

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting: September 21, 2020 at 6:00 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Justin Leitgeb
David Marshall
Susan Lhota
Attorney: Mindy Zoghlin

Recording Sec: Linda Habeeb

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to open the workshop meeting at 6:00 pm, noting that all five members of the PZBA are present.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to close the workshop meeting and call the regular meeting to order at 6:30 pm, noting that all five members of the PZBA are present.

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

Chairperson Vlietstra made the following announcement:

Chairperson Vlietstra stated that pursuant to Governor Cuomo’s recent Executive Orders and due to the Coronavirus pandemic, the Village Hall is closed. The Planning Board is meeting via video conference. There is a notice posted on the Village website that contains a link for the public to join this meeting should they be interested in observing our discussions or participating.

Conflict of interest disclosure: None of the Board Members had a conflict of interest to disclose.

David Jewett, 44 North Main Street ~ Temporary Zoning Permit

Present: David Jewett

Discussion: This is an application for a temporary zoning permit for the outside sale of Christmas trees and wreaths during the holiday season at the property known as Pittsford Farms Dairy, located at 44 North Main Street.

Board members explained to the applicant that in the past year, the Village Board adopted a revised Village Code, and as a result, the requirements for his proposal have changed. The Board asked their attorney, Ms. Zoghlin to clarify what has changed:

The new code includes section §210-24.10 that has new regulations for “Outdoor assembly, sales, display, and storage areas”. In particular §210-20.10.B.(2) states:

“All areas shall be located adjacent to the wall of the principal structure and shall not extend more than 20 feet from said wall or beyond any public right-of-way or property line, unless otherwise approved through site plan review.”

The proposed location of outside sales is not within 20ft of the building so Site Plan Review is required from the Planning Board in addition to the Temporary Use Permit from the Zoning Board of Appeals. Also, since it is located within 500 feet of Powers Farm, the applicant is required to send an agricultural data statement to the Powers pursuant to §210-30.3.E. Additionally, the application needs to comply with application requirements for a Temporary Use Permit in §210-29.3.

Member Leitgeb agreed to inform the Building Inspector about the additional requirements.

Motion: Chairperson Vlietstra made a motion, seconded by Member Leitgeb, to open the public hearing for 44 North Main Street.

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

Member Vlietstra asked if anyone from the public wished to comment regarding this application. He stated that there were no members of the public in attendance wishing to comment on this application.

Motion: Chairperson Vlietstra made a motion, seconded by Member Marshall, to keep the public hearing open until the next regular meeting on Monday October 19, 2020.

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

Board members discussed communicating with the Trustees regarding streamlining the process for these types of applications and possibly allowing the Building Inspector to make the determinations on renewals of temporary permits.

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#### **Robert Michaels, 34-36, 40, State Street ~ Subdivision**

**Discussion:** This is an application for a subdivision merging two parcels of land at 34-36 and 40 State Street. The land that is proposed to be added to Mr. Michaels' property was acquired from the Canal Corporation. Ms. Zoghlin stated that the applicant can't merge non-adjacent properties. She further noted that this proposal requires two separate applications, one for 34-36 State Street and one for 40 State Street, because the properties are not adjacent. She further explained that Village Code §178-2.8.B designates all subdivision reviews as SEQR Type I, so the applicant will need to submit a Full Environmental Assessment Form. Also, Type I SEQR triggers an LWRP Review. The applicant will need to submit a Coastal Assessment Form, per Village Code §121. The application will need to be forwarded to Monroe County Planning, per GML 239-n. Also, since it is located within 500 feet of Powers Farm, the applicant is required to send an agricultural data statement to the Powers.

Member Marshall commented that if the lot consolidation doesn't materially alter the nature of zoning within the community at large, or deteriorate from that which stood before, then it's difficult to deny consolidation of these two lots. He further stated that any concern about what the applicant intends to do with the property is not a valid concern, because that would be subject to site plan review, SEQR, and HPB review before anything different were to occur with the lots. Ms. Zoghlin stated that as long as the consolidation does not create a substandard lot, and both lots comply with Zoning Code, there is no basis

to deny the application. Ms. Zoghlin explained that according to Village Code, the application is not complete until all required application materials are submitted, and the SEQRA lead agency has filed a negative declaration.

Member Vlietstra asked if the SEQR environmental review requires a lead agency notice letter. Ms. Zoghlin stated the Planning Board is the only involved agency so there is no need to send a notice letter to other agencies for the environmental review.

The Board agreed to communicate with the Building Inspector as to these required materials, and Mr. Lauth will contact the applicant.

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Active Transportation Plan LWRP Review

Member Vlietstra commented on the status of the Active Transportation Plan LWRP review by the Planning Board. Recommendations were sent to the Trustees. On Sept 3, both the Planning Board and Trustees voted to extend the time duration to complete the LWRP Review by 60 days. The Trustees are discussing the Planning Board's recommendations.

Regarding the Active Transportation Plan, Member Marshall stated that he attended a special meeting of the Trustees, and he reviewed some notes of the Trustees meeting with Planning Board members. The Planning Board will review the Trustees' comments when they are forwarded to them.

Motion: Chairperson Vlietstra made a motion, seconded by Member Leitgeb, to keep the Public Hearing open for the LWRP review of the Active Transportation Plan and reconvene discussion of that at the regular meeting on Monday October 19, 2020.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Leitgeb, to adjourn the meeting.

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

Linda Habeeb, Recording Secretary