

In the Matter of:  
**Pittsford Public Hearing In Re Development of 75 Monroe Avenue**

**v.**

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*October 25, 2012*

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4 Village of Pittsford Public Hearing  
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6 RE: Development of 75 Monroe Avenue  
Pittsford, New York 14534  
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8 -----  
9  
10 Public Hearing for Certificate of Need Application  
11  
12 Location: Sutherland High School  
13 55 Sutherland Street  
14 Pittsford, New York 14534  
15  
16 Date: October 25, 2012  
17  
18 Time: 7:30 p.m.  
19  
20 Reported By: TAMMY B. FIGLER  
21 Alliance Court Reporting, Inc.  
22 183 Main Street East, Suite 1500  
23 Rochester, New York 14604  
24  
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1  
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21 Paula Sherwood  
22 Lori Boehlert  
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25

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1 VILLAGE OF PITTSFORD PUBLIC HEARING  
2 THURSDAY, OCTOBER 25, 2012;  
3 (Proceedings in the above-titled matter  
4 commencing at 7:30 p.m.)  
5 \* \* \*  
6 MR. MAYOR: I'll make a motion we call the  
7 meeting to order.  
8 The first part of the meeting tonight will  
9 be a continuation of the public hearing. A couple of  
10 ground rules. We'd like to limit comments, if  
11 possible, to three minutes. We ask that if the  
12 comment has been made or you've heard it before, try  
13 not to be redundant. We'd like to get the new people  
14 and new material tonight.  
15 We need your name and address for the  
16 record, and we will -- we'd also ask that all comments  
17 be directed to the board. And so everybody has a  
18 chance to speak, we're going to go through all the  
19 comments tonight, including the questions. We'll  
20 record your questions, then we'll come back and answer  
21 them after everybody has had a chance to speak.  
22 The most important thing we want to do  
23 tonight is to be sure everybody has a chance to speak.  
24 MR. ESSLER: Three minutes?  
25 MR. MAYOR: Yeah. I've already said three

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2 minutes.  
3 So with that I'll open up to the floor and  
4 ask that you speak loudly so everybody can hear.  
5 One other thing I wanted to say is last  
6 week Laurie Boehlert and I developed a mailing. We  
7 sent it out on Monday. We were hoping everybody would  
8 get it Tuesday. Some people got it today. Other  
9 people didn't receive it, like myself. There is a  
10 copy of it, and I think I've told most of you to pick  
11 it up on the table, but there's a copy on the table if  
12 you have not seen it. It provides a timeline of the  
13 sequence of events that have happened in the project  
14 review for 75 Monroe Avenue.  
15 So with that I'll open it up to the floor.  
16 GRETCHEN GEIGER: Gretchen Geiger, 70 East  
17 Park Road, which is on the canal road right across the  
18 way here. And I was born and raised in this  
19 neighborhood. My mother was born and raised in this  
20 neighborhood. I moved out to California and found my  
21 way back in the neighborhood, which is awesome.  
22 But I happen to be on the canal. I happen  
23 to love the canal. I happen to have a little dock on  
24 the canal. If anybody wants to stop by and have a  
25 little glass of wine, you're more than welcome to.

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I'm all for building up the canal. I'm all for getting rid of that eyesore which is essentially the gateway to Pittsford, which, in my opinion, should at least have been brushed over with all the paint and stuff on it. But just even talking about the meeting today which was postponed or brought up here -- and this is the first meeting that I have actually been able to make it to because I work for a living. I'm a single mom and I travel.

And I have to tell you I think that the majority of these meetings have been either changed or put off and I find it kind of purposeful. And the reason that I'm here now is because I can be, and I think that this is something that is -- I mean, some of my neighbors are here as well. Anybody raise their hand from Long Meadow?

I was told that maybe because I'm not a village resident that maybe my word doesn't work as much, but I sit out on my dock; I sit in my house. My house backs up to the canal, also backs up to the train tracks. Just today when I got home, my daughter is inside our house with the windows shut working on the computer. The train goes by -- we don't get the horn where we live because we're that much further

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up -- but I can tell you it is loud. She had to turn up the computer to watch her science lab on the computer homework, and I can't imagine anybody wanting to reside right next to the train tracks times the -- what is it, 164 units?

MR. MAYOR: 167.

