

**VILLAGE OF PITTSFORD
PLANNING & ZONING BOARD OF APPEALS**



Members:

Justin Vlietstra, **Chair**
Jo Anne Shannon
Susan Lhota
Katie Hoppin
Jared Cook
Mike Reynolds (Alternate)

Attorney: Mindy Zoghlin
Rec. Secretary:
Alexandria Torres Vaughn

**PLANNING & ZONING BOARD OF APPEALS REGULAR MEETING
Wednesday, July 26, 2023, at 6:30 PM**

Tentative Agenda

This meeting is to review and finalize minutes and resolutions.

1. MINUTES
 - a. April 25, 2023
 - b. June 7, 2023
2. RESOLUTIONS
 - a. 2023-11 Site Plan- 5 State St
3. MEMBER ITEMS

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

Wednesday, April 25, 2023, at 6:30 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Susan Lhota
Katie Hoppin
Jared Cook
Mike Reynolds (alternate)

Attorney: Mindy L. Zoghlin
Recording Secretary: Meghan Arscott

CALL TO ORDER –

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to open the PZBA meeting for April 25, 2023.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

CONFLICTS OF INTEREST DISCLOSURE

There are no conflicts of interest to disclose as there are no applications for this meeting.

- **5 Austin Park – Continuation of April 5, 2023 meeting, Site Plan Review and Area Variance for Lot Coverage**

Present: Paul Morabito (architect)

The applications were received by the building inspector on 03.10.2023. The applicant attended the April 17, 2023, Historic Preservation Board (HPB) meeting and received feedback on architectural details. The plans have been revised to include the HPB's suggestions.

The Public Hearings remained open from the April 5, 2023. No public comments were made.

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to close both Public Hearings.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – 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 approval of the construction of a residential addition that increases the gross impervious surface on the property to 35% when the maximum permitted is 25%.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to adopt the amended resolution to approve the area variance for lot coverage.

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Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

The Board reviewed the draft resolution for the application and discussed findings for Site Plan approval.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to to adopt the amended resolution to approve the Site Plan.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

A copy of the resolution is at the end of these minutes.

Motion by Chairperson Vlietstra, and seconded by Member Cook, to adjourn to an attorney-client session.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to return to the regular meeting.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

• 5 State Street – Continuation of April 5, 2023 meeting, Site Plan Review

Present: Ryan Kelly (architect), Chuck Mancini (applicant via Zoom)

The architect presented the revised site plan. The northeast corner of the building was revised to remove the fence and the bike wash station, which resulted in a reduction of 160 sq ft in scope.

The architect discussed the plan for trash removal. The applicant would like to rely on the 32-year-old easement for dumpster access. The previously approved businesses at 5 State Street each had access to the dumpsters, via the easement.

Attorney Zoghlin stated that the Board does not get involved in property disputes.

Mike Reynolds – 5 State Street owner (no relation to Mike Reynolds, PZBA member) – Mr. Reynolds requested consistency of approval and asked why this applicant would have to do something different than the three previous tenants.

Attorney Zoghlin stated that the approvals were not clear from the records the Board reviewed. The minutes referred to a trash agreement but did not refer to a recorded deed.

The Public Hearing remained open from the April 5, 2023 meeting.

Charlie Fitzimmons – the owner of 5 State Street (Village Bakery) – stated that previous tenants shared the dumpster on his portion of the property in exchange for a shared handicapped

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parking space. He does not intend to share the dumpster if the Board approves the site plan and the handicapped parking space is removed.

Chairperson Vlietstra stated that the applicant's revised site plan removed the fence and bike wash station on the northeast corner of the building and the asphalt space would be untouched. Someone physically could park there but it is not a permitted parking spot due to it blocking the side door of the building.

Charlie Fitzimmons stated that the handicapped parking space in question is the official handicapped parking spot near the front door, not the asphalt patch near the northeast corner of the building and side door.

Chuck Mancini stated that there is a valid trash agreement between the properties and would like to continue to have access to the dumpsters, as the deed allows.

Mike Reynolds, PZBA member, stated his concerns about the amount of electricity La Fabrica Cycle Café would use in the courtyard during the winter months.

