

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



Members:

Justin Vlietstra, **Chair**
Joanne Shannon
Susan Lhota
David Marshall
John Kitchura

Attorney: Mindy Zoghlin
Liaison: Justin Leitgeb
Rec. Sec: Dorothea M. Ciccarelli

**PLANNING & ZONING BOARD OF APPEALS SPECIAL MEETING
Monday, November 15, 2021 at 6:30 PM**

Workshop Meeting at 6:00 PM

Tentative Agenda

This agenda is subject to change both in number of applications, order of applications, and/or at the discretion of the Chairperson

1. CONFLICTS OF INTEREST DISCLOSURE

PLANNING BOARD

1. List of potential code changes
2. Minutes

ZONING BOARD

1. 66 State St. – Area variances for driveway
2. Minutes

REC
10/11/21
AL

**APPLICATION TO THE ZONING BOARD OF APPEALS
VILLAGE OF PITTSFORD
21 NORTH MAIN ST.
PITTSFORD, N.Y. 14534**

Date 10/10/2021 Fee \$ 85

Property address 66 State St. Tax account # _____

Zoning District _____ Property also known as: _____

Property owner(s) Lynn L. Cole

LYNN_COLE@URMC.ROCHESTER.EDU

Owner's address 66 State St. Telephone 585-354-3815 (day)

(evening)

Applicant Lynn Cole

Applicant's address 66 State St Telephone _____ (day)

(evening)

Applicant is: owner lessee/tenant agent other: _____

Application for: Area Variance Special Exception Use
 Use Variance Temporary Zoning Permit
 other (describe): _____

Application Information:

1) This application is for relief from or pursuant to Chapter(s) DRIVEWAY WIDTH LOT COVERAGE
210-20.10 D(3) + 210-20.6
of the Code of the Village of Pittsford.
Building Inspector's denial dated _____ is attached.

2) Description of variance or other relief sought: Seeking variance from lot coverage
dimensional standards for new driveway that has side-by-side
parking for 2 cars in front of garage.

3) All facts showing the necessity for relief: ① Lot is relatively small,

- ② Garage located at the back corner of the lot - requiring a driveway to go from front all the way back
- ③ Current driveway in poor repair & insufficient for modern vehicles

4) Difficulties or hardship that would result if this application is denied: _____

- ① Damage to vehicle tires in current drive way
- ② Unable to park 2 cars in driveway unless one backs out each time front car needs to leave → safety & traffic flow issue

5) The following items are attached and are part of this application: _____

Owner's Statement

I am the owner of the above property, and have read and approve this application. If the applicant is other than the owner, I authorize the applicant to proceed as agent.

Signature Lynne K Cole Date 10/10/21

Applicant's Statement

I hereby certify that the information submitted is, to the best of my knowledge, true and correct.

Signature Lynne K Cole Date 10/10/21

NOTE: If any additional information is required by the Board, during the meeting, it is the responsibility of the applicant to provide such information, prior to the deadline of the subsequent meeting, or it will not be heard.

FOR OFFICE USE ONLY

Public Hearing sign(s) given to applicant _____
 Notice of Public Hearing published _____
 Neighborhood notification mailed _____
 Referral to Monroe Co. Planning: yes (date) _____ no
 Hearing date(s) _____
 Date of ZBA action _____
 Approved _____ Approved w/conditions _____ Denied _____
 Date of filing of decision _____

Lynn L. Cole
66 State St.
Pittsford, NY 14534

October 10, 2021


Dear Pittsford Zoning Board of Appeals:

I am requesting a variance from current zoning regulations in order to install a driveway that meets the need of my home. The current driveway is quite long (from the front of the lot to the garage, which is located at the rear of the lot) and very narrow – too narrow for modern vehicles. In addition, there is no space for a second vehicle. The proposed driveway exceeds dimensional standards of Village code primarily due to the relatively small overall lot size, and the location of the garage (which was built many years before I purchased this home). The proposed driveway will replace the current driveway, which is in poor repair. It will widen the driveway slightly to accommodate the size of modern vehicles. It will also create an area for two cars to park side by side in front of the garage. This is needed for my family, and would likely be needed for future owners of the home. The absence of a location for two vehicles to park side by side results in a car needing to be backed into the street whenever the front car leaves. This creates a safety issue as well as slowing traffic on State St.

The planning of the driveway has been completed with the guidance of a landscape architect and fits tastefully into the fence and landscaping that has been completed in the back yard.

It is part of an overall home renovation that has already (according to neighbors and those walking by!) made notable improvement in the appearance of this property.

Thank you for considering this request.


