

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Special Meeting – October 29, 2014 at 7:00 PM

PRESENT:

Chairperson: Remegia Mitchell
Members: Meg Rubiano
George Wallace
Jill Crooker
Joe Maxey

Attorney: Jeff Turner
Building Insp.: John Limbeck
Recording Sec: Linda Habeeb

EXECUTIVE SESSION

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to enter into a closed attorney-client privilege session at 7:00 pm.

Vote: Rubiano – yes; Mitchell – yes; Maxey – yes; Wallace - yes. ***Motion carried.***

A motion was made by Chairperson Mitchell, seconded by Member Rubiano, to leave the executive session at 7:15 pm and re-enter the regular session of the meeting.

Vote: Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. ***Motion carried.***

ZONING BOARD

Appeal of Building Inspector/Code Enforcement Officer's Determination that the Final Site Plan Submission for Westport Crossing Was Complete

Present: Appellants: Friends of Pittsford Village, Justin Vlietstra and Michael Reynolds; Building Inspector/Code Enforcement Officer: John Limbeck; Applicants: Chris DiMarzo, Mark IV; Peter Vars, BMI; Bryan Powers, Mark IV

Chairperson Mitchell stated that Board members have thoroughly reviewed the submitted documents from all of the parties, and the public hearing for the appeal has been closed.

Justin Vlietstra requested to submit further new information regarding the appeal. Chairperson Mitchell explained that the public hearing has been closed, and therefore, the Board will not be hearing any further comments. Mr. Vlietstra stated that he had new information since the hearing. Attorney Turner stated that the Board could not review conditions that were not existing at the time the Building Inspector made his determination.

Motion: Member Crooker made a motion, seconded by Member Rubiano, to deny the appeal of the Building Inspector/Code Enforcement Officer's determination that the final site plan

submission for Westport Crossing, located at 75 Monroe Avenue in the Village of Pittsford, was complete.

Vote: Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on October 29, 2014.

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**Pittsford Canalside Properties, LLC, 75 Monroe Avenue ~ Area Variances**

**Present: Applicants: Chris DiMarzo, Mark IV; Peter Vars, BMI; Bryan Powers, Mark IV**

Chairperson Mitchell requested that the Planning Consultant, John Steinmetz, discuss his findings regarding the open space variance. Mr. Steinmetz explained that based upon the Village Code requirements, the applicant must provide 66,800 square feet of open space for passive and active recreation purposes. Off-site amenities and facilities cannot contribute to satisfying this requirement. As a result, the canalside walkway and landing, as well as the landscaped area between the proposed restaurant and Monroe Avenue, cannot be included in meeting this requirement. The following on-site landscaped areas should also not contribute to satisfying this requirement: The portion of the buffer along the railroad tracks that is to be heavily planted and is intended to act as a screen and buffer from the train traffic; and landscaped areas fewer than 200 square feet in size. Even with the removal of these areas from the total greenspace provided on-site, there is adequate open space provided on site, and a variance is not required. Chairperson Mitchell stated that as a result of this determination by Mr. Steinmetz, an area variance for active and passive recreational open space is no longer required.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Maxey, to remove the open space variance from the list of required variances.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on October 29, 2014.

**The Secretary read the legal notice that was published in the August 28, 2014 edition of the**

**Brighton Pittsford Post:** *“Please take notice that a public hearing will be held before the Village of Pittsford Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, September 15, 2014 at 7:00 pm, to consider an application made by Pittsford Canalside Properties, owners of property located at 75 Monroe Avenue, for area variances: (1) For an elevated speed table, pursuant to Village Code § 210-19.5F(5); (2) For restaurant parking, pursuant to Village Code § 210-19.5H(3); and (3) For monument signs, pursuant to Village Code § 210-19.5K.”*

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c).

(1) Area variance for elevated speed table:

Mr. Powers stated that the variance is requested to eliminate the Village Code requirement for an elevated speed table at the project entrance. He explained that based on the traffic consultant’s review, an elevated speed table at the entrance would impair pedestrian safety.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to open the public hearing at this time.

**Vote: Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. *Motion carried.***

**Motion:** There being no public comment, Chairperson Mitchell made a motion, seconded by Member Wallace, to close the public hearing at this time.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. ***Motion carried.***

**Motion:** Member Rubiano made a motion, seconded by Member Wallace, to approve the area variance to eliminate the requirement of an elevated speed table at the project entrance.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. ***Motion carried.***

***Findings of Fact:***

- The village traffic consultant, Mr. Stephen Ferranti of SRF Associates, recommended that the elevated speed table at the entrance to the proposed complex be eliminated. Reasons for this include reduced pedestrian safety and impairment of automobile traffic flow into and out of the site.

