

PROCEEDINGS OF THE BOARD OF TRUSTEES SPECIAL MEETING

Held at Sutherland High School

May 1, 2014 at 7 PM

PRESENT

Mayor Robert C. Corby  
Trustees Lorie Boehlert  
Tim Galli  
Frank Galusha  
Lili Lanphear  
Attorney: Jeffrey Turner  
Recording Secretary Mary Marowski

**CALL TO ORDER**

Mayor Corby made a **motion**, seconded by Trustee Galusha, to call the meeting to order at 7 PM.

**Vote:** Corby – yes; Boehlert – yes; Galli – yes; Galusha – yes; Lanphear – yes. Motion Carried

**TREASURER’S REPORT**

Vouchers listed on Abstract #19 of fiscal year 2013-14, totaling \$9,306.88, were presented for review and approval.

**Motion:** Mayor Corby made a motion, seconded by Trustee Boehlert, to approve the vouchers as presented and to charge them to their appropriate accounts.

**Vote:** Corby – yes; Boehlert – yes; Galli – yes; Galusha – yes; Lanphear – yes. Motion Carried

General Fund (#646-#659, #661-#663):	\$9,234.62
Sewer Fund (#660):	<u>\$ 72.26</u>
Total Vouchers for Approval:	\$9,306.88

**SEQR REVIEW FOR 75 MONROE AVE (continued)**

Mr. Frank Sciremammano, of F-E-S Associates, presented an “Amended Regulating Plan Procedure and Timeline” for consideration by the Trustees. He stated that this plan was developed with the best interests of the parties, the Village of Pittsford, and the applicant, Pittsford Canalside Properties, in mind. The amended version requested a 2-month extension on the Planning Board action on the final site plan. The amended schedule provided more time in evaluating project submissions for the Board and Applicant. In addition, the applicant would have to submit the following documentation in conjunction with the request for the amended regulating plan:

1. Plan view revised concept plan in a 1 in = 60 ft. scale showing all the building footprints, paved surfaces, landscaped surfaces, and other site features relevant to the project review.
2. Site elevation drawing showing all proposed structures, landscaping and other features relevant to the review as viewed from the Canal side of the project, as well as, from the Monroe Avenue frontage.
3. Provide additional plans and specifications necessary to clearly delineate the proposed drainage of the site with supporting documentation.

4. A narrative detailing how each of the 12 environmental issues identified as adverse and potentially significant are avoided or mitigated by the proposed plan revisions.
5. Rendering or photo simulation to illustrate the view from the northern parking lot entrance at the school on Sutherland Street.

Mr. Sciremammano further elaborated on the potentially significant adverse impacts previously identified that still require addressing. These items included: The mass and bulk of the building, which is no longer compatible with the historic character of the village, relocation of the restaurant and its impact in regards to noise, screening, and dumpsters in relevance to the neighboring residential properties, visual impacts, changes in the quality of the streetscape and usable open space, drainage concerns, tree removal, and a dedicated sewage pump-out station.

Trustee Galusha stated the Board had voted unanimously regarding the substantial changes and adverse impacts related to the project. The developer had an opportunity to respond and to work on an amended plan.

Trustee Lanphear requested a private meeting with the village attorney.

**Motion:** Mayor Corby made a motion, seconded by Trustee Lanphear, to enter into private consultation with the village attorney at 7:15 pm.

**Vote:** Corby – yes; Boehlert – yes; Galli – yes; Galusha – yes; Lanphear – yes. Motion Carried

**Motion:** Trustee Boehlert made a motion, seconded by Trustee Galli, to exit from Attorney-Client consultation and to re-enter the regular public meeting at 7:35 pm.

**Vote:** Corby – yes; Boehlert – yes; Galli – yes; Galusha – yes; Lanphear – yes. Motion Carried

**Motion:** Mayor Corby made a motion, seconded by Trustee Lanphear, to issue a positive declaration based upon these determinations and pursuant to the requirements under 6 NYCRR Part 6.17.7 (f), the Board of Trustees hereby rescinds the Negative Declaration for the proposed action and is issuing this Positive Declaration requiring the preparation of a Draft Environmental Impact Statement (DEIS). The Board of Trustees intends to use Scoping to determine the extent and quality of information to be included in the Draft Environmental Impact Statement.

**Name of Action:** Westport Crossings

**Type of Action:** Type I

**Description of Action:** Construction of a mixed-use development consisting of 167 rental apartment units and a 125-seat restaurant on an approximately 7.4 acre site bordering the Erie Canal, as well as necessary infrastructure to support the proposed uses.