GRETCHEN GEIGER: I'm not saying that it's not a viable spot but -- again, I have not been here so excuse me for my ignorance -- but I look at the -- what is the women's shop? Talbot's. Is this not something that we can consider doing retail because I already think about the traffic. I think about when I drop my senior off here at school because she can't drive, I take my life in my own hands to take a left out of Sutherland. I can't imagine 164 people getting out, taking a left over Monroe Avenue, going over the bridge. I mean, I have so many more concerns and I know I have more than three minutes' worth of material.

The gist of it is I don't agree with housing being there. I don't think that it's going to be a viable place to spend rent, and I think there's got to be another solution. I'm very discouraged. I'm glad that I am here, but I think my voice is just

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one of many. So thank you.

MR. MAYOR: Thank you. Next.

SHARON DIAMOND: Sharon Diamond and I happen to be a realtor who works in the village. I have a hard time with the traffic, and I know you think you've addressed it.

But please tell me how we will get into the village from about 9 o'clock in the morning until 5 o'clock in the afternoon. That traffic is backed up from French Road and Clover. More traffic. It's difficult. I think it's difficult for people moving into the area wanting to get into the village, as well as people, who, like me, who depend on this road to get into the village.

Okay -- but also I have something else I'd like to say. I really feel for some of the people who live on East Park Road, I don't know how the public would react to what we're hoping or what your hoping to build, and if people want privacy and if you want the esthetics of the canal, it's going to change. So if somebody could help me understand how property values would flourish as they always have in our area with something like that taking place, I'd appreciate it.

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MR. MAYOR: Thank you. Next.

JOHN PARKER: I wanted to follow Gretchen Geiger, because, Gretchen -- I saw Gretchen grow up there. First knew her when she was sucking her thumb.

I'm John Parker. I reside at 100 Brook Road, and I wrote a letter to the board members of the Village of Pittsford. I'd like to read it tonight. It's kind of presumptuous and maybe a little corny, but I think it has merit of consideration. I didn't send a letter to Mark IV, but I think it's worthy of their consideration as well.

Allow me to present a few off-the-cuff remarks pertaining to the Canal Side Properties project. The following are my prognostications and predictions that could happen if this project is allowed to proceed.

I am assuming that when Mark IV is given the okay to proceed and the 167 units and a restaurant is completed, the certificate of occupancy is in place, the general public is finally invited to fill out applications to rent one of these luxurious units. It is now possible that many would-be renters will be invited to the Mark IV office to apply for residence, when low and behold one of the many noisy freight

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2 trains just coincidentally happens to rumble through.

3 The room shakes and quivers and quakes and the other

4 person -- wait a minute -- room shakes and nobody can

5 hear the other person, and after everything subsides

6 and the train has passed --

7 GRETCHEN GEIGER: It's true.

8 JOHN PARKER: -- these new prospects are

9 saying to each other, "Whoa, let's get out of here.

10 We don't want to rent here." And also the folks that

11 have earlier committed will also want out.

12 Now, after time and the discouraging word

13 is out, expect months and years to go by before a

14 high-priced unit is occasionally rented. Mark IV is

15 in a dilemma. Will they want to continue to hold out

16 or will they reduce the rent in order to get bodies

17 into this new development at any cost, or maybe rent

18 to non-affluent folks. In any event, things could go

19 downhill mighty fast. Those 17 noisy trains a day

20 shall be a real detriment to the success of this

21 development in my opinion. Don't forget the train

22 tracks will be less than 100 yards from these units.

23 I am suggesting to the Village Board to

24 turn this proposal down, save Mark IV a fortune, save

25 the Village of Pittsford and, above all, we can

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2 continue to keep the traffic to a minimum.

3 And then I put an addendum at the bottom,

4 a proposal to the Village Board: Purchase or trade

5 these acres from Mark IV, relocate the village highway

6 barns to the 7.4 acre Canal Side Property site, tear

7 your maintenance buildings down and construct maybe

8 patio homes on the acreage that once was the old

9 village highway department. Do it.

10 MR. MAYOR: Next.

11 DAN SUBTELNY: I'm Dan Subtelny. I

12 presently live at 72 South Main in Pittsford. I've

13 been a resident of Pittsford since 1955, so maybe that

14 would help you guess my age.

