

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting: October 19, 2020 at 6:00 PM

PRESENT:

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

Attorney: Mindy Zoghlin
Recording Secretary: Linda Habeeb

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 Planning Board are present.

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

Chairperson Vlietstra stated that pursuant to Governor Cuomo’s recent Executive Orders, this meeting is being conducted online in response to the state's response to COVID-19. The Board is video conferencing instead of meeting in person. Meeting notice is posted on the village website, which includes a link to this meeting, so any member of the public can participate in this meeting and observe the discussions.

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

Active Transportation Plan:

Member Vlietstra stated that this is a continuation of an open public hearing for discussion of the Active Transportation Plan. He asked if anyone in the audience had a comment on this discussion. There were no comments from the public regarding this issue.

Motion: Member Vlietstra made a motion, seconded by Member Lhota, to leave the public hearing open and continue discussion on this matter at a special meeting to be held on October 29th at 6:00 PM.

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

David Jewett, 44 North Main Street ~ Site Plan & Temporary Permit

Present: David Jewett

Discussion: Chairperson Vlietstra explained that the applicant appeared before the Board last month, but because of the revised Village Code, the requirements for his proposal had changed. This proposal now requires Site Plan Review by the Planning Board, in addition to the temporary permit review from the Zoning Board. Also, since it is located within 500 feet of Powers Farm, the applicant is required to send an agricultural data statement to the Powers. The applications also need to be forwarded to Monroe County Planning, per GML 239-n. Member Vlietstra noted that the applicant has fulfilled all these requirements. He thanked Mr. Jewett for taking the time to gather the required paperwork.

Mr. Jewett stated that the proposal is for the outside sale of Christmas trees and wreaths at the property known as Pittsford Farms Dairy, located at 44 North Main Street. He stated that his proposal is unchanged from previous years. He explained that there will be one sign, the location of which is identified on the submitted site plan. The lighting will be a 100-foot string of lights run between the trees. The lights are low-wattage LED bulbs to illuminate the Christmas trees. Member Vlietstra asked the applicant if he was planning on holding any special events. Mr. Jewett stated that he was not planning on having any events. Member Leitgeb questioned Mr. Jewett as to the duration of the installation of the signage. He stated that the sign will be installed the week of November 23rd and will be removed on Christmas Eve.

Motion: Member Vlietstra made a motion, seconded by Member Leitgeb, to open the public hearings for site plan review and temporary permit for 44 North Main Street.

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

Motion: Member Vlietstra made a motion, seconded by Member Leitgeb, to close the public hearings for site plan review and temporary permit, as no one from the public wished to comment on the proposal.

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

Motion: Member Leitgeb made a motion, seconded by Member Shannon, to approve Resolution 2020-6 for a temporary permit for the outside sale of Christmas Trees at 44 North Main Street.

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

Motion: Member Vlietstra made a motion, seconded by Member Leitgeb, to approve Resolution 2020-5 for site plan for the outside sale of Christmas Trees at 44 North Main Street.

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

Robert Michaels, 34-36, 40 State Street ~ Site Plan & Temporary Permit

Present: Robert Michaels

Discussion: Member Vlietstra stated that the applicant has fulfilled all the requirements for a complete application, and he expressed the Board's appreciation for Mr. Michaels' diligence in this matter. He further stated that the applicant has two separate applications, and each application is to merging two parcels of land into a single parcel. 34-36 State street is a substantial parcel with two commercial office buildings on it and parking lots; the desire is to merge it with a small parcel close to the canal. The proposal is basically making the lots slightly larger with land that is currently vacant.

The proposal for 40 State is similar, the main lot contains a commercial building and parking lot. The proposal is to merge it with vacant canalside land.

Member Vlietstra questioned the applicant as to whether he has any development plans to construct something new on the property. Mr. Michaels stated that he has no plans for development on the property. Ms. Zoghlin asked the applicant if he has any plans to change the use of either of the properties. Mr. Michaels stated that he has no plans to change the use of the properties. He explained that the properties are excess land that he purchased, and it made sense to merge the purchased land with the existing property that he owns. Some of the walkway and stairs are on the small parcel and it makes sense to combine it into one parcel.

Member Marshall asked Mr. Michaels if he had contacted the Canal Corporation regarding purchasing this land. Mr. Michaels stated that he did contact the Canal Corporation, because a small section of both structures on the existing land extended on to the Canal Corporation's land. Its more cost effective long term to purchase canal side land than to rent it from the Canal corporation.

Motion: Member Vlietstra made a motion, seconded by Member Leitgeb, to open the public hearing for 34-36 State Street.

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

Motion: Member Vlietstra made a motion, seconded by Member Leitgeb, to close the public hearing, as no one from the public wished to comment on the proposal.

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

Motion: Member Vlietstra made a motion, seconded by Member Leitgeb, to open the public hearings for 40 State Street.

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

Motion: Member Vlietstra made a motion, seconded by Member Leitgeb, to close the public hearing, as no one from the public wished to comment on the proposal.

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

Motion: Member Vlietstra made a motion, seconded by Member Leitgeb, to approve the LWRP Waterfront Consistency review for 34-36 State Street.