Matt Tomlinson – Marathon Engineering – read the section of the title report related to dumpster access in the property easement aloud to the Board.

Chairperson Vlietstra stated that the public hearing was left open to provide time to resolve the issue of the trash management plan and the Board requested that the applicant either obtain written consent to use the dumpster on 5 State (Village Bakery), or propose an alternate trash removal plan. Neither has been presented to the Board.

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

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to return to the regular meeting.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

Mike Reynolds – 5 State Street owner (no relation to Mike Reynolds, PZBA member) – requested the Board to get a definitive answer from the Village Bakery owner in regard to the dumpster.

The Board stated that the trash is an issue between the two property owners and should be resolved between the property owners.

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Board members discussed potential conditions of approval to address the situation.

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to close the Public Hearing on the site plan.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

The Board reviewed the draft resolution for the application and discussed findings for Site Plan approval and conditions of approval.

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to adopt the amended resolution approving the Site Plan, with the following 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. The Village of Pittsford Board of Trustees shall grant a special use permit for the action and all approved plans shall conform to the Site Plan.
3. 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.
4. The applicant has stated that the seating arrangement will vary seasonally as conditions dictate. The Planning Board does authorize the building inspector/code enforcement officer to inspect and approve any such changes to the seating arrangement as long as the maximum number of seats does not exceed any maximum quantity set by the Board of Trustees as part of their special use permit. The applicant shall comply with any directives of the building inspector/code enforcement officer.
5. All exterior light fixtures shall emit light between 2700K and 3000K in color (warm white).
6. The Building Inspector shall approve the light bulbs used in the two column-mounted light fixtures to ensure light intensity is adequate for safety but not too bright so as to introduce glare.
7. Construction activities within the NYS DOT right-of-way shall require written consent or permit from the NYS DOT if required. This condition does not prevent construction activities outside the NYS DOT right-of-way.
8. The Building Inspector shall approve the trash management plan.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

A copy of the resolution is at the end of these minutes.

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Wednesday, April 25, 2023, at 6:30 PM

Motion by Chairperson Vlietstra, and seconded by Member Hoppin, to move the May 3, 2023 meeting to May 2, 2023.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

Motion by Member Hoppin, and seconded by Member Shannon to close the PZBA meeting held on April 25, 2023.

Vote: Vlietstra – yes; Lhota – yes; Shannon – yes; Hoppin – yes; Cook – yes; *Motion Passes*

Meghan Arscott, Recording Secretary

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

**VILLAGE OF PITTSFORD
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REGULAR MEETING**

Wednesday, June 7, 2023, at 6:30 PM

PRESENT:

Chairperson:	Justin Vlietstra
Members:	Jo Anne Shannon Susan Lhota Jared Cook Katie Hoppin (absent) Mike Reynolds (Alternate)
Attorney:	Mindy L. Zoghlin
Recording Secretary:	Alexandria Vaughn
Village Clerk:	Dorothea Ciccarelli

CALL TO ORDER –

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to open the PZBA meeting for June 7, 2023, 7:00 pm.

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

CONFLICTS OF INTEREST DISCLOSURE

There are no conflicts of interest to disclose as there are no applications for this meeting.

MEMBER ITEMS

May 5, 2023, meeting minutes – The board reviewed and discussed the minutes.

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to adopt the May 2nd, 2023 meeting minutes as drafted.

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

April 25, 2023, special meeting minutes – The board will take time to further review the minutes and table them to the next meeting.

MEETING DATES

**VILLAGE OF PITTSFORD
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REGULAR MEETING**

Wednesday, June 7, 2023, at 6:30 PM

Chairperson Vlietstra asks The Clerk and fellow members of the Board whether meeting dates should be revised. The Trustees just moved their meetings to Tuesdays. All members agree to keep meeting days as is.

REMOTE RESOLUTION

Chairperson Vlietstra proposes that the Board should consider adopting a Resolution to authorize Board members to attend a meeting remotely via videoconferencing. The HPB adopted a Videoconferencing Resolution and a copy of this will be disseminated in a future meeting packet along with a copy of the NYS Open Meetings Law.

