

PROCEEDINGS OF A WORKSHOP MEETING OF THE VILLAGE BOARD OF TRUSTEES  
April 15, 2014 – 5:00 PM

**Present**

**Mayor:** Robert C. Corby  
**Trustees** Lili Lanphear  
Lorie Boehlert  
Frank Galusha  
Tim Galli  
**Attorney:** Jeffrey Turner  
**Recording Secretary:** Dorothea M. Ciccarelli

**CALL TO ORDER**

**Motion:** Trustee Corby and seconded by Trustee Lanphear to call the meeting to order at 5:10 PM.

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – yes

Mr. Sciremammano gave an overview of the March 11, 2014, Village Board Meeting, where the Board made two resolutions regarding SEQR for the 75 Monroe Avenue project. The first resolution indicated that there were substantive changes to the project and newly discovered information relevant to the environmental impacts. The second resolution that was made indicated that there might be significant adverse environmental impacts attributable to the changes and new information. The Board of Trustees then informed the applicant and the involved agencies in the project that the Board intended to rescind the negative declaration, and provided a deadline of April 8, 2014 for responses. The Board further reviewed the project at the April 8, 2014, Village Board Meeting, and decided to schedule a workshop meeting to decide what steps to take next.

Trustee Boehlert questioned Mr. Sciremammano if the Board had already rescinded the negative declaration.

Mr. Sciremammano stated that the Board had not rescinded the declaration formally; that would require a motion or resolution to the fact from the Board of Trustees.

Mr. Sciremammano reviewed the two options available for the Board to consider. The first option was to rescind the negative declaration and negotiate with the developer. This negotiation should be for changes that can be made to the project to reduce or eliminate the adverse impacts resulting from the changed or new information. Then the Board would file an amended negative declaration. The second option is to issue a positive declaration, which would require the applicant to issue an environmental impact statement. The statement should address the issues the Board identified and the alternatives to mitigate as well as the mitigation measures themselves. This document should be submitted to the Board, who will decide if the measures are adequate, and then a public comment period shall be provided. The changes or comments will be made to the document and a final impact statement will be completed. Mr. Sciremammano informed the Board that after this process was completed, the Board would make SEQR findings. The findings are a balancing of impacts, mitigation measures and the benefits of the project. Mr. Sciremammano discussed with the Board the threshold of measuring an impact, and stated that if there were an impact, the Board would have to issue the positive declaration. If there is no chance of any impacts, then the Board can issue a negative declaration.

Chris DiMarzo, developer for the project, requested an opportunity to speak to the Board of Trustees. Mayor Corby commented to the Board that the developer had new information to present. After the Board's discussion, it was decided to open the meeting to the public and the developer for comments, but limiting the discussion to new information only.

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The Board decided to review the response regarding rescinding SEQR and the information previously presented to the Board by the developer on April 8, 2014. Then the Board would decide to hear input from the developer and the public.

Trustee Galli questioned Mayor Corby about his discussion with the developer. Mayor Corby informed the Board that Mr. DiMarzo asked the Mayor to have coffee with him. The developer had questioned the Mayor about the items related to the project that were the most important to him. The Mayor expressed his concerns to Mr. DiMarzo regarding the mass and scale of the project and the buffering green space.

Jeff Turner, Village Attorney, reviewed with the Board his understanding of SEQR, and indicated it would be appropriate for the Board to review all the information and speak to the applicant and public, before their final decision to rescind the negative declaration.

Trustee Lanphear stated that the Board had already given the applicant a chance to review their findings and had the opportunity to work with the Board at the previous meeting. Mr. Sciremammano and the Village Attorney indicated that had been one opportunity for the applicant to work with the Board. They further stated that the Board was still trying to work with the applicant, the public, and the involved agencies. Mr. Turner indicated that the Board needed to review the previous findings, and then speak to the applicant.