15 I used to have my practice right in the

16 village, and all that time I was always a professor

17 and chairman of the orthodontic department at the

18 University of Rochester and Eastman Institute of Oral

19 Health. I still teach. I still chair the department.

20 I no longer practice in the village.

21 But, by the same token, when I come home

22 from my responsibilities at the university, all I have

23 to do is hit the traffic approaching the bridge and

24 approaching the village. It's almost impossible for a

25 good number of those employees right within that

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2 complex of buildings adjacent to the bridge, and you

3 feel awful. I sorry for them if they're trying to do

4 a left turn. I feel awfully sorry for myself trying

5 to get home to Pittsford Village at 72 South Main.

6 It's a horrendous problem and I can't

7 conceive that all of this -- these apartment houses

8 and the inclusion of a restaurant, which is going to

9 be operating during critical hours of dinner before

10 and after employees come home from wherever they work,

11 and I think it's going to be a tremendous traffic

12 congestion. It is right now. And sometimes I spend

13 more time getting across the tracks than I do going

14 from the University of Rochester to Pittsford. I

15 think it's going to be a tremendous problem, and it's

16 going to be compounded by restaurant traffic because

17 they're not going to be operating during the day.

18 They're going to be operating during dinner hours.

19 And that's going to be a real complication in numbers

20 trying to get in and out of that area.

21 MR. MAYOR: Thank you. Next person. Is

22 there someone else who wishes to speak?

23 BETH McDONALD: I'm Beth McDonald, 8

24 Austin Park in the village.

25 I concur absolutely with respect to the

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2 issue of traffic. I do not quite understand how the

3 traffic issue isn't like an automatic no to the

4 project. Anybody who has tried to get into the

5 village at a reasonable time, at the normal time, at

6 the end of the workday has been in that long line of

7 traffic trying to make it over the bridge, and I

8 cannot see how the additional cars that would go with

9 these apartments, plus people trying to enter the area

10 to go to dinner at the restaurant, I just don't see

11 how that can be ameliorated by medians or landscaping

12 or something. I think it's going to be even worse. I

13 just have a real issue with the traffic.

14 In addition, the schematic -- whatever you

15 want to call it -- that I last saw -- and I don't know

16 if it's accurate or not -- it seemed mammoth in

17 relationship to the rest of the village, and it looked

18 possibly like Corn Hill Landing. And I'm not a big

19 fan of the way Corn Hill Landing looks. I don't think

20 it has worn well over the years and, you know,

21 long-term, I just don't see it as an asset to our

22 community.

23 MR. MAYOR: Thank you.

24 JOHN LIMBECK: John Limbeck, 62 State

25 Street.

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 2 I'd trade my traffic problem for anybody  
 3 in this room, because the board can tell you, the  
 4 Monroe County Sheriffs can tell you, I put up with  
 5 them after they get through the village, and they're  
 6 going by my house at 60 miles per hour. And I have  
 7 seen nine accidents in the last couple years, some  
 8 pretty serious, just because people won't slow down.  
 9 I've heard a lot of comments. That we  
 10 didn't have a choice about who bought this property at  
 11 the auction. Mark IV bought it and they came in with  
 12 a proposal. We can't change that as a village, as a  
 13 board. And the due diligence that's gone on for the  
 14 last two and a half years at three different levels of  
 15 this village, I bet 90 percent of the people have not  
 16 witnessed any of that, where the size, the scale and  
 17 the scope has been scaled back from what it was.  
 18 Believe me you don't want commercial  
 19 development in there. Then everybody would be  
 20 complaining about the traffic in there, trucks making  
 21 deliveries, the garbage dumpsters that doesn't have  
 22 the enclosures around them. Every different  
 23 development has its own separate problems.  
 24 Two and a half years this has been going on. We  
 25 can't, as a village, say no Mark IV, pack up and go

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 2 away. Then we'll be in court. I don't know what it  
 3 would cost for that lawsuit.  
 4 I want it to be very well known that this  
 5 was bought, paid for, and the village has been working  
 6 for two and a half years to get us where we are  
 7 tonight. Thank you.  
 8 MR. MAYOR: Thank you. Next person.  
 9 STEVE JAROSE: My name is Steve Jarose. I  
 10 live at 34 Woodland Road in the Long Meadow track.  
 11 And I've been listening tonight to many of  
 12 the criticisms that people have shared about what  
 13 might happen with this proposal, but I would like to  
 14 speak in favor of it as a resident of the neighborhood  
 15 for a number of reasons.  
 16 And I think oftentimes people who are in  
 17 support of a program often get shouted down because of  
 18 negativity, so I want to speak in favor of the  
 19 proposal for a number of reasons. I think it would be  
 20 a welcoming environment as people come into the  
 21 village. I think it will help with the tax base.  
 22 It's a difficult property to develop in any way, and I  
 23 think this could be a very workable solution. I've  
 24 heard people talk about this being rental property,  
 25 and somehow that being rental property is not as