Lynn Cole

INSTRUMENT SURVEY MAP

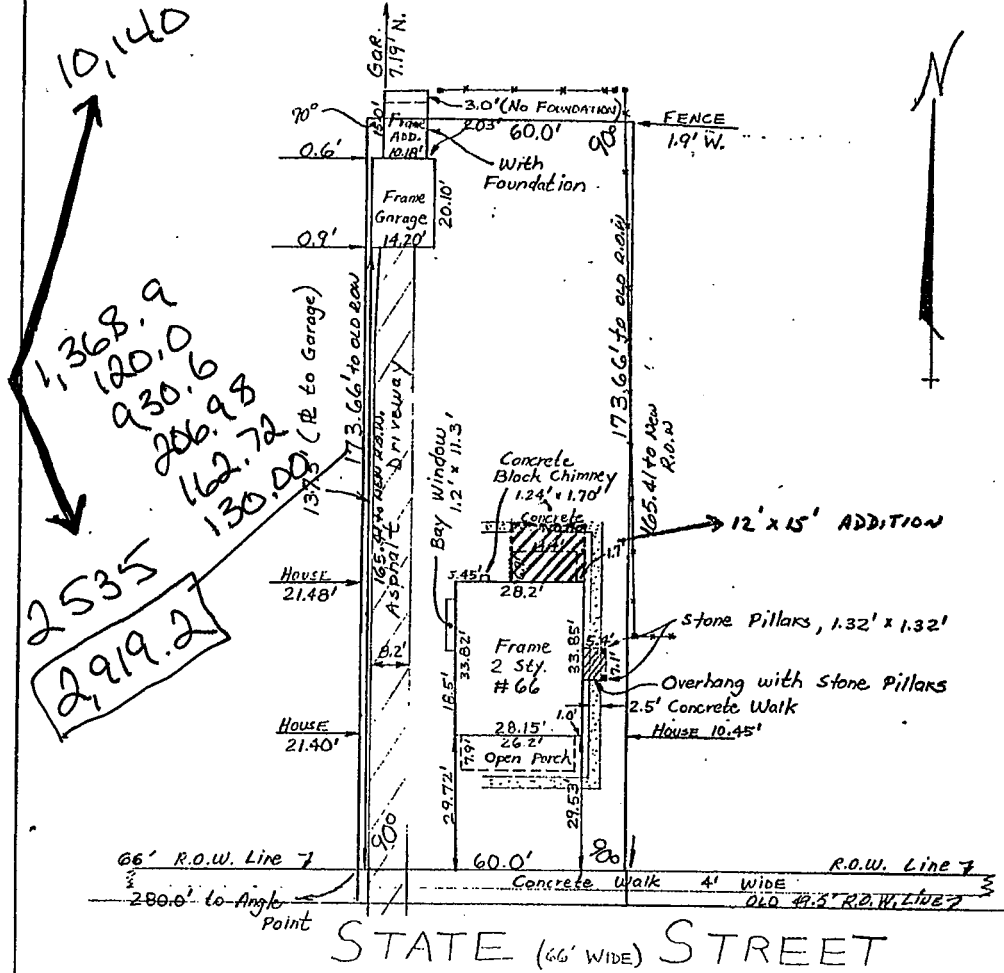
ROBERT M. DUNN LAND SURVEYORS P.C.

Professional Land Surveyor

217 Main Street West — Rochester, N.Y. 14614 — Phone 232-2680

For THOMAS O'CONNELL, ESQ. Parcel at TOWN OF PITTSFORD, COUNTY OF MONROE
 Street 66 STATE STREET Subdivision WOODHAMS & WHITLOCK SUBDIVISION
 Lot No. 4

Reference Data: Liber 14 of Maps, Page _____; Liber _____ of Deeds, Page _____



This map is prepared and shown to the client by the surveyor and is not to be used for any other purpose. It is not to be used for any other purpose, and is not to be used for any other purpose. Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies.

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, subdivision 2, of the New York State Education Law."

Robert M. Dunn

I hereby certify to _____
 that this map was made from notes of an Instrument Survey.

FLEET MORTGAGE CORP.
 BLOCK & COLLIER P.C.
 ROCHESTER ABSTRACT CORP.
 FRANK BOTELLHO

Dated 1.24.2019 Signed Robert M. Dunn

137

19'

6'

