

**PROCEEDINGS OF A SPECIAL MEETING OF THE VILLAGE BOARD OF
TRUSTEES**

November 2, 2011 – 3:00 PM

Present

Mayor: Robert C. Corby

Trustees: Lorie Boehlert
Tim Galli
Paula Sherwood
Trip Pierson

Attorney: Karl Essler

Recording Secretary: Anne Hartsig

CALL TO ORDER:

A **motion** was made by **Mayor Corby**, **seconded by Trustee Galli** to call the meeting to order at 3:05 PM.

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

PURPOSE OF THE MEETING: Mayor Corby said the purpose of this workshop meeting was a continuation of the review of a regulating plan that has been drafted for use at 75 Monroe Avenue. The meeting was a public workshop limited to discussion by Board Members.

Attorney Essler said that the Board has struggled in developing the regulating plan and in trying to determine what the plan can and cannot address. He said at the Mayor's urging, he had specifically looked at the R-5 provisions to see what the Board should be addressing in the regulating plan. Attorney Essler said one of the problems is that there is no firm definition regarding regulating plans. There are no hard and fast rules about what should be included. He said a regulating plan gives the Board some freedom to interpret what is in the code.

Attorney Essler said further that the R-5 code is not particularly well drafted in the sense that it includes some things that are absolute mandatory requirements. At the same time, other places in the code are not as rigid. He cited examples in the code of both mandatory and less rigid standards. However, he said that it is very clear in §210-19.4 A. that the Board of Trustees can define the general parameters for a development of this nature. He said the first question in moving forward is "What parameters can the Board address and what should they not address?" Mayor Corby made the suggestion that the Board strike all language from the regulating plan that has to do with the special permit review standards in the R-5 §210-19.2 B. (3) (c), Standards for special permit application review.

Trustee Pierson asked what the idea of a regulating plan was initially. Attorney Essler responded that it is required in the Village Code. Mayor Corby added that another part of the discussion regarding a regulating plan was that after going through the whole hardship investigation this summer, there was still "uncomfortableness" on the part of the Village Board with the issue of height and how height was distributed on this site. The regulating plan was a tool to be used to add more specific language on how to regulate height on the site. Mayor Corby said that was the primary objective that the Board started out with.

Proceedings of a Special Meeting of the Board of Trustees
November 2, 2011

Attorney Essler said the regulating plan can be used to formulate a design that in general, the Board believes is acceptable, but it does not commit the Board to ultimate findings on the special use permit. The Board agreed that the regulating plan won't be finalized until there is input from the APRB and the Planning Board and until there is a DRC committee meeting.

Attorney Essler listed three sections of the R-5 including §210-19.3 Building dimensional standards, §210-19.4 Building design standards, and §210-19.5 Site design standards. He said the Board, as part of the regulating plan, can comment, if they wish to, on the factors in §210-19.5 Site design standards, but it must be clear that these are simply comments which are subject to the Planning Board's ultimate site plan approval.

Attorney Essler said that §210-19.3. Building dimensional standards and §210-19.4. Building design standards are what the Board should be focusing on in terms of the regulating plan. His legal advice to the Board was that because the R5 specifically requires the Board to adopt a regulating plan, if the Board so chooses, they can modify even those parts with hard and fast restrictions as part of the regulating plan if members set forth a factual finding that supports an objectively valid reason for doing so. He said the other alternative the Board has is to decide they do not want to get involved in varying things that have strict requirements and therefore, defer decisions on those things to variance applications. The Board does not have to deal with each of the issues all in the same way. They can decide which plans they want to modify and which they want to defer to a variance application.

Mayor Corby said that what the Board really wanted to use the regulating plan for was to zero in on concerns about mass and height and how to deal with that. To that end, he said he worked up new language to both recognize APRB's role and the work that they have done so far, and to also be more precise in what the process has been so far between the ARPB and the developer. He said the Board is not trying to undo that. All agreed that as a starting point, height and mass was the primary, initial issue but it is not the only issue. The draft language is as follows:

“In enacting a regulating plan for the property at 75 Monroe Avenue, the Village of Pittsford Board of Trustees acknowledges the productive dialogue that has occurred between the developer and the ARPB and the Planning Board to identify a design language best suited to producing a multi-family residential project that is visually compatible with the district and historic visual character of the Village of Pittsford and the Erie Canal. The architectural design, form, scale, massing, and grouping of the proposed buildings at 75 Monroe Avenue shall reference the canal side of the late 19th century and early 20th century mill warehouse complexes found in Pittsford along Schoen Place and in other historic western New York canal villages. These complexes often consist of a large central building or buildings surrounded by lower and smaller structures. The arrangement of buildings and the distribution of height shall consider important views including those from Monroe Avenue, from the Monroe Avenue Bridge, from Sutherland Street, and from the canal approach from the west. Because the project will be the first view of the village canal travelers see from the west, the western most building must be of an appropriate design and scale.”