Mr. Sciremammano reviewed the packet of information he had prepared for the Board, which provided the Board with the DEC SEQR regulations related to the impacts regarding significance. He further stated that if the Board indicated that the project would not affect the community character in any way, then it would have no impact. However, if they indicated that it could or may affect the character, then they had to state there was an impact. Mr. Sciremammano distributed to the Board previously prepared information for them to review, which included: quotes from the EAF, special permit adopted for the project, and the letter from Crawford & Stearns. He further reviewed quotes from the Village of Pittsford Building Design Standards as well as an additional letter submitted by the Landmark Society of Western New York.

Trustee Galli questioned the date of the letter. Mr. Sciremammano indicated that the letter from the Landmark Society was not dated, but that he spoke to the author and she indicated it was created in February 2014. Trustee Boehlert asked whom the plaintiff referred to in the Landmark Society letter was. Mr. Sciremammano was unsure whom that referred to, given the several legal filings in the case.

Trustee Galli asked if there was a time stamp on the document. Mr. Sciremammano indicated that there was not. Trustee Galli indicated it was a problem. Discussion was held by the Board as to the project plans the Landmark Society reviewed. Mayor Corby indicated that the Landmark Society could be contacted to see which plans the society had reviewed, but the letter does resemble previous correspondence received regarding the project.

Trustee Galli stated that the Board currently was only reviewing the changes that were made to the project from the regulating plan. The Mayor agreed, but stated the Board needed to review the compatibility of the current plan in the historic context. Trustee Boehlert commented that they were only reviewing the project relevant to the changes that were made. Mr. Sciremammano stated that the Board has to look at it from the changes in the plan, not from before. Mayor Corby indicated it is not only the difference, but also whether the new plan is compatible. Trustee Lanphear indicated her understanding was that the Board was reviewing changes in the project, and how it relates to the historic context. Trustee Boehlert indicated that the Board is only looking at the SEQR issues. Mr. Sciremammano explained that historic

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character is a part of the SEQR review. Jeff Turner, Village Attorney, commented that the Board might want to proceed as if the Board did not receive the letter from the Landmark Society.

Mr. Sciremammano reviewed the actions taken and the correspondence received from the Planning Board related to the project. He stated he had reviewed the minutes of the APRB and they had seemed conflicted on the canal commercial compatibility earlier. Mr. Sciremammano also indicated that the APRB's most recent comments to the Village Board were related to communication between the Boards, and that they have not seen the current plans for the project.

Mr. Sciremammano discussed with the Board the seven guidelines provided by the NYS Office of Historic Preservation (SHPO). The guidelines that are relevant to the Board's current discussion are 1-4, which deal with site layout, scale, proportion, and massing. Additionally, he provided the Board the facts related to the project for their evaluation of the potential adverse impacts.

The Board reviewed each of the twelve items of concern with Mr. Sciremammano and discussed their initial opinion as to the significance of the items below:

1. The mass and bulk of the proposed buildings provide a visual aesthetic that is no longer compatible with the historic character of the Village of Pittsford, its Canal waterfront development, or historic Erie Canal waterfront development in similar-sized communities. The use of the "Canal Commercial" design theme, which was central to the original environmental determination, is no longer being provided by the project design.

Trustee Boehlert requested the Mayor explain the differences in the mass and bulk between the regulating plan and the currently proposed project. The mayor reviewed with Trustee Boehlert the proposed change in the width of the buildings from an average of 60 feet wide to 80-90 feet wide, which is twice as wide as the original model. The Mayor indicated that from his knowledge of architecture, he has determined that there is significant deviance in scale. Trustee Boehlert commented then it is in the change of the width of the buildings. The Mayor further stated that it is the width of the buildings and the implication that it has for the visual bulk of the buildings, in addition to the loss of open space, streetscape, and landscape on the site due to this change.