Motion by Chairperson Shannon and seconded by Member Reynolds to adjourn the PZBA meeting on June 7, 2023, at 7:15 pm.

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

Alexandria Vaughn, Recording Secretary

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

VILLAGE OF PITTSFORD PLANNING BOARD

RESOLUTION 2023-11

DECISION ON SITE PLAN

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

Date: 04-25-2023

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 remodel work to open La Fabrica Cycle Café

At a meeting of the Planning Board of the Village of Pittsford (the “Board”) duly convened on **April 25, 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 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 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 applicant has applied for required variances to the zoning code.

2. The project conforms with the Pittsford Village Comprehensive Plan and Local Waterfront Revitalization Program because:
The plan will encourage pedestrian and bicycle use. It will also create greater open space and create a destination in the center of our Village. 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.
3. Adequacy and arrangement of vehicular traffic and circulation:
There will be no vehicular traffic and circulation.
4. Adequacy and arrangement of pedestrian and bicyclist access and circulation:
Pedestrian access is improved, and safety is improved by the lack of vehicles and construction of fences/walls.
5. Compatibility of proposed uses to adjacent uses:
It's a continuation of a prior use; the proposed use and prior use are restaurants. A temporary outdoor seating area was successfully used temporarily during covid-19 pandemic. There is adequate screening from adjacent properties.
6. Adequacy of off-street parking, loading, and access:
Availability of public parking in the municipal lot across the street and there is on-street parking throughout the Village. The expected parking needs are diminished because it is a cycle café, and they expect many of their patrons will be coming by bicycles rather than vehicles.
7. Adequacy of landscaping and screening provisions:
Screening is adequately provided with fencing and walls. The applicant took careful consideration on their landscaping plan to avoid blocking views of pedestrians walking on the sidewalk, while still making the property attractive. Incorporated a tree that is compatible with site conditions.
8. Location, arrangement, size, and design of proposed signage:
The sign is in the same location as the existing one. It is consistent with prior usage.
9. Adequacy of outdoor lighting to address safety concerns and prevent light trespass:
The lighting plan was well designed to be low intensity and close to the ground for safety, without producing glare. A condition of approval is placed on building inspector accepting the intensity of the lighting for the two, front pillars as harmful glare can be eliminated with choice of light bulbs.
10. Adequacy of drainage and stormwater systems:
There are no concerns with drainage, the patio is designed to direct runoff to a stormwater drain.
11. Adequacy of water and sanitary sewer systems:
No changes to water and sanitary sewers is proposed.

- 12. Adequacy of waste and trash management plans:
See the condition of approval. The applicant stated they intend to use either the existing dumpster at 5 State St. or store trash indoors and haul it off-site to a disposal facility.
- 13. Adequacy of snow removal plans:
A heated patio is proposed to remove snow.
- 14. Whether the proposal will adversely affect the health safety and general welfare of adjacent property owners and the community:
No concerns
- 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 21st, 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. The Village of Pittsford Board of Trustees shall grant a special use permit for the action and all approved plans shall conform to the Site Plan.
- 3. 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.
- 4. The applicant has stated that the seating arrangement will vary seasonally as conditions dictate. The Planning Board does authorize the building inspector/code enforcement officer to inspect and approve any such changes to the seating arrangement as long as the maximum number of seats does not exceed any maximum quantity set by the Board of Trustees as part of their special use permit. The applicant shall comply with any directives of the building inspector/code enforcement officer.
- 5. All exterior light fixtures shall emit light between 2700K and 3000K in color (warm white).
- 6. The Building Inspector shall approve the light bulbs used in the two column-mounted light fixtures to ensure light intensity is adequate for safety but not too bright so as to introduce glare.
- 7. Construction activities within the NYS DOT right-of-way shall require written consent or permit from the NYS DOT if required. This condition does not prevent construction activities outside the NYS DOT right-of-way.
- 8. The Building Inspector shall approve the trash management plan.

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"/>
Jared Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jo Anne Shannon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kathleen Hoppin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: April 25, 2023

By order of the Planning Board of the Village of Pittsford

Justin Vlietstra, Chairperson
Village of Pittsford Planning Board

DRAFT