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 2 advantageous as having owner-occupied properties, but  
 3 I know I was not always able to afford a home of my  
 4 own. I rented and I took good care of my property,  
 5 and I was grateful to have the opportunity to be a  
 6 renter. I also think that the rental prices will also  
 7 kind of not make this property affordable to everyone  
 8 who might want to rent.  
 9 You know, I have enjoyed the trains as  
 10 they go by. I think it's kind of enjoyable, so I  
 11 don't mind it at all. I do not have air conditioning.  
 12 I have my windows open. The trains are kind of like,  
 13 you know, something I enjoy.  
 14 And as far as the traffic issues are  
 15 concerned, yes, there is traffic congestion, but I'm  
 16 going to take a vote of confidence with what the State  
 17 Transportation Department said, what the village has  
 18 said in order to make that less of a burden as  
 19 possible. So I just wanted to put that voice out.  
 20 MR. MAYOR: Thank you. Next person.  
 21 MIKE REYNOLDS: I'm Mike Reynolds from 35  
 22 Church Street.  
 23 And I believe the zoning calls for  
 24 development that's consistent with the scale and  
 25 character of the village. And so I would say this

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 2 development will be fine, but the board should insist  
 3 that it be no taller than the tallest building in the  
 4 village and the density be no greater than the densest  
 5 part of the village. Period.  
 6 MR. MAYOR: Thank you.  
 7 ALYSA PLUMBER: My name Alysa S. Plumber.  
 8 I live at 66 South Main street and actually I'm here  
 9 to represent a petition that has been circulated by a  
 10 number of residents within the village.  
 11 In less than a week there have been 207  
 12 signatures gathered on that petition. You can't hear  
 13 me? I'm sorry. I'm here to represent 207 people who  
 14 signed a petition in less than a week. This petition  
 15 is still circulating within the village for any  
 16 resident to sign. I would just like to read this into  
 17 the record because I am representing the 207 voices  
 18 that may or may not be here in this room tonight.  
 19 We the undersigned citizens of the Village  
 20 of Pittsford respectfully petition the Village of  
 21 Pittsford Board of Trustees to deny a Special Use  
 22 Permit for the proposed 75 Monroe Avenue housing  
 23 development. We object to the scale and density of  
 24 the project as well as the increased traffic generated  
 25 by the apartments and the 125-seat restaurant. The

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2 proposal is not compatible with the scale of the

3 village as required by the R-5 zoning, 210-19.2B 3c 2.

4 We also petition the board to rewrite the

5 R-5 zoning code to lower the maximum building height

6 and density of multi-family dwellings to match the

7 other residential district.

8 That's 207 people so far. I do understand

9 also there's a petition being circulated with Long

10 Meadow residents as well, and I do think this is

11 really only the beginning of people really trying to

12 get their handle around -- hand on the project and

13 understand what it is.

14 And also speak to the legal aspect that

15 the criteria that I just cited is one of many criteria

16 that I know you have to look at when you do make this

17 decision. And no one criteria that is going to be

18 applied by the board of trustees to this decision is

19 any more or any less important based on the way you

20 wrote your own R-5 zoning code.

21 So regardless of hardship to the

22 developer -- and I would also submit that the

23 developer knowingly took on hardship when they

24 purchased this property at auction. They took on the

25 hardship of a waste site; they took on the hardship of

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2 a railroad right-of-way and access to the railroad

3 tracks and setbacks that they have to comply with.

4 They also took on the hardship of being located near

5 that massive electrical transformer thing. Don't know

6 exactly what you call it. So there were already

7 hardships in place that the developer knowingly took

8 on.

9 And I also would submit to you tonight

10 that the developers have had the property for about

11 four years. I mean, maybe it could have been weeded,

12 maybe there could have been a coat of paint, maybe

13 there could have been a little something done just in

14 good faith. But having worked in other cities with

15 developers in the past and had many positive outcomes,

16 I must say -- New Orleans and also Miami Beach and in

17 Boston -- sometimes developers like to keep it that

18 way so people get sick and tired of being sick and

19 tired of looking at the eyesore.