Trustee Galli questioned why the buildings are wider than what was proposed in the regulating plan. He also questioned what impact the NYS fire code had on the current plan. Mayor Corby indicated that it did not have any effect, the street widths are about the same, and the provision for the fire code is provided at the end of the buildings. Trustee Lanphear indicated the Board at the time wanted a design-driven plan; the applicant should not have removed items that were design-driven elements due to safety concerns. Adjustments should have been made to the sizes of the buildings and the elements maintained. Trustee Galli still questioned what items were changed because of the fire code as it relates to open space, footprints of buildings and roadways, if any. Trustee Galli stated that the regulating plan was a concept plan, and that there was no fire code review prior to approval. Mayor Corby stated that the approval stated that the applicant was granted up to 167 units, provided they meet the design requirements of the code. This means that design elements should not be sacrificed to get to the density goal. Trustee Galli further questioned what changes were made that were beyond the applicant's control. Mayor Corby reviewed the impact the fire code had on the project and turn-around radius required, which was accommodated at the end of the buildings.

Trustee Boehlert questioned Mayor Corby on the differences in the widths of the buildings from the regulating plan. Mr. Sciremammano indicated the building widths increased an average of 27% overall, and he explained that what the developer had done was kept the same footprint with fewer buildings and filled them out so that they were more rectangular. He thought it was obvious when looking at the

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buildings that they were more boxy and rectangular. Trustee Boehlert questioned if this was something the Board could work with the applicant in changing. Mr. Sciremammano indicated that they could. Trustee Boehlert questioned whether those changes bring back the canal commercial appeal. Trustee Lanphear indicated that the applicant should have been willing to make these changes earlier in the process. Trustee Boehlert expressed that the applicant was working with the Planning Board and the DRC, who seemed satisfied with the changes, and that they had not had the opportunity to work with the APRB. Trustee Lanphear noted the Planning Board indicated that they noted a substantial change in the plan. Trustee Boehlert stated that they also indicated that the Board thought it would be addressed with the APRB. Mr. Sciremammano commented that the Planning Board indicated in their approval of the preliminary site plan that there were four or five major deviations, but it was in keeping with the special permit approval.

Trustee Galusha questioned if they had been informed of the reason why the developer reduced the number of buildings. Trustee Boehlert commented it was the result of earlier meetings with the APRB. Mr. Sciremammano indicated the reason for the change is not as important as the change itself for the Board's review. Trustee Galli commented that it was beyond the applicant's control. Mr. Sciremammano indicated that it could be, given the limited access to one building on the regulating plan.

Further discussion was had on the ability to negotiate with the applicant for changes to return the project to what was approved initially. Mr. Sciremammano directed the Board to review the question proposed if they thought the statement was accurate.

Trustee Galli commented he believed the buildings had changed, but that he had problems with the credibility of the Crawford and Sterns letter for reasons he had previously articulated. He did not feel the Board had requested the letter, and he was not sure what documentation they had been given. Mayor Corby stated he had requested the letter and he had provided them with the current set of plans. He expressed that they were the original consultant who had worked on the project and were the most qualified to comment on the changes. Trustee Galli further expressed that the Board did not pay them to consult, and he indicated the APRB expressed similar concerns. Mr. Sciremammano indicated this is where the subjective judgment would be used.

Mayor Corby voiced his concern that the new plan has moved further away from being compatible with the historic nature of the Village. Trustee Lanphear stated she believed it had a large impact as well overall project. Trustee Galli expressed concerns that the Board was doing the job of the APRB. Discussion was held on the Board's responsibility to review the historic character.

Further discussion was held on local landmarks that relate to the Canal Commercial theme and the difference of the mass and scale of this project in comparison. Mayor Corby expressed that the new plan moves further away from the communities benchmark related to mass and scale of the buildings. He further stated that the Board needs to determine whether the new plan is compatible with the historic context of the Village as a historic cultural landscape. Trustee Boehlert thought the Board was then starting from scratch. Mayor Corby stated that the Board was looking at the plan to decide whether it is more compatible or less compatible than the previous plan. Mr. Sciremammano further explained the Board was deciding whether their original conclusion related to compatibility is still the same.

