

Pittsford Zoning Board of Adjustment (ZBA)
Draft Minutes Hearing and Other Business
February 24, 2025

In attendance: Vice-Chair Richard Conway, Nicholas Michael, Charles Simpson, Clarence Greeno, Town Attorney Gary Kupferer, Interim Town Manager Ann Reed, Zoning Administrator Jeff Biasuzzi, Patrolman Richard Bowman, Robert Cann, Sabrina Poro, Tim Jurik, Alicia Malay, Mark Winslow, Frances Martindale

The meeting was called to order at 7:13pm by vice-chair Richard Conway.

There was a motion by Clarence Greeno and seconded by Charles Simpson to approve the meeting agenda as written. Motion was approved 4-0.

The public hearing was opened by R. Conway with a reading of the following:

Open the public hearing regarding an appeal of the zoning administrator's Notice of Violation (NoV) dated 12/18/2024, issued to Frances Martindale and/or James Lertola (appellants) for having an unpermitted campground operate on their 2.9+/- acre property at 90 Chateau Way (parcel #0938), located in the Florence community and in the Town Industrial zoning district. This activity is in violation of Article III, Section 302 of Pittsford Zoning Regulation (effective 4/11/2019). The appellant's acknowledged receipt of the notice of violation and filed an appeal with the Town Clerk on January 2, 2025.

At this point, R. Conway asked interested parties to be sworn in to give testimony. Jeff Biasuzzi, Richard Bowman, and Frances Martindale took the oath at this time.

J. Biasuzzi gave an overview to the board on this zoning violation. Operating a campground is not permitted in industrial zoning. He had submitted photos for evidence showing various years and the amount of campers and trash/vehicles that had accumulated since the purchase of the property in 2020. J. Biasuzzi also went over the legal definition of a campground.

At this point, it was realized that Sabrina Poro, Tim Jurik, and Robert Cann also needed to be sworn in over Zoom, as they wanted to participate in the hearing and give testimony. This was done at this point by R. Conway.

J. Biasuzzi continued his testimony. He stated he and David Atherton, previous Town Manager, had visited a driveway adjacent to Frances Martindale's parcel in order to see how many campers were located on the property. J. Biasuzzi said it was unknown how many were registered and occupied from their view. He did note that most are self-contained RVs. There were three RVs on the property as seen from the abutting property.

R. Bowman was asked to give his testimony next. R. Bowman is the Town of Pittsford health officer, animal control officer, and patrolman for the Police Department. He has been dealing with this property for almost a year due to rodent issues, as well as dog issues. There have been reports made to him asking about the septic systems in place for all of the campers/RVs. R. Bowman noted that it appeared that many of the RVs and camper trailers were occupied. There were three motorized campers that seem to be non-operable and were brought in by towing companies. There are also three tow campers. Four of the six campers appeared regularly occupied as of December 2024. R. Bowman did not notice if they

were registered when he was on site. R. Bowman reported that he had been given accounts of Boondocks bringing in vehicles twice in two days at this property. In October 2024 when R. Bowman visited the property, there appeared to be five families living there, one family living in a tent on the property. There were bags of garbage around the property that has been started to be cleaned up and things have been moving off the property. In January 2025 when R. Bowman visited the property for an animal complaint, the tent appeared to be gone. R. Bowman was asked to show on one of the arial photos what is an RV and what is a towable camper trailer. This was done on a blown up photograph that J. Biasuzzi had and was given to Frances Martindale as well for verification.

J. Biasuzzi was asked where he received the arial photos from. He stated that he had received them from a website he uses for E-911 addressing that documents various years and the arial photos of the properties.

Sabrina Poro was asked to give her testimony next. S. Poro confirmed the location of her adjacent property and that of Frances Martindale. She was asked by Attorney Kupferer what had occurred on the Martindale property. S. Poro stated she had lived at her property for over forty years. She said that since F. Martindale took over the property, the campers have kept accumulating. There was a time when Boondocks was bringing them in twice in a week, taking out S. Poro's mailbox. There was also a red truck that towed one of the campers in. According to Sabrina Poro, for 46 years there were no RVs or trailers. Bob Moore, the previous owner of the property, had mobile homes there but then it was vacant for several years. S. Poro confirmed that people are currently living in the campers on the property.

Robert Cann, a tenant of Frances Martindale, was next to testify. R. Cann stated that he owns three of the RVs. He lives in one, cooks in one, and uses the other for storage. Kevin and Karen live in another one that is fenced in on the property. R. Cann is a mechanic and plans on fixing up the RV in the summer. His three RVs form a U. One RV is registered, one is not, and one is nothing at the moment due to needed repairs. Fran lives in one camper on the property. R. Cann moved in the summer of 2024, after living at the Cortina Inn in Rutland. He pays the electric for the property. He has helped clean up the garbage by taking it to the Cortina Inn dumpster, where he is doing repairs. When he arrived, Karen and Kevin already were living there and there was a tent family for about a week. The tent is gone now according to R. Cann. R. Cann met F. Martindale when they were both working at Taco Bell. R. Cann stated that Kevin and Karen had lived on the property approximately three years. R. Cann has a septic tank in his camper, F. Martindale should have a self-contained unit in her RV, and Kevin and Karen have an in-ground holding tank that they use that A-1 pumps out as needed. R. Cann stated he will be here for another summer or two, as he fixes up the RVs and vehicles around the property that are his. These will be sold off as he repairs them. According to R. Cann, F. Martindale's other campers can't be occupied. R. Cann also owns most of the vehicles scattered around the property and the garbage on the property is household garbage. R. Cann stated there were no porta potties on the property and the tent that was occupied in late 2024 is not occupied but is buried in the snow.