20 And I say there's 207 voices and more here

21 tonight, that say, "You know what? We'll take that

22 eyesore a little bit longer because this doesn't meet

23 the requirement set forth for compatibility of mass

24 and scale."

25 MR. MAYOR: Thank you very much.

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2 STEVE NEWCOMB: My name is Steve Newcomb.

3 I live at 18 Green Hill Lane.

4 And I think this project will change the

5 character of the Village of Pittsford. It's going to

6 take away of the charm which is the main reason why a

7 lot of us live in the village. It will be, you know,

8 forever changed with this project. You know, the

9 initial proposal for the project was that the

10 developer came in large. Okay. Then they scaled it

11 down per the request of the some of the village --

12 some of the work that the village did.

13 To me it was pretty obvious that they came

14 in high with the larger complex knowing that the

15 village would ask them to scale it down. So there's

16 some strategies in place. The gentleman that said

17 90 percent of us have never been to a meeting, I take

18 issue with, because especially most of the meetings

19 were held at 5 o'clock in the afternoon when many

20 people are working. I made a handful of meetings and

21 I think a lot of us did what we could to attend

22 meetings or at least find out what the status was of

23 the project.

24 The traffic studies that I have heard

25 about, one said that the traffic impact would be

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2 negligible, another one said the increase would be

3 7 percent. Okay. You know, a supreme court judge

4 once said, "I don't know the definition of important,

5 but I know it when I see it." Okay. I mean come on.

6 We know the traffic is going to increase much more

7 than negligible or 7 percent, because I know it when I

8 see it and I think a lot of people know it.

9 MR. MAYOR: Can I address that because

10 there have been so many speakers -- I'll let you

11 finish, Steve, but then I'll interrupt and address

12 that one issue.

13 STEVE NEWCOMB: And, I'm sorry. I had

14 some coffee before I came. I'm a little nervous.

15 You know, if anything has to be built

16 there by Mark IV, which is -- which would be much less

17 traffic due to the residents that would be living

18 there, would be one of their senior communities. You

19 know, they do a great job at that. We have seen

20 seniors in the village and town that want to stay

21 here. Maybe that would allow them to move into a

22 Legacy right here that perhaps Mark IV would consider

23 as an alternative to what they are proposing. Thank

24 you.

25 MR. MAYOR: I just want to clarify to

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2 everyone, and there are some new people here tonight,

3 on what our traffic consultant said.

4 What our traffic consultant said before we

5 started the project, we did a background study with

6 the Town of Pittsford on the Monroe Avenue corridor

7 looking at the history and the projected future trends

8 in the corridor from Clover Street all the way through

9 the eastern edge of the village.

10 What the study indicated was that the

11 volume within Monroe Avenue in the village has been

12 frozen for about 20 years, and the reason for that is

13 because it's already at capacity. It backs up in the

14 morning; it backs up midday; it backs up on Saturdays;

15 and it backs up in the evenings. You can't stuff any

16 more cars through there.

17 Compared to the other possible uses, and

18 particularly compared to the use that the parcel was

19 previously zoned for, our original intent in rezoning

20 it was to minimize the potential traffic that was

21 possibly generated from that site. So we picked a

22 residential use because the trip generation is far

23 less than any commercial use.

24 What the consultant said is there's an

25 approximate 20,000 cars a day on that section of

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2 Monroe Avenue. The flow from this project isn't

3 enough to affect the volume dynamics of the corridor.

4 And if you -- I'm just telling you what our traffic

5 consultant said. If you look at Carriage Hill

6 Apartments and you look at that driveway, that's

7 roughly double the number of units that these people

8 are proposing. You can get some idea of what the

9 potential flow onto Monroe Avenue would be. And in

10 New York State, under New York State case law, you

11 have to prove that the change in dynamic would have

12 some tangible effect using National Highway and

13 Traffic Safety Standards. That's what our consultant

14 was using and that's what we have to use.

15 Next person.

16 FRANK GALUSHA: My name is Frank Galusha.

17 I live at number 24 Boughton Avenue. Thirty-four

18 years on Boughton Avenue.