ACCESS GATE

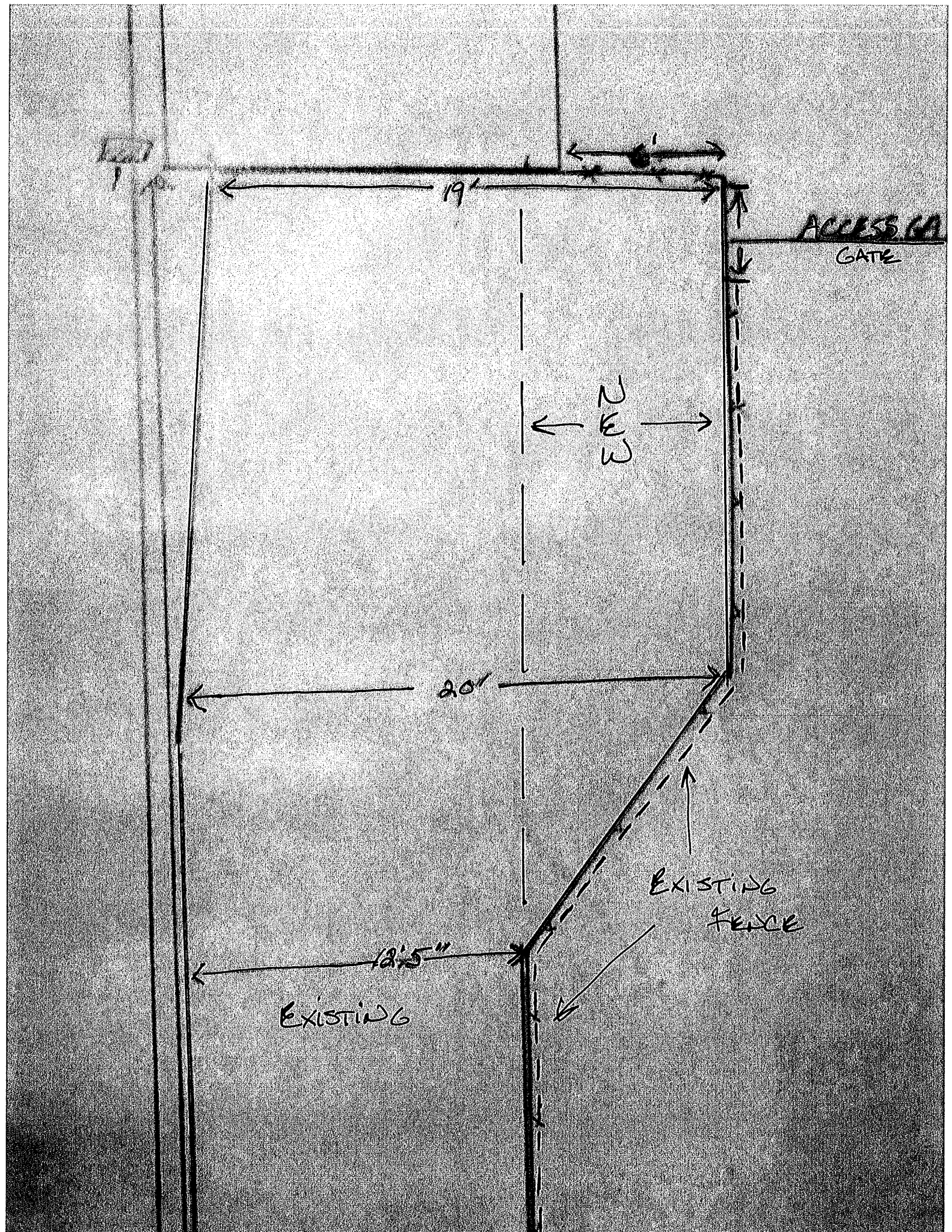
20' 3"

20'

EXISTING FENCE

12' 5"

EXISTING



VILLAGE OF PITTSFORD

SETTLED 1789 • INCORPORATED 1827



Schoen Place waterfront at sunrise

VILLAGE OF PITTSFORD NOTICE OF PUBLIC HEARING

A Public Hearing on an application to the Village of Pittsford Zoning Board of Appeals will be held on Monday, November 15, 2021 at 6:30 PM. (A workshop session will be held at 6:00 PM.) The application was made by Lynn Cole, owner of the property located at 66 State St., for a variance and relief from Chapter 210-20.10 D (3) for driveway width and relief from Chapter 210-20.6 for Lot Coverage of the Code of the Village of Pittsford.

Pursuant to the State Legislature Chapter 417 for the Laws of 2021, the Village Hall will be closed to the public during the Planning & Zoning Board of Appeals meeting. The members of the Board will be present at Village Hall or participating from their respective homes for this public hearing via video conference. If a Board member is participating from home, that home will be closed to the public as well for the reasons stated above.

When: Nov 15, 2021 06:00 PM Eastern Time (US and Canada)
Topic: PZBA Meeting

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85011244754>

Or One tap mobile:

US: +19292056099,,85011244754# or +13017158592,,85011244754#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 346 248 7799
or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 850 1124 4754

International numbers available: <https://us06web.zoom.us/j/85011244754>

Code Change Suggestions 11/1/2021:

