VILLAGE OF PITTSFORD PLANNING AND ZONING BOARD OF APPEALS

Regular Meeting - November 16, 2015 at 7:00 PM

PRESENT:

Chairperson: Justin Vlietstra Members: Jo Anne Shannon

> Jeffrey Bove Susan Lhota Heather Erwin

Special Counsel: Mindy Zoghlin PZBA Liaison: Lili Lanphear Recording Sec: Linda Habeeb

Chairperson Vlietstra made a *motion*, seconded by Member Lhota, to call the meeting to order at 7:05 pm.

Vote: Vote: Shannon - yes; Lhota - yes; Erwin - yes; Bove - yes. Motion carried.

Conflict of Interest

The Village Board of Trustees has passed Local Law 15, which law requires disclosure of conflicts of interest or potential conflicts of interest prior to each meeting of boards with discretionary approval authority. Board members stated that they had no conflicts of interest to disclose.

Pittsford Canalside Properties: 75 Monroe Avenue

Chairperson Vlietstra stated that the discussion of the 75 Monroe Avenue project will be adjourned to the December 14th PZBA meeting.

44 Sutherland St ~ SEQR lead agency request:

Chairperson Vlietstra explained that the owners of the house located at 44 Sutherland Street have applied to the APRB for demolition of the existing house and construction of a new house because of mold infestation in the home. A consultant chosen by the APRB will review the extent of the infestation and determine whether the mold can be remediated. The APRB has determined that this is a Type 1 action under SEQR and a coordinated review of the environmental issues raised by this project is appropriate under the SEQR regulations. The APRB has requested to be lead agency for this review, and the PZBA has been identified as an involved or interested agency for this project. Chairperson Vlietstra stated that he sent a letter to the APRB requesting additional information and had not yet received a response. At this time the Planning Board has not received an application for site plan review for this project. The Planning Board will revisit this case at the December 14th meeting.

Northfield Common, 50 State Street

Present: Greg Barkstrom, Director of Real Estate

Discussion: Special Counsel, Mindy Zoghlin, stated that the applicants have requested that the appeal of the Code Enforcement Officer's decision be adjourned indefinitely. She discussed with the Board the various options that the Board has in regard to this request.

Member Vlietstra stated that the applicants have submitted a stamped site plan, and stamped landscaping and lighting/photometrics plans for the Board to review. He explained that the plans will need to be reviewed by the Building Inspector and the Village Engineer. Member Vlietstra stated the general proceedings for the review:

- 1. The Building Inspector will review the plans to determine if they are complete.
- 2. The Building Inspector and/or consultant will make a report on code compliance.
- 3. An engineer will reviews the plans and make a report.
- 4. The Planning Board will schedule a meeting to start the review. The initial portion of the review will be to gather information. A key portion of that will be the public hearing where the public and adjacent property owners can state their concerns about the site plans. The goal is to identify significant impacts on adjacent properties and public safety concerns at the site.
- 5. The applicant will be asked to state how they intend to address the identified safety concerns and impacts on adjacent properties in their site plans.
- 6. The Board will hold a workshop to discuss the information from the public hearing, consultants, and compile a report on any changes that are needed to the site plans.
- 7. The applicant will then be given an opportunity to address the findings of the Board and make appropriate changes to their site plans.

Member Vlietstra explained that the Village is understaffed at the moment due to the lack of a Building Inspector. It is unknown what availability Kelly Cline will have to perform the tasks normally performed by the Building Inspector. If she cannot conduct the needed review, and a new Building Inspector is not hired soon, the Village may have to hire a consultant to review the plans. It may not be possible to complete the initial review in time for the December 14 PZBA meeting.

Mr. Barkstrom questioned whether the property can be repaved at this time, and Member Vlietstra explained that the Planning Board must approve Site Plans before they can pave. The Building Inspector has already determined that the changes to their parking lot constitute a new parking and loading facility subject to Site Plan Review. Landscaping changes in a commercial district also trigger Site Plan Review.

Mr Barkstrom stated that he was hoping to pave before winter. Member Vlietstra responded that the Planning Board has been waiting over a year for a complete site plan application. There is insufficient time to review an application received in November to allow it to be approved before the asphalt plants close around Thanksgiving.

PZBA policies and application requirements:

Board members discussed recent training sessions that Board members participated in. A suggestion was made that the training sessions be conducted in the evening hours, instead of during the day. Work schedules for Board members limit times they can all get together for training to Monday-Wednesday evenings or possibly Sundays. Board members also expressed an interest in creating checklists and forms for various procedural steps in reviewing applications that come before the Board. The Board also decided to hold workshop meetings before the regular board meetings to review the applications on the agenda. The agenda review workshop

will be held 6:30-7:00PM with the regular meeting starting at 7:00PM. Board members also suggested that the agenda and meeting packets be distributed to members earlier in the process.

