

**THE PROCEEDINGS OF THE BOARD OF TRUSTEES SPECIAL MEETING**  
**Monday, October 9, 2012 at 5 PM**

**Present**

<b>Mayor</b>	Bob Corby
<b>Trustees</b>	Tim Galli Paula Sherwood Trip Pierson Lorie Boehlert
<b>Attorney</b>	Karl Essler
<b>Recording Secretary</b>	Anne Hartsig

**CALL TO ORDER**

**Motion:** A motion was made **by Mayor Corby, seconded by Trustee Galli** to call the meeting to order at 5:00 PM.

**Vote:** Corby – yes; Galli – yes; Sherwood – yes; Pierson – yes; Boehlert – yes. **Motion Carried.**

**PURPOSE:** Mayor Corby said the purpose of the meeting was to continue a public hearing regarding applications for special permits for a restaurant and for a multi-family housing project at 75 Monroe Avenue.

**TRUSTEE'S DISCUSSION:** Attorney Essler explained that over the course of the time, the applicant has submitted a couple of sets of concept plans. The first set of submitted drawings included 182 units. The same drawings can be used for 167 units now being proposed. Mayor Corby said a big concern has been the mass and scale of the project. Attorney Essler noted that the Board of Trustees has to decide mass and scaling and approve a conceptual regulating plan with reasonable limits. He said the details of the plan are for the Planning Board to determine during their site plan review.

APRB Chairman Paul Zachman, noted that in the beginning, the project buildings shown in drawings were monolithic and didn't have a lot of variation. He said drawings evolved away from what the ARPB was first looking at. Now the building heights have variety.

Mayor Corby asked what information the Board still needs to adequately interpret the plan. Attorney Essler said that Board needs a printed concept plan, one that has an accurate interpretation. An overhead view that matches the concept plan is also needed.

Frank Hagelberg, attorney for the applicant, commented that he was concerned the Board was losing sight of the two step process which is 1) permitting the use and 2) site plan approval. He said the applicant is committed to building seven buildings with a mixture of 2 to 4 stories. The developer is committed to 167 units. He said if they are granted a special permit, they will prepare whatever is necessary to get site plan approval but currently, they are not a stage to give specific details of each building. He said the idea of a regulating plan does not require more than a concept drawing. He said the R5 section of the code does not require a detailed design before the Board of Trustees votes on the Special Permit.

Attorney Essler said that a conceptual plan needs to be approved for a regulating plan. He said a regulating plan needs to have a drawing. He said the Planning Board and the APRB have flexibility to determine approval of the details.

The Board said another page needs to be added to the drawing to show the building closest to Monroe Avenue which will be a two story building.

Trustee Sherwood asked for clarification on the maximum number of parking spaces. The applicant said there would be 337 total parking spaces including inside and outside spaces. There will be 177 spaces under the buildings. Parking spaces for the restaurant are included in the 337 spaces. Trustee Sherwood asked about parking for use by the public. Attorney Essler replied that the Planning Board was satisfied with the number of parking places for all of the uses.

Trustee Pierson said that the underground parking places serve as a ventilating application required for the clean –up. He said this site wouldn't be usable for a single family home development.

**RESOLUTION DISCUSSION:** The Board of Trustees and Attorney Essler discussed several elements of a draft resolution which will become a part of any approvals that may be issued for a special permit for this project. The issue of building height was considered. It was noted that the code defines height by the number of stories rather than number of feet. The developer said that the grade of the land is unknown at this time. Therefore, the architect will need “wobble room” in regards to the height of the buildings.

Some details of the proposed restaurant were also discussed including the applicant's proposals for hours of operation and outdoor entertainment. The Board determined that the applicant will be asked to return for a review after the restaurant has been in operation for one year.

#### **PUBLIC COMMENTS**

**John Limbeck – 62 State Street:** Mr. Limbeck said he had reservations about the project at first but thinks that the three boards have done a good job reviewing the project and doing what needed to be done. He said he thinks the location is a good place for this kind of facility. He had two suggestions. First, the plan that is being reviewed at this meeting should be physically attached to the resolution. Secondly, there should be a licensed landscape architect who designs the mass and scale.

**Fran Kramer – 17 Golf Avenue:** Mrs. Kramer asked the Board not to approve a special permit for this project. She suggested it was putting the cart before the horse to approve the permit without having seen definitive plans. She said the Board needs to know exactly what the applicant is planning to build and needs to see a 3 dimensional presentation. Mayor Corby responded that the application will have to be approved by the Planning Board and the APRB as well. With the conceptual phase, another layer of review has been added to point the project in the right direction. He said tonight the Board is trying to determine if there is enough information to rule on a conceptual plan. Attorney Essler stated that the experts on the design will be the members of the PZBA and the APRB and that they will make those decisions. He said this phase is the beginning of the process.

