

**VILLAGE OF PITTSFORD  
PLANNING AND ZONING BOARD OF APPEALS  
Regular Meeting – May 16, 2016 at 7:00 PM**

**PRESENT:**

Chairperson: Justin Vlietstra  
Members: Jo Anne Shannon  
Jeffrey Bove  
Susan Lhota  
Heather Erwin

Building Insp: Floyd Kofahl  
PZBA Attorney: Mindy L. Zoghlin, Esq.  
Fire Marshal: Kelly Cline  
Recording Sec: Linda Habeeb

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to open the workshop session at 6:30 pm.

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

The Board reviewed the contents of the application for the meeting.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Erwin, to open the meeting session at 7:00 pm.

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

**Conflict of Interest Disclosure:**

Chairperson Vlietstra asked if anyone had a conflict of interest with any of the applications before them, and no one had a conflict of interest to report.

**Northfield Common, 50 State Street ~ Final Site Plan**

**Present:** Charlie Fox, property owner; Greg Barkstrom, Director of Real Estate; Donald Young, Attorney, Boylan Code, LLC; Ken Bracker, Architect; Mary Scipioni, Landscape Architect

**Discussion:** Chairperson Vlietstra stated that this is a continuation of a public hearing for 50 State Street that was opened at the April 18, 2016 Planning Board meeting. He explained that the proposal is for restriping, repaving, landscaping, and installation of two new light fixtures. In 2014, the Planning Board reviewed the striping, the location of the handicapped parking, and the location of the dumpsters.

Mr. Young reviewed the status of the project and stated that the owners of the property have made efforts to repair the parking lot and place a tenant in the building formerly occupied by Bill Wahl's Ice Cream. He explained that there is no proposal to construct, demolish, or otherwise change the property. He stated that Northfield has submitted a lighting plan, executed by a registered architect,

a drainage plan, executed by a licensed engineer, and a landscaping plan, executed by a registered landscape architect.

Member Vlietstra stated that at the previous meeting, significant concerns were raised by Planning Board members, such as the fact that landscaping has been progressively removed from the site, public safety concerns with the lighting at the site, drainage, and snow storage.

The Building Inspector presented a list of violations he observed during his field inspections of the site.

**Grading:**

Mr. Kofahl stated that regarding grading issues at the site, the paving will address these problems and will be a condition of approval. He noted that the detention pond needs to be cleaned out and brought back to its natural state. The drainage appears to run to the northern portion of the property before heading eastward.

**Site Lighting:**

Mr. Kofahl reported that the property has several areas that do not comply with the current Village Code for lighting. This includes lights that are pointing out and off property, lights that have been changed out and are not compliant with Code, and light spillage off the property. He stated that there are also areas where additional lighting is needed for safety at night. For example, at Buildings R, J, H, and F, the lights do not meet Village Code for off-site lighting, and the lighting on Building A shines off-site and needs to be adjusted and shielded. There is a pole light proposed to be installed between Buildings E & I, within the fire turnarounds. The Fire Marshal, Kelly Cline, stated that the striped areas on the east and west ends of the site plan are needed for a turning radius for emergency equipment and cannot be obstructed; these areas must be paved and striped with paint and cannot contain landscaping, curbs, or "green pavement". It was determined that the light post could be installed inside the striped area at the corner of the parking space. Mr. Kofahl will walk the site with the applicants and review which lights need replacement, relocation, or adjustment, and where additional light is required.

**Landscaping:**

Mr. Kofahl reported that although there is no preexisting approved landscaping plan, the removal of existing landscaping requires the approval of the Planning Board prior to any changes to the existing landscaping. There was a large tree and landscaping island removed from the parking lot area without Planning Board approval. Since the caliper of the tree that was removed was 18 inches, then the replacement trees caliper should add up to 18 inches. A landscaping plan of the existing conditions and what was done to offset the removal of the landscaping parking lot island must be submitted showing the entire site.

**Buildings:**

Mr. Kofahl reported that there are several buildings that are in need of property maintenance. The roof of the entranceway for Building D is in need of replacement. There is some damage on other buildings that needs to be repaired. A review of all of the buildings at the site will be completed.

**Code Issues:**

Mr. Kofahl issued a Notice of Violation to the applicant on 5/6/2016. A copy is attached to these minutes.

Mr. Kofahl stated that a complete list of current businesses and their location is needed to verify that all the occupants have valid Certificates of Occupancy.

