 10 State Street.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to adopt this resolution, referring the rezoning request to the Board of Trustees.

Vote: Vlietstra – yes; Lhota – yes; Marshall – yes; Hoppin – yes; *Motion Passes*

Minutes have been tabled to the April 5, 2023, meeting.

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
REGULAR MEETING**

Wednesday, March 1, 2023, at 6:30 PM

The Board discussed the lack of communication between the PZBA and the Board of Trustees and will request to have the liaison attend the PZBA meetings.

Motion by Member Marshall, and seconded by Member Hoppin to close the PZBA meeting held on March 1, 2023.

Vote: Vlietstra – yes; Lhota – yes; Marshall – yes; Hoppin – yes; *Motion Passes*

Meghan Arscott, Recording Secretary

Further detailed information about this specific meeting is available on the website.

**VILLAGE OF PITTSFORD
PLANNING BOARD**

RESOLUTION 2023-3- TRUSTEE REFERRAL

Project **5, 8, 10 State St**

Date: 03- 01 - 2023

Applicant 1 Name: Daniel Clifford

Address: ██████████
Rochester, NY 14618

Action 1: Alteration of a commercial patio / outdoor seating area and
Installation of a pergola at 8 and 10 State St.

Applicant 2 Name: Matt Tomlinson

Address: ██████████
Rochester, NY 14614

Action 2: Concept plan review for 5 state street

WHEREAS, The Planning Board of the Village of Pittsford is authorized to consult with any other Village, Town or County officials in its review pursuant to §210-30.5; and

NOW THEREFORE IT IS RESOLVED, the Planning Board of the Village of Pittsford refers these applications to the Board of Trustees of the Village of Pittsford with the following comments and requests:

The Planning Board received applications for site plan approval for properties located at 5 State, 8 State, and 10 State Street, all of which are in the Village Center Business (“VCB”) Zoning District. All three of these properties have approximately 100% lot coverage and because they are within the VCB Zoning District are not permitted to create outdoor seating areas or construct parking.

Each of these properties is adjacent to the Traditional Downtown Design (“TDD”) Zoning District, which allows for 100% lot coverage, and therefore flexibility to create outdoor seating areas. The Planning Board proposes that these properties be rezoned to the TDD zoning district to allow more flexibility in use and development of these properties.

The Trustees set the vision for the district through the zoning code and comprehensive plan. The Planning Board submits that the vision for the district is to allow for properties such as these to allow for outdoor seating. Accordingly, the Planning Board believes this is a matter best resolved by the Trustees and the Planning Board respectfully requests the following:

1. Rezone the properties to the TDD district.
2. Any concerns/comments related to outside seating areas on these properties.
3. Any concerns/comments regarding parking for these three properties.

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

Justin Vlietstra YES
JoAnne Shannon ABSENT
Susan Lhota YES
Dave Marshall YES
Kathleen Hoppin YES

Dated: March 1, 2023

By order of the Planning Board of the Village of Pittsford

Chairperson,
Planning Board