S. Poro stated that the driveway they are using is not their right of way and wants to know where the right of way is for this property. She also stated she believes the septic tank will freeze if it is self-contained. She has not seen A-1 sewer on the property.

At this time, Frances Martindale was asked to give her testimony. F. Martindale stated that she had lived on the property as a kid in one of the mobile homes that Bob Moore had placed on the property. When she was a kid, Bob Moore had four trailers on that piece of property. She had planned to do a dog rescue when she purchased it 4 plus years ago, but it didn't work out. Jim Lertola, her son's father, left the first

Thanksgiving they were on the property. They purchased the property together October 28, 2020. When Jim Lertola left, F. Martindale could not afford the property financially. The house that is on the property is uninhabitable due to a fire accidentally set by one of her sons when he was trying to use a wood stove, which is also what happened to the garage on the property. Kevin and Karen moved in about three years ago. It started that they were going to be there just for the summer, but time went on and they have stayed. F. Martindale then met R. Cann and his RV was in the Home Depot parking lot. She felt bad and allowed him to move the RV to 90 Chateau Way. She has been back and forth between her three properties (90 Chateau Way, Mechanic Street, and West Rutland). Her West Rutland place has no heat and no sewer, Mechanic Street has no sewer, heat or electricity. She is down to two dogs instead of the five she had before. The tent was only on the property for one day for the kids. The tent family left all of their garbage and the tent. F. Martindale stated she has no plans now for the property. Her dogs can't stay in the camper by themselves and they destroy crates. F. Martindale agrees that there are RVs on the property. F. Martindale also stated that the holding tank that Kevin and Karen are using are from the holding tanks from when she was a child. Bob Moore had shown her where they were and where the water lines were previously on this property. F. Martindale then stated that there had been no trailers on the property for at least 5-6 years before she moved in. F. Martindale stated that B. Moore had told her that the mobile home park was grandfathered. This property does have town water. B. Moore had A-1 pump the septic holding tanks before F. Martindale and J. Lertola took possession of the property. Her camper is the location of the mobile home she lived in as a child.

Attorney Kupferer then stated that you have four years to replace a mobile home with extensions and there is no grandfathering mobile homes or mobile home parks. For an unpermitted septic system, only four years are allowed.

At this point in the hearing, the following documents were selected and submitted as evidence:

- 2/21/2025 reply to items from the appeal documents written by Jeff Biasuzzi
- Fran Martindale's appeal plus two pages of writing. F. Martindale let the ZBA know that R. Cann helped with this appeal.
- Arial photos
- Labeled photo with RV and Trailer locations

F. Martindale signed the appeal, as it was missing her signature. R. Cann spoke to the fact that he also has dogs in campers, not just F. Martindale. R. Bowman has video evidence on his police camera, but needs permission from the Chief to release the video. Attorney Kupferer did not think this was needed at this time.

Charles Simpson moved to close the evidence and the hearing. Clarence Greeno seconded the motion. The motion carried 4-0.

There was a motion by Clarence Greeno to go into a deliberative session, which was seconded by Charles Simpson. This motion carried 4-0.

The ZBA entered deliberative session at 8:18pm.

The ZBA exited deliberative session at 8:52pm, at which time the ZBA announced their decision. The decision was that there was enough evidence for proof of a campground at 90 Chateau Way. The appellant(s) have until June 30, 2025 to cease campground operations, with their appeal being denied.

After June 30, 2025 deadline, fines will be imposed by the town if the property is not cleared of tenants, their campers/RVs, vehicles and other personal effects, as well as their junk trash and garbage. Robert, Karen and Kevin need to leave the premises with their campers, RVs, and vehicles by June 30, 2025. This was a 4-0 decision by the ZBA.

Other business to come before the ZBA:

- 1) J. Biasuzzi had asked the ZBA if they wanted an informal presentation on a proposed change of their current Conditional Use Permit for Outside Events for Pittsford Village Farm. The Board wants only formal applications.
- 2) There was a ZBA clarification of Zoning Section 808: Expansion of a Dimensional Nonconformity. The ZBA stated all of these need to go before the ZBA, as they have in the past.
- 3) A. Reed brought the new Ethics training information to the ZBA members and told them this was a requirement of the ZBA due to new State regulation. She also handed out the new Code of Ethics Investigation and Enforcement Ordinance for their review. It was noted that the two positions that can take ethics violation complaints are Dan Adams, selectboard member and Ann Reed as Interim Town Manager.

At this time, it was motioned and carried to close the meeting at 9:05pm.