19 I wrote a memo to the board of trustees

20 which I was going to deliver tonight. I'll attempt to

21 summarize it. But, basically, what I'm saying is that

22 this board must rescind its August 9, 2012, SEQR

23 resolution, their non-declaration resolution, in which

24 they said that this project will not have a

25 significant adverse environmental impact.

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2 What I'm requesting is they rescind that

3 decision, not based on my opinion, but based on the

4 State Environmental Quality Review Regulations, Part

5 6177(f) which says: At any time prior to the decision

6 to undertake fund or approve an action a lead agency,

7 the board of trustees, must rescind a negative

8 declaration when substantive (1) changes are proposed

9 for the project, (2) new information is discovered,

10 (3) or changes in circumstances related to the project

11 arise that were not previously considered and the lead

12 agency determines that a significant adverse

13 environmental impact may result.

14 All three of these conditions apply in

15 varying degrees. I cite the State Environmental Full

16 Assessment Form that the applicant had to -- had to

17 complete that lists all the environmental situations

18 that could be -- that could be impacted by this

19 project. And then they have to classify them as

20 three -- one of three classifications. One being the

21 most serious, meaning that it could have a serious

22 negative impact on the environment.

23 To justify those conditions that were --

24 that were considered serious, there was a consultant

25 retained who compared this project and called it -- I

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2 think it was the developer's term, but he actually

3 used it -- saying that this project is a canal

4 commercial project. This is not a canal commercial

5 project. Granted it's being built close to the canal,

6 but it's not a commercial project.

7 Justification for saying there are no --

8 that the negative impact is negligible is because it's

9 a commercial project: Hotel, retail, light

10 industrial. Not multi-family. He uses that concept

11 to justify the fact that this project is okay. I say

12 that it is not, that the board must rescind their

13 declaration and reconsider other options.

14 AUDIENCE MEMBER: I second that.

15 For the people opposed what is

16 our recourse?

17 MR. MAYOR: Excuse me. If you wish to

18 speak, we need your name and address.

19 SHARON EASTMAN: Sharon Eastman, 11

20 Elmbrook Drive.

21 I want to know for the people opposed to

22 this, what is our recourse and what the board is going

23 to do for us?

24 MR. MAYOR: We're going to let everybody

25 speak, then we'll get back and address the issue. We

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2 just want to give everybody a chance to speak, then

3 we'll go through and answer questions and issues.

4 WALLY MORSE: Hello, my name is Wally

5 Morse. I live at 12 Sutherland Street and our family

6 has lived there for over 25 years.

7 It's always interesting that I was

8 approached with that petition -- with the same

9 petition that the people signed. And the pretense

10 that it was given -- that I was given was not quite --

11 not quite all the facts were there. And I would like

12 to applaud the other people that stood up and spoke

13 for this project, because I'm reminded of "not in my

14 backyard." Jeez. We always want to have things, but

15 not in my backyard. I don't want to be affected.

16 As far as the traffic, exhaustive studies

17 about that.

18 As far as the rent, you know, it's a great

19 thing to be able to have renters. It's not a

20 negative. It's a positive. So whether people rent in

21 the village or own in the village or -- across the

22 street from us, they are renters. I don't see any --

23 as far as I know it's not a house of ill repute,

24 they're not vagrants, they're not terrible people

25 living there. From my vantage point they've been good

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2 renters. There's a lot of rental property around. I

3 think that's a positive thing.

4 Somebody mentioned earlier what about

5 having an elderly community. And I know people that

6 have been in the village that unfortunately have had

7 to move to other places because they no longer want to

8 own their house, but they had no really good place to

9 go. And I think they would have jumped at the

10 opportunity to have a nice rental place that's right

11 on the canal that's still walking distance within the

12 village.

13 So I'm absolutely in favor of this because

14 I think that it's looking forward, not looking back.

15 I think it's helping our community. And of all people

16 I certainly am witness to the traffic and the

17 congestion each and every day. I'd love it if more

18 people were walking by our house than probably most of

19 you that drive by it each and every day.

20 So I hope the board -- my feeling is that

21 you've done your due diligence, that you've done a

22 marvelous job of giving everybody a wonderful

23 opportunity to speak up many, many, many, many times

24 and I hope that we get on, that we move on and get it

25 done. So thank you.

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2 MR. MAYOR: Thank you. Yes. Back corner

3 over there.

4 RUSH SHERWOOD: I'm Rush Sherwood, 23

5 Boughton Avenue. And I would like to ask the

6 gentleman that just spoke if he has a financial

7 interest in the outcome of the project?

