

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS**
Special Meeting – July 28, 2016 at 7:30 PM

PRESENT:

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

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to open the meeting at 7:30 pm.

Vote: Shannon - yes; Vlietstra – yes; Lhota – yes; Erwin - 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 ~ Site Plan

Present: Greg Barkstrom, Director of Real Estate; Donald Young, Attorney, Boylan Code, LLC

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. At the July 18, 2016 PZBA meeting, Mr. Barkstrom submitted revised lighting and landscaping plans for the Board’s review. Chairperson Vlietstra stated that Board members have reviewed the revised plans.

Board members discussed recent correspondence from Village Engineer, Scott Harter, regarding the retention pond at the site. Mr. Harter stated that “the existing pond to the west serves a small drainage area and can be restored to the original specifications if desired. Because it only serves a small portion of the overall site, its value is limited. I see no real benefit to implementing storm water quality and quantity controls on the site. More importantly, I think that creating a defined path or route that the drainage can follow offsite would be the most beneficial drainage improvement.” The Building inspector, Mr. Kofahl, stated that the pond is currently functioning but has not been maintained and is full

of silt. The applicants intend to clean out the pond and restore it to its original specifications and maintain it. Mr. Kofahl will monitor the clean-up and require the appropriate certification. He will verify that the cleaned up pond is restored to the original design volume of 680 cubic feet. Chairperson Vlietstra questioned whether there is a vegetation plan for the area. Mr. Kofahl explained that a vegetation plan is not required for a retention pond because there is no filtering process.

Mr. Kofahl reported that Rochester Gas and Electric is willing to authorize the Village or its agent to clean up the RG&E right-of-way to restore the natural drainage path, and the Village is in the process of developing a lease agreement with RG&E.

The Board next reviewed the revised lighting plan. Mr. Barkstrom stated that he and the Building Inspector had walked the site and developed an action plan documenting which lights need replacement, relocation, or adjustment, and where additional lighting is required. They developed a 2-year plan to implement the lighting changes, and they will work with the Building Inspector and the APRB to execute the plan. Mr. Barkstrom stated that two parking lot light poles have been relocated inside the edge of the striped area, as requested by the Fire Marshal. The applicants received approval from the APRB for installation of the two light fixtures, subject to approval of the Planning Board. A copy of the approval letter sent to the applicant from the APRB Chairperson has been submitted for the record.

Member Lhota asked whether additional lighting could be added to the area between Buildings R & J. Mr. Barkstrom stated that there is a new light over the side door and that the front of the buildings has adequate illumination. Member Vlietstra pointed out that their plans show a light measurement in front of Building J is 0.1 footcandle, and that the appropriate amount of light specified in code is 1 footcandle. He is concerned that there are unaddressed dark areas. Lighting at the entrance at the site is of particular concern because there are no lights near the main entrance between buildings M and L; the Village street lights end at the exit adjacent to building K. Member Erwin stated it would be nice if Village streetlights would cover the entrance to the site. Mr. Kofahl explained that the measure of illumination can be addressed and brought up to Code as the lights are changed, according to the 2-year plan that they have developed. He further stated that many of the lights are pre-existing, nonconforming situations. Ms. Zoghlin pointed out that the applicant has not established that the lighting is pre-existing, nonconforming. Mr. Kofahl stated that he observed many old light fixtures that are not currently available for purchase. He has reviewed old maps of the site layout from 1960 and 1972. Mr. Vlietstra asked what the cutoff date is for pre-existing fixtures but Mr. Kofahl did not have this information readily available.

Mr. Vlietstra requested that the applicants submit a revised lighting plan that reflects the proposed actions included in the report from the Building Inspector. The plan needs to show where the new light fixtures will be installed, document the light fixtures that are being added, show light distribution photometrics of the new light fixtures, and describe the lighting controls. The light fixtures will need to get approval from both the Planning Board and the APRB. The Planning Board is concerned about light distribution from all

lights intended to illuminate the parking lot surface and pedestrian walkways. The APRB is concerned with the appearance of the light fixtures. The proposed lighting actions don't specify where some of the new fixtures will be installed and some of the actions simply state a light may be needed at a particular location but don't clearly state the applicant's intent. Mr. Barkstrom explained that, per the proposed 2-year lighting plan, as the lights are changed, the new fixtures will be identified and approved by the APRB. He will not submit any additional lighting plans to the Planning Board. Member Bove stated that he believed the actions listed in the Building Inspectors recommendations are adequate to improve the lighting at the site. Member Vlietstra requested that the details of the lighting controls and how they will be implemented be included on the lighting plan. He stated he is concerned about the new information in Mr. Kofahl's report concerning lighting controls. Lights needed for safety should not be controlled by wall switches in merchant's shops. They should be under automatic control to ensure that they are on when needed. He is concerned that it may be complicated to implement central lighting control given that there are many buildings at the site. Mr. Vlietstra reviewed the list of lighting issues being considered by the Board: (1) light spillage, particularly onto residential properties; (2) dark areas that are inadequately illuminated; (3) non-compliant lights; and (4) lighting controls.

