

**Village of Pittsford
Architectural and Preservation Review Board
Wednesday June 17, 2015 at 4:30 PM**

PRESENT:

Chairperson: Maria Huot
Members: William McBride
Cristina Lanahan

Village Attorney: Jeff Turner
Recording Secretary: Linda Habeeb

Chairperson Huot called the meeting to order at 4:30 pm.

Pittsford Canalside Properties, LLC, 75 Monroe Avenue

Chairperson Huot stated that the purpose of the meeting is to review and approve the record and findings of fact from December 10, 2014 decision of the Board. Board members each stated that they had read and understood the proposed findings of fact from the December 10, 2014 APRB meeting.

Motion: Chairperson Huot made a motion, seconded by Member McBride, to adopt the proposed findings of fact from the 12/10/14 APRB meeting, which will be attached to the minutes of this meeting and will be a part of the public record.

McBride – yes; **Huot** – yes; **Lanahan** - yes. **Motion carried.** This decision was filed in the Office of the Village Clerk on June 17, 2015.

Motion: Chairperson Huot made a motion, seconded by Member McBride, to forward the record of the proceedings of this matter to the Zoning Board of Appeals.

McBride – yes; **Huot** – yes; **Lanahan** - yes. **Motion carried.** This decision was filed in the Office of the Village Clerk on June 17, 2015.

ADJOURNMENT: There being no further business, Chairperson Huot adjourned the meeting at 4:35 pm.

Findings of the
Village of Pittsford Architectural and Preservation Review Board
Regarding the Application of
Pittsford Canalside Properties, LLC
Dated March 21, 2013

PROCEDURAL HISTORY

Article VA of the Zoning Code of the Village of Pittsford (hereinafter the “Zoning Code”) provides for multi-family and restaurant developments as a specially permitted use in the R5 zone in the Village of Pittsford.

On the 23rd day of June 2009, Pittsford Canalside Properties, LLC (hereinafter “PCP”) applied for a Special Permit for the construction of a multi-family and restaurant use at 75 Monroe Avenue in the Village of Pittsford (hereinafter “75 Monroe Avenue”), which is located in the R5 District.

On the 18th day of December 2012, the Board of Trustees of the Village of Pittsford (hereinafter “Board of Trustees”) adopted Resolution 20 granting PCP a Special Permit for the construction of a multi-family and restaurant development at 75 Monroe Avenue. A copy of Resolution 20 is annexed hereto as *Exhibit “A”*.

Prior to granting the above-mentioned Special Permit, the Board of Trustees, as lead agency, completed a long form SEQRA EAF, including part 3. The coordinated review undertaken by the Board of Trustees ultimately resulted in a Negative Declaration. Annexed hereto as *Exhibit “B”* is the Board of Trustee Part 3 response with regard to “the Impact on Historical and Archeological resources”.

Exhibit “B” clearly indicates a concern on the part of the Board of Trustees with regard to the mass and scale of the project. However, the Board of Trustees noted that the Village of Pittsford Architectural and Preservation Review Board (hereinafter “APRB”) would address

those issues in its review of the project and its consideration of the issuance of a Certificate of Approval.

Condition one (1) of the Special Permit granted by Resolution 20 provides that the Special Permit is subject to the issuance of a Certificate of Approval by the APRB.

The 19th whereas paragraph of Resolution 20 makes clear that there is no restriction on the jurisdiction of the APRB in its consideration of the issuance of a Certificate of Approval, nor could there be absent a legislative change by the Board of Trustees, which has not occurred

The 10th whereas paragraph of Resolution 20 of 2012 makes clear that the building height and percentage of 4½, 3½, 2½ and 1½ story buildings were established as maximums.

The Special Permit did not establish minimum story heights nor did it establish minimum percentages of 4½, 3½, 2½ and 1½ story buildings, thereby additionally preserving the jurisdiction of the APRB to approve a project which was smaller in terms of mass and scale than that which was approved as a maximum by the Board of Trustees.

As a courtesy, both the Chairperson of the APRB and counsel for the APRB were provided draft copies of this proposed Special Permit Resolution which was eventually adopted as Resolution 20.

The terms of that draft as provided to the Chairperson of the APRB and counsel for the APRB were virtually the same, in terms of APRB jurisdiction and authority, as that which was adopted as Resolution 20.