Chairperson Vlietstra stated that the light fixtures will need to be reviewed by a lighting consultant and approved by the APRB. He explained that the APRB is responsible for approving the particular light fixture. Once acceptable fixtures are identified their light distribution patterns will be known and the Board can review the lighting plan. Mr. Vlietstra asked the applicant to apply to the APRB for light fixtures to move this process along. He said that some of the lights may be pre-existing, and the lights that are not code-compliant need to be identified and replaced. Some of the existing lights may need to be adjusted or shielded. He also pointed out that light levels have not been specified on the lighting plan at the required 5x5ft intervals; areas of particular concern include the property boundaries, pedestrian walkways, site entrances, building entrances. Mr. Vlietstra also expressed concern that there appear to be gaps in the lighting. The Board does not have adequate information at this time to review the lighting plan.

Architect Ken Bracker stated he does not have the light distribution patterns for the existing light fixtures. Chairperson Vlietstra said the recommendation is to measure light levels with a light meter and write them on the plan. Mr. Barkstrom stated that he spent a considerable amount of time walking the site to measure light levels and already put information on the plan and it takes a significant amount of effort to do this. The Building Inspector suggested that he could walk the site with the applicant at night with a lightmeter to evaluate existing lighting. The Board agreed that this plan seems to be a reasonable compromise.

Mr. Young summarized the plan for the lighting going forward: (1) The applicants will apply to the APRB for approval of the style of the proposed light fixtures; (2) The Building Inspector will conduct a site visit with the applicants to address any code violations, identify pre-existing lights that need to be re-angled, and identify dark areas that need new lights; and (3) The applicants will modify the illumination plan to include additional information concerning possible dark areas and light spillage. .

Landscape Architect, Ms. Scipioni, stated that currently, there is a shortage of large caliper trees, and when planting in a hostile environment, such as, in this case, a parking lot, a younger tree will be more viable than a mature tree. She prefers to use 2.5 inch caliper trees instead of 3-inch caliper trees. She stated that the tree that was removed was breaking up pavement because it did not have a proper planting bed. She also stated that in her opinion, Mr. McCord's suggestion of adding another planting bed in the area next to the fire lane would create a hazard, because it would require realigning the parking spaces adjacent to it into an irregular pattern and cars would back out of these spaces into oncoming traffic. A tree likely wouldn't survive in this location for more than 5 years because it is in the middle of the parking lot. She further stated that another of Mr. McCord's suggestions to put plantings in the very narrow area between the parking lot and Building B would not be a viable area for plantings due to the lack of light and need to use this area as a pedestrian walkway. Member Erwin suggested adding landscaping between Buildings K and I. Mr. Fox stated that that area is for snow storage, and he prefers to keep this area paved in case Buildings I and M are divided in the future. Currently these two buildings are shared by the same tenant. Member Vlietstra commented that in front of the Label 7 patio area there is a curb cut that is a wide asphalt apron that is not used for vehicles. This area would normally be grass instead of

asphalt. Mr. Fox stated that this is the Village right-of-way and suggested the Village install grass there. Ms. Scipioni stated she does intend to add plantings in front of Building K and selected salt-tolerant bayberry in that location because it is adjacent to the frequently plowed and salted sidewalk.

The Fire Marshal, Ms. Cline, raised a concern regarding the paperbark maple tree near the fire lane and cautioned that it can not impede on the fire apparatus access road. She stated that the emergency vehicles need 13' 6" height clearance in that area and any tree branches that grow over the road below that height will have to be removed, potentially resulting in an unattractive tree. Ms. Scipioni stated that she chose a 2.5" caliper paperbark maple for the area and that its height, growth habit, and required root structure are compatible with the needs at that location and should be compatible with the needed height clearance. The chosen tree does not have a wide canopy.

Mr. Vlietstra requested that the applicant include the proposed caliper, mature height, and mature width of the trees on the landscaping plan. Mr. Kofahl stated that because the parking is very narrow and because of the Fire Department requirements, it is not feasible to add additional landscaping in the parking area. He stated that other areas on the site, such as the east end at Building O, would be an appropriate area for additional landscaping. He suggested planting Evergreen trees in that area for screening. Ms. Scipioni stated that because of the shaded nature of the site and need to blend into adjacent surroundings evergreens are not the most ideal type of tree for screening purposes in this location. She suggested planting deciduous trees that are grouped close together for maximum screening of the area.

