

**TOWN OF PITTSFORD
PLANNING BOARD
June 8, 2020**

Minutes of the Town of Pittsford Planning Board meeting held on June 8, 2020 at 7:30 pm local time. The Meeting took place with Board members participating remotely using Zoom.

PRESENT: John Limbeck, Sarah Gibson, Kevin Morabito, Paula Liebschutz, Jeffrey Donlon, John Halldow

ABSENT: Dave Jefferson

ALSO PRESENT: Robert Koegel, Town Attorney, Kate Munzinger, Town Board Liaison, Douglas DeRue, Director of Planning, Zoning & Development, Jessica Yaeger, Planning Board Secretary

ATTENDANCE: There were 5 members of the public was present.

Chairman Limbeck made a motion to call the meeting to order seconded by Board Member Liebschutz. Following a unanimous voice vote the meeting opened at 7:30 P.M.

NEW HEARING:

3349 Monroe Ave – Body Fuel, Special Use Permit, Protein Shake and Smoothie Bar/Restaurant

Owner of Body Fuel, Robert Fitzgerald, gave an introduction to the application. He is seeking a Special Use Permit to open a wellness protein shake and smoothie shop in Pittsford Plaza. They will be located between SPENGA Fitness center, and 5 Below retail store. They are looking to add to the health and wellness businesses that have been recently added to Pittsford Plaza. He opened up to questions from the Board.

Chairman Limbeck referenced his Planning Board Special Use Permit Application that was submitted, as well as the Determination of Impact Statements given.

Board Member Liebschutz asked Mr. Fitzgerald about the location of his business within Pittsford Plaza. He answered that Body Fuel will be located in the former EMS location that is now being divided up into 3 businesses – SPENGA, a Fitness Center and 5 Below, a retail store are the other 2 businesses that will make up this space.

Vice Chair Donlon asked about his outdoor seating plan. Mr. Fitzgerald answered that there will be 2 tables placed outside in the Spring/Summer time to accommodate customers to be able to enjoy the outdoors after ordering. He noted that they will comply with Pittsford Plaza regulations to outdoor seating.

Chairman Limbeck asked if the Board had any other questions. Seeing one, Chairman Limbeck motioned to open the Public Hearing, seconded by Board Member Halldow, and followed by a unanimous vote.

Chairman Limbeck asked if there was anyone from the public in attendance on the Zoom meeting that would like to comment on the application. Seeing none, Chairman Limbeck motioned to close the public hearing, seconded by Vice Chair Donlon and followed by a unanimous vote.

Chairman Limbeck read through the SEQRA Resolution and noted 4 Findings of Fact. Vice Chair Donlon made a motion to grant approval of a negative declaration pursuant to the State Environmental Quality Review Act, seconded by Board Member Gibson and voted on by the Board as follows: Ayes; Jeffrey Donlon, Kevin Morabito, Sarah Gibson, Paula Liebschutz, John Halldow and John Limbeck. Nays: none. Absent; David Jefferson. The SEQRA resolution was approved and on file with the approved Planning Board minutes of the Town of Pittsford.

Chairman Limbeck noted the following written resolution had been reviewed and considered carefully by the Board and cited the 2 Findings of Fact and 6 Conditions of Approval. Board Member Halldow made a motion to grant approval of the Resolution, seconded by Board Member Liebschutz, and the Board voted as follows: Ayes; Jeffrey Donlon, Kevin Morabito, Sarah Gibson, Paula Liebschutz, John Halldow and John Limbeck. Nays: none. Absent; David Jefferson. The Resolution was declared carried with the following:

CONDITIONS OF APPROVAL

1. The renovations to the space must comply with applicable NYS Building and Fire code.
2. The calculated occupancy for this location puts them into an occupancy classification of Assembly. Having an Assembly could trigger additional requirements of the building code. Where approved by the fire code official, the actual number of occupants for whom the space is designed, although less than that determined by calculation, shall be permitted to be used in the determination of a design occupant load. By restricting their occupancy to less than 50 people, by code they will be classified as a business occupancy. For approval purposes of the Special Use Permit, this occupant's maximum occupancy cannot exceed 49 persons without complying with code for an Assembly Occupancy.
3. Applicant shall provide electronic plans for the building interior layout. The layout shall include notation of mechanical rooms, utility shut off information and location, alarm panel locations and information relating to the proposed alarm monitoring service. Additionally, the location of the fire department connection and riser locations.
4. It is requested that a lock box (to aid in emergency access) be provided with necessary keys to the space.
5. Outside seating is subject to submission of a plan, and is subject to approval by the Town of Pittsford Code Enforcement and verification from the landlord that the sidewalk will maintain adequate pedestrian travel across the front of the building.
6. Signage should conform to the Planning Board's approved "Sign Plan" regarding maximum size and location of the sign. The design of the sign will be subject to review and approval by the Design Review and Historic Preservation Board.
7. Changes in the type of beverages/food products will require review by the Town of Pittsford Code Enforcement. The Town can require that a new Special Use Permit is applied for if the general nature of the "restaurant" is proposed to change.