8 MR. MAYOR: I just want to clarify, we

9 need all comments to be directed to the board.

10 Wally, if you --

11 WALLY MORSE: I'd ask you to ask the

12 question.

13 MR. MAYOR: I will, I will. Go ahead.

14 WALLY MORSE: My name is Wally Morse. I'm

15 the fourth generation. I'm part owner of a family

16 business in the lumber business who is very proud to

17 have lived in this community since 1853 and to have

18 contributed to the City of Rochester. We may have

19 built many of your homes and that have helped in the

20 providing of materials to the many of your homes.

21 And most certainly that we know who Mark

22 IV is, and we have done business with Mark IV in the

23 past. I would venture to say, if you look at us over

24 the last ten years, if we have been the primary

25 support -- if we've been the supplier to Mark IV? I

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2 can tell you that we have not been. Much to our

3 chagrin.

4 So the idea -- I appreciate your comment,

5 sir -- but it speaks to my integrity as to whether or

6 not I would be able to speak as a member of this

7 village and as a member of this community, and I beg

8 to differ with your inference that I am the one that

9 is getting twisted by the fact that I have done

10 business with the organization of Mark IV.

11 So, yes, it hurts, frankly. And, frankly,

12 when I stand up in front of people -- ever since the

13 beginning, which was over two years ago when I spoke

14 up to the Village of Mendon, I brought it up at that

15 time that we were -- that Mark IV had been customers

16 of ours. Because I knew as soon as I spoke up

17 somebody would want to bring that up and try to hold

18 that over my head. And sitting next to me is my

19 lovely wife, and frankly, at times she wants to pull

20 on my sleeve and says, Wally, you don't want to get

21 involved in that. You're going to have too many

22 people thinking that all you've got in it and what you

23 want to do is to be selling Mark IV material.

24 You're darn right I'd love to sell Mark IV

25 material. But that's not the reason I'm supporting

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2 this project. I'm supporting it as neighbor. I'm

3 supporting as someone who was sick and tired of the

4 smell of Monaco Oil and what that site was like. And

5 I'm thrilled that somebody has the gumption to be able

6 to stand up and try to develop it into something

7 that's positive for your community as opposed to

8 negative.

9 So I'm thrilled about it and I'm very

10 proud to have known the people at Mark IV, and I'm not

11 at all ashamed to say that we have had a relationship

12 in the past. If anybody wants to question my

13 integrity, you're welcome to try. But I think you're

14 going to have a hard time doing it.

15 MR. PIERSON: Just because people have

16 differing opinions one way or the other, everybody is

17 here for the same reason: Everybody loves this

18 community. So to question somebody's integrity and to

19 question whether or not they love the community and

20 that they're speaking from the heart, I don't think

21 that's what this community is about. And that's not

22 something that we need to get into today. You're

23 thinking this way because of this, that or the other

24 thing. It's not the way that it works here. And it's

25 disappointing. I have to say.

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2 MR. MAYOR: Ross, we'd like to give

3 everybody a chance to speak first, and we need

4 everybody to stay in order because it's a big crowd.

5 MEL DIAMOND: I'm Mel Diamond and I live

6 at 138 Woodland Road just outside the village. I'm

7 also a realtor with Nothnagle Realtors, and I make the

8 trip four, five times a day between my home and the

9 village and consistently encounter an enormous amount

10 of complex and challenging traffic. And I also

11 frequently go into the complex where the drop-off

12 boxes are for the overnight mail and take my life in

13 my hand every time I leave that to make a left turn to

14 come back home.

15 I petitioned the village and the town more

16 than two years ago to try to find out who was

17 responsible for the maintenance of the railroad

18 tracks. And the terrible, deplorable condition of

19 that intersection. And I was referred to CSX.

20 Neither the village nor the town had any

21 responsibility or jurisdiction for those railroad

22 tracks and they referred me to CSX. I tried several

23 times -- let me finish. Let me finish.

24 I walked into the village and I asked --

25 and the town, "Who is in charge? How can that be

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2 taken care of," because it was increasingly dangerous

3 to pedestrians as well as to vehicles.

4 I wrote to CSX, I got a reply that we have

5 35,000 intersections and when we get around to it,

6 we'll get around to it, I wrote a letter to Slaughter.

7 I said, "You're proposing umