

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – December 12, 2016 at 7:00 PM

PRESENT:

Chairperson:	Justin Vlietstra
Members:	Jo Anne Shannon Jeffrey Bove Susan Lhota Heather Erwin
Building Insp:	Floyd Kofahl <i>[Absent]</i>
Recording Sec:	Linda Habeeb
PZBA Attorney:	Mindy L. Zoghlin, Esq. PZBA Attorney

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to call the meeting to order at 7:08 pm.

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

Conflict of Interest Disclosure:

Chairperson Vlietstra and Member Bove disclosed that since they had publicly expressed opinions about the 75 Monroe Avenue project, they will recuse themselves from the discussion for that portion of the meeting, due to the appearance of having a bias regarding the project.

Horizon Contracting Group, LLC ~ 31 State Street ~ Site Plan

Present: Michael Ward, Contractor

The legal notice was published in the November 23, 2016 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 Monday December 12, 2016 at 7:00 pm to consider an application made by Horizon Contracting Group, LLC, as agent for J P Morgan Chase, for the property located at 31 State Street, for site plan approval for parking lot renovations, pursuant to Village Code § 210-83B.”

Discussion: This is an application for parking lot alterations and paving, landscaping, building exterior repair and maintenance, drainage system alterations, removal and replacement of curbs and sidewalk, and removal and replacement of the driveway apron at Chase Bank, located at 31 State Street.

Chairperson Vlietstra explained to the applicant that the application as submitted is incomplete. The site plan omits many of the twenty-five site plan factors required by Village Code § 210-84.A. He had requested that the Building Inspector send the applicants the relevant Village Code including site plan application criteria (§210-84.A) and parking lot code (§210-77 through §210-81) and work with their engineer to provide appropriate drawings. Drawings currently submitted did not show adjacent parcels, contour lines, utilities, lighting, drainage details, etc. Village Code requires that the proposed landscape plan be stamped by a Landscape Architect. Chairperson Vlietstra stated that site plan application criteria has not substantially changed in decades so he presumes a previously approved lighting plan or drainage plan exists that the applicant can resubmit to the Board if no changes are planned.

Board members discussed that there are currently six street trees in planters at the site along South Street. Board members expressed that it would be preferable not to remove the trees, and the applicant agreed. He believed there should be enough workspace to do their foundation excavation without removing the trees but he will have to verify that. It was noted that the proposal will increase the amount of landscaping at the site as the applicant proposed converting some asphalt to landscaping near the State Street parking lot entrance.

The applicant stated that the proposal includes removing and replacing the arched entrance and south façade brick and rebuilding a new arched entrance to match existing. About 50sqft of brick is needed. Areas of the building will be repointed and replaced. He is working to find appropriate matching brick. The brick from the monument signs will be used to replace the brick on the building. He hoped that it will be enough to implement all of the necessary repairs. The monument signs will be reconstructed with new brick that matches the brick in the building as much as possible.

Chairperson Vlietstra noted that he did see a report from the Village's historical records that gave some background on the building. It was built in 1972 and it won an architecture award that year. They used handmade brick from Virginia to construct the building in a style indicative of the historic brick buildings in the Village. The brick maker may still be in business. The applicant stated he thought appropriate Brick was selected three years ago and approved by the Village. He will document any new brick that he intends to use and submit that to the Village.

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

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

There was no one from the public wishing to speak regarding this application.

Chairperson Vlietstra asked the applicant if they can get drawings to the Board in time for their next meeting. The Board's attorney, Ms. Zoghlin, stated they must be in at least a week before the meeting so the Board has time to review them. The applicant indicated that he believed they can submit drawings in time for the meeting.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to leave the public hearing open and continue discussion of this application at the January 23, 2017 PZBA meeting.

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

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**Pittsford Canalside Properties LLC, 75 Monroe Avenue**

**Present:** Chris DiMarzo, Bryan Powers, Mark IV; Peter Vars, Joseph Picciotti, Harris Beach

**The legal notice was published in the November 23, 2016 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 Monday December 12, 2016 at 7:00 pm to consider an application made by Pittsford Canalside Properties, LLC, to extend conditions #3 and #20 of the November 11, 2014 final site plan approval for Westport Crossing, located at 75 Monroe Avenue, pursuant to Village Code § 210-114(B)."*

Members Bove and Vlietstra left the table and took a seat in the audience.

**Discussion:** Member Lhota stated that she will be Acting Chairperson for the 75 Monroe Avenue portion of the meeting. She stated that the discussion will address a request from Pittsford Canalside Properties for an extension of time to comply with conditions #3 and #20 of the November 11, 2014 final site plan approval for Westport Crossing, located at 75 Monroe Avenue, pursuant to Village Code section 210-114(B). She stated that the Board has no problem with this request.

**Motion:** Member Lhota made a motion, seconded by Member Erwin, to approve resolution 2016-13 granting the request for an extension of time.