**Jean Moe – 29 Hearthstone Road:** Ms. Moe asked what kind of study has been done regarding sound and noise. She said she can hear noise from Sutherland High School and events on the canal at her home in Long Meadow. The response was that the Planning Board has made recommendations for the

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Trustees. Trustee Pierson added that in terms of the restaurant, if there are issues, they will be reviewed when the applicant returns in one year.

**June Reeves – 56 Heatherhurst Drive:** Ms. Reeves asked how the Board could say that traffic won't be an issue. Trustee Pierson answered that three professionals have looked at the traffic consequences and had told the Board that statistically, the project won't alter current traffic. He noted that the applicant is willing to pay for a traffic median in the middle of Monroe Avenue. Mayor Corby said that from a statistical standpoint, a residential use of this property is the least intensive use in regards to traffic. He said the four apartment complexes on Monroe Avenue are twice as big as this complex will be. The volume of traffic will not be contributed to significantly from this complex. He said further that safety is an issue. The proposed median that the applicant has agreed to provide will slow traffic down and increase the safety of the area. He noted that the NYSDOT will not allow a traffic signal at the intersection of Sutherland Street and Monroe Avenue.

**Justin Vlietstra – 19 Boughton Avenue:** Mr. Vlietstra expressed his opinion that it will not be safe to turn left out of the proposed complex. Mayor Corby said that is why the traffic median is so important. It will slow traffic down which will make it easier to get out onto Monroe Avenue.

Mr. Vlietstra told about a chain reaction accident near this site. He asked what will happen in the winter when cars are unable to stop as readily. Trustee Pierson reiterated that three professional traffic experts did traffic studies. Mr. Vlietstra replied that those studies didn't look at accidents.

Mr. Vlietstra stated that the Board is representing the voters in the village. He said if the voters/residents aren't convinced, the Board shouldn't be.

**Lynn Morse-12 Sutherland Street:** Ms. Morse said she has experienced the same traffic problems as everyone else but is in favor of the project. She said it is now time to work with the developer to move ahead and get this project on the tax rolls. She said traffic is part of living in a village.

**Alysa Plummer- 66 South Main Street:** Ms. Plummer stated that this is the largest man made development to come into the village in the history of the village. She asked for an explanation of "canal commercial development". Mayor Corby read the following description: the canal commercial concept proposed shall reflect the architectural massing, materials, proportionate size, element proportions, scale and building variety found on Schoen Place and in other authentic Erie Canal commercial historic sites between 1850 and 1920.

Ms. Plummer said she is concerned because Schoen Place grew over time. It has free standing buildings. To apply the same definition residentially is a dangerous precedent. She said 75 Monroe Avenue is a village gateway. She asked the Board members to take a look down the road as to what this development will mean in the future. She said it is imperative to see a conceptual scale model. She would like to see it relative to other buildings and to Schoen Place. She added that the canal is a huge resource and the Board needs to look at the whole project.

**Trustee Pierson** replied that of all possible uses for this parcel, commercial would add even more traffic than the proposed project. **Mayor Corby** added that the site has special conditions and would not work for single family homes. He said this is the third major design of the project. He said there is a time frame and the DEC controls the clean –up effort.

**Mary Menzie – 219 Mendon Center Road:** Ms. Menzie asked about the end building and the restaurant. She said there was once a real concern about the restaurant and it is now moving forward. **Mayor Corby** explained the restaurant location was moved and Board members felt comfortable with the site. Members determined the restaurant is necessary to draw the public to the site.

**Frank Caccamise – 56 Heatherhurst Drive:** Mr. Caccamise commended the Board on the job they have done communicating at this meeting. He said the community has been cordial and willingness to compromise has been shown. He said the developers have put in a great deal of time on the project. He feels comfortable with it and believes it should move forward.

Mayor Corby thanked everyone for their comments. There were no additional comments made.

#### **PUBLIC HEARING CONTINUATION**

Mayor Corby said the public hearing will remain open and the subject will be discussed again at a special meeting that will be held on October 16, 2012 at 5 PM at the Village Hall.

#### **ADJOURNMENT**

There being no further business, a **motion** was made **by Mayor Corby, seconded by Trustee Pierson**, to adjourn the meeting at 7:05 PM.

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

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**Anne Z. Hartsig, Recording Secretary**