Both the Chairperson of the APRB and counsel for the APRB pointed out to special counsel for the Board of Trustees and counsel for PCP that, as drafted, the jurisdiction of the APRB in consideration of a Certificate of Approval for the project was not altered.

The genesis of this concern on the part of the Chairperson for the APRB and counsel for the APRB was that the APRB, by a vote of 3-2, had previously rendered an advisory opinion to the Board of Trustees indicating that the mass and scale of the proposed project was inappropriate.

It should be noted that the project had undergone substantial changes in architectural approach, location of buildings and number of buildings since the APRB had rendered its advisory opinion. However, it should also be noted that the general mass and scale of the project remained unchanged.

Notwithstanding those concerns on the part of the Chairperson of the APRB and counsel for the APRB, Resolution 20 was adopted without any limitation or restriction with regard to the consideration by the APRB of the mass and scale of the project in the context of the Village and the surrounding neighborhood.

Following the adoption of Resolution 20, there was no legislative initiative on the part of the Board of Trustees to in anyway limit the mass and scale jurisdiction of the APRB either in the R5 zone or in any other zone in the Village.

In February, 2013 PCP made application to the Village of Pittsford Planning Board (hereinafter "Planning Board") for preliminary site plan approval and in March 2013 PCP made application to the APRB for a Certificate of Approval pursuant to Article XIV of the Zoning Code which consists of §210-57 through §210-67.

Pursuant to §210-62.C.(1)(f) no Certificate of Approval could be issued by the APRB until the project had received all necessary variances as well as final site plan approval.

After receiving final site plan approval on November 11, 2014, PCP finalized and completed its application for a Certificate of Approval from the APRB.

Pursuant to §210-60 the APRB is required "...to review, approve or disapprove all plans and building permit applications for the construction...of any exterior architectural feature within the District".

Pursuant to §210-58 the "District" is the entire Village of Pittsford.

Pursuant to §210-60.A.(1)(c), in performing its review, approval or disapproval functions, the APRB is required to consider "the relationship of the proposed exterior design and design features to historic value and architectural style and character of buildings and structures in the surrounding area and in the District."

Pursuant to §210-60.A.(1)(e) the APRB must consider "the relationship of the building or structure to open spaces, public ways, signs, landscaping and accessory uses located at and nearby the premises being considered."

Pursuant to §210-60.A.(1)(f) the APRB is required to consider "the compatibility of the building, height, scale, mass and bulk to adjacent and nearby buildings and the surrounding neighborhood." (Emphasis Added)

Pursuant to §210-61.B.(1) new construction in the Village is required to be consistent and compatible with the visual qualities of architectural styles of historic value in the Village.

The 16th whereas paragraph of Resolution 20 requires the APRB to comply with the requirements of the R5 Residential Code.

Zoning Code §210-19.1.E. requires that new construction be evaluated based upon its proportional relationship to project sites' landscape, streetscape and green space. This relationship can be metrically expressed as the average building density per site acre.

Zoning Code §210-19.1.E. further requires that "The architectural design, streetscape, building orientation, and landscape of new development within the district shall be compatible

with the Village's historic features, materials, scale, and traditional neighborhood character.”
(Emphasis Added)

The Secretary of the United States Department of the Interior has developed standards entitled “The Secretary of the Interior’s Standards for the Treatment of Historic Properties”, which standards have been published by the National Parks Service.

The APRB has adopted the Secretary of Interior Standards for Rehabilitation to guide its review of projects within the Village.

Standard 9 of those standards states “New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the entirety of the property and its environment.”

The New York State Historical Preservation office provides guidance on the mass, scale and property density of new construction that occurs nearby or within designated historic areas.

This project is located on the Erie Canal and in the Village of Pittsford both of which have been designated as historic areas and districts by New York State and by the National Register of Historic Areas.

The New York State Preservation office states that as a general rule of thumb, new construction should fall within 10% of the scale of historic equivalence in the area.

Recognizing that the issue of the compatibility of the mass and scale of the proposed development at 75 Monroe Avenue with the mass and scale of the Village as well as the neighborhood surrounding 75 Monroe Avenue was critical to the granting of a Certificate of

Approval, on December 1, 2014 the APRB determined that it had sufficient information to evaluate and make a decision on the issue of mass and scale compatibility.

