

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

Wednesday, April 5, 2023, at 6:30 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Susan Lhota
David Marshall (absent)
Katie Hoppin (absent)
Mike Reynolds

Attorney: Mindy L. Zoghlin
Recording Secretary: Meghan Arscott

CALL TO ORDER –

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to open the PZBA meeting for April 5, 2023.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

CONFLICTS OF INTEREST DISCLOSURE

All members indicated there are no conflicts of interest.

• **50 State Street, Copper Leaf Brewing– Temporary Zoning Permit**

Present: Bryan Meyer

An application was received by the Building Inspector on 02.22.2023. This is a renewal of the same request from last year, for outdoor seating during service hours. All tables and chairs are put away outside of service hours. No alcohol is to be consumed outside of the outdoor seating area.

The Building Inspector stated that Copper Leaf Brewing had no complaints about the outdoor seating the prior year and that it ran well.

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to open the Public Hearing.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

Art Pires – 70 State Street – Is the Board able to state the section of code which allows for agricultural use to be issued a special permit or special use for outdoor seating.

Chair Vlietstra referred him to the minutes from June 1, 2022, which provide background and the legal rationale behind the Board's decision.

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

Wednesday, April 5, 2023, at 6:30 PM

Several letters of support have been submitted for Copper Leaf Brewing. They are part of the record.

Motion by Chairperson Vlietstra, and seconded by Member Reynolds, to close the Public Hearing.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

Motion by Chairperson Vlietstra, and seconded by Member Reynolds, to approve the resolution for Copper Leaf Brewing. The resolution will be substantially similar to last year's, with an added paragraph stating that this is a renewal of last year's approval, dated June 1, 2022.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

Findings: The Code Enforcement Officer noted that there are no complaints about the operations last year, pursuant to last year's permit.

• **25 South Main Street – Site Plan Review**

Present: Michael Fallat (via zoom)

An application was received by the Building Inspector on 03.07.2023. There is currently a bump-out, which encroaches on the neighbor's property, which is historically known to be a minor extension of the wall. The applicant is seeking approval to remove the bump-out and replace the siding with siding that matches the existing siding.

The Building Inspector stated that the bump-out is too close to the neighbor's property, which makes it difficult for the neighbor to maintain that section of his property. Removing this will also make the drainage better and does not create any violations or health and safety impacts.

The Fire Marshall had no concerns.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to open the Public Hearing.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

There are no public comments.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to close the Public Hearing.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

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

Wednesday, April 5, 2023, at 6:30 PM

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to approve the resolution as discussed, for Site Plan Review for 25 S. Main Street.

Three conditions of approval:

1. The Historic Preservation Review Board shall grant a certificate of appropriateness for the action and all approved plans shall conform to the Site Plan.
2. 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.
3. Only the demolition of the bump-out structure and associated repairs is part of this approval. Lighting, landscaping, drainage, parking, and other aspects of this property are not before the board and are not part of this approval.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

• **5 Austin Park– Area Variance and Site Plan Review**

Present: Patrick Morabito, in for applicant Paul Morabito (architect)

The applications were received by the Building Inspector on 03.10.2023.

The Board discussed the provided plans from the architect for a residential addition which includes a front porch addition, first-floor addition, garage addition, and second-floor addition.

The Board is interested in how this may impact neighboring or adjacent properties.

The Building Inspector stated there are no concerns about lighting and compliance with the code. There are no concerns about drainage.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to open the Public Hearing.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

Chairperson Vlietstra stated that there doesn't seem to be a negative impact on neighboring properties. His concern is the number of architectural changes to be made, and the applicant has not been to the Historic Preservation Board (HPB) yet.

He advised the applicant to get feedback from the HPB prior to approvals.

The Building Inspector stated that the whole purpose of changing the order of the meetings around was to avoid this. Approvals should be given by PZBA, then HPB, to avoid going back and forth.