**Significant:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – No

2. A. The relocation of the restaurant to the Monroe Avenue frontage may result in increased impact to nearby, historic residential properties relative to noise, the screening of the parking, and the location of dumpsters.

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B. In addition, the relocation of this public facility will diminish the public attraction and use of the Canal waterfront at the site.

Mr. Sciremammano stated that the Board was looking at whether this resulted in an adverse impact. Trustee Boehlert commented that the Planning Board indicated they were pleased with the new location of the restaurant. Trustee Lanphear questioned whether the move of the restaurant triggers a change in the special use permit, and stated that it does have an impact and should be treated separately from the original project. Village Attorney, Jeff Turner, did not feel that the change in the special use permit is relevant on the environmental issues. Mr. Sciremammano indicated to Trustee Lanphear that the impact of the change is relevant. Mayor Corby informed the Board that the new location of the restaurant is 800 feet closer to the residential district and does not have the sound buffering that was provided with the original location. He also indicated the prevailing west wind would blow the sound towards the houses. Mayor Corby also stated the original intent of writing the zoning for the district was to reinforce the residential character of Monroe Avenue. Mayor Corby also thought the loss of the restaurant as a public destination in the center of the lot was a major impact. Trustee Galli did agree the location did lose the public realm, but did not agree it being closer to residential or that the prevailing wind would be major factors. He also stated that they did not have the same requirements in the Village setting and was concerned with setting a double standard. Mayor Corby reviewed the impact the wind can have on the Village. Trustee Galli questioned what sounds were of concern. Mayor Corby responded there was the concern with the terrace and the overall ambient noises from the location. Mr. Sciremammano indicated there is also the issue of loading and dumpster noises. Trustee Boehlert stated that the Planning Board indicated it would be less impact to the onsite residents in the new location.

Mr. Sciremammano reviewed the impact of the public attraction of the waterfront. Trustee Galli was in agreement with the impact on the public use of the waterfront. Mr. Sciremammano stated that it appeared the Board's original intention was for the public to walk around and use the location in a similar manner as Schoen Place. Mayor Corby expressed that the intent included in the Comprehensive Plan was to make this area more of a public location, and the change proposed would make it more privatized. Trustee Boehlert agreed that the restaurant had originally been approved as a way to draw the public into the site. Mayor Corby stated the original intent was to be able to draw people into the waterfront area.

A. **Significant:** Corby – yes, Galli – no, Lanphear– yes, Galusha– yes, Boehlert – no

B. **Significant:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – yes

3. The reduction in buffering of the apartment buildings from the east may result in significant visual impacts to the public traveling westbound on Monroe Avenue, exiting the primary gateway for the Village.

Mayor Corby expressed concern for the diminished landscaping along the railroad, and he indicated that the type of trees that would be planted would not provide the intended buffering as expected. Trustee Galli indicated the Planning Board thought the buffering provided would be adequate. Mr. Sciremammano stated that as far as SEQR is concerned, it is the Village Board's decision if the buffering is adequate.

**Significant:** Corby – yes, Lanphear– yes, Galusha– yes, Galli – no, Boehlert – no

4. The changes to landscaping and streetscape treatment at the Monroe Avenue site frontage and entrance may result in significant visual impacts to the public traveling eastbound on Monroe Avenue, entering the primary gateway for the Village.

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Mayor Corby stated that the current plan did not address the streetscape; the applicant had been expected to fill in the landscaping between the railroad tracks and Monroe Avenue. He also stated the planned canopy of trees, which assist in traffic calming, was removed. Trustee Lanphear stated the intent was to create a visual similar to an existing village street. Trustee Boehlert questioned if the original regulating plan had required the center median. Mayor Corby responded the regulating plan had not required the median, but it had been required by Steve Ferranti, the traffic consultant, for site distance so that cars pulling out would be a good distance away from the bridge and railroad tracks. Trustee Galli stated that this could be easily mitigated, but it was a change. Mr. Sciremammano also indicated that the screening of the parking lot would be of concern.