8. A grease trap can be required with a restaurant use. Details associated with a grease trap must be provided to the Building Inspector, if grease trap is required.
9. Sewer Department entrance fees will be due and collected when a Building Permit is issued for the interior renovations.
10. Parking for the restaurant must be managed to ensure emergency access is maintained.
11. The HVAC systems should be screened from views from public footpaths or parking areas.
12. Code Section 185-42 prohibits the amplification of sound outside of the structure.
13. Section 185-179 of Town Code provides for revocation of a Special Use Permit should conditions be violated or not fulfilled. (The Town may monitor the use to ensure that impacts are controlled or minimized)

CONTINUED HEARING:

900 Linden Avenue Storage, Special Use Permit, Exterior Storage for Recreational Vehicles

Brad Humberstone, with Mitchell Design Build represented the applicant, Star Sentry LLC for a Special Use Permit to include +/- 1.5 acres of exterior space proposed for recreational vehicle storage. They had submitted responses to the DRC Report. They have also received approval from the Zoning Board of Appeals to allow the construction of exterior Recreational Vehicle storage area. They are seeking a Special Use Permit Approval through the Planning Board.

Chairman Limbeck asked if there were any comment from the Board.

Seeing none, Chairman Limbeck noted this was still an open public hearing, and asked if there was any public comment. Seeing none, he motioned to close the public hearing, seconded by Vice Chair Donlon, and followed by a unanimous vote.

Chairman Limbeck noted the following written resolution had been reviewed and considered carefully by the Board and cited the 2 Findings of Fact and 6 Conditions of Approval. Board Member Halldow made a motion to grant approval of the Resolution, seconded by Board Member Liebschutz, and the Board voted as follows: Ayes; Jeffrey Donlon, Kevin Morabito, Sarah Gibson, Paula Liebschutz, John Halldow and John Limbeck. Nays: none. Absent; David Jefferson. The Resolution was declared carried with the following:

CONDITIONS OF APPROVAL

1. Subject to compliance with or resolution to the Town's DRC report and the applicant's written response dated March 16, 2020, unless specified otherwise herein.
2. Subject to compliance with applicable Town Code.
3. The following activities are prohibited by Town Code and must be noted or included in the lease/rental agreements for storage.
 - Wastewater tanks cannot be emptied on site.
 - Recreational vehicles cannot be occupied on site.
 - Recreational vehicle sales are prohibited.

- Washing is not permitted.
 - Vehicles must not leak fluids.
 - Use of the location for gatherings of people is not allowed.
4. Concerning the proposed security gates: per code the gates shall have an *approved* means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.
 5. Based on the installation of the gate, per code a key box shall be installed and shall contain either if applicable a key for the gate for manual operation or the combination for the gate or electronic operation.
 6. A cross access easement is required to be established between the 1.5 acre parcel and the 900 Linden Avenue parcel - **if** - the two properties do not remain in common ownership. This access easement should include a provision to allow access for emergency vehicles.

Bridleridge Farms Subdivision, Section 2, Preliminary Subdivision

Board Member Liebschutz recused herself from the meeting. Robert Koegel, Town Attorney noted the recusal and noted that the Board still had quorum if action needed to be taken.

Fred Shelley of BME Associates spoke on behalf of the Applicant Bridleridge Farms LLC. Jim Connaughton of Spall Homes and Peter Vars of BME Associates were also in attendance for the Application.