Member Vlietstra asked Ms. Cline if there are any problems with vehicles parking in the fire lane. Ms. Cline stated that currently, there are no problems with parking in the fire lane and the applicant has done a good job removing snow so the fire lane is visible in winter. Mr. Vlietstra noted that the Sycamore tree at the State Street sign near the street was not included on the landscaping plan and asked if they intend to remove it. The applicant stated they thought this tree is a Village street tree and they will not remove it.

Mr. Young summarized the plan for landscaping and drainage: (1) Revise the site plan to show two deciduous trees on the eastern area of Building O; (2) The AG tree on the north side of Building L will clear 6' 13"; (3) Relocate the landscaping to the edge of Building D; (4) Include the proposed mature height, caliper, and width of the trees on the landscaping plan; and (5) Clean the drainage pond and address any other issues that the Building Inspector identifies when he reviews the site.

**Art Pires**, 70 State Street, asked the Board to reconsider planting Evergreens in the natural transition in the area east of building O instead of a hedgerow of deciduous trees. Ms. Scipioni stated that in her opinion, deciduous trees would provide a natural transition and be more likely to survive in this location than Evergreen trees. Mr. Pires also asked about the light on the east side of Building O. Mr. Fox stated that the light is broken and there is no power to the building. Mr. Pires also asked whether the storage trailer, tires, and truck around the building will be removed. Mr. Fox stated that they are planning on removing these items and cleaning up the area. The applicant stated the stack of tires are not theirs and someone dumped them there without their consent. The Fire Marshal stated that the RG&E right of way is unfortunately a location that people illegally dump unwanted items.

Member Vlietstra expressed concern about the choice of Riverbirch trees, and asked if it would be possible to plant another variety of tree with a more attractive canopy. Ms. Scipioni stated that there are other trees with competing canopies, so she had suggested a loose canopy tree for

circulation of air. Chairperson Vlietstra stated that the Village Engineer suggested that the pond be replaced with a bio-retention area – essentially filling it with gravel and porous soil and add plantings on top. He asked the applicant if their current application proposes converting the pond to the bio-retention area. The applicant stated they do not intend to install a bio-retention area and plan to leave it a pond. The Building Inspector stated that the retention pond needs to be cleaned out and brought back to its natural state.

Member Erwin stated that she appreciates the applicants addressing her areas of concern with the landscaping plan and understands the reasons that some of her concerns cannot be remedied. She also thanked the applicants for addressing Mr. Pires' concerns by adding additional screening from residential area.

Chairperson Vlietstra explained that he has inquired with the Board of Trustees as to the future plans for the RG&E right-of-way. He stated that it was suggested that this would be a possible area for snow storage, because there is currently very limited space on the site for snow storage. Mr. Fox stated that he has a verbal agreement with RG&E to use the right-of-way for snow storage. Mr. Vlietstra asked about the pedestrian walkway next to Label 7 (Building I). Commentary from the Village's Landscape Architect, Mr. McCord, recommended adding a pedestrian walkway with a raised curb between Buildings I and L and connect this walkway to the Village sidewalk. He asked the applicant if this walkway is just a striped area on the pavement or whether it will be curbed as suggested by Mr. McCord. Mr. Young stated that the applicants do not plan to install a curb. The Fire Marshal added that the roadway needs to be a minimum width for emergency vehicle access and a curbed walkway could be a problem. Without a curb the pedestrian path can be considered part of the necessary width for emergency vehicles.

Mr. Vlietstra stated that Monroe County Planning has stated a concern with the adjacent Agricultural District and the impact that the plan will have on the Powers Farm. An Agricultural Data Statement is needed for site plan review of properties within 500ft of a county agricultural district. The Building Inspector stated he would work with the applicant to get the agricultural data statement form. The Building Inspector stated that the project will have no impact on the farm. The Board's Secretary stated that the Village has not received any communication from the owners of the farm.

---

Chairperson Vlietstra announced that the public hearing will remain open for further discussion at the Board's June 20<sup>th</sup> meeting.

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

**Motion:** There being no further business, Chairperson Vlietstra made a motion, seconded by Member Shannon, to adjourn the meeting at 9:30 pm.

---

Linda Habeeb, Recording Secretary

**VILLAGE OF PITTSFORD**  
*SETTLED 1789 • INCORPORATED 1827*



*Village Hall ca 1855 (remodeled 1937)*

**Notice of Violations – Order to Remedy**

May 6, 2016

Northfield Common Holdings, LLC  
20 North Union Street  
Rochester, New York 14607

Re: 50 State Street, Pittsford New York

Mr. Greg Barkstrom,

The following is a list of Violations that were observed during my field inspections of the property know as Northfield Commons located at 50 State Street. Please review this list and contact me within 10 Days of the issuance of this letter, to discuss a resolve.