**Significant:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – yes

5. The changes in landscaping, buffering, and the introduction of a large retaining wall may result in visual impacts to the Canal frontage at the site, which will be visible to the public along the Canal waterfront pathway opposite the site, as well as to travelers eastbound on Monroe Avenue.

Mayor Corby reviewed with the Board the areas along the canal where the changes occurred in the landscaping. Trustee Galli agreed that the impact on the landscaping was important for the view scape.

**Significant:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – yes

6. The relocation of buildings and the changes in mass and bulk of the buildings may result in significant visual impacts to areas along the adjacent Sutherland Street that would not have occurred under the approved plan.

Mr. Sciremammano stated that the Board needs to address the possibility that the view would be obstructed, which would be an impact. Mayor Corby stated that it is an important view, and that in the past, the view is what residents have wanted to see. He also expressed concern because they did not know what the implications of moving the buildings would have on the view. Trustee Galli indicated that the Planning Board has no concern about the view. Mr. Sciremammano indicated that their determination was based on their site walk with the old plan. Trustee Galli agreed. Mr. Sciremammano indicated that the applicant could provide a visual simulation.

**Significant:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – yes

7. The relocation of the public restaurant away from the Canal frontage and the placement of a private clubhouse and private pool in its place will diminish the public attraction and use of the Canal frontage at the site.

Trustee Boehlert commented that she was pleased that the applicant was installing public restrooms. Mr. Sciremammano also reminded the Board that the Planning Board stated that setting the pool higher than the walkway would reduce the impacts of the pool at that location. Mayor Corby indicated that placing the pool there was at odds with the original intent of a public realm along the canal and with making the waterfront usable. Having the pool in that location and fenced off defeated the purpose of making the area public space. The Mayor did not feel that having restroom facilities was a significant amenity, given the remote location. He also thought having a pool along the historic Erie Canal is not compatible or appropriate. Trustee Lanphear also commented that the Planning Board indicated it was an adverse impact, with the placement of the pool in that location.

**Significant:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – yes

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8. Changes in the quality of the streetscape and the public Canal frontage will impact the recreational benefits of the site for residents and the public in comparison to the approved plan.

Trustee Boehlert thought the new plan offered more open space in a least one area of the site. Mayor Corby reviewed with the Board his open space analysis, which indicated that there was less space. Mr. Sciremammano indicated the Planning Board was struggling with what is usable space. Mayor Corby indicated that the area having the proper landscape leads it to usable space with buffering for the sidewalks and other amenities. Trustee Lanphear commented the percentages could be similar but it is the fact of whether it is usable. The Mayor stated that in the beginning the Board requested that there be an emphasis on high quality civic space and streetscape. He reviewed with the Board the loss of the significant street trees, which influenced the streetscape that was very important to the project. Mayor Corby also commented that it is a very different experience entering the project with the planned streetscape in comparison to the regulating plan.

**Significant:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – yes

9. The potential loss of drainage function for areas east of the project site may result in significant flooding, the undermining of the railroad embankment, or other undetermined adverse drainage impacts. While this may not be the total responsibility of the project applicant, it must be addressed as a consequence of the development.

Mr. Sciremammano informed the Board that he had concerns regarding that the applicant would be able to connect the storm pipe into the system and have it function as they have stated. In addition, no calculations have been provided to the Village Engineer. There is also a concern that the applicant will not meet all the water quality impacts in their drainage study. Mr. Sciremammano also stated that the DEC requirements for testing have not been met as well. Mayor Corby stated that the Board is concerned that this is an issue that remains unresolved. Mr. Sciremammano stated there is also the concern of what happens with the plugged pipe. Although the developer states it is not his responsibility, it still needs to be addressed.

