

**PROCEEDINGS OF A SPECIAL MEETING
OF THE
VILLAGE BOARD OF TRUSTEES
August 9, 2012 – 6:00 PM**

Present

Mayor: Robert Corby
Trustees: Lorie Boehlert
Tim Galli
Paula Sherwood
Attorney: Karl Essler
Recording Secretary: Anne Hartsig
Absent: Trustee Pierson

CALL TO ORDER

A **motion** was made by **Trustee Galli**, **seconded by Trustee Sherwood**, to call the meeting to order at 6:05 PM.

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

Proof of the legal notice below having been published in the 7/26/12 edition of the Birghton-Pittsford Post, the public hearing, originally opened on August 11, 2009 continued.

“Please take notice that a special meeting of the Village of Pittsford Board of Trustees will be held on Thursday, August 9, 2012 from 6:00 PM until 9:00 PM at the Fisher Meeting Room in the Pittsford Community Library, 24 State Street, Pittsford, NY. The purpose of the meeting is to continue the public hearing which was opened on August 11, 2009, regarding a special permit application submitted by Pittsford Canalside Properties LLC, for a multi-family residential development and restaurant at 75 Monroe Avenue, which property is located in the village’s R-5 zoning district.”

In addition, the Board of Trustees will consider rendering a SEQR significance determination in regards to this application.”

Chris DiMarzo representing Pittsford Canalside Properties LLC, described the project. He noted that there would be seven unique buildings designed with a historic canalside look. He said the buildings will be in keeping with the nature of the village. There will be underground parking for residents as well as parallel street parking for residents and the general public. Boat docking along the canal has been incorporated into the plan as well as a 125 seat restaurant.

Mr. DiMarzo recapped the major modifications that have taken place since the inception of this project. Mayor Corby noted that the village ARPB and PZBA have reviewed the project. He said one of the greatest concerns has been traffic. He said the Village boards have worked to ensure that the plan includes adequate safety for vehicles exiting the site onto Monroe Avenue. A measure that has been discussed is the installation of a 250’ raised median on the west side of the canal bridge. The median will serve as a visual and aesthetic entrance to the village and will help slow the eastbound traffic entering into the village. Another safety measure is to modify the striping on Monroe Avenue to make the lane widths smaller. A traffic radar speed sign will be used to slow traffic as well. These measures will benefit the project as well as the village.

PUBLIC COMMENTS

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Marty Eggers asked if the DOT has approved the median. Mayor Corby responded that the median and the restriping have been approved by Dave Goehring at the DOT.

Richard Osgood asked how turning left into Woodland Road would be impacted. Mayor Corby said there would not be a great impact as the result of the median.

Lisa Cove asked why the developer was building rental units. She said there would be no ability to regulate the property if they are rental units. Mr. DiMarzo said the units will be high end with rents between \$1000 to \$3000 per month. Pittsford Canalside Properties will maintain the property.

Scott Joerger, representing the Pittsford Fire Department, said that there was a fire on the site today and that it was the second fire within 3-5 years since the old Monoco Oil building was boarded up. He said it has become a site for kids to hang out. For safety reasons, he said he'd like the building to be torn down as soon as possible. The fire department would like to use the building for training. Mayor Corby replied that the Board of Trustees shares the safety concerns of the present building.

James Moll asked where the proposed median will start. Mayor Corby replied that it will begin at the concrete apron of the bridge on the west side and will end before the intersection into Woodland Road.

Kenneth Morrow expressed concerns that the buildings may be built cheaply and may be in poor condition in the future. He said the project could take away home value from village people who have put money into their properties and who have maintained their homes. Mayor Corby responded that the Village Board had a study done by real estate experts. The conclusion was that there would not be an impact on village property values.