The Board will hold a special meeting on April 25, 2023, to review the applications after the HPB meeting.

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

Wednesday, April 5, 2023, at 6:30 PM

Art Pires – 70 State Street – suggested the PZBA approve the site plan and grant variances, subject to HPB comments.

Chairperson Vlietstra would like to get feedback from the HPB, given they are changing many windows and making substantial changes to the front façade of the house. The two boards have to approve the same plans and if Site Plan approval is granted and significant changes are requested by the HPB then it has to come back to the Planning Board

Motion by Chairperson Vlietstra, and seconded by Member Reynolds, to keep the Public Hearing open and schedule a special meeting on Tuesday, April 25, 2023, at 6:30 pm.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

Updated drawings are requested by 2 pm on April 24, 2023.

• **5 State Street – Area Variance and Site Plan Review**

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

The applications were received by the Building Inspector on 03.08.2023.

Chuck Mancini and his team have appeared before the HPB and PZBA for Information Only, to receive feedback for approvals. They submitted an application for the April 17, 2023, HPB meeting. They are here to seek the PZBA's approval, subject to the HPB's approval and the Village Board's approval of the Special Permit request, which won't happen until after the April 27, 2023, public hearing.

The Board stated that this is a Type 2 Action, under SEQR as it involved reuse of an existing building and the new patio that is to be constructed is a non-residential structure under 4000sqft.

The architect presented the plans for the courtyard, which would replace the parking lot.

The pillars and wall have been scaled down, as requested by the HPB.

Drainage - The architect explained the natural materials that they intend to use in the courtyard. They will be using reclaimed granite cobblestones for the surface. The cobblestones will be mortared in place so it is going to be completely impervious, with no drainage between the stones. The pitch of the courtyard will go towards the existing drain that will accept the water. The patio will be heated so snow will melt.

Landscaping - Chairperson Vlietstra asked if any of the vegetation will likely impact views of the sidewalk from exiting cars. The architect stated there are no concerns with traffic as everything

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

Wednesday, April 5, 2023, at 6:30 PM

close to the street will be below knee level. The proposed redbud tree is beneath utility lines; it is compatible with soil conditions, and it is a small tree that will not interfere with the utility lines.

Lighting – The architect stated that they have not performed a lighting study. This is not a nighttime use. Their intent is to have foot candles on as many hard surfaces as possible, and path lights in the landscape area to shed light adjacent to the public walkway, for safety. There will be cap lights atop walls, which have a six-foot spread and are down-facing. There are also two pillar cap lights, which also face down. Everything will be on a low-voltage system for safety.

Chairperson Vlietstra asked about the pillar cap lights that contain 4 bulbs, but its brightness is not specified. The architect responded that they are using low voltage bulbs and the light is designed to have a spread of about 8ft.

The Board does not see any concerns with the lighting.

Fence – The applicant is proposing a fence to protect his clients' bicycles. If he is limited to 3 feet for the fence, he would like to build a wall. A fence is more economical to repair than a wall, so it is the applicant's preference.

Cars are currently backing up in the next-door Village Bakery parking lot that is too narrow; the fence is likely to get hit by backing up cars. The current Village Bakery parking lot is about 7 feet narrower than what is required by code for safety.

Handicap parking – all parking on the applicant's property would be eliminated. The building inspector stated it is permissible in the building code to have no parking.

Corner seating - Member Lhota is concerned about the height of the corner seating, due to pedestrians possibly using it as a step to enter or exit the courtyard. The architect says it is intended for seating, and each bench is about 15 inches high, and there are two access points in the main entry and a side entry. The applicant does not want to decrease the height of the seating to give the illusion that the seating could be mistaken for a step. The material will be cedar, and differentiated from the stone walkway.