On December 10, 2014, the APRB held a special meeting to consider the mass and scale compatibility issue wherein APRB member William McBride (hereinafter “McBride”) presented extensive volumetric evidence comparing the mass and scale of the 75 Monroe Avenue project with both the mass and scale of the Village generally as well as the neighborhood surrounding 75 Monroe Avenue.

Despite being offered the opportunity to respond to and rebut the volumetric data submitted by member McBride, PCP offered no facts in opposition to such volumetric data.

On December 10, 2014 by a vote of 3 to 2 the APRB denied PCP’s request for a Certificate of Approval for the 75 Monroe Avenue development based upon its mass and scale incompatibility with the Village’s physical character and historic features.

FINDINGS OF FACT

1. The proposed new construction of the Westport Crossings project, a property of Pittsford Canalside Properties, LLC, is located at 75 Monroe Ave. in the Village of Pittsford.
2. It is to be situated on a land site of 7.39 acres, which is bordered on its longest sides, extending 1700 feet, by the Erie Canal and the CSX railroad tracks.
3. The breadth of the property on its Monroe Ave. border is 175 feet and its breadth on its far end bordered by Canal Corp/CSX properties is 110 feet.
4. The site property enlarges around its mid length to a maximum breadth of 235 feet. Total square footage of the site property is approximately 329,908 square feet.
5. All proposed buildings of the proposed project are clearly visible from all dimensions and sides by a combination of public ways that includes Monroe Ave., the Erie Canal

(both the Canal waterway and its towpath walkway) and the grounds of Pittsford Sutherland High School.

6. Properties adjacent to the most heavily travelled gateway in the Village (Monroe Avenue). Because the project site is highly visible, the development's mass scale and architectural features become a defining visual character element for the Village.

7. Architectural massing is the first step in the architectural design process. During this stage, the architect analyses the immediate context and determines the impact of the three dimensional shapes, the overall volumetric composition, over the surrounding context.

8. There are perceptual (visual) and quantifiable ways to determine the impact of the project over the surrounding context. One is by reading the three dimensional representations of the project (set or architectural plans and three dimensional models) and the second is by a volumetric dimensional analysis of the three dimensional shapes that form the composition of the overall project in relationship to the lot and similar volumes of the impacted area.

9. Architectural scale is the size or apparent size of the building or set of buildings seen in relation to other objects, people, or its environment or format. In this case, the study of architectural scale requires the comparison of the overall composition to similar buildings in the Village, independently of their function, to its impact over human perception of size in relationship to itself and the overall urban composition of the Village of Pittsford.

10. The volumetric analysis of the project in relationship to the immediate surroundings (the Village and immediate lots) is the quantifiable response to the perceptual architectural analysis of the project's visual impact and determination of compatibility.

11. This proposed commercial development is comprised of 5 separate residential apartment buildings clustered together in relatively close proximity together with one restaurant

building, one club house building and 6 detached garages. The total combined footprint of these buildings on the site is 92,018 square feet.

12. The project’s above ground volume, which represents the visual mass and scale of the structures on the site, is calculated to be a minimum of 2,839,920 cubic feet for the combined total of the buildings. This is calculated by the building footprint length multiplied by the footprint width multiplied by the building height. This calculation does not include the visual mass or volume resulting from the space between the eaves to the roof peak since the necessary data for this calculation was not available to the APRB. Thus, the indicated cubic feet of volume is considered to represent a minimum figure for the total project.

13. The following details the footprint and visible above ground volume of each building as well as the total site footprint and volume:

Westport Crossing Structures

	<u>Footprint (sq. ft.)</u>	<u>Volume (cubic ft.)</u>
Building 1000	18,300	569,585
Building 2000	9,800	351,978
Building 3000	15,000	676,050
Building 4000	13,000	432,746
Building 5000	17,500	553,487
Restaurant	5,600	119,448
Club House	4,370	52,146
6 Detached Garages	8,448	84,480
TOTAL ALL STRUCTURES	92,018	2,839,920

14. The total building volume of the Westport Crossing structures is 2,839,920 cubic feet on a site of 7.39 acres. Volume density per average acre is 384,292 cubic feet, calculated by dividing the total building volume of 2,839,920 by 7.39 acres.