**Location:** 75 Monroe Avenue, Village of Pittsford, Monroe County

**Lead Agency:** Board of Trustees, Village of Pittsford, 21 North Main St., Pittsford, NY 14534

**Contact Person:** Robert Corby, Mayor, (585) 586-4332

**Agency Jurisdiction:** The Board of Trustees of the Village of Pittsford has authority for the following approvals necessary for the project: Special Permits, Dedication of Sewage Facilities, Approval of Traffic Calming Mitigation Measures, approval of drainage discharge as an MS4.

Mayor Corby made the following resolution in conjunction with the above motion:

**WHEREAS,** Pittsford Canalside Properties, LLC (“Applicant”) applied in June 2009 to the Pittsford Village Board of Trustees for Special Permits to allow the construction and operation of several multiple-dwelling buildings and a restaurant on an approximately 7.4 acre property located at 75 Monroe Avenue (Tax Account No. 151.170-0003-003). At the time of application, the project consisted of 185 dwelling units and a 150-seat restaurant. After several review meetings with the Village and its consultants, the applicant reduced the scale of the project to 167 dwelling units and a 125-seat restaurant.

**WHEREAS,** the Village Board of Trustees, acting as Lead Agency for the required environmental review pursuant to the State Environmental Quality Review Act (“SEQR”), determined the project to be a Type I Action. Based upon the revised project plans, the Board of Trustees prepared Parts 2 and 3 of the full Environmental Assessment Form (“EAF”) and, at its meeting of 9 August 2012, adopted a Negative Declaration indicating that the project would not result in any significant adverse impacts on the environment.

**WHEREAS,** in its SEQR determination, the Board of Trustees recognized the importance of preserving the integrity of the Village’s historic buildings, streetscapes, landscapes and context.

**WHEREAS,** in the EAF Part 3 narrative, forming the foundation for the Negative Declaration it is stated under Aesthetic Resources *“It is important that this new construction does not appear to be out of place. Location of buildings, design of their footprint and mass will serve to minimize their apparent bulk.”* In the same document, it is stated under Historic and Archaeological Resources *“The ‘Canal Commercial’ character of the architectural design can be expected to enhance the historic significance of the Canal and the Village of Pittsford. ... A multitude of changes addressing this issue have been made ... including, significant changes to density, configuration, mass, scale, material composition, and parking layout. The resultant ‘Canal Commercial’ design has been character changing and draws on existing and historic examples of Canal side development.”* And quoting from Village consultant Crawford & Stearns *“The use of the Canal Commercial concept allows for diversity of design, scale, massing and architectural design that can create a contemporary site development that remains compatible with the Village’s historic character.”* Under Character of Community: The same quote from Crawford & Stearns was repeated in concluding that the impacts to the community character would not be significant with the Canal Commercial design theme.

**WHEREAS,** at its meeting of 18 December 2012, the Village Board of Trustees approved the Special Permits for the project by adoption of Resolution No. 20 of 2012. The Special Permits specifically referenced a Concept Plan dated 5 March 2012, a “Ground Level Plan” presented to the Village Architectural Preservation and Review Board (“APRB”) in December 2011, and a document termed a “Quantitative Analysis of Building Heights” prepared by the APRB based upon the Ground Level and

Concept Plans. These documents, along with specific maximum heights determined from the plans, were designated as the “Regulating Plan” for the project.

**WHEREAS**, in its Special Permit approval, the Board of Trustees recognized the importance of preserving the integrity of the Village’s historic buildings, streetscapes, landscapes and context. In this regard, the Board of Trustees determined that an important part of the physical characteristic contributing to the Village’s historic character is its modest size and two-story scale. Schoen Place, the Village’s historic canal commercial district includes several of the Village’s largest structures and tallest buildings. As in other canal towns, each complex contains a variety of structures varying in height, size, and massing. Most buildings in Schoen Place are designed in a regional utilitarian vernacular style that dominated rural western New York construction between 1850 and 1920.

**WHEREAS**, to be architecturally compatible with the “canal commercial” style of Schoen Place, the Board of Trustees determined that new construction must relate to the general scale of Schoen Place, must embody the architectural style and variety in mass, scale, and height. The “canal commercial” concept proposes to and shall reflect the architectural massing, materials, proportionate size, element proportions, scale, and building variety found on Schoen Place in the Village and at other similar scale authentic Erie Canal commercial historic sites constructed between 1850 and 1920. The Board of Trustees found that the conceptual design incorporated in the Regulating Plan is an appropriate guide to achieve a project compatible in terms of scale, massing, orientation, and architectural design with the visual character of the Village.