Mr. Shelley started by thanking the Board for the opportunity to provide an update to the status of the preliminary plans of the project. BME Associates and the applicant have been working very closely with the Town staff to address the comments that were outlined in the January 10 DRC report and also the comments discussed with the Planning Board at the last meeting. They are confident that all the design requirement and conditions of the Town will be satisfactorily addressed with the figure plan submissions as the project proceeds. They are happy to update the board that the proposed grading within the open space "Parcel B" has been greatly reduced which has been a concern of the Board at the last meeting. It is now limited to the perimeter of proposed development to gently grade development into the open space area. They have also worked very closely with Town staff to address drainage concerns referenced in the DRC report including the proposed storm water management facility to accommodate all future development of Bridleridge Farms. The majority of facilities will be installed during Section 2 development and will include treatment of runoff from upstream areas which flow into and through the site and will result in an overall reduction in the runoff rates to downstream areas which include Reeves Road neighborhood. Mr. Shelley will be providing the Town with the updated Set of the Preliminary Site Plans, Engineer Reports and will draft a letter addressing any of the remaining DRC comments. An updated offsite sanitary sewer plan set has already been provided to the Town which to his knowledge is currently being reviewed by Town Staff at this time. The applicant is eager to proceed with the project and enter the Final Site Plan phase of the project once they have received Preliminary approval. They are happy to address any comments from the Board.

Chairman Limbeck asked for the anticipated submission of the final items

Fred Shelley answered he believes they will be prepared to resubmit this week (week of 6/8/2020) pending any further comments from the Board.

Chairman Limbeck opened up questions from the rest of the Board. He asked Board Members to please identify themselves before they ask any questions.

Board Member Halldow identified himself and asked if the Board was going to be able to see an updated grading plan.

Fred Shelley asked if he could share his screen as he had the updated grading plan available to share if that was a possibility.

Doug DeRue, Director of Planning and Zoning replied that he was not sure if screen sharing was an option that could be easily done, and added that the Board should have received a copy of the updated grading plan with meeting materials back in late February/early March. He could certainly send the Board another copy of the updated grading plan. From the Town Staff's point of view the grading issue was fully resolved.

Chairman Limbeck confirmed with Mr. DeRue that the Board would be send the updated grading plan and Mr. DeRue answered yes.

Vice Chair Donlon asked Mr. DeRue about an email he has sent to the Board regarding the pending Thruway approval for the off-site sewers and if that needs to be in place before they ratify the preliminary approval.

Doug DeRue answered that for the off-site sewers, there are certain approvals that has to be issued. Thruway permit needs to be issued, easement agreements with power company and empire pipeline. The Planning Board will not have to approve the Offsite sewer plans but the permits and easement agreements are important steps in the process that need to be completed as we work forward. Giving a specific timeline is difficult to predict with outside agencies, but he wanted to keep board up to date with the things that need to be completed through the Planning Board's approval process.

Chairman Limbeck asked if any other Board members had questions for the applicants.

Seeing none, Chairman Limbeck stated this was an open hearing and asked if there were any members of the public that would like to address the application this evening.

Seeing none, the hearing will remain open until our next meeting at which time his understanding is that the Board should have most of their questions answered, and the remaining items to be submitted. He added that Doug DeRue would be sending the revised grading plan to Board members prior to the next meeting.

OTHER DISCUSSION:

The minutes of March 9, 2020 were approved following a motion by Chairman Limbeck seconded by Board Member Morabito. Following a unanimous voice vote, the minutes were approved.

Approved Minutes 6-8-20

Chairman Limbeck addressed the Board about changing the meeting time from 7:30 pm to 6 pm. He noted that to change the meeting time, it needs to be a unanimous decision of all Board members. 3 Board Members were for the time change to 6 pm, but 2 Board Members saw conflict. They noted that as long as virtual meetings continued, 6 pm meeting times were ok, but once in-person meetings resumed they preferred keeping the 7:30 time. Chairman Limbeck summarized that a 6 pm meeting time was OK for the summer, but they would return to 7:30 meeting time in the fall.

Doug DeRue, Director of Planning and Zoning also noted that he would talk with Robert Koegel, the Town Attorney, regarding pre-meeting time for agenda review and how they could work that out doing the Virtual meetings.

Mr. DeRue also spoke with the Planning Board about the Town's Demo Code revisions. The Town is looking for 1 Planning Board member to participate on a small committee that will be reviewing the proposed Demo Code amendments and offering feedback to improve the code to better fit the needs of the Town. After some discussion, Board Member Halldow volunteered to be the representative for the Planning Board.

Chairman Limbeck motioned to close the meeting at 8:12p.m., seconded by Board Member Morabito and was approved by a unanimous voice vote.

Respectfully submitted,

Jessica Yaeger
Planning Board Secretary

OFFICIAL MINUTES ARE ON FILE IN THE OFFICE OF THE PLANNING
DEPARTMENT