Utilities and Trash – there will be no changes to utilities. There is a dumpster in the back corner of the property accessed through an easement. The applicant doesn't expect to be trash heavy due to the style of service. The Building Inspector states there have been no issues with accessing the dumpsters by previous tenants.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to move into an attorney-client session.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

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

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

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

Wednesday, April 5, 2023, at 6:30 PM

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to open the Public Hearing.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

Art Pires – 70 State Street – fully supports the application. It is an exemplary site plan application and the detailed illustrations should be adopted as the standard for all village commercial and business applications.

The one area of concern for the Site Plan is the trash issue. Because the dumpster is not on the applicant's property, the Board would either like a letter of consent from the neighboring property owner for the use of the dumpster or a Plan B presented, in writing, as an alternative option to haul away the trash.

The Public Hearing will remain open for Site Plan Review.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to close the Public Hearing for all three Area Variances for 5 State St.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

The Board reviewed the draft resolution for the application and discussed findings for an Area Variance for Lot Coverage, per Sections 210-21.6 – the applicant is seeking 95% lot coverage when the code allows 60%. The current lot coverage on the property is at 100%, which is consistent with other properties in the neighborhood. The Board does not see any need for conditions of approval.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to approve the Area Variance for lot coverage for the reasons mentioned.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

The Board reviewed the draft resolution for the application and discussed findings for an Area Variance for Parking Code, per Section 210-25.2 – to allow zero parking spots for a commercial business. The removal of the parking spots is consistent with the Village's Comprehensive Plan in terms of walkability, many Village properties do not have parking available, and a public lot is available across the street. The applicant is willing to erect signs advising patrons where to park. The current lot is dangerous, and the current handicapped space is non-compliant.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to approve the Area Variance for parking, per the reasons stated.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

The Board reviewed the draft resolution for the application and discussed findings for an Area Variance, per section 98-1 – to construct a wood fence and a masonry fence over 3 feet in

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

Wednesday, April 5, 2023, at 6:30 PM

height. The Board asks the applicant to amend their application to include the wooden fence. The applicant stated verbally that he is amending the application for fence height variance to include the wooden fence. The height of the fence is included in the application. The fence will improve the appearance of the property, it will provide screening, and will provide safety from neighboring parking lots.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to approve the Area Variance for the wood and masonry fences, with the condition that the Historic Preservation Board will approve the fencing and the Board of Trustees granting a Special Use Permit.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to keep the Public Hearing open for Site Plan.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

Art Pires – 70 State Street – there is no reason why the Board cannot approve the site plan subject to the resolution of the dumpster.

The Board is leaving the Site Plan approval open in case changes need to be made to the plan to accommodate a revised trash management plan.

MEMBER ITEMS

Minutes have been tabled for the next meeting.

Motion by Member Marshall, and seconded by Member Shannon to close the PZBA meeting held on April 5, 2023.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Reynolds – yes; *Motion Passes*

Meghan Arcscott, Recording Secretary

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

Village of Pittsford Zoning Board of Appeals

RESOLUTION 2023-4

DECISION ON TEMPORARY USE PERMIT

Project **Copper Leaf Temporary Outdoor Seating** **Date: 4-5-2023**

Applicant Name: Bryan Meyer, Copper Leaf Brewing Company
Address: 50 State St. Building G
 Pittsford, NY 14534

Action: Add temporary outdoor seating to Copper Leaf Brewing
 Company at 50 State St. Building G

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on April 5, 2023, at 6:30 PM at Village Hall, 21 N. The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Mike Reynolds, to wit:

WHEREAS, The “Board” received and reviewed an application from the above-mentioned applicant for a temporary use permit to place four tables for outdoor seating in the fire lane at 50 State Street in front of Building G – Copper Leaf Brewing Company; and

WHEREAS, On June 1, 2022, the Village of Pittsford Zoning Board of Appeals (ZBA) approved a temporary use permit for an outside seating area in the fire lane at 50 State Street in front of Building G – Copper Leaf Brewing Company, and this application seeks renewal of that permit.

WHEREAS, The Building Inspector stated that he received no complaints regarding the temporary outdoor seating area that was approved in 2022.