**WHEREAS**, in February 2013 the applicant applied to the Village of Pittsford Planning and Zoning Board of Appeals (“PZBA”) for Preliminary Site Plan approval. The plans submitted to the PZBA differed from the approved Regulating Plan in several respects. The PZBA concluded that the submitted plans contained four major deviations from the approved Regulating Plan and several minor deviations.

**WHEREAS**, the applicant applied to the Village Board of Trustees in May 2013 for a revision to the Regulating Plan to reflect the Preliminary Site Plan submission. The Village Board of Trustees held a Public Hearing on the revised Regulating Plan on 2 July 2013 and on 9 July 2013, but had not closed the Public Hearing nor acted upon the revised Regulating Plan at the time the PZBA approved the Preliminary Site Plan on 10 July 2013. At the time of PZBA approval, the Site Plans had been revised several times with the last “Addendum” being submitted on 1 July 2013.

**WHEREAS**, in September 2013, the applicant applied to the PZBA for Final Site Plan approval, followed by submission of Addendum #1 on 17 October 2013 and Addendum #2 on 9 December 2013. The Final Site Plans differ somewhat from the approved Preliminary Site Plans. Approval of the Final Site Plans is pending.

**WHEREAS**, at its meeting of 11 March 2014, the Board of Trustees determined that substantive changes have been made between the approved Regulating Plan and the PZBA approved Preliminary Plans and currently pending Final Site Plans as follows:

- Project has same proposed uses and density.
- Overall building footprints and building lengths relative to Canal are slightly reduced.
- There are four major deviations from Regulating Plan:

1. The number of buildings has been reduced from 9 to 7 with the larger, apartment buildings reduced from 6 to 5.
2. Arrangement of buildings on the site, including the restaurant location, has been changed. The restaurant has been relocated to the Monroe Avenue frontage from the canal frontage. A separate parking lot for restaurant use is now separated from the general residential parking. A private pool and clubhouse is now located at the canal frontage. The proposed public boat dock and boardwalk have been reduced in length.
3. Building footprints have changed. The reduction in the number of buildings, while maintaining the overall same footprint, results in the apartment building footprints being 27% larger on average and 15% wider on average. The buildings are, thus, generally wider and rectangular in shape.
4. The use of space between the buildings has changed in order to provide vehicular access. A sewage pump station is now located in the largest green space between buildings.

**WHEREAS**, by letter of 2 December 2013, Crawford & Stearns, the Village historic preservation consultant for the SEQR review of the project, states that the currently proposed plan *“returns to a large mass of buildings with attached details that is reflective of typical suburban and urban large residential developments...”* and that the *“distinctive effort at the Canal Commercial appeal and reference to the locale of the site has been lost in the current version.”*

**WHEREAS**, by undated letter apparently issued on 28 February 2013, the Landmark Society of Western New York states that *“...the new construction will stand out, potentially creating a jarring visual intrusion into the architecturally and naturally scenic Canal Corridor.”*

**WHEREAS**, determined that newly discovered information regarding drainage of the site has been found. In particular, an 18-inch drainage pipe was discovered during the environmental remediation of the site. The pipe was removed and it is apparently plugged under the railroad right-of-way. It provides drainage from areas east of the railroad. The existence of this pipe was not known at the time of the analysis done in support of the Negative Declaration.

**WHEREAS**, at its meeting of 11 March 2014, the Board of Trustees determined that the project changes and newly discovered drainage information may result in significant adverse environmental impacts that were not anticipated during the environmental review of the project.

**WHEREAS**, The Board of Trustees issued a Notice of Intent to Rescind a Negative Declaration on 18 March 2014, informing the Involved Agencies and the Applicant of its determinations and providing adequate time for input from them.

**WHEREAS**, The Board of Trustees reviewed the information provided by the Applicant and Involved Agencies and provided for further input from the Applicant and the public at its meeting of 8 April 2014 and its workshop on 15 April 2014.