- Temporary Use Permits: update 210-39.1 to state that the intent is to provide for flexibility in authorizing temporary activities that are listed in the property use tables in part 2 of the zoning code. 210-39 is under Part 3 of the Zoning Code - Application and review procedures. 210-39.1 should not list applicability because that belongs in Part 2 of the Zoning code – District and Use Regulations. Applicability of temporary use permits goes in the use tables in 210-20.4, 210-21.4, 210-22.4.
 - Long term: make use specific regulations for farmers markets, fundraising events, public events, temporary outdoor sales, etc.
- Temporary Use Permits: Review definitions of outdoor assembly, sales, seating, storage. Can we add related definitions like Fundraising Event and Public Event so these can be added to use tables and regulated via temporary use permits.
 - OUTDOOR ASSEMBLY OR SEATING AREA
The use of an adjacent, outside area by a commercial establishment, such as a restaurant or tavern, in which the same activities which occur within the establishment may be enjoyed by patrons.
 - OUTDOOR SALES AND DISPLAY
The placement of goods in an area outside the principal structure for advertising, display, or sale purposes as an ancillary and temporary use to a permanent commercial use located inside an adjacent building.
 - OUTDOOR STORAGE
The placement of goods in an area outside the principal structure for storage purposes as an ancillary and temporary use to a permanent nonresidential use located inside an adjacent building.
- Temporary Use Permits: Update 210-24.10 - Outdoor assembly, sales, display, and storage areas. Some issues include prohibiting these activities in residential districts, requiring they are within 20ft of the principal structure, and stating outdoor assembly and seating requires a temporary permit which conflicts with the definition of outdoor seating which implies restaurant seating. Outdoor assembly is confused with public events and regulations should clarify and properly regulate these; one is a temporary activity, and one is a permanent property use. Many events are held in residential districts such as the farmers market, church events, and school events and a permitting mechanism is needed. Likewise temporary outdoor sales like the Xmas tree sale at the dairy is more than 20ft from the primary structure. Some citations:
 - “Outdoor assembly, sales, display, and storage areas are allowable with a temporary use permit, provided all areas are in conformance with the following additional requirements.”
 - “No area shall be located within a residential district or within any public right-of-way”
 - Assembly, Sales, and Display Requirement: “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.”
- Temporary Use Permits: Review permitted accessory use list in 210-24.4 Add additional commercial and residential uses to the list. Suggestions include residential events (birthday

parties, garage sales, etc.), Commercial events (farmers markets, non-profit fundraiser, short duration public event like a car show). Some may require temporary use permits from the ZBA or a permit from the building inspector.

- Temporary Use Permits: Add institutional uses to residential use table and possibly commercial. Define institutional uses (library, school, church, etc.). State permissible accessory uses for these: fundraiser events, temporary retail sales in support of a nonprofit, craft and educational events, etc. This can be used to specify which type of events are permitted at the library, community center, churches without a permit and which events do require a permit.
- Temporary Use Permits: Move temporary vending permits (if needed) into the zoning code. Eliminate the temporary vending permit code as it exists now.
- Temporary Use Permits: Add regulations for food trucks. Identify locations they are allowed and easy to obtain permits. List these as a permitted use in appropriate districts with an appropriate permit.
- Add outdoor recreation or entertainment facility to commercial use tables. This addresses the pavilion and similar uses that are for the public good. Regulations are in 210-24.15 but they are not permitted in any districts.
- Fix setbacks and yard definitions. Setbacks are based on front yard, side yard, and rear yard but these are meaningless on any property with more than one building, such as commercial properties at Schoen Place and all shopping complexes. Parking is prohibited in the front yard which is problematic with the front yard definition on many properties.
- What other definitions require updates? Get prior list from code discussions. [This is about 80 items, revisit this another time].
- Add application requirements for Variances. Add separate requirements for Use Variances and Area Variances.
- Move nonmunicipal use permits into the zoning code? Put them in use tables and clarify what needs them. Interpretation of what uses require them is highly capricious and clarification would help a lot. Can we stop issuing permits to walk on the sidewalk such as commercial tours, or coordinated sales that have people walking from one business to another? Perhaps large events expected to attract over 500 people are an exception.
- Review use tables. Policy changes are suggested to reduce the number of special use permits. For example, eliminate SP for buildings over 2000sqft and hair salons.
- Modify powers of the planning board in 210-15.8 to authorize them to consult with the Village Engineer, Village Landscape Architect, Building Inspector, and other approved consultants? 210-19.5 only allows this when it is charged to the applicant which is a time consuming and impractical process to go through for minor matters. This could also be clarified in 210-30.5 Referrals.
- Update special use permits review criteria so it differs from site plans.
- Reduce the number of review criteria for temporary permits, special use permits, and HPB so it is easier to write findings. Good findings list the review criteria and include a statement of why the facts of the application comply with the criteria. The more criteria, the more findings.
- Look into code related issues regarding definitions of structure vs building. Its an issue in sign code ch 168; anywhere else?
- Fix sign code.