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 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)(21).

2. Monroe County Planning Review:

The Board’s review is for a temporary activity that is exempt from Monroe County Planning 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 in a waterfront area of the Village of Pittsford but is not subject to a local waterfront consistency review because it is a Type II action under SEQRA.

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

1. The action **Will** be in harmony with the general purpose and intent of this chapter, taking into account the location and size of the use, the nature, and intensity of the operations involved or conducted in connection with it and the size of the site with respect to the streets giving access thereto.:

Outdoor seating already exists at Label 7 & Olives restaurant and some of these seating areas are closer to residential houses. The 12-chair seating area at Copper Leaf is about 170 feet away from the nearest house and a building is between the seating area and residences that will help to block noise.

2. The action **Will Not** tend to depreciate the value of adjacent property, taking into account the possibility of screening or other protective measures:

This is a temporary activity in a commercial district. There is no lasting impact.

3. The action **Will Not** create a hazard to health, safety or general welfare:

This is not an obstruction of a fire lane per the fire chief and fire marshal.

4. The action **Will Not** alter the essential character of the neighborhood nor be detrimental to the residents thereof:

This is outdoor seating in a commercial district that already has outdoor seating. Outdoor seating at Olives restaurant is closer to residential homes than the seating proposed here. The building inspector is unaware of any significant problems with existing seating areas and has received no complaints.

5. The action **Will Not** introduce substantial adverse impacts on the surrounding neighborhood:

There will be 12 chairs and a building in between the seating area and the residential properties. The primary impact will be normal conversation potentially being heard on adjacent properties. Normal conversation is not a substantial adverse impact. If unruly people make excessive noise the building inspector/code enforcement officer has the authority to take appropriate action.

6. The action **Will Not** be detrimental to the flow of traffic, taking into account the duration and times of the activity:

There is no impact on traffic or parking. The existing parking spaces and drive lanes will not be impacted by this activity.

7. The action **Will Not** adversely impact pedestrian safety:

The building inspector stated he has no concerns about pedestrian safety.

8. The action **Will Not** be a nuisance or create offensive odors or noise:

The seating area is a fraction of the size of the existing outdoor seating used by adjacent restaurants on the same property. Olives and Label 7 have much larger quantities of outdoor seating and the Building Inspector has stated he is unaware of any significant problems with existing seating areas.

9. The Fire Marshal reviewed the plans and made the following observations:

This is not an obstruction of a fire lane and he has no concerns regarding public safety.

NOW, THEREFORE, BE IT RESOLVED, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-39.3 because it finds the 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** a Temporary Use Permit for the application dated 02/22/2023 with the following conditions:

1. This temporary permit is valid for a six-month period, ending November 1, 2023.
2. The temporary outdoor seating area may operate during the following times:
 - Monday through Thursday: 3PM – 9PM
 - Friday and Saturday: Noon - 10PM
 - Sunday: Noon – 8PM
3. The temporary outdoor seating area shall consist of up to 12 temporary chairs and a temporary rope/fence barrier.
4. All Items associated with the outdoor seating area shall be located within the fire lane adjacent to building G at 50 State Street.
5. All items associated with the outdoor seating area shall be removed nightly no later than 30 minutes after the times listed above. Removed items shall be stored indoors or in another suitable location approved by the building inspector. The items to be removed include all chairs and temporary rope/fencing. Failure to remove items may lead to enforcement action brought by the code enforcement officer.
6. All outdoor trash associated with the activity shall be removed nightly.
7. The Village of Pittsford Building Inspector shall approve of materials and location of the temporary rope/fence barrier.
8. The Village of Pittsford Building Inspector may authorize changes in the layout of seating and temporary rope/fence barrier but they shall be located within the fire lane.
9. The temporary outdoor seating area shall comply with all requirements and directives instated by the NYS Liquor Authority, Village of Pittsford Fire Marshal, Village of Pittsford Building Inspector, Village of Pittsford Code Enforcement Officer, Pittsford Fire Chief.
10. Village Code Enforcement Officials shall be allowed to conduct all necessary code inspections.
11. No outdoor music or outdoor entertainment is permitted.
12. The outdoor seating area shall not block drive lanes or parking spots.
13. Copper Leaf Brewing Company will inform the Village if they receive any complaints or requests regarding the Event.