The Board next reviewed the revised landscaping plan. Mr. Vlietstra stated that the landscape plan has been revised to include three dogwood trees on the eastern end of Building O and they changed the cultivar of the Hornbeam trees. He asked if the weeds and shrubs at the east end of the site will be cleaned up when the dogwood trees are planted. Mr. Barkstrom said their landscape architect is not present and he did not know the details of landscaping work. Member Vlietstra inquired how the Hornbeam trees proposed for the area near the gazebo will interact with the light posts and gazebo. Mr. Barkstrom said he did not know the details of landscaping work. Member Erwin stated that she thought the applicant's landscape architect produced a thoughtful plan and regular trimming of the trees in this location should be sufficient. The Building inspector noted that the central tree in the middle of the lot that was removed is being replaced caliper by caliper with new trees. The total diameter of the new trees caliper exceeds that of the tree removed.

Member Vlietstra pointed out that, according to Village Code, there is a requirement that 5% of the parking lot consist of interior plantings. He also referred to Landscape Architect, Doug McCord's, plan, which suggested additional landscaping areas on the site. Mr. Kofahl pointed out that the Fire Marshal has indicated that public safety concerns override the requirement for additional plantings in the middle of the lot. Member Vlietstra stated the Fire Marshal's comments indicated that the turnaround areas in the lot could not be used for plantings. He has hoped that plantings could be added without removing parking places but that is not the case. Interior plantings can be added but they will require removal of parking spaces. Member Erwin stated that the applicant's landscape architect did not want to plant trees in the parking lot interior because they would not survive. Member Lhota stated that the applicants' revised plan has addressed the requirement for additional plantings better than McCord's plan. Member Vlietstra reviewed potential planting areas proposed by Mr. McCord and stated that there are reasonable reasons why most of them are not viable. He stated he did not think adding trees to the periphery of the site was

adequate to replace the removed central tree and landscaped island. He would like to see something added to a more central location at the site. The south and east sides of building M (Label 7) were possibilities. Parking is prohibited in the front of the building and there is a lot of unused asphalt there. Member Lhota stated that the applicant mentioned that space was needed for snow storage in this area.

Member Vlietstra asked the Board's attorney for commentary regarding the interior planting requirement that is in code. Mrs. Zoghlin responded that the area has historically been deficient of interior landscaping. Since this is a preexisting condition, a variance is not required. She said that the site must be suitably landscaped. There is an additional requirement that 1% of the total project cost be used for landscaping. Board members agreed that the amount of landscaping being provided appears to easily meet this 1% requirement and further documentation of this is not needed.

Member Shannon suggested that the walkway should be connected to the Village sidewalk. Member Lhota stated pedestrians can use it in its current state but handicapped access is an issue with the curb and grade. Member Bove stated he felt a painted striped walkway was reasonable. Member Erwin stated that it would be difficult to extend the sidewalk to connect to the Village sidewalk system because of the stop sign near the site entrance. Member Vlietstra suggested installing a curb cut and extending the sidewalk to improve pedestrian access. He stated he would like some type of deterrent to prevent cars from driving or parking temporarily on the walking path: raised curb, posts, lighted bollards, or landscaped strip are potential options but there is probably no room for a landscaped strip between the walking path and entrance drive. Mr. Barkstrom stated that a curb is not a viable option; a standalone curb would not be durable and a raised sidewalk was not reasonable in this location. Ms. Zoghlin stated that if board members determine that the public health, safety or welfare is an issue, they can make pedestrian access a condition of site plan approval.

Mr. Vlietstra stated that the number of parking spaces required by Village Code should be added to the plan. He also asked the applicants whether they intend to install bike racks, and they stated that there is no plan to install them. He also asked about the shed that was removed by the applicants without approval. Mr. Kofahl stated that the applicants have submitted a proposal to the Board of Trustees to replace the shed and this is an enforcement action being considered by the Trustees; this is not a site plan issue before the Planning Board. Member Vlietstra questioned whether variances are required from the Zoning Board. Mr. Kofahl stated that there are no variances required, because this is a pre-existing situation. Attorney Zoghlin stated that the applicant has not documented the pre-existing status of the site. Member Vlietstra asked about light spillage to the north created by the new parking lot lights. This light spillage exceeds allowable limits at the property line but that may make sense in this location given that the parking lot extends to the property line. The Zoning Board has given variances in situations like this such as St. Louis church. Board members agreed that the light spillage onto the RG&E right-of-way isn't a concern because that area is used for parking and it will not adversely impact residential properties. Attorney Zoghlin stated she would consider whether a variance is necessary for light spillage.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to keep the public hearing open and continue review of 50 State St. at the August 15th regular PZBA meeting.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to adjourn the meeting at 9:30 pm.

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

Linda Habeeb, Recording Secretary