- Add definition of structure, building, municipal event. Does a building need walls, or does anything with a roof meant to shelter people count (e.g. can signs be erected on ATM canopies and pavilions)? Definitions of building and structure changed in zoning code which causes problems interpreting sign code if those definitions are used.
- Fix sign code to reflect the new zoning district names. Example: 168-5.D
- Should parallel signs be allowed? See 168-5.D.
- Review temporary sign regulations. Policy changes may be desired. Update sign code to reflect supreme court decision on temporary signs as free speech. Current code bans most temporary signs including “Black Lives matter”, “Repeal the Safe Act”, garage sale signs, birthday party here signs, sandwich signs in front of a business advertising a sale, event signs for say a nonprofit fundraiser.
- For commercial buildings, provide an alternative to window mounted signs where they are impractical. Buildings that have divided windows with small panes would like options to announce sales, key products, etc. Giving an either/or option of say window signs, or an exterior hanging sign, or an exterior wall mounted display area. Let the business pick one of the options.
- The 25% maximum residential lot coverage in code is frequently exceeded by existing properties which means constructing anything on a small property needs a variance without clarity on when such construction should be permissible. Regulations can be revised to limit buildings to a maximum lot coverage. Limiting driveways, walkways, patios on smaller lots seems restrictive and unnecessary if drainage is accommodated. Similar concerns apply to the 12% max pavement limit (210-20.10.D.6).
- Update 150.3.i to reflect the new zoning code. Eliminate this special exception permit and insert it into the zoning code and review procedures?
- Update lighting code as it is obsolete. It needs to be written for LED lights and be consistent with parking lot lighting requirements. Lighting color should be regulated in lighting code. Brightness should be in lumens. Lighting review and approval by the planning board needs clarification – is this a different type of review than site plan review?
- Clarify accessory structure height limits in 210-20.6 (and related code). Garage max height should be the height of the principal structure. All other accessory structures should have a max height of 12ft (or other number deemed appropriate, 12ft is short for height to the peak of a roof, even a gazebo is likely to be taller than that).
- Review what violations prohibit hearing an application.
- 210-30.3: change wording for what needs an agricultural data statement? Cite AGM 305-B.
- Consider moving some laws into zoning code such as lighting (ch 117), fences (ch 98), etc. People apply for variances and variances can only be granted for relief from zoning code, not regular laws. Fence code, commercial vehicle parking code are two possible examples as neither allow variances. Instead of moving the laws into zoning code, a clause authorizing area variances to be issued to the section of code may be sufficient.
- Define maximum driveway width if there is no garage. 210-20.10.D. Better regulations of driveways with some flexibility may be needed to accommodate the wide variety of lot configurations in the Village without the need for a Variance. Allow for wider parking areas behind the house.

- Review the list of residential changes to trigger site plan review. Erection of solar panels should be added. Solar panels could be added to the list of permitted accessory structures with appropriate language such a screening requirement, location restrictions, size restrictions.
- Update parking code 210-25 – all vehicles parked in a commercial parking lot shall be parked in a space identified in an approved site plan. This could alternatively go in 195-12. Can we issue parking tickets in private parking lots for cars parked in improper locations?
- Increase minimum parking space width in 210-25.2.C.3 to 9ft for angled and perpendicular parking. Vehicles have been getting larger for decades and 8ft wide parking spaces are inadequate for functional parking, particularly loading and unloading of vehicles. Pickup trucks and SUVs cannot fit in 8ft wide parking spaces and open their doors (A F150 pickup is 6.7 – 7.3ft wide, a Camry sedan is 6ft wide). Should there be a process for exceptions for existing sites or can they continue as preexisting nonconforming or request a variance?
- Update parking minimums in 210-25.2.C and consider making them suggestions instead of requirements. Ridesharing is increasingly prevalent for restaurants/taverns. Self driving and self-parking cars may be on the horizon.

Lower priority:

- Eliminate 210-27 and move these into the district regulations or 210-24.
- In many code sections, it may be helpful to provide a clause with guidance for variances. For example there are many matters where the purpose of a variance is to grant it when the applicant demonstrates it will not harm adjacent property owners. In most circumstances, the ZBA looks for unique characteristics of the property to justify a variance. Many provisions of code are somewhat arbitrary, and it is helpful to know how to handle properties without unique characteristics.
- Telecommunications equipment and antenna regulations need an overhaul. See 210-24.18.

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

Regular Meeting: Monday, June 21, 2021

PRESENT:

Chairperson:	Justin Vlietstra
Members:	Jo Anne Shannon David Marshall Susan Lhota John Kitchura
Attorney:	Mindy Zoghlin
Rec. Sec.:	Marina Pacheco

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to call the regular meeting to order at 6:29 PM, noting that all five members of the PZBA are present.

Vote: Vlietstra – yes; Shannon – yes; Lhota – yes; Marshall – yes; Kitchura - 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. We are 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 conflicts of interest to disclose.

DISCUSSION: ZOOM MEETING FORMAT

Member Marshall shared some thoughts and comments about the Zoom formats; meeting format versus Webinar/Conference format. A key difference is whether meeting attendees can see the list of other attendees. The Open Meetings Law does not require municipalities to keep an attendee list or to allow attendees to view it.

Board members agree that they prefer the Zoom meeting format over the Zoom Webinar/Conference format so that the list of attendees is visible to all participants.

MEETING MINUTES

The Recording Secretary provided minutes from the May 24, 2021 Regular Meeting for Board approval. Board members indicated that they reviewed the minutes and had no changes.

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Attorney Zoghlin noted that the Resolution was missing from the minutes, the Recording Secretary explained that they will be attached when put online and will be attached going forward.

Board members requested the resolution be added to the minutes.

Motion by Chairperson Vlietstra, and seconded by Member Shannon, to approve the regular meeting minutes of May 24, 2021 as revised.