14. The Board reserves the right to revoke the temporary zoning permit if operation of the business creates traffic hazards or unsafe conditions for pedestrians, creates excessive and disruptive noise, 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.

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

Justin Vlietstra – Yes

JoAnne Shannon – Yes

Susan Lhota – Yes

Kathleen Hoppin – Absent

Mike Reynolds - Yes

Dated: April 5, 2023

By order of the Zoning Board of Appeals of the Village of Pittsford

Justin Vlietstra, Chairperson
Village of Pittsford Zoning Board

VILLAGE OF PITTSFORD PLANNING BOARD

RESOLUTION 2023-5

DECISION ON SITE PLAN

Project **25 S. Main Street Building Alteration**

Date: 04-05-2023

Applicant Name: Mike Fallat
Address: 25 S Main Street
Pittsford, NY 14534

Action: Removal of a 14ft x 3 ft x 4ft bump-out structure

At a meeting of the Planning Board of the Village of Pittsford (the “Board”) duly convened on **April 5, 2023**, at 6:30 PM at Village Hall, 21 North. Main St, Pittsford, NY 14534,

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

WHEREAS, The Village of Pittsford Planning Board (the “Board”) received and reviewed an application from the above-mentioned applicant for 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):
 - a. The proposed action is for expansion of a single-family home which is a Type II action pursuant to 6 NYCRR 617.5(c).11. No further review is required.
2. Monroe County Planning Review:
 - a. The Board’s review is for a minor site plan review that is exempt from Monroe County Planning 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:
 - a. The proposed action is not within the Village’s waterfront area so it is not subject to a waterfront consistency review.
4. The proposed action **Does Not** 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 Building Inspector has reviewed the project for zoning code compliance:
 - a. The proposed action does not create any zoning violations.

2. The project conforms with the Pittsford Village Comprehensive Plan and Local Waterfront Revitalization Program because:

N/A

3. Adequacy and arrangement of vehicular traffic and circulation:

N/A

4. Adequacy and arrangement of pedestrian and bicyclist access and circulation:

N/A

5. Compatibility of proposed uses to adjacent uses:

N/A

6. Adequacy of off-street parking, loading, and access:

N/A

7. Adequacy of landscaping and screening provisions:

N/A

8. Location, arrangement, size, and design of proposed signage:

N/A

9. Adequacy of outdoor lighting to address safety concerns and prevent light trespass:

N/A

10. Adequacy of drainage and stormwater systems:

The building inspector has stated he has no drainage concerns.

11. Adequacy of water and sanitary sewer systems:

N/A

12. Adequacy of waste and trash management plans:

N/A

13. Adequacy of snow removal plans:

N/A

14. Whether the proposal will adversely affect the health safety and general welfare of adjacent property owners and the community:

None

15. The Fire Marshal reviewed the Site Plans and made the following observations:

No concerns

NOW, THEREFORE, BE IT RESOLVED, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-34.2 (D) or 210-34.3 (D) (Major or Minor Site Plan review application materials, as applicable) 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 **April 5th, 2023** with the following conditions:

1. The Historic Preservation Review Board shall grant a certificate of appropriateness for the action and all approved plans shall conform to the Site Plan.
2. 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.
3. Only the demolition of the bumpout structure and associated repairs is part of this approval. Lighting, landscaping, drainage, parking, and other aspects of this property are not before the board and are not part of this approval.