Joe Barrera stated that the Comprehensive Plan conflicts with the R-5 Code. He asked why the Board ignored this when they developed the R-5 Code. Attorney Essler responded. He said the principal issue was that the site is contaminated. He said there was somewhat of a trade off. By allowing the density, the site would be cleaned up. Otherwise, it would remain in the condition it is in today. He noted that the proposed density has decreased from the original numbers. Mayor Corby added that that scale of the complex is smaller than the Monroe Avenue apartment complexes just outside the village. He said there were informal proposals to make the site a shopping plaza which would have been detrimental to the village residents and to the village merchants. The Board felt it was in the village's best interest to rezone the property from commercial to residential.

James Moll asked if the Fire Department is comfortable with the plan. Mr. Joerger responded that the housing units would significantly reduce the chance of a fire on the site. He said there have been no problems with either Wood Creek or the Monroe Avenue apartment complexes.

Richard Dennison stated that he doesn't understand why anyone would want to pay \$3000 per month to live there. He foresees college age kids renting the units. Mayor Corby replied that the Board was told by Mike Smith, a real estate expert, that there is a market for projects such as this one that have modern amenities.

Joe Barrera asked if there has been an estimate for the cost of environmental remediation. Chris DiMarzo replied that the cost is between \$500,000 and \$750,000. Mr. Barrera said that was a reasonable price.

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Lisa Cove stated that her concern is the rental aspect of these units. Mayor Corby said when rental units are segregated from village neighborhoods such as this project will be, it won't affect the neighborhoods. Mr. DiMarzo said he receives phone calls daily asking when the units will be available. He said many calls are from senior citizens who want to stay in the village but want to sell their homes and become renters. Stacey Freed said she is a renter in the village and she is an upstanding citizen. She said renters should not be a concern. She said the developer will be maintaining the grounds.

Michael Stone asked what proof the developer has that the units won't have many kids. Mr. DiMarzo replied that past experience has shown most families with school age children buy a property rather than rent one.

Joe Barrera asked what the plan is for a staged development. Mr. DiMarzo said the entire project should take about 24 months.

Frank Galusha asked if NY State assists the developer with remediation costs. Attorney Essler said Brownfield money mostly has been spent downstate. Mr. DiMarzo said his company has been approved to receive benefits if the site is cleaned up within the specified time frame and if the funding still exists.

Mr. Galusha asked how the developer sees the project fitting in to the character of the neighborhood and how they justify this project as one that fits in. Attorney Essler responded that the village boards are the ones who determine this.

Lou Cipro stated that he has confidence that the Boards have done a tremendous job in transforming the project from what it was in the beginning to what it is now. He said the completed project will be better than the disgusting site that is currently there.

Mayor Corby gave credit to the members of the village APRB and the PZBA for their work in reviewing this project.

Mike Stone asked what the earliest start date could be. Mr. DiMarzo replied that he would like it to be as soon as possible. He noted that the developer still has to go through full site plan and design plan approval. He hopes the project can begin late this year or early next year.

Frank Galusha asked if the Board had done a demographic study regarding the number of units and the number of people. Mayor Corby said that has been done as required by Code. He said there was a June 2011 report by planning consultant Doug Fox. However, there were no recommendations in that report. Because of that report, the Board hired Mike Smith to do a study so that they would know the density that would be required for a successful project.

Ken Morrow said light pollution in the village has increased. He said that lighting in this development could be a contributor. Mayor Corby said the Code requires that the street lights in the development be the same as the village street lights.

There being no one else present wishing to speak this evening, Mayor Corby announced that the public hearing regarding the special permit application would remain open.

SEQR – SIGNIFICANCE DETERMINATION

Attorney Essler explained that the Board of Trustees has an obligation to make a SEQR determination regarding this project. They will make either a positive or a negative determination

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based on their review as lead agency. He said the Board has been working with SEQR consultant, Art Ientilucci. Based on meetings with the Board, Mr. Ientilucci prepared Part III of the required Environmental Assessment Form.