**Vote: Shannon - yes; Vlietstra - Abstain; Lhota - yes; Bove - Abstain; Erwin - yes. Motion carried. The decision was filed in the office of the Village Clerk on December 12, 2016.**

**RESOLUTION 2016-13**  
**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 12<sup>th</sup> day of December 2016 at 7:00 p.m. The meeting was called to order by Justin Vlietstra, and upon roll being called, the following were present:

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

Floyd D. Kofahl, Building Inspector *[Absent]*  
Mindy L. Zoghlin, Esq., PZBA Attorney

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

**WHEREAS**, the Village of Pittsford Zoning Board of Appeals received an application from Pittsford Canalside Properties for an extension of time to comply with conditions # 3 and # 20 of the November 11, 2014 final site plan approval for Westport Crossing, located at 75 Monroe Avenue, pursuant to Village Code section 210-114(B), and

**WHEREAS**, on December 14, 2015, this Board granted PCP's request to extend the time to comply with conditions #3 and #20 of the November 11, 2014 final site plan approval for Westport Crossing from December 31, 2015 until December 31, 2016,

**NOW THEREFORE, IT IS RESOLVED** that PCP's request to extend the time to comply with conditions #3 and #20 of the November 11, 2014 final site plan approval for Westport Crossing is granted because there are no substantial changes in circumstances that would require this Board to deny an extension. The extension shall expire on December 31, 2017.

Justin Vlietstra - Abstain  
Jeffrey Bove - Abstain  
Susan Lhota - Yes  
JoAnne Shannon - Yes  
Heather Erwin - Yes

Dated: December 12, 2016  
Pittsford, New York

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Discussion: Member Lhota stated that the discussion will address a request from Pittsford Canalside Properties to toll the statute of limitations to challenge statements made in her letter to PCP dated January 13, 2016.

Motion: Member Lhota made a motion, seconded by Member Erwin, to approve resolution 2016-14 granting an extension to the tolling agreement.

Vote: Shannon – yes; Vlietstra – Abstain; Lhota – yes; Bove – Abstain; Erwin - yes. Motion carried. The decision was filed in the office of the Village Clerk on December 12, 2016.

**RESOLUTION 2016-14
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 12th day of December 2016 at 7:00 p.m. The meeting was called to order by Justin Vlietstra and upon roll being called, the following were present:

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

Floyd D. Kofahl, Building Inspector [*Absent*]
Mindy L. Zoghlin, Esq., PZBA Attorney

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

WHEREAS, the Village of Pittsford Zoning Board of Appeals received a request from Pittsford Canalside Properties to toll the statute of limitations to challenge statements made in her letter to PCP dated January 13, 2016 (the “January 13, 2016 Letter”), and

WHEREAS, on February 9, 2016, this Board entered into a Tolling Agreement with respect to the January 13, 2016 Letter, and

WHEREAS, on April 18, 2016, this Board entered into a First Amended Tolling Agreement with respect to the January 13, 2016 Letter, and

NOW THEREFORE, IT IS RESOLVED that PCP’s request to extend the First Amended Tolling Agreement is granted and counsel may execute the proposed Second Amended Tolling Agreement tolling the limitation period to June 30, 2017.

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

12.12.16 PZBA Mtg.

Justin Vlietstra - Abstain
Jeffrey Bove - Abstain
Susan Lhota - Yes
JoAnne Shannon - Yes
Heather Erwin - Yes

Dated: December 12, 2016
Pittsford, New York

Motion: Member Lhota made a motion, seconded by Member Shannon, to close the public hearing at this time.

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

Mr. DiMarzo asked what the Board’s process is for resolving Condition #3, regarding the storm sewer. Ms. Zoghlin stated that the last time this issue was discussed, the Board required an escrow to be placed for the Engineering Consultant, and PCP’s attorney indicated that there was an objection to that request. She explained that the Village PZBA is not permitted to hire consultants unless there is an escrow account. The reason this has not moved forward is that PCP has not provided an escrow for the Engineering Consultant.

Mr. Picciotti stated that they were informed by Scott Harter that the storm pipe met the requirements, so there was no need to hire an additional Engineering Consultant. Mr. Powers stated that the storm sewer was built under the observation of Scott Harter and was built to the Village’s standards and specifications, with the purpose of being dedicated to the Village. Mr. DiMarzo stated that there is a letter from Scott Harter that the storm sewer did not meet the preexisting flow of water, but there is no indication that a flow study was done prior to PCP’s doing the work. Therefore, that is an item that cannot be resolved. He further stated that there is an escrow account with the Village in place for consultants. Member Lhota stated that if that escrow account is available for the purpose of hiring the consultant, then the PZBA would be willing to move forward with this.

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Members Bove and Vlietstra returned to the table.

The Board reviewed meeting minutes from 10/17/16.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to approve the 10/17/16 meeting minutes, as revised.

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

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to adjourn the meeting at 8:00 pm.

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

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Linda Habeeb, Recording Secretary