Proceedings of a Special Meeting of the Board of Trustees
November 2, 2011

Mayor Corby said his primary concern is how the mass is distributed on the site and the quality of the streetscape on the railroad side of the site. Trustee Sherwood said her main concern is the building height and the question of stories versus number of feet. Trustee Galli agreed with Trustee Sherwood as far as his primary concern. Trustee Boehlert said the Board should have a height number so the number can be given to the applicant. Trustee Pierson said his concern is about the regulating plan, and all the specifics of the regulating plan, not one particular topic.

Attorney Essler said adopting a regulating plan is an affirmation that the Board believes on some level, the plan will work. Mayor Corby suggested thinking of the plan as the last chapter of the R-5 code. He said the Board needs input from the Planning Board and the APRB.

The Board reviewed specific sections of the regulating plan. Trustee Pierson said he wanted to have a substantive discussion regarding specifics such as the number of units, swimming pools, restaurant seating, streetscape on the railroad side, the number of trees, and perpendicular vs. parallel parking.

Maximum heights for the proposed buildings were discussed. For starting purposes, the Board agreed that building heights can be 35', 45', or 55' for 2 and ½, 3 and ½ and 4 and ½ story buildings, respectively. They agreed that the APRB should determine or make a recommendation of how to distribute the height. The Planning Board will look at the addition of towers or other roof structures under the site plan approval process.

When asked if the APRB and PZBA should be given specific instructions regarding the review of the regulating plan, Attorney Essler said the issues they should address would be highlighted. Written comments from both Boards should be brought to the DRC meeting or emailed ahead of time to Linda Habeeb. Linda would then forward the comments to all members. Trustee Pierson said he would like the entire Board's consensus, not just one member's opinion.

Attorney Hagelberg asked to address the Board. He said he is concerned that the Trustees are throwing everything back to the PZBA and the APRB. He said it is important to distinguish what questions will be asked of the PZBA and what questions will be asked of the APRB. He said he hopes that following the DRC meeting, the issue will come back to the Trustees and the regulating plan, which consists of the drawings, and the design guidelines, (the text), can be adopted. He said his fear, notwithstanding the process set up in the R-5 code which is special permit, then site plan approval and a certificate of appropriateness, is that the site plan approval seems to be creeping and taking over the special permit process through the design guidelines. He said that is not his understanding of what design guidelines of a regulating plan normally require. He used the example of a landscaping plan which has not been developed yet. He said it is not reasonable to expect a landscaping plan has been developed at this point. When a special permit is granted, then the applicant will create a landscaping plan and apply for site plan approval. He said he is aware that a full blown landscaping plan will be needed to present to the Planning Board for site plan approval.

Attorney Hagelberg said as a general matter, he hoped that the efforts of the Village Board of Trustees towards doing a regulating plan and design guidelines, would keep in mind that a special permit application is at least two steps down the road. He said it is

Proceedings of a Special Meeting of the Board of Trustees
November 2, 2011

not appropriate to ask the applicant to be making site plan proposals this early in the process. Attorney Hagelberg said it was his hope that when “we got through the little moratorium kerfuffle” and then went down the design guidelines regulating plan path, that the process would be expedited. He said the applicant has real fears based on what they have heard at this meeting and based on the kind of issues that have been broached, particularly if the Trustees throw the whole thing in front of the other two boards now, expedite will be the furthest thing from what will actually happen. He said that would not be in anyone’s interest. He stated that all parties have been at this for almost four years. The applicant thinks the potential benefits to the village are palpable and delaying the project that much further will delay those benefits.

Attorney Essler said that first, the other Boards will be asked to address specific issues rather than a general review of the whole plan and secondly, the whole last section that deals with the Planning Board’s site plan approval is simply an opportunity for the Village Board to make comments and recommendations.

Attorney Hagelberg said that he would appreciate it if whatever instructions emanate from the Trustees to the APRB and the PZBA, they are shared with the applicant. He said in the interest of expediting the plan, the applicant would prefer to address issues rather than seek variances.

ADJOURNMENT

There being no further business, a **motion** was made **by Mayor Corby, seconded by Trustee Boehlert** to adjourn the meeting at 5:15 PM.

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

Anne Z. Hartsig, Recording Secretary