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

BOARD UPDATES

Chairperson Vlietstra updated members of the Board regarding the State Street bridge construction. The Planning Board discussed the Erie Canal bridges when the Active Transportation Plan (ATP) was under review. Pedestrian accommodations on bridges is critical to a functional transportation system. The State St. bridge reconstruction is nearing completion; the sidewalks will be 6.5ft wide which may be slightly narrower than before but they are supposed to add 5ft wide bike lanes in each direction. The Bridge previously had a wide sidewalk but no bike lanes. It was suggested during the ATP review that all bridges should ideally have 8ft wide sidewalks but no one anticipated having room for both sidewalks and bike lanes on this bridge. Narrowing the vehicle drive lane width allows for bike lanes. Board members indicated support for the proposed layout, bike lanes are a valuable addition.

DISCUSSION: TEMPORARY ZONING ISSUES

Chairperson Vlietstra stated that he had a discussion with Mayor Plummer recently regarding another round of code updates including changes to the temporary use permit.

Mayor Plummer is interested in knowing what the “top 5” code issues are so that they can be addressed in the near term. Chairperson Vlietstra stated he believes temporary use permits and sign code are issues that should be addressed.

Member Lhota asked if expansion of the tavern overlay could be included. Chairperson Vlietstra thought it reasonable to discuss the overlay district boundaries as well as review what requires a special use permit. He explained that there was a significant expansion of the number of uses that require a special use permit in the zoning code adopted in 2019. Revisiting that makes sense, for example do hair salons need a special use permit – they don’t impact neighboring properties.

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Member Marshall added that special use permits can be an obstruction for those coming in with business proposals. He would like to see more uses allowed by right. He is concerned about the periphery of zoning districts and the “bleeding” effect on adjacent zones like residential areas.

Attorney Zoghlin stated that zoning code, not special use permits, specify locations for each business type. A special use permit is appropriate where you have a permitted use that has unique operational features that are potentially problematic and additional controls of aspects of that use are desired by the municipality. For example: bars, recreational facilities, uses that attract large gatherings of people in a burst of time. You may want to control hours of operation or noise in those instances.

Member Marshall asked Attorney Zoghlin how transitions between the zones is supposed to happen. Attorney Zoghlin explained that some municipalities have transitional zones with increasingly restrictive requirements. That prevents a residential zone from abutting a dense commercial zone. She further explained that special use permits should regulate operational issues not uses. The comprehensive plan should provide a vision for land use regulations.

Chairperson Vlietstra stated there has been much discussion by Trustees in the past over limiting the quantity of any given type of businesses in an area. Zoning and special use permits are not intended to regulate quantities. The free market does an effective job of preventing an excessive quantity of a given business type. The concern about an overabundance of taverns may lead to reluctance by the Trustees to expand the tavern overlay district. The district as it stands represents where taverns have traditionally been located.

Member Kitchura asked if special use permits had previously been used to allow for expansion outside of a zone. Chairperson Vlietstra explained that is not the case. The zoning code specifies where uses are allowed, and which ones require a special use permit. The tavern overlay district is a parcel-by-parcel map identifying exactly where taverns can be located. There is a larger area where restaurants are permitted. Both can serve alcohol, but restaurants get the majority of revenue from food and taverns get the majority of revenue from alcohol sales. He further explained that special use permits let you set conditions of approval to regulate “soft matters” such as hours of operation as Mindy previously stated. There has been long debate over regulation of restaurants, bars, and parking in the Village.

Chairperson Vlietstra provided some examples of businesses/situations where a special use permit has historically been used in the Village (i.e. restaurant/bars, churches, funeral homes, yoga studios and classes, etc.). The 2019 code updates greatly expanded the scope of the special use permit, so now hair salons, buildings over 2000sqft, and other types of businesses need special use permits.

Member Marshall asked if the Trustees intended to have one general update that applies to all of the code or if updates would be for specific elements of the code. He also asked what the time

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period and scope to which the Trustees are looking for input. Chairperson Vlietstra stated that the Mayor was interested in making a round of updates in the near future, unsure when, but that there will be a push to address the urgent easier issues and then have a subsequent follow-up code discussion for issues that may take more time to solve.

Member Marshall asked if Chairperson Vlietstra knew what those urgent updates were and if Board members should plan to provide comment within a month or two. Chairperson Vlietstra answered that he does not have that information. He welcomed members of the Board to conduct their own review of Code and determine what latent issues they believe should be addressed.

Member Marshall stated that he would appreciate time to review and coordinate comment to provide to the Trustees.

Member Kitchura asked if there will be a first round of code-update to fix non-controversial issues and then a second round to address issues that need more discussion and consideration. Chairperson Vlietstra confirmed that is his understanding, but that was only discussed in his conversations with the Mayor, he is unsure where other Trustees are with the matter.

Chairperson Vlietstra asked Trustee Leitgeb if he was aware of any planned code updates. Trustee Leitgeb answered that he has not discussed code updates with the Mayor yet but it is his understanding that changes are made in batches and that information is being gathered to submit the next batch. Trustee Leitgeb stated that he is in favor of receiving comments from the PZBA related to the changes. Trustee Leitgeb provided examples of a food truck application and short-term businesses that have been discussed by the Trustees and that he would like PZBA input on those issues.