**WHEREAS**, at its workshop meeting of 15 April 2014, the Board of Trustees reviewed its previous determinations and affirmed the following findings:

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.
2. (a) The relocation of the restaurant to the Monroe Avenue frontage may result in increased impacts to nearby, historic residential properties relative to noise, the screening of parking, and the location of dumpsters. A similar reduction in impact may occur for other nearby residential properties along Sutherland Street.  
(b) The relocation of this public facility will diminish the public attraction and use of the Canal waterfront at the site.
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.
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.
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.
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.
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.
8. The changes in the quality of the streetscape and public, usable open space on the Canal frontage will impact the recreational benefits of the site for residents and the public in comparison to the approved plan.
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.
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.
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.
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.

**NOW THEREFORE BE IT RESOLVED**, the Board of Trustees of the Village of Pittsford affirms its previous determination that substantive changes have been made to the project proposed by the Applicant at 75

Monroe Avenue, Village of Pittsford and that there is newly discovered, substantive information regarding drainage of the site.

**AND**

The Board of Trustees of the Village of Pittsford affirms its previous determination that the substantive changes to the project and newly discovered information regarding drainage may result in adverse environmental impacts.

**AND**

The Board of Trustees of the Village of Pittsford, pursuant to the requirements under 6 NYCRR Part 6.17.7 (f), hereby rescinds the Negative Declaration adopted 12 August 2012 for the proposed action and adopts the attached Positive Declaration requiring the preparation of a Draft Environmental Impact Statement.

**AND**

The Board of Trustees of the Village of Pittsford finds that it will conduct Scoping to finalize the quality and extent of information to be required in the Draft Environmental Impact Statement.

**AND**

The Board of Trustees of the Village of Pittsford directs the Village Clerk or designate to file and publish the attached Positive Declaration as required under 6 NYCRR Part 617.12.

#### **Board Discussion on the Motion and Resolution**

Trustee Galli indicated that he was willing to work with the applicant according to the scheduling knowing that a Positive Declaration is always possible if there was no cooperation. Trustee Boehlert also stated that she was willing to work with the applicant, and thought the presentation made by Mr. Sciremammano was a good presentation, and that she was pleased with the timetable proposed.

Mayor Corby commented that in comparing the proposed schedule and the timeframe of what would be allowed under a scoping and draft environmental impact statement, he did not see a significant advantage. He stated this is a tested way of dealing with an environmental issue like this, and the appropriate course of action was a positive declaration.

Trustee Galusha stated that after reviewing the records, it appeared historically, it has been difficult to negotiate with the developer. He also indicated that there are certain criteria the developer wants for this project that he does not believe could be met. Trustee Galusha stated that correspondence from the applicant's attorney to the Village attorney indicated that there would be limited items, which would be subject to modification.

Trustee Galusha further commented that the applicant had indicated that relocating the restaurant was not negotiable.

Chris DiMarzo, Pittsford Canalside Properties, attempted to interrupt the meeting but was directed to stop speaking by Mayor Corby as he was out of order and was interrupting Trustee Galusha, who had the floor.

Trustee Lanphear stated that SEQR still allows for negotiation. Mayor Corby indicated the whole intent of the SEQR process is to allow for scoping. Trustee Galli stated he is aware of the rules related to the process. Trustee Galli and Trustee Boehlert indicated that they would stand by what they had said previously. Trustee Boehlert commented that keeping the lines of communication open would provide them with more control and a better project, in which they could be actively involved. Mayor Corby commented that the stakes are high, that they have a Historic Village, he has worked over twenty years on the Village, and there has never been a project this large. He further stated that this project rises to the level of a Positive Declaration due to the effect it has on the nationally significant canal corridor, as well as the neighborhood in the area and Monroe Avenue, the busiest street and major gateway into the historic heart of the community. He further explained that the Village is not a typical community; it is a historic community, which has an outstanding level of historic integrity. Mayor Corby continued that a Positive Declaration gives them the ability to do the proper evaluation of the environmental impacts to make sure that the project is done right. This would provide that the impacts were looked at thoroughly, carefully, and comprehensively. Trustee Lanphear agreed with Mayor Corby's statements.

**Vote:**

**The foregoing motion & resolution having been put to a vote, the following votes were recorded:**

**Mayor Robert Corby - Aye**  
**Trustee Lorie Boehlert - Nay**  
**Trustee Tim Galli - Nay**  
**Trustee Frank Galusha - Aye**  
**Trustee Lili Lanphear - Aye**

**ADJOURNMENT**

**Motion:** Trustee Boehlert made a motion, seconded by Mayor Corby, to adjourn the meeting at 7:40 pm.

**Vote:** Corby – yes; Boehlert – yes; Galli – yes; Galusha – yes; Lanphear – yes. Motion Carried

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Mary Marowski, Recording Secretary