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

	Yes	No	Abstain
Justin Vlietstra	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Lhota	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jo Anne Shannon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: April 5, 2023

By order of the Planning Board of the Village of Pittsford

Justin Vlietstra, Chairperson
Village of Pittsford Planning Board

VILLAGE OF PITTSFORD ZONING BOARD OF APPEALS

RESOLUTION 2023-6

DECISION ON AREA VARIANCE

Project 5 State Street La Fabrica Cycle Café

Date: 04-5-2023

Applicant Name: R.C. (Chuck) Mancini
Address: 30 Fords Crossing
Honeoye Falls, NY 14450

Action: Convert an existing parking lot to an outside seating area and remodel work to open La Fabrica Cycle Café.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the "Board") duly convened on April 5, 2023, at 6:30 PM at Village Hall, 21 North Main St, Pittsford, NY 14534, The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Susan Lhota, to wit:

WHEREAS, The above-named applicant for an Area Variance of Section **210-20.6** of the Zoning Law of the Village of Pittsford to permit the property to have 95% lot coverage when 60% lot coverage is the maximum permitted and;

WHEREAS, The Board received and reviewed an application from the above-mentioned applicant for 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):
 - a. The proposed action is to remodel and reuse an existing commercial building and construct a new patio/seating area that is less than 4000 sqft and is a Type II action pursuant to 6 NYCRR 617.5(c)9, 617.5(c)9.18, and/or 617.5(c)9.16. No further review is required.
2. Monroe County Planning Review:
 - a. The action was forwarded to Monroe County Planning, and a response was received on March 28, 2023.
3. Waterfront Consistency Review:
 - a. The proposed action is not within the Village's waterfront area, so it is not subject to a waterfront consistency review.

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

- A. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that: The site will be more attractive, the existing lot coverage is almost 100%, and drainage has been accommodated in the proposed patio.
- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because: Cannot construct a patio without exceeding lot coverage.
- C. The requested variance **is not** substantial in that: negligible change, small improvement in lot coverage relative to existing conditions (almost 100% impervious).
- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because: The site will be more attractive, the existing lot coverage is almost 100%, and drainage has been accommodated in the proposed patio.
- E. The alleged difficulty **is** self-created because: the desire to create a patio that is 95-100% impervious surface is self-created, but this alone does not preclude granting an area variance.
- F. The Variance **is** the minimum necessary to provide relief because: there is minimal room on this small property for the patio. Any further reduction in impervious surface will not meaningfully alter impacts, while still allowing for a patio. The Property cannot comply with lot coverage requirements in the zoning code without altering an existing building that predates the zoning code.
- G. The following physical characteristic of the property are relevant to this variance request: Consistent with “downtown” in the village, 100% lot coverage is common. The two properties across the street are approximately 100% lot coverage, as are many other commercial properties within 500ft of this property. This is consistent with the Village Comprehensive Plan transect concepts (page 66) that place higher intensity development downtown with pedestrian-friendly accommodations and moving the “suburban” style development with more parking and yard space further from downtown. Zoning code and the comprehensive plan (page 90) prohibit parking lots in the front yard.

NOW THEREFORE IT IS RESOLVED by the Zoning Board of Appeals of the Village of Pittsford that this area variance request is hereby **granted** for the reasons stated above.

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

	Yes	No	Abstain
Justin Vlietstra	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jo Anne Shannon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Lhota	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: April 5, 2023

By order of the Zoning Board of Appeals of the Village of Pittsford

Justin Vlietstra, Chairperson
Zoning Board of Appeals

VILLAGE OF PITTSFORD ZONING BOARD OF APPEALS

RESOLUTION 2023-7

DECISION ON AREA VARIANCE

Project **5 State Street La Fabrica Cycle Café**

Date: 04-5-2023

Applicant Name: R.C. (Chuck) Mancini
Address: 30 Fords Crossing
Honeoye Falls, NY 14450

Action: Convert an existing parking lot to an outside seating area and remodel work to open La Fabrica Cycle Café.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on April 5, 2023, at 6:30 PM at Village Hall, 21 North Main St, Pittsford, NY 14534, The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Jo Anne Shannon, to wit:

WHEREAS, The above-named applicant for an Area Variance of Section **98-1** of the Zoning Law of the Village of Pittsford to permit the construction of a wood fence and a masonry fence (wall) over 3 ft in height, in a front yard.