Chairperson Vlietstra opened the floor to comments by Board members. Member Lhota stated that she would like time to compile her thoughts on the matter. She would like to approach the updates in an organized way. Code topics should be an agenda item that Board members can contemplate in advance. Member Marshall added that he would like to have public input on the topics as well.

Member Marshall asked that for “applications of size” for apartments/condos if there was any opportunity to create affordable housing as a part of the context of the code update discussion and if the PZBA could provide input on that matter. Chairperson Vlietstra answered that a vision for housing is part of the Village comprehensive plan which does call for an expansion of multi-family housing. The comprehensive plan supports 2nd and 3rd floor housing over businesses at Schoen Place and the central business district. The comprehensive plan identified locations for mixed-use development with commercial on the first floor and residential on upper floors. He was unsure if affordable housing was a specific directive in the comprehensive plan.

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Member Lhota stated that the comprehensive plan discusses increasing the diversity of housing options, but low-income housing was not directly mentioned.

Chairperson Vlietstra stated that there are opportunities to expand housing in the Village, but whether it is built is up to the property owners.

Regarding food trucks, Chairperson Vlietstra stated that he has worked with food truck vendors in the past and the biggest thing that food truck vendors want is a predictable place where they can do business. These vendors would prefer to not have to compete for spots. Chairperson Vlietstra suggested creating an expedient process which outlines where they may operate, what they must do to obtain proper permitting, only give out enough permits to fulfil the available designated spaces, and make permitting quick and easy with reasonable cost.

Member Kitchura suggested identifying a few issues with the code and putting them on the next agenda for discussion. Chairperson Vlietstra agreed. He encouraged members to do their own research and inform the secretary of any code related topics they would like to discuss in subsequent meetings.

Member Marshall stated that in regards to agenda items versus member items, it would be helpful to the Board if members stated their member items in advance so that it is known. Chairperson Vlietstra stated a general policy of putting anything of general interest on the agenda ahead of time is useful.

Member Marshall suggested adding an open public discussion/comment period to the agenda. Chairperson Vlietstra stated that he had no concerns about it and stated that previously at in-person meetings attendees are free to raise their hands and ask questions.

Attorney Zoghlin explained that the PZBA's function is to evaluate applications and referrals as they are submitted and to not be bogged down by matters of general policy. She further explained that the PZBA should not solicit input, that is a function of the Trustees, the function of the PZBA is to review applications.

Chairperson Vlietstra stated that planning falls within the Board's purview and that the Board may present their planning ideas to the Trustees being mindful that the Trustees do not have to act upon them. The Planning Board is limited by time and budgetary constraints on planning initiatives that can be investigated. The Trustees usually initiate research and planning for topics that are important to them and allocate funding for it.

Attorney Zoghlin explained its appropriate to identify code related challenges this Board encounters when reviewing applications but its best to leave broader policy to the Trustees.

DISCUSSION: TEMPORARY USE PERMITS

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Chairperson Vlietstra shared a document referencing areas of the code regulating temporary use permits. The zoning map shows the boundaries and zoning districts in the Village, a property owner would refer to the map as a first step to determine what zoning district they are in. A property owner can then review the regulations for that zoning district outlined in §210-20.4, §210-21.4, §210-22.4, and §210-23. 210-21.4 specifies temporary use permits are required for “outdoor assembly sales, display, or storage areas” and specified which zoning districts are eligible for them. Specific regulations for temporary use permits are outlined in §210-24.10. §210.39 outlines application requirements and review procedures for temporary use permits.

Chairperson Vlietstra stated that the most important change that he would like to see in the code is a list stating what requires a temporary use permit. The use tables in each zoning district can be updated to specify exactly what requires a special use permit.

Member Lhota asked if the PZBA has the authority to make decisions on what needs a temporary use permit. Chairperson Vlietstra answered that such decisions would be made by the Trustees.

Chairperson Vlietstra noted that a particular issue with the code that needs correction is the requirement that outdoor assembly and seating must be held within 20 ft. of the principal structure.

Attorney Zoghlin stated that another issue that the PZBA could bring before the Trustees is the time periods for which temporary use permits are applicable. If applicants can get one for 9 months and continually renew it, then it isn't temporary which makes it a use variance that bypasses the evaluation criteria required for use variances. Identifying permitted accessory uses within a district may help. Likewise, uses eligible for temporary permits can be identified with appropriate regulations. For example, outdoor sales, display, and seating can be regulated as an accessory use.

Member Vlietstra stated that most temporary activities are short duration like 1-day fundraisers and those could be listed as permissible accessory uses as Mindy suggests. Longer duration events, like farmers markets, could be handled by just stating they are a permitted use and specifying appropriate regulations for them.