**Grading Issues:**

1. The current condition of the site grading appears to be in fair condition.
  - a. Several areas with standing water. These areas will freeze and create an unsafe condition. Village Code Section 210-84. A.
2. The drainage appears to run to the northern portion of the property before heading eastward. There shall be areas that will allow the run-off to get to the natural drainage facility to the North of the property
3. There is a Detention Pond located to the west end of the property. This Detention Pond is in need of maintenance. It is currently over grown and does not function properly. Please clean out the overgrown and any siltation and bring the facility back to its original approvals.

**Site Lighting:**

1. The Site Lighting was observed at night as well as during the day. There are several areas that require the lighting be addressed. Village Code Section 117, Lighting, exterior.  
  
117-11 C. Installation, Reflection, Illumination, Height and Power Requirements.

1. 117-11 C. "Exterior lighting shall be designed and arranged to reflect light away from and not impinge upon adjoining properties or streets. Luminaires located near property lines shall have a backlighting zone classification of BL. Luminaires with an upper lighting zone classification are not acceptable. Where the use of fully shielded luminaires is not sufficient to prevent light trespass on to adjacent properties, additional shields or reflectors may be required."
2. 117-11 D. "Average illumination levels generated by exterior lighting shall not exceed one footcandle for medium activity areas and two footcandles for high activity areas. The maximum illumination level at the property line from which the light originates shall not exceed 0.2 footcandles."
3. 117-11 E. "The height of a luminaire shall not exceed 20-feet, as measured from grade to the underside of the luminaire. Light poles shall not exceed 23-feet."
4. 117-11 F. "The total power of a lamp in a luminaire shall not exceed 250 watts."

#### 117-15 Existing Nonconforming Luminaries.

1. 117-15 A. "Any luminaire that replaces an existing nonconforming luminaire, or any existing nonconforming luminaire that is relocated, shall comply with the requirements of this chapter."
2. 117-15 B. "Any existing nonconforming luminaire that creates glare or light trespass shall be either shielded or redirected, upon notification of the owner or occupant, so that the direct light is contained on the property."

Your property has several areas that do not comply with the current Village Codes for lighting. This includes lights that are pointing out and off property, lights that have been changed out and not made into compliance. Light spillage off property. There are also areas where additional lighting is needed for safety at night. A site visit for review of these areas is required.

#### **Landscaping**

1. Although there is no pre-existing approved landscaping plan, the removal of existing landscaping does require the approval of the PZBA prior to any changes to the existing landscaping.
2. There was a large tree and landscaping island removed from the parking lot area. This was done without PZBA review. A landscaping plan of the existing conditions and what was done to offset the removal of the landscaping parking lot island must be submitted showing the entire site.
3. 210-86 D. "All projects shall be suitably landscaped including the provision of vegetation of suitable species and at appropriate levels of maturity in order to screen effectively dissimilar uses from one another, both visually and acoustically, and to protect and enhance the overall quality of the environment.
4. The Village Codes also requires that when a parking lot change is being done, there is a requirement for 5% of the cost of the project be put toward parking lot landscaping. This is in Village Code Section 210-81.G(3). Which reads:  
 G. Design and Construction.  
 (3) Outdoor parking facilities containing 15 or more spaces shall contain interior landscaping equivalent to at least 5% of the paved area of the parking facility, designed and planted in accordance with the following:
  - (a) An interior planting area shall consist of at least 20 square feet, with no dimension of less than four feet.
  - (b) Interior planting area shall be distributed within the parking facility.

(c) At least one tree, having a caliper of at least 3 ½ inches at the time of planting and of a species characterized by rapid growth and hardiness for location within a parking areas, shall be provided for each 10 parking spaces. At least one such tree shall be located within each interior planting area.

### **Buildings**

1. There are several buildings that are in need of property maintenance. The roof of the entranceway for building D. North is in need of replacement.
2. There is some damage or rotting material on other buildings that need to be repaired. A review of the site shall be completed.

### **Code Issues**

1. A complete list of current Businesses and there location is needed to verify that all the occupants have valid Certificate of Occupancy.

If you have any questions, please feel free to contact me.

Sincerely,

Floyd D. Kofahl  
Village of Pittsford  
Building Inspector  
21 North Main Street  
Pittsford, New York 14534  
[buildinginspector@villageofpittsford.com](mailto:buildinginspector@villageofpittsford.com)  
1-585-586-4332 – Office