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

Motion: Member Vlietstra made a motion, seconded by Member Shannon, to approve the LWRP Waterfront Consistency review for 40 State Street.

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

Motion: Member Vlietstra made a motion, seconded by Member Shannon, to issue a negative declaration of environmental significance and approve the subdivision application for 36-38 State Street, conditioned on Monroe County Planning approval.

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

Motion: Member Vlietstra made a motion, seconded by Member Shannon, to issue a negative declaration of environmental significance and to approve the subdivision application for 40 State Street, conditioned on Monroe County Planning approval.

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

Jennifer Collins, 8-10 Schoen Place ~ Pavilion ~ Information only

Present: Jennifer Collins

Discussion: Chairperson Vlietstra stated that the next item for discussion is an informational proposal for construction of a pavilion along Schoen Place. Ms. Collins stated that in May of this year, she proposed, and the Village Trustees approved, a shared seating area between Aladdin's and Lock 32 to be utilized by

those two businesses, as well as Simply Crepes and the Coal Tower, and since that time, there has been this shared eating area. The impetus was, of course, the COVID-19 virus and finding a way where people could enjoy the restaurants and the canal. She stated that the feedback has been excellent from patrons. She then appeared before the Trustees to request that it be extended beyond October. At that time, Ms. Collins suggested the possibility of installing a pavilion, with plastic sides, for use during the colder months. She stated that the Trustees regarded that fairly positively and said they would look into it. They outlined the required approvals that would be needed from both the Planning and Zoning Boards, as well as the Historic Preservation Board. She further explained that Mayor Corby and the Building Inspector met with her on site and provided some input as to what the design would need to include: things like the right-of-way for emergency vehicles and so forth. She stated that she engaged an architect who developed the plan for the pavilion. One of the biggest considerations was to keep the design consistent with the existing pavilion that is there. The design also includes extending the patio area around it and finishing it off. It is currently pavement that had previously been parking, and so it's uneven and not as desirable, either for safety or aesthetics. She is proposing a concrete patio area and a fire structure or a gas fire pit, and landscaping. She is requesting input from the board before moving forward with this proposal.

Member Vlietstra explained that without a complete application, the Board can't review the merits of the application itself, but they can discuss the process and some of the issues the Board is likely to look at. He further stated that he had a concern about the right-of-ways, but it sounds as if the Building Inspector is looking into that issue.

Mr. Lauth stated that he made sure that there will be emergency access down to the canal. There's a walk path on the other side for pedestrians. Member Vlietstra asked Mr. Lauth about code compliance issues and how this proposal impacts parking and landscaping requirements for the site. There are lighting, parking, and landscaping requirements in code, which all will need to be reviewed. Mr. Lauth stated that as far as the parking goes, changing the arrangement in the area and turning the parking spaces the other way has worked out quite well over the course of the summer. There's been no detrimental impact. Ms. Zoghlin asked Ms. Collins if she is the owner of all of the property where these changes will be made. Ms. Collins stated that she owns all the property involved.

Member Vlietstra stated that this will involve site plan review and possibly an area variance for the parking, HPB for a Certificate of Appropriateness, and the Board of Trustees for a Special Permit. Ms. Collins will need to go before three or perhaps four boards, depending on what the Building Inspector finds with code compliance. The Planning Board will look at the site plan layout, and the main thing the Board is looking at is whether things comply with code and how this will impact other properties. For example, the Planning Board will review drainage to assure that water doesn't flow to another property; whether landscaping is adequate and complies with code; review lighting, for example: light fixtures should provide adequate illumination to be safe for pedestrians, but not so much light that it's spilling onto another property. He stressed the importance of keeping the impacts on the owner's property and not adversely impacting another property or public safety.

Member Vlietstra explained that the Historic Preservation Board will be reviewing the building architecture. The Planning Board does not typically review architectural details under site plan review, particularly as far as the aesthetics of buildings go, this is covered by the Historic Preservation Board. Ms. Zoghlin added that the Planning Board is going to be more concerned with the placement of the structures on the lot and how the structures might impact the adjacent properties, and not as much what the structures look like.

Member Vlietstra explained that the Trustees would be looking at the use of the property should a special use permit be required. They would look at things like hours of operation, the number of seats in the outside seating area.

Ms. Collins commented that she owns the property that Lock 32, Aladdin's, Simply Crepes, and Coal Tower are located on. She mentioned that she had submitted an application to the ZBA, and she asked what additional information is required to constitute a complete application.

Member Vlietstra explained that the application received requires further review to determine if it is complete or if additional information needs to be submitted. The Building Inspector will review it for Zoning Code compliance and will notify the applicant if more information or changes are required. Member Leitgeb raised the issue of the plastic sides of the pavilion, and whether propane heaters will be used. The Fire Marshal will need to be involved as to the safety of the heaters. The Building Inspector/Fire Marshal explained that a heater has to be located on the outside, as there cannot be a heater underneath the structure; it has to be five feet away.

Board members next reviewed the draft resolutions for 44 North Main Street and 36-38 & 40 State Street.

Linda Habeeb, Recording Secretary