***(2) Area variance for restaurant parking:***

Mr. Powers stated that the parking area designed for the restaurant is to be located between the restaurant and the canal. The location of the parking lot has been determined as a side yard area by the Building Inspector. The Village Planning Board determined during their review and approval of the preliminary site plan that movement of the restaurant location from the center of the site adjacent to the canal to a location on Monroe Avenue, also adjacent to the canal, results in less restaurant traffic and noise disturbing the residential interior of the site. The presence of the restaurant along Monroe Avenue is also consistent with nonresidential uses to the south and east of the site. He also noted that the parking area will be shielded from the east and west.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to open the public hearing at this time.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. ***Motion carried.***

- Jean Moe, Hearthstone Road, asked where the residents of the complex will park their vehicles and whether there will be valet parking at the restaurant.
- Justin Vlietstra, 19 Boughton Avenue, questioned the purpose of the variance request, since the project is new construction. He stated that the location of the restaurant is not compatible with the regulating plan. He also stated that only the Board of Trustees can determine road layout and location of the restaurant.
- Lisa Cove, 44 South Main Street, questioned whether this would impact her as she walked her dog and questioned the size of the parking lot and the reason that there are apartments above the restaurant.
- June Reeves, 56 Heatherhurst Drive, asked where the off-street parking will be located.

- Mike Reynolds, Church Street, stated that in Historic Preservation Districts, parking along the canal is discouraged.
- Fran Kramer, Golf Avenue, asked when the Board will respond to these questions.

Chairperson Mitchell stated that all of the questions will be addressed in the findings of fact attached to the Board's decision.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Wallace, to close the public hearing at this time.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. ***Motion carried.***

**Motion:** Chairperson Mitchell made a motion, seconded by Member Crooker, to approve the area variance for restaurant parking in the side yard.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. ***Motion carried.***

***Findings of Fact:***

1. Planning Board members sought input from the Architectural Preservation & Review Board regarding the location of the restaurant and associated parking. There was general agreement that the site would benefit from locating the restaurant near Monroe Ave.
2. There are benefits to locating restaurant parking near the restaurant.
3. Input from the Development Review Committee helped to development the shape of the restaurant and the location of entrance doors to this structure. The Planning Board requested restaurant entrances on both Monroe Avenue and the new entry street into the complex. This creates a defacto absence of a rear yard because the restaurant will have two side yards.
4. There is no canal towpath parallel to the proposed parking lot because this section of the site has a change in elevation that makes it inaccessible for pedestrians.
5. The topography of the site provides reduced visibility of the restaurant parking lot from the canal and from the Monroe Avenue bridge.
6. The parking lot will be screened by trees and shrubs. This screening will mitigate the visual impact of the parking lot from the towpath on the opposite side of the canal.

***(3) Area variance for monument signs:***

Mr. Powers stated that the Building Inspector determined that the signs affixed to two of the masonry piers are considered monument signs. He further noted that § 210-19.5K under the R-5 Zoning District states that entrances to dedicated and privately maintained streets serving residential dwellings shall have the physical character of historic village intersections; entrances shall not be excessively landscaped, bermed, or employ monument signs that are inconsistent with the village physical character and typical streetscape design.

Chairperson Mitchell pointed out that the Board had discussed this in the past, and determined that there is a need to clearly identify the entrance of the complex as this is in a high traffic area directly after crossing the bridge or railroad tracks. The Fire Marshal, Kelly Cline, also stated that the complex number and entrance is required for emergency vehicles.

**Motion:** Member Crooker made a motion, seconded by Chairperson Mitchell, to open the public hearing at this time.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. *Motion carried.*

- Janet Reynolds, Church Street, questioned whether other residential areas have signs.
- Lisa Cove, 44 South Main Street, stated that monument signs are a feature of suburban structures and are not intended for pedestrian use. She suggested that they install a discreet, appropriate sign, like the Canal Lamp Inn.

**Motion:** Member Crooker made a motion, seconded by Chairperson Mitchell, to approve the area variance for installation of two monument signs at the entrance of the 75 Monroe Ave complex.

**Vote:** Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. *Motion carried.*

***Findings of Fact:***

1. Monroe Ave is a main thoroughfare with high traffic volume at certain times of day. Off-street places to pull off and/or turn vehicles around along the Village section of this corridor are limited. The entrance to the site must be readily visible to motorists from both directions.
2. This site will have both residential and commercial uses and will be a canal waterfront destination for the public.
3. Emergency access to this multi-use site is important for fire apparatus and other emergency vehicles that may be from other municipalities, unfamiliar with the location. The Pittsford Fire Department recommends use of street signage that will make locating the entrance to the site easier.

**PLANNING BOARD**

Chairperson Mitchell stated that a letter was sent to the Board from Daniel Spitzer, attorney for the Board of Trustees, requesting that the Board reopen the public hearing on the final site plan and allow public comment on the project. Members questioned on what basis they would be required to reopen the public hearing. Member Wallace stated that there would need to be substantial changes to the plan in order to necessitate reopening the public hearing. Chairperson Mitchell stated that since this letter was given to members just prior to the meeting, they will need further time to make a determination on this issue.