WHEREAS, The Board received and reviewed an application from the above-mentioned applicant for 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):
 - a. The proposed action is to remodel and reuse an existing commercial building and construct a new patio/seating area that is less than 4000 sqft and is a Type II action pursuant to 6 NYCRR 617.5(c)9, 617.5(c)9.18, and/or 617.5(c)9.16. No further review is required.
2. Monroe County Planning Review:
 - a. The action was forwarded to Monroe County Planning, and a response was received on March 28, 2023.
3. Waterfront Consistency Review:
 - a. The proposed action is not within the Village’s waterfront area, so it is not subject to a waterfront consistency review.

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

- A. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that: Will improve the appearance of the property and provide screening. Adjacent properties have non-conforming parking lots that are too narrow, and the fence and wall protect patio users from vehicular conflict.
- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because: A fence/wall is required for safety and screening of the patio area from vehicular traffic from adjacent parking lots.
- C. The requested variance **is** substantial in that: the fences are larger than permitted by code, but conditions of the property and circumstances dictate fences of this height for screening and safety. The fence height is partially dictated by the need to raise the patio above the existing grade to make a surface properly graded for use as a patio and appropriately direct drainage to the existing stormwater drain.
- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because: Will improve the appearance of the property and provide screening. Adjacent properties have non-conforming parking lots that are too narrow, and the fence and wall protect patio users from vehicular conflict.
- E. The alleged difficulty **is** self-created because: The desire for a patio and tall fences is self-created but this alone does not preclude granting an area variance.
- F. The Variance **is** the minimum necessary to provide relief because: A fence/wall is required for safety and screening of the patio area from vehicular traffic from adjacent parking lots. The height of the masonry fence/wall is due to the raised patio and grade of property.
- G. The following physical characteristic of the property are relevant to this variance request: Adjacent parking at adjacent "Village Bakery" is substandard with drive aisles narrower than permitted by code which creates a dangerous situation for adjacent outside seating. The parking lots at adjacent 4 S. Main St and 5 State St "Village Bakery" both have cars backing up towards the seating area, so a solid barrier is needed for safety.

H. The following additional findings are noted:

- a. The visibility of the fence from neighboring properties: Masonry fence is designed to match the building wall in material and appearance.
- b. The compatibility of the fence with the general visual character of the surrounding area: Masonry fence is designed to match the building wall in material and appearance.

NOW THEREFORE IT IS RESOLVED by the Zoning Board of Appeals of the Village of Pittsford that this area variance request is hereby **granted** for the reasons stated above, subject to the following conditions:

- 1. The Village of Pittsford Historic Preservation Review Board shall grant a certificate of appropriateness for the action.
- 2. The Village of Pittsford Board of Trustees shall grant a special use permit for the action.
- 3. The Village of Pittsford Planning Board shall grant Site Plan Approval for the action.
- 4. This variance shall expire if no building permit is granted for the action within 1 year.

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

	Yes	No	Abstain
Justin Vlietstra	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jo Anne Shannon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Lhota	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: April 5, 2023

By order of the Zoning Board of Appeals of the Village of Pittsford

Justin Vlietstra, Chairperson
Zoning Board of Appeals

**VILLAGE OF PITTSFORD
ZONING BOARD OF APPEALS**

RESOLUTION 2023-8

DECISION ON AREA VARIANCE

Project **5 State La Fabrica Cycle Cafe**

Date: 4-5-2023

Applicant Name: R.C. (Chuck) Mancini
Address: 30 Fords Crossings
 Honeoye Falls, NY 14450

Action: Convert an existing parking lot to an outside seating area
 And remodeling work to open La Fabrica Cycle Cafe

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on April 5, 2023, 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 Jo Anne Shannon, to wit:

WHEREAS, The above named applicant for an Area Variance of Sections **210-25.2** of the Zoning Law of the Village of Pittsford to allow 0 parking spaces for a commercial business.