Member Kitchura asked if authority over events such as the Farmers' Market fell with the Trustees. Chairperson Vlietstra answered that the 2019 code update prohibits temporary use permits in residential districts. The Farmers market is proposed to be held at the community center which is in a residential district. The Trustees previously only reviewed temporary activities on Village property, but they are now reviewing any short-term retail activities on residential property too. Member Kitchura asked if it is worth considering these matters if the Trustees are reviewing it. Trustee Leitgeb answered that the intention of the code was not to give Trustees discretion over all events. Because the new code did not allow the PZBA to

**VILLAGE OF PITTSFORD
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Regular Meeting: Monday, June 21, 2021

review them, the short-term retail code was written to address that issue. Transferring reviews from the ZBA to the Trustees was an oversight.

Chairperson Vlietstra noted that regarding outside sales and display, the Village has traditionally barred outside sales and storage.

Chairperson Vlietstra asked Trustee Leitgeb if he was aware of any upcoming code work to be done by the Trustees. Trustee Leitgeb responded that he knew of none.

Member Marshall mentioned the current temporary banner code which allows the Building Inspector to approve banners within the central business district based upon events held in the Village. The Building Inspector recently approved banners for the Monroe Golf Club Invitational, and the event is outside of the Village. Chairperson Vlietstra responded that temporary signs are a big issue and that code needs updates.

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

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

Marina Pacheco-Walker, Recording Secretary

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Special Meeting: Wednesday, September 1, 2021

PRESENT:

Chairperson:	Justin Vlietstra
Members:	Jo Anne Shannon David Marshall Susan Lhota John Kitchura
Attorney:	Mindy Zoghlin
Recording Secretary:	Marina Pacheco-Walker

Motion by Chairperson Vlietstra, and seconded by Member Lhota, to call the Special Meeting to order, noting that all five members of the PZBA are present.

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

CONFLICTS OF INTEREST DISCLOSURE

Board members indicated that they had no conflicts of interest to report.

CANAL CORPORATION ENVIRONMENTAL REVIEW

Chairperson Vlietstra explained that The New York State Canal Corporation (“Canal Corp.”) has advertised a request for public comment on their Draft Environmental Impact Statement and draft Embankment Maintenance Guidebook. The deadline for comments was extended to October 15. He further explained that no formal vote will be taken by the Board at this meeting.

Attorney Zoghlin advised that the Board should have a short public conversation and further discuss possible actions in an attorney-client session.

Attorney Zoghlin provided the background of the situation. In 2018 the Canal Corp. began clear cutting along the canal path in what was described as “routine maintenance”. The Town of Pittsford and the Town of Perinton began a lawsuit against the Canal Corp. on the grounds that they had not fulfilled SEQR requirements. The Judge in that matter determined that the action was a Type 1 action requiring an environmental review because it involved clearing 10+ acres of land and enjoined the Canal Corp. from clear cutting until SEQR was completed. Shortly after, the Canal Corp. adopted their “Embankment Inspection Maintenance Guide Book” referring to the guide as a plan for their action and stated that the guide would be used to determine how much to clear cut and where. In the SEQR process, The Canal Corp. submitted a Generic Environmental Impact Statement (GEIS) and took the position that none of the localities along the canal have the authority to take part in the decision making. The Town of Pittsford has been following the action and wrote a letter to the Canal Corp. regarding the environmental review. Allegedly, the letter cited that there is no history of trees ever causing embankment failures along

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the canal and also noted that the Canal Corp. was utilizing western policies on dams and attempting to tailor them to this circumstance for canals. The letter went on to say that canals cannot be regulated as dams. Allegedly, the letter also noted that pursuant to SEQR a “no-action alternative” is required. Allegedly, the Canal Corp.’s position is that if no action is taken then there will be catastrophic failures across the state, the Town attorney noted that there has never been a catastrophic failure of an embankment before.

Chairperson Vlietstra noted that in the Canal Corp.’s draft GEIS, pages 1-4, they had identified all potential involved and interested agencies and sent out notice. He is unaware of any notice being submitted to the Village of Pittsford. Board members were unsure how the Canal Corp. determined who was interested or involved and were unsure what Towns and Villages other than Pittsford and Perinton had been notified.

Motion by Chairperson Vlietstra, and seconded by Member Marshall, to adjourn the meeting at this time and enter into attorney-client session.

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

Marina Pacheco-Walker, Recording Secretary

VILLAGE OF PITTSFORD

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Village Hall ca 1855 (remodeled 1937)

2022 Meeting Dates

PLANNING AND ZONING BOARD OF APPEALS

Meetings are scheduled for the third Monday of each month unless otherwise noted due to a holiday. All meetings begin at 6:30 PM. There will be a workshop session to review agenda items at 6:00 pm.

MEETING DATE

APPLICATION DEADLINE DATE

January 19, 2022 (Wed.)

December 20, 2021

February 23, 2022 (Wed.)

January 24, 2022

March 21, 2022

February 22, 2022

April 18, 2022

March 21, 2022

May 16, 2022

April 18, 2022

June 20, 2022

May 23, 2022

July 18, 2022

June 20, 2022

August 15, 2022

July 18, 2022

September 19, 2022

August 22, 2022

October 17, 2022

September 19, 2022

November 21, 2022

October 24, 2022

December 19, 2022

November 21, 2022