Attorney Essler reviewed changes to Part III that were made by the Board of Trustees in regards to the Impact on Transportation and the Impact of the Growth and Character of the neighborhood. Trustee Sherwood asked if the traffic calming measures would take place before the construction begins or after. Attorney Essler indicated that issue could be a part of conditions of approval for the special permit. He said the Planning Board could weigh in on it as well.

Board members unanimously agreed to the changes in the Impact on Transportation section of the SEQR form.

It was noted that the last paragraph of the section entitled Impact on the Growth and Character of the Neighborhood was updated to reflect the engineer's comments. Trustee Sherwood had a question about who would be responsible for fixing village streets when new sewer pipes are installed as a result of the project. Mr. DiMarzo stated that the developer would fix the streets. It was noted that this could be part of the conditions of approval.

Members agreed they were ready to move forward on SEQR. A **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to approve Part III of the Environmental Assessment Form. **Vote:** Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes. **Motion carried.**

Attorney Essler read the following Resolution #12 of 2012:

**Resolution #12 of 2012 to Adopt Environmental Significance Determination for the
Westport Crossing Development at 75 Monroe Avenue**

Whereas, the review and approval of the development of the property at 75 Monroe Avenue, known as Westport Crossing (The Project), including associated special permits, site plan approval, certificate of appropriateness, right of way improvements; and, coastal improvements, are actions subject to the New York State Environmental Quality Review Act (SEQRA); and,
Whereas, the proposed actions are Type I Actions pursuant to SEQRA; and,
Whereas, the Board of Trustees of the Village of Pittsford, has coordinated with other involved agencies and has been designated Lead Agency for the environmental review of the Project;
Whereas, the Project proposal has been accompanied by a full environmental assessment form (EAF) which has been reviewed by the Lead Agency and Involved Agencies; and,
Whereas, the Lead Agency has carefully and comprehensively reviewed the project over an extended period of time; has discussed and reviewed the project at a multitude of public meetings; and, has secured significant project changes in agreement with the project sponsor, thereby eliminating substantial adverse environmental impacts;
Whereas, the Lead Agency and certain Involved Agencies, in the interests of a comprehensive environmental review, have retained expert consultation in the areas of traffic, planning, historic preservation, environmental engineering, SEQRA and village law;
Whereas, most recently, after a lengthy period of analysis the lead agency arranged for and conducted a public meeting, May 31, 2012, for involved and interested agencies to review project changes and to seek additional comments;
Whereas, The Village Board of the Village of Pittsford, has completed the Part II EAF and Part III EAF;
Whereas, a public informational meeting was held on June 14, 2012 the purpose of which was to allow for public review of the process to date and the process to follow; to review and comment

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on the Part II and Part III environmental assessment, and to review project changes since its original submission;

Accordingly, be it resolved that the Village Board of Trustees of the Village of Pittsford, as Lead Agency and in accordance with 6NYCRR Part617, determines that based on the information and analysis cited above and all supporting documentation, resolves to adopt a Negative Declaration and Notice of environmental determination attesting to and giving notice of the same.

Pittsford Village Board of Trustees, Lead Agency

A **motion** was made by **Trustee Boehlert**, seconded by **Trustee Galli** to approve Resolution #12 of 2012 as written.

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

RESOLUTION #13 of 2012 TO INTRODUCE PROPOSED LOCAL LAW #3 OF 2012

A **motion** was made by **Mayor Corby**, seconded by **Trustee Galli**, to approve the adoption of Resolution #13of 2012 as follows:

WHEREAS, the Village Board of Trustees has determined that it may be advisable to amend the provisions of the Village’s R-5 Zoning District so as to permit the Board of Trustees, in reviewing special use permit applications, to waive or alter site design standards that are not necessary to achieve the intent of the R-5 Residential District and may be overly burdensome; it is therefore