Minutes:

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to approve the August 17, 2015 minutes, as amended.

Vote: Vlietstra – yes; Lhota – yes; Erwin – yes; Shannon – yes; Bove – yes. Motion carried.

Motion: Member Lhota made a motion, seconded by Member Erwin, to approve the September 15, 2015 special meeting minutes, as amended.

Vote: Lhota – yes; Erwin – yes; Shannon – yes; Vlietstra – abstain; Bove – yes. *Motion carried*.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to approve the September 28, 2015 meeting minutes, as amended.

Vote: Lhota – yes; Erwin – yes; Shannon – yes; Vlietstra – yes; Bove – yes. *Motion carried*.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to approve the October 19, 2015 meeting minutes, as amended.

Vote: Lhota – yes; Erwin – yes; Shannon – yes; Vlietstra – abstain; Bove – yes. *Motion carried*.

Member Lhota stated that she is Acting Chairperson of the Zoning Board of Appeals for the 75 Monroe Avenue matter. She stated that she is offering a resolution (2015-5) to enter executive session. This was seconded by Member Shannon.

Members Vlietstra and Boye stated they would not participate in the executive session.

Vote: Vlietstra – abstain; Lhota – yes; Erwin – yes; Shannon – yes; Bove – abstain.

Motion carried. Resolution 2015-5 was filed in the Office of the Village Clerk on November 16, 2015.

EXECUTIVE SESSION PRESENT:

Members: Jo Anne Shannon

Susan Lhota Heather Erwin

Special Counsel: Mindy Zoghlin Recording Sec: Linda Habeeb

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Motion: Member Lhota made a motion, seconded by Member Shannon, to approve the Answer with Affirmative Defenses and Objections in Point of Law prepared by Special Counsel.

Vote: Shannon - yes; **Lhota -** yes; **Erwin -** yes. *Motion carried*. The decision was filed in the Office of the Village Clerk on November 16, 2015.

Motion: Member Lhota made a motion, seconded by Member Shannon, to approve the Record of Proceedings prepared by Special Counsel in connection with PCP's Article 78 proceeding.

Vote: Shannon - yes; **Lhota -** yes; **Erwin -** yes. *Motion carried*. The decision was filed in the Office of the Village Clerk on November 16, 2015.

Motion: Member Lhota made a motion, seconded by Member Erwin, to direct Special Counsel not to oppose the application for leave to intervene filed by Friends of Pittsford Village.

Vote: Shannon - yes; **Lhota -** yes; **Erwin -** yes. *Motion carried*. The decision was filed in the Office of the Village Clerk on November 16, 2015.

Motion: Member Lhota made a motion, seconded by Member Erwin, to close the Executive Session.

Vote: Shannon - yes; **Lhota -** yes; **Erwin -** yes. *Motion carried*. The decision was filed in the Office of the Village Clerk on November 16, 2015.

Adjournment: There being no further business, Member Lhota adjourned the meeting at 9:30 pm.

Linda Habeeb, Recording Secretary

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RESOLUTION 2015-5 Village of Pittsford Zoning Board of Appeals

At a regular meeting of the Village of Pittsford Zoning Board of Appeals held at the Village Hall on the 16th day of November 2015 at 7:00 p.m. The meeting was called to order by Susan Lhota and upon roll being called, the following were present:

PRESENT:

Justin Vlietstra Jeffrey Bove Heather Erwin Susan Lhota

JoAnne Shannon

Members Justin Vlietstra and Jeffrey Bove recused themselves on the basis of conflict of interest.

The following resolution was offered by Acting Chair Susan Lhota, who moved its adoption, and seconded by Board Member Heather Erwin, to wit:

WHEREAS, Pittsford Canalside Properties LLC has commenced an Article 78 proceeding against this Board and the APRB in Monroe County Supreme Court, Index No. 2015-11620, and

WHEREAS, Friends of Pittsford Village has made a motion for leave to intervene in this special proceeding.

NOW THEREFORE, IT IS RESOLVED that the ZBA may go into Executive Session to discuss issues related to the pending litigation.

The question of the foregoing resolution was duly put to vote as follows:

	Yes	No	Aþstain
Justin Vliestra			\mathbb{F}
Jeffrey Bove	□/		$oldsymbol{arYange}$
Heather Erwin	'Y /		
Susan Lhota	'₩		
JoAnne Shannon	V		

Dated:

November 16, 2015 Pittsford, New York By order of the Village of Pittsford Zoning Board of Appeals

Susan Lhota, Acting Chair