15. In considering Westport Crossing’s mass and scale compatibility to the Village of Pittsford’s existing physical character as required by the Code, two geographic areas in the Village are considered to be most relevant for comparison.

16. The Schoen Place and commercial Main Street districts have the highest concentration of the largest buildings in the Village as well as being located on similar size property sites.

17. These two districts consist of commercial buildings, as does the Westport Crossing project.

18. Commercial Main Street is less than 500 yards from the subject property and Schoen Place is approximately 600 yards from the subject property.

19. Comparison of Westport Crossing with Schoen Place and commercial Main Street:

<u>Site</u>	<u>Volume in Cubic Feet</u>	<u>Site Acreage</u>	<u>Density per Site Acre in Cubic Feet</u>
Main Street	1,301,858	6.0	216,976
Schoen Place	950,004	7.36	129,076
Westport Crossing	2,839,920	7.39	384,292

20. When compared to Schoen Place and commercial Main Street for massing, scale, bulk and density on the property site, the proposed Westport Crossing project is significantly out of character with the historic physical aspects of the Village.

21. In terms of visual volume, Westport Crossing is over twice as massive as commercial Main Street and more than three times the size of Schoen Place.

22. When compared on a property site density perspective, Westport Crossing is nearly twice as dense per site acre as Main Street and about three times as dense as Schoen Place.

23. Other massive clusters or concentration of buildings that exist in the nearby surrounding neighborhood to the project were also examined for mass and scale compatibility with the project. The most massive of these nearby neighborhood buildings or clusters of buildings include the Sutherland High School complex and the compound comprised of New York State, Pittsford Town and Canal Authority maintenance buildings adjacent to the project across the canal. These two comparative sets are within line of site of the project.

24. Comparison of Westport Crossing to Sutherland High School and Lomb Building and the 3 Town and State Buildings:

<u>Building</u>	<u>Volume in Cu. Ft.</u>	<u>Site Acreage</u>	<u>Acre Density in Cu. Ft.</u>
Sutherland H.S. and & Lomb Building	1,440,473	43.3	33,267
3 Town and State Buildings	714,778	6.2	115,287
Westport Crossing	2,839,920	7.39	384,292

25. Each of these close proximate building concentrations has relatively minimal visible volume and density on the property site when compared to the significantly larger mass, scale and density of Westport Crossing.

26. Westport Crossing has two to four times the building volume and about three to ten times the acreage density as these two nearby comparatives.

27. In applying the New York State Historic Preservation Office guidelines for new construction within a designated historic area, the project far exceeds the allowance of a ten (10%) percent increase above the most massive high density Village property which is commercial Main Street and the complex having the largest volume in the Village, the Sutherland High School and Lomb Building complex.

28. The application of the New York State Historic Preservation Office Guideline of a maximum of a ten (10%) percent increase over these two most relevant structural benchmarks of commercial Main Street and the Sutherland High School complex, indicates that the Westport Crossing project is nearly double the size that would be permitted by this 10% guideline."

Volume in Cubic Feet

Westport Crossing	2,839,920
Commercial Main Street plus 10%	1,432,044
Sutherland H.S. Complex plus 10%	1,584,520

29. The Architectural and Preservation Review Board created a document entitled "Quantitative Analysis of Building Heights" that was adopted by the Board of Trustees to establish maximum building heights and the maximum number of building stories above ground that are permissible for the project. That document was incorporated in the Special Permit for the project.

30. The Special Permit allows for a maximum of 4 stories in any building which cannot exceed more than 52 feet from the average finished grade to the eaves of the building. A significant percentage of Building 3000 contains 5 stories and exceeds the maximum height requirement of 52 feet. This also demonstrates a mass and scale out of character with the various comparative backgrounds.

31. When comparing Westport Crossing to any of the most massive concentrations of buildings in the Village or close by the project, the inappropriate nature of Westport Crossing's massing and scale is very visibly striking and significant.

32. The project's mass and scale does not fit the character of the Village because it does not meet the visual proportions of any other building or set of buildings in the Village.

33. The project's mass and scale is too large to meet the quantifiable and perceptual constraints established by the surrounding context, the Village.