

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

Regular Meeting – January 20, 2015 at 7:00 PM

PRESENT:

Chairperson: Remegia Mitchell
Members: Meg Rubiano
George Wallace
Jill Crooker (absent)
Joe Maxey
Village Eng.: Scott Harter

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

Chairperson Mitchell called the meeting to order at 7:00 P.M.

ZONING BOARD

Al Herdklotz, 21 North Main Street ~ Area Variance

Present: Al Herdklotz, Commander, American Legion Post 899

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c)(7).

The Secretary read the legal notice that was published in the January 8 2015 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 Tuesday January 20, 2015 at 7:00 pm to consider an application made by American Legion Post 899 for an area variance for installation of an accessory residential storage building at 21 North Main Street in an R-4 Residential Zoning District, pursuant to Chapter 210-18(H) of the Code of the Village of Pittsford.”*

Discussion: Mr. Herdklotz stated that the American Legion, Post 899, which meets in the lower room of the Village Hall, is proposing installing a storage shed in the rear of the property at 21 North Main Street. He explained that the structure will store cooking grills and boy scout equipment, among other things, and that the Village will also be able to utilize the shed for storage. Currently, they have had to either store the equipment outside or carry it up the stairs from the basement. Chairperson Mitchell noted that the location for the shed is minimally visible from the public way. She explained that the shed also requires approval from the Architectural and Preservation Review Board.

Note: Member Wallace left the meeting for health reasons and did not vote on the applications.

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

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

Motion: Chairperson Mitchell made a motion, seconded by Member Maxey, to close the public hearing at this time, as there was no one wishing to speak for or against this application.

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

Motion: Member Maxey made a motion, seconded by Chairperson Mitchell, to approve the application for an area variance for installation of a storage shed in the rear of the property located at 21 North Main Street, as submitted.

Vote: Rubiano – yes; Mitchell – yes; Maxey – yes. *Motion carried. The decision was filed in the Office of the Village Clerk on January 20, 2015.*

Findings of Fact:

1. There are no undesirable changes that will be produced in the character of the neighborhood by approval of this area variance.
2. The area variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
3. The benefit sought cannot be achieved by another feasible method.

PLANNING BOARD

Pittsford Canalside Properties, 75 Monroe Avenue

Present: Chris DiMarzo; Bryan Powers, Mark IV; Peter Vars, BME

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) (28).

The Secretary read the legal notice that was published in the January 8 2015 edition of the Brighton Pittsford Post: *“Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Tuesday January 20, 2015 at 7:00 pm to consider an application made by Pittsford Canalside Properties to extend the deadline for completion of conditions contained in the Village of Pittsford Planning Board’s final site plan approval, dated 11/11/14.”*

Discussion: Mr. Vars explained that conditions 1-4 of the final site plan approval have a deadline for completion of February 21, 2015. He stated that Pittsford Canalside Properties is requesting a time extension for conditions that will not be completed by the deadline. He further explained that since the time that the application for extension was submitted to the Village, some of the required deadlines attached to the conditions have been met.

Condition items:

1. Verify that the proposed water system can support the required fire suppression system and the domestic needs of the development using the current pressure and flow data.

Mr. Vars explained that the applicant has updated the water supply calculations based on new modeling data that are a fair representation of the water authority system in the area of the project. The calculations were provided to the Water Authority for review, and continue to support that the proposal of installation of the new 12-inch water main is the proper solution to assure adequate domestic and fire water supply. Mr. Harter verified that additional flow tests provided solid data, and the Water Authority confirmed that they are satisfied with the design.

Member Rubiano questioned whether the calculations are computed over a period of time. Mr. Harter explained that the modeling system monitors fluctuations over time.

2. Provide a letter of intent from the Pittsford Central School District indicating their willingness to provide the proposed easement enveloping the 12-inch water main. Also, verify the liber and page of the easement at the Talbot's location by February 21, 2015.

Mr. Powers submitted a letter from the Pittsford Central School District, dated January 15, 2015, indicating the intent of the school district to provide an easement to the Monroe County Water Authority to allow the construction of a proposed water main to be dedicated to the Monroe County Water Authority. The applicants also verified the liber and page of the easement at the Talbot's location.

3. It is noted that Pittsford Canalside Properties' site remediation activities have interrupted the preexisting flow of stormwater from the properties to the east of the site, across the site to the canal. In the event that Pittsford Canalside Properties has not restored such preexisting stormwater flow by February 21, 2015, this final site plan approval shall expire.

Mr. Vars stated that they now have a plan to restore the preexisting stormwater flow from the properties to the east of the site across the site to the canal, and request a time extension until June 21, 2015 to implement this plan. As summarized in the meeting minutes prepared from a meeting with NYSDEC, it was determined that a "Change of Use" application would need to be prepared and approved by NYSDEC for either reconnecting the stormwater pipe in the

alignment found during the Brownfield cleanup work, or installing the piping system designed on the site development plans for handling the drainage from the properties east of the site. This was outlined as a 60-day review process for NYSDEC once the Change of Use application is received and determined complete. PCP estimates that a minimum of four months of additional time is needed after February 21, 2015 to restore the preexisting stormwater flow across the site to the canal. He stated that the applicant has undertaken significant efforts in addressing Condition 3 over the weeks since the site plan approval was granted; this includes meeting with NYSDEC to discuss alternatives, including a temporary alternative, submission of documentation to the Village Engineer, and continued discussion with the Village, NYSDEC, and the NYCC on these issues. He concluded by stating that as a result of these efforts and based on the input of the regulatory agencies, the most expeditious route to address this condition is to continue with the permitting of the permanent storm sewer design for the reasons stated herein.