WHEREAS, The Board received and reviewed an application from the above mentioned applicant for 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):
 - a. The proposed action is to remodel and reuse an existing commercial building and construct a new patio/seating area that is less than 4000sqft and is a Type II action pursuant to 6 NYCRR 617.5(c).9, 617.5(c).18, and/or 617.5(c).16. No further review is required.
2. Monroe County Planning Review:
 - a. The action was forwarded to Monroe County Planning and a response was received on March 28, 2023.
3. Waterfront Consistency Review:
 - a. The proposed action is not within the Village’s waterfront area so it is not subject to a waterfront consistency review.
4. The proposed action **Does** require approvals from state or county agencies.

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

- A. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:

Consistent with the overall vision of the Comprehensive Plan to provide a pedestrian-friendly destination. Aesthetics will improve; many properties in the Village downtown have no parking, including the properties across the street. Adequate parking exists in the Village, across the street in the municipal lot, or on side streets. No business can operate in this location and comply with the parking requirements in code. Code requirements are inconsistent with the physical reality of the site.

- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because:

There is no feasible way to build adequate vehicular parking on this site.

- C. The requested variance **is** substantial in that:

It is substantial, relative to code requirements. See A and B above. It is not a large departure from existing conditions.

- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:

Consistent with the overall vision of the Comprehensive Plan to provide a pedestrian-friendly destination and encourage non-vehicular transportation. Aesthetics will improve; many properties in the Village downtown have no parking, including the properties across the street. Adequate parking exists in the Village, across the street in the municipal lot, or on side streets. Drainage is accommodated in the design by routing stormwater to a storm sewer.

- E. The alleged difficulty **is** self-created because:

The desire for zero parking spaces is self-created, but this alone does not preclude granting an area variance.

;

F. The Variance is the minimum necessary to provide relief because:

A patio cannot be built if the parking spaces remain.

G. The following physical characteristics of the property are relevant to this variance request:

It is currently a dangerous, non-compliant parking lot. The planters and bollards are routinely hit by cars attempting to navigate the existing parking lot that is lacking end space maneuvering. A non-compliant “unauthorized parking spot” is next to an egress door and impedes the travel lane in the adjacent Village Bakery parking lot. The Building Inspector and Board believe this non-compliant, unauthorized parking space is dangerous and obstructs access required by fire code. The substandard drive aisle and parking area create a hazardous situation for pedestrians on the high-use sidewalk. The parking lot connects to State Street, which is a busy state highway. Safety is very important in the downtown area of the village, and pedestrian safety is a significant part of the Village Comprehensive Plan and Active Transportation Plan.

H. The following additional findings are noted:

Consistent with “downtown” in the village, 100% lot coverage is common. The two properties across the street are approximately 100% lot coverage, as are many other commercial properties within 500ft of this property. This is consistent with the Village Comprehensive Plan transect concepts (page 66) that place higher intensity development downtown with pedestrian-friendly accommodations and moving the “suburban” style development with more parking and yard space further from downtown. Zoning code and the comprehensive plan (page 90) prohibit parking lots in the front yard.

NOW THEREFORE IT IS RESOLVED by the Zoning Board of Appeals of the Village of Pittsford that this area variance request is hereby granted for the reasons stated above.

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

	Yes	No	Abstain
Justin Vlietstra	X		
Susan Lhota	X		
JoAnne Shannon	X		
Mike Reynolds	X		

Dated: April 5, 2023

By order of the Zoning Board of Appeals of the Village of Pittsford

Chairperson,
Zoning Board of Appeals