**Significant:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – yes

10. The inconsistencies between the intended function of the drainage plan, as presented during the environmental review, and the design of the system as now proposed may lead to unanticipated water quality impacts due to storm drainage from the site.

Trustee Boehlert indicated that this was a Planning Board issue. Mayor Corby informed the Board that this was an issue that is handled by the lead agency. Trustee Galli was concerned that the village does not have the information, and the Village Engineer has not signed off on the plan. Mr. Sciremammano reviewed with the Board how a drainage plan should perform. Mayor Corby indicated that the developers have not shown if they can handle the additional flows. Mayor Corby and Village Attorney, Jeff Turner, discussed the impact that the Planning Board's closing of the public hearing had on any changes being made to the drainage plans. Trustee Boehlert and Mr. Sciremammano discussed whether this was a SEQR concern or whether it would be handled by Village Officials when being implemented to make sure it worked. Mr. Sciremammano stated it is an outstanding issue, which needs to be resolved. Mayor Corby stated that it is still an issue because we do not have an answer. Trustee Galusha stated it is a matter of what was presented and what is being done, and the Board does not have the new information. Trustee Boehlert stated it is a matter for our engineer to determine whether he has enough information for the developer to move forward. Mr. Sciremammano stated that the Board is reviewing the unanticipated changes to the plan. He stated it is an issue for the Board, whether the project is meeting the water quality standards under the ms4 water quality guidelines.

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**Significant:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – No

11. The sewage pump station is now proposed to be dedicated to the Village, instead of being maintained privately as originally proposed. The cost to the Village for maintenance of the new sewage pump station and associated building was not anticipated in the original SEQR review and the fiscal impact to the Village must be determined.

Trustee Galli questioned whether this item could be looked at later. Mayor Corby stated that issues could not be segmented under SEQR and that they all needed to be handled comprehensively. Trustee Galli also stated that the second part of the statement was incorrect, that he had spoken to the Village Engineer and the siphon would not be exceeded. Mr. Sciremammano stated that fiscal impact to the community is considered an environmental issue. Trustee Boehlert agreed that the Board did not look at any financial impacts on the Village the first time the Board looked at SEQR. Mayor Corby indicated that he spoke to the Village Engineer and he stated it should be dedicated to the Village. Mr. Sciremammano indicated the long-term cost in taking the dedication is what needs to be addressed in the SEQR review.

**Significant:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – yes

12. Adverse impacts resulting from the removal of street trees on Sutherland Street for the installation of a new water line have not been considered and no evaluation of potential mitigation measures made.

The Board indicated that this is new information, and will need to be addressed.

**Significant:** Corby – yes, Galli – yes, Lanphear– yes, Galusha– yes, Boehlert – yes

Mr. Sciremammano reviewed the options available at this point to the Board. The Board could negotiate with the applicant to do an amended negative declaration, or could rescind the negative declaration and issue a positive declaration.

Joseph D. Picciotti, Harris Beach, legal representation for the applicant, discussed the procedure for rescinding the negative declaration and stated that the applicant does not believe that the issues discussed amount to significant changes that would amount to an adverse impact. He also stated that the applicant would like to speak to the Board on the issues and present a possible way to resolve the issues without litigation.

Chris DiMarzo, representing Pittsford Canalside Properties, thanked the Board for the opportunity to speak. He stated that he hoped the Board would be able to resolve the issues without more legal representation needed. Mr. DiMarzo discussed with the Board the progress made on this property and the changes with the site plan. He also indicated that they are at the final stages of approval with the Planning Board and have covered several of these issues. The applicant has completed their drawings to be submitted to the APRB. Mr. DiMarzo indicated he could resolve almost all of the twelve issues discussed. He indicated that all the issues that were discussed were site plan issues and they have worked hand in hand with the Planning Board. Mr. DiMarzo indicated that several of the issues are easily resolved. He stated that the biggest issue he has heard is related to streetscape. He also believes this issue relates too many of the other issues. Mr. DiMarzo stated he would like to work with the Board. Trustee Lanphear asked the applicant that if he was willing to work with the Board, why he wanted to circumvent the Board and go to the Planning Board. Mr. DiMarzo commented he would like the Trustees' approval to move forward with the Planning Board and make the proposed changes he is presenting or some other method of revising the negative declaration and moving forward. Mr. DiMarzo indicated his concern was a positive declaration could take up two years' time to complete, and he wanted to find an easier path.