**Discussion:** Chairperson Mitchell requested that the Village Engineer, Scott Harter, update the Board on the stormwater filtration and the contamination cleanup at the 75 Monroe Avenue site. Mr. Harter stated that the project is located on a Brownfield cleanup site, and therefore, the Board has to determine whether it is acceptable to use for stormwater filtration and residential use. He stated that LaBella Associates had issued a letter to confirm that the site, upon remediation, could

support the proposed development in terms of residential housing, utilities, and stormwater exfiltration. He stated that the process is moving forward, and if the Board agrees, will involve granting a contingency approval of the site plan, with the establishment of specific conditions. He stated that the DEC remediation and stormwater are interwoven, and it is an ongoing process.

Chairperson Mitchell stated that the public needs assurances that checks and balances with this process are in place. Mr. Powers stated that there is a site management plan, under which the DEC will continue to monitor the site beyond construction. He explained that the cleanup involves complete removal of contaminants to a licensed landfill. Mr. DiMarzo stated that cleanup of the site is 90-95% complete. He also stated that the DEC will take an easement over the entire site; no Certificate of Occupancy will be issued until the Brownfield cleanup has been completed and the site management plan has been prepared and documented to the DEC's satisfaction. Mr. Limbeck stated that when building permits are issued, the DEC could require other features beyond the building permit requirements. The general consensus of Board members is that a contingency approval process will be feasible.

Peter Vars presented the proposed final site plan. He stated that these plans are the same set of final site plans that has been presented to the Board in the past, and that the only changes are addendums to the plan that have been made in response to comments received from the Planning Board and consultants. Mr. DiMarzo reiterated that this is not a new set of plans.

Mr. Vars stated that the site plan has markings to indicate potential variations and reductions in the footprints of the buildings, which will allow an increase in the planting buffer along the railroad tracks and an increase in greenspace areas between sidewalks and buildings. He stated that the reduction in the widths of the buildings ranges from a minimum of 4 feet to a maximum of 13-14 feet, reducing the overall square footage of the building footprints by 5,000 square feet, or 6 percent.

He also stated that the dumpster has been relocated from the restaurant area to the interior of the parking area. He explained that they are switching to a tote system, which will be screened with a gate. Chairperson Mitchell questioned the reason for the change to a tote system. Mr. Vars explained that there will be more frequent trash pickups, it will require a smaller area, allowing more landscaping, and there will be fewer odors. Member Rubiano asked about the elevation in the area. Mr. Vars stated that they are not proposing altering the grade in the area, and further explained that the parking area is well above the canal water level and will not be visible from the canal.

Chairperson Mitchell stated that at an April 2014 Board of Trustees meeting, and in a conference earlier in the week, the applicants had suggested that they would be willing to reduce the widths of the buildings 10-13 feet on center. She further stated that this would provide additional open space on each side of the buildings and an increased buffer along the railroad tracks, creating a healthier planting bed. Mr. Vars stated that the dimensions on the site plan are one-sided, and the proposal for reducing the buildings is for a combination of both sides, with a result that one-third of the site will have greenspace. He further stated that they have made improvements in how the buildings relate to the sidewalk system.

Chairperson Mitchell questioned in what manner the road will be altered along the railroad tracks. Mr. Vars stated that the planting strip will be widened at buildings 1000 and 6000. She suggested reducing the buildings an additional two feet to increase the buffer along the railroad tracks and sides of the buildings.

Chairperson Mitchell asked for comment from John Steinmetz, The Village Planning Consultant. He stressed the importance of the street trees that are proposed where the restaurant building abuts the sidewalk. He also noted that building 1000 appears to be going back to an earlier proposal for a more rectangular shape of buildings. It was noted that the APRB will have control of the building shapes and facades.

Board members discussed the reduction of eight feet off the end of building 2000. Mr. Steinmetz suggested that the space be added to the island between buildings 2000 and 3000 to make it more useable. The applicants stated that the pump station may be dedicated by the Village, in which case it will be a submersible station located underground. There will be a structure with a control panel that will be screened from view and a generator. This is another issue that will require APRB approval.

Chairperson Mitchell noted that the Special Permit for the restaurant was issued prior to the relocation of the restaurant, and she suggested that the applicants apply to the Board of Trustees for a revised Special Permit for the new location.

Mr. DiMarzo requested that the Planning Board approve the final site plan with conditions at this time. Chairperson Mitchell stated that there is more work to be done prior to rendering a decision on the final site plan. She requested that the applicants reduce the total footprint of the buildings and provide revised square footage numbers reflecting these reductions for the November 11th special meeting.

**Adjournment:** There being no further business, Chairperson Mitchell adjourned the meeting at 10:30 pm.

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Linda Habeeb, Recording Secretary