

Draft

Pittsford Zoning Board of Adjustment (ZBA) Hearing Minutes June 10, 2024

Present: Stanley Markowski (Chair), Clarence Greeno, Ed Keith Jr., Charles Simpson (ZBA members) Gary Kupferer (Town Attorney), Jeffrey Biasuzzi (Zoning Administrator), Richard & Sandra Conway (Appellants), Christopher Szczerba & Nicholas Tocci (abutting owners).

Participating via Zoom: Nicholas Michael (ZBA member), James Dumont (Appellant's attorney), Alfonso Villegas, Mark Seltzer, Carolyn Cota (for VTRANS)

Call to Order: Chairman S. Markowski opened the Meeting at 7:07 pm, which was recorded on Zoom. The Chairman reintroduced ZBA members & Zoning Administrator (ZA).

Approval of Agenda & Minutes: C. Greeno Jr. made a Motion to approve the draft Meeting/Hearing's Agenda and Hearing Minutes of 5/13/2024 as written. C. Simpson seconded, all approved and Motion passed.

Continue Hearing on Conway Appeal of ZA's Determination of 3/25/2024: S. Markowski opened the Hearing and read the Meeting's Notice warning regarding the re-opening or continuation of (by mutual consent of all Parties involved) the initial Hearing held on 5/13/2024. There was a Notice defect in warning that Hearing, regarding the Conway's Appeal of the Zoning Administrator's (ZA) determination (dated 3/25/2024). The Chairman reminded participants of the initial Hearing that they were still under oath; and swore in new participants.

G. Kupferer relayed details of an agreement between the Town, Appellant, and VTRANS representatives to not repeat testimony of the initial Hearing, that this continuation was to correct the past Notice defect and allow any new participants to submit testimony regarding the Conway appeal.

Abutting Owners C. Szczerba & N. Tocci stated they have researched the proposed road/bridge construction project, observed the vehicle and pedestrian use, and voiced concerns on traffic safety at the intersection, especially to people crossing the travel lanes (going to/from the convenience store). After speaking, S. Markowski thanked these neighbors for their input; but noted that this Hearing involved the appeal of ZA's determination that the Town zoning regulations do not apply to the current Rt. 7 project, and that issuance of a Zoning Notice of Violation to VTRANS is outside the ZA's authority. A. Villegas suggested the name of VTRANS staff the Abutters could contact regarding their concerns and project details.

S. Markowski asked for any further input. The VTRANS participants stated they had nothing to add. R. Conway submitted an un-altered letter-sized schematic of the final VTRANS design, as this exhibit was discussed but un-available at the initial Hearing.

G. Kupferer confirmed with the other parties that, upon of the closing of Testimony on 6/10/2024, the ZBA had 45 days in which to issue its written decision.

Hearing no further testimony, the Chairman requested a Motion. C. Greeno Moved to close the Hearing to testimony and have the ZBA enter Deliberative Session, with the Town Attorney participating. C. Simpson seconded, all approved and Motion passed.

During the Deliberative Session, G. Kupferer wanted to research a procedural issue prior to drafting a Decision. The Members agreed to continue deliberations until 7:00 pm on June 17, 2024 at Town Office, and the Meeting ended at 9:10 pm.

Respectfully submitted by Jeffrey Biasuzzi