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Trustee Boehlert asked the applicant what was the biggest change that they were willing to make. Mr. DiMarzo reviewed with the Board an example drawing of a revision of building of 1000, which would be an overall change to the other buildings. The change suggested would impact the mass and scale of the buildings by reducing the width of the buildings 10-13 feet off the center of the proposed buildings. Mr. DiMarzo indicated that this change would reduce the width to what was proposed with the regulating plan. He stated he would be able to offer the articulation and the amenities proposed. The applicant was questioned as to whether any changes would be made to the length, and he indicated he had not looked at the length. Mr. DiMarzo further indicated that the change in the width would provide more space for the requested streetscape, and that he would be able to plant larger trees than shown on the plan. This would allow them to accomplish the boulevard streetscape look requested. Trustee Galli stated this would mean more vegetation on the railroad side. Mayor Corby commented it would mean more land would be available so that they would be able to reestablish the line of trees on the railroad, and this would allow more trees along the canal side.

Peter Vars stated that the fire lane access would be provided along the canal side of the property and not at the end of the buildings, this access had evolved out of site plan review. The changes made will allow 8 feet for tree landscaping; this would allow the tree canopy as requested. Trustee Galusha questioned the applicant about the heights of the buildings. Mr. DiMarzo informed him the heights had not changed, that the two-story buildings would be 30 feet tall, the three-story buildings would be 41 feet tall, and the four-story buildings would be 52 feet tall. Mr. DiMarzo also stated that they have maintained the required percentages as dictated in the special use permit; no more than 28% will be over four stories.

Mr. DiMarzo further suggested that they would be able to move building 6000 and this would allow them to add more buffer space and create as much landscaping as allowed per the DEC site distance requirements. He also stated that if it is important to add more trees, he was willing to do so. Mr. DiMarzo further indicated that all the changes suggested would provide a ½ acre more open space.

Trustee Boehlert questioned Mr. DiMarzo about the location of the proposed restaurant. Mr. DiMarzo commented that it is very important for the restaurant to be located along Monroe Avenue for the vitality of the business to have visibility. He stated that he believes it overrides the importance of bringing people into the site. He also stated that the regulating plan did not mandate that the restaurant be located in a specific location.

Mr. DiMarzo discussed the reasoning behind the pool location being in conjunction with the locker room facilities. He also stated that the location was thoroughly discussed with the Planning Board, and the location of the pool would put the majority of the public use 10 feet below, so it would provide the separation of the uses. Trustee Boehlert questioned whether the pool would be visible from the bridge. Mr. DiMarzo indicated that the pool would be surrounded by heavy landscaping, and he doubted it would be visible from the bridge. Mr. DiMarzo informed the Board that his offer to reduce the sizes of the buildings and add the additional landscaping was a wholesale offer, if the Board did not reopen SEQR on the project. Trustee Galli asked if the width of the buildings was reduced as indicated, whether this would provide a more robust landscaping around the pool area. Mr. DiMarzo agreed that it would. Mayor Corby questioned what would be located in the clubhouse area. Mr. DiMarzo informed the Board that the clubhouse would offer a community meeting room for the tenants, sales office, fitness center, locker rooms, and the public restroom.

The applicant reviewed the direct route to the canal from Monroe Avenue, which would bypass the parking lot and would be landscaped. Discussion was held on the onsite management that would be involved in handling any noise issues that could happen with the restaurant. Mayor Corby discussed fencing or landscaping around the terrace, and the applicant agreed that they could add the landscaping.