4. Provide updated drainage (water quality) calculations and related design adjustments based on the impervious area that existed when the project was first submitted by February 21, 2015.

Regarding Condition #4, Mr. Vars stated that on January 8, 2015, PCP received an interpretation from DEC stating their designation of the preexisting condition on the property. PCP has revised their storm sewer calculations and forwarded them to Scott Harter.

Mr. Harter stated that the only remaining item is submittal of a plan for installation of the piping system referred to in Condition 3. Mr. DiMarzo stated that the LaBella Engineering firm will be doing the drainage restoration work. He further explained that the application to DEC is a very complicated and time-consuming process that will require more time for preparation.

Mr. Harter stated that, regarding Condition #3, the Village should be involved in the process. He further explained that the applicants need to provide a sequential work plan as to how the work will proceed. Mr. DiMarzo stated that the design is currently on the site plan that was submitted to the Village, and that this additional information is not part of the condition. Mr. Vars stated that the plan currently contains the design of the pipe, but needs clarification as to some of the details of the installation. Mr. Harter stated that, regarding Condition #3, the applicants need to show a level of cooperation and synchronization between all parties involved in the work. He also questioned the applicants as to what assurance the Village has in terms of a performance guarantee that the infrastructure will be installed to make the connection. Mr. Vars stated that this would become part of the timeline, and a letter of credit will be posted for the work.

Mr. DiMarzo stated that the Village has not yet reviewed the final site plan that was submitted to the Village in November and that his inquiries about this had not been addressed. He expressed concern that this step needs to be completed before the Planning Board Chair can sign the final site plan. Chairperson Mitchell stated that the Planning Board does not have an

answer for this and that it is a matter for the Board of Trustees to decide. She further stated that the lack of review and signature on these plans does not alter the timeline for compliance with final site plan conditions, nor will it influence the preparation of the DEC documents that are essential. Mr. Harter stated that the minor changes to the site plan that were made in November do not affect the four conditions. He has offered to check those November changes and verify, but the two efforts are separate and not related to each other.

Chairperson Mitchell stated that the public hearing will be continued at the February 16th meeting, so that the applicants can address the Village Engineer's concerns.

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**Fred R. Steele, 34 Monroe Avenue ~ Addition**

**Present:** Bruce Steele, Contractor

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c)(9).

**The Secretary read the legal notice that was published in the January 8 2015 edition of the Brighton Pittsford Post:** *"Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Tuesday January 20, 2015 at 7:00 pm, to consider an application made by Fred R. Steele, Inc. as agent for Adam & Renee Stetzer, owners of property located at 34 Monroe Avenue, for site plan approval for the construction of an addition where the total floor area exceeds 400 square feet, pursuant to Village Code § 210-83B(16)."*

**Discussion:** The applicant presented plans for a proposal to remove the existing addition on the rear of the house and replace it with a two-story addition. Board members reviewed the plans and expressed no concerns with the proposal, clarifying that this property and proposed enlarged structure meet Village Code; no variances are required.

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

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

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to close the public hearing at this time, as there was no one wishing to speak for or against this application.

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

**Motion:** Member Rubiano made a motion, seconded by Chairperson Mitchell, to approve the application for construction of an addition at 34 Monroe Avenue, as submitted.

**Vote: Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes. Motion carried. The decision was filed in the Office of the Village Clerk on January 20, 2015.**

***Findings of Fact:***

1. There are no undesirable changes that will be produced in the character of the neighborhood by approving this addition.
2. The construction of the addition will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

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Information only:

Pittsford Pub, 60 North Main Street ~ Special Permit

Present: Scott Throff, Business owner

Discussion: Mr. Thyroff presented plans for interior renovations at the Pittsford Pub. He stated that they are removing one bar in the rear of the building and are renovating the remaining bar to create a circular bar in the center island. Board members questioned whether this new configuration will result in more patrons standing at the bar. Mr Thyroff stated that the combined bar space will not be any greater than the sum of the existing separate spaces. He described new table and seating arrangements that are intended to improve customer comfort and mobility around bar patrons. Mr. Thyroff explained how realignment of the entrance door to create a vestibule will reduce cold air flow around the bar. He stated that the occupancy and the patio will not be changing, but that internal revisions will alter the servers' access to the patio and will create a better internal traffic flow for the wait staff. He further stated that there will be no changes in the configuration of the parking lot.

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**Minutes:**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Maxey, to approve the 11/17/14 minutes, as drafted.

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

**Adjournment:** There being no further business, Chairperson Mitchell adjourned the meeting at 9:30 pm.

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Linda Habeeb, Recording Secretary