RESOLVED, that the proposed Village of Pittsford Local Law No. 3 of 2012, entitled “Local Law No. 3 of 2012 of the Village of Pittsford Amending Article VA of the Village of Pittsford Code to Permit Waivers of Special Use Permit Requirements Relating to the R-5 Residential District” be and the same hereby is introduced as set forth below; and it is further

RESOLVED, that the Village Board of the Village of Pittsford shall conduct a public hearing, to be held at the Pittsford Village Hall, 21 North Main Street, Pittsford, New York, on the 28th day of August, 2012 at 7 p.m., to consider the adoption of the following amendment to the Village of Pittsford Zoning Code, known as Local Law No. 3 of 2012:

“Local Law No. 3 of 2012 of the Village of Pittsford Amending
Article VA of the Village of Pittsford Code to Permit Waivers of Special Use Permit
Requirements Relating to the R-5 Residential District

Be it enacted by the Village Board of the Village of Pittsford, New York as follows:

Section 1 - Title

This Local Law shall be referred to as “Local Law No. ___ of 2012 of the Village of Pittsford Amending Article VA of the Village of Pittsford Code to Permit Waivers of Special Use Permit Requirements Relating to the R-5 Residential District.”

Section 2 – Purpose and Intent

The Board of Trustees of the Village of Pittsford, in reviewing a special use permit application under the provisions of Article VA of the Village Code regulating the R-5 Residential District, has determined that some of the requirements and restrictions of Section 210-19.5 – Site Design Standards - may, in some circumstances, not be required in order for a proposed project to

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meet the intent of the R-5 District set forth in Section 210-19.1 of Article VA, and may, in fact, discourage otherwise acceptable development which would benefit the Village while still meeting the intent of the R-5 Residential District set forth in Section 210-19.1 of Article VA.

The Board of Trustees therefore desires to provide greater flexibility in the review of the site design standards under Section 210-19.5 for special use permit applications within the R-5 Residential District, while preserving the intent of such District to ensure development compatible with the architectural design and historic character of the Village by granting the Board of Trustees the authority to waive or alter specific site design requirements set forth in Section 210-19.5 upon a finding that such waiver or alteration will not result in a failure to achieve the intent of the R-5 Residential District.

The Board of Trustees further finds that it has the power to enact this waiver/alteration provision both under its general legislative powers under the Village Law and the Municipal Home Rule Law and specifically under Section 7-725-b(5) of the Village Law.

Section 3 – Waiver/Alteration of Site Design Standards for Special Use Permit Applications in the R-5 Residential District

Section 210-19.5 of the Village Code shall be amended to add a new Subsection L which shall read as follows:

“Notwithstanding anything in this Section 210-19.5 to the contrary, the Village Board of Trustees, in reviewing special use permit applications hereunder, shall have the authority to waive or alter any site design standards hereunder upon a finding that such waiver or alteration, both individually and cumulatively with other such waivers or alterations, will not impair the aesthetic character or quality of the development or be inconsistent with intent of the R-5 Residential District as set forth in Section 210-19.1. Site plan review by the Planning and Zoning Board and the issuance of a Certificate of Approval by the Architectural and Preservation Review Board shall be subject to all site design standards specified in Section 210-19.5 and in Article XVII of this chapter, except as modified by the Special Use Permit.”

Section 4 – Effective Date

This Local Law shall take effect immediately upon its adoption by the Board of Trustees of the Village of Pittsford.”

and it is further

RESOLVED, that the Secretary of the Village Board of Trustees cause to be published in the Village’s official newspaper, a legal notice of public hearing at least seven (7) days prior to such public hearing.

The foregoing Resolution #13 of 2012 having been put to a vote, the following votes were recorded:

Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes. **Motion carried.**

and upon such vote, Resolution #13 of 2012 was declared duly adopted.

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ADJOURNMENT

There being no further business, a **motion** was made **by Mayor Corby, seconded by Trustee Boehlert**, to adjourn the meeting at 7:20 PM.

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

Anne Z. Hartsig, Recording Secretary