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The applicant also discussed with the Board the visual simulation that was presented to the Planning Board and the additional screening requested by the Board for the parking area. The applicant also informed the Board that they believed the Planning Board could make additional requests and the applicant could still change the plan, even if the public hearing has been closed. Mayor Corby indicated that could only happen if the changes are incidental. The applicant also stated the Planning Board could also reopen the public hearing.

Mr. DiMarzo reviewed with the Board the changes he was willing to make with reduction of the width of the buildings and adding more buffering to the property. He also stated the Sutherland Street view shed would not change, since the building heights will remain the same. Mr. DiMarzo discussed with the Board that the ARPB was looking for a simple look to the buildings. Mayor Corby discussed the importance of the scale of the gables to get the look right. He also expressed that the Board agreed with the ARPB's guidance.

Mr. DiMarzo discussed the drainage pipe that was uncovered during the property clean up. He stated that the pipe was in a dilapidated state and that he would be willing to replace the pipe, and if he had the opportunity, he would work with the neighboring properties. Peter Vars informed the Board that they have provided to the Village Engineer the drainage report. The report was submitted in electronic and hard copy. Mr. Vars also stated that they have not heard back from the Village Engineer regarding the report. The applicant indicated they were awaiting the response from the engineer, so that they would be able to issue a response.

The applicant closed by stating he hoped the Board would let him continue working with the Planning Board with the changes he had proposed to the Board.

Mike Reynolds, 35 Church Street, addressed the Board and stated that he was concerned in their plan that they did not provide the variety in the scale of in the buildings that was agreed to in the regulating plan. He further stated the applicant should have to build smaller structures.

Alysa Plummer, 66 South Main Street, commented to the Board that the applicant is now proposing to construct the buildings, as they should have done in the beginning. Ms. Plummer also indicated that having worked as a chef, her opinion was that the location of the restaurant would be better situated in the original location. She also expressed concern for the public access of the property by having a swimming pool located along the canal. Ms. Plummer also stated the plans that were approved as the regulating plan should have addressed the fire code. The applicant should have known prior to approval of the regulating plan, what the impact to the project, would have been from the fire code.

Justin Vliestra, 19 Boughton Avenue, stated to the Board that the concern with the fire codes would not need to be addressed if the buildings were only two stories high. He further stated if the applicant followed the regulating plan, most of the buildings would be one and two stories high and the fire code would not be of concern. He also expressed concern with the volume of the buildings proposed in comparison to the existing flourmill building. Mr. Vliestra did not feel that negotiations would be successful with the applicant, and was concerned that the meetings would be handled behind closed doors. Mr. Vliestra thought the applicants should offer to withdraw their current application and resubmit with the major changes needed to the plan. He also expressed concerns regarding the applicants' proposed history of maintaining their properties.

Janet Reynolds, 35 Church Street, spoke to the Board regarding the process that was used in the approval of the 75 Monroe Avenue project to date. She expressed concern regarding the Planning Board's handling of the project and did not feel that the applicant would follow through with the changes

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requested by the Village Board. Concerned with the height of the buildings, Ms. Reynolds stated that the buildings proposed would be bigger than the library.

Mr. Sciremammano and Village Attorney, Jeff Turner, provided guidance to the Board regarding the next actions that were available to the Board, which included rescinding the negative declaration, modification of the regulating plan, amending the negative declaration or issuing the positive declaration. He also indicated that the Board needed a process for the implementation of changes to the plan, which will protect the Board and applicant. There was further discussion held by the Board members on the implications of rescinding the negative declaration, which would suspend further approvals being issued by other agencies. Mr. Sciremammano and Village Attorney, Jeff Turner, will be preparing the resolution for the Board to consider for the next meeting.

**ADJOURNMENT**

**Motion Mayor Corby, seconded by Trust Boehlert,** to adjourn the meeting at 10:14 PM.

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

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Dorothea M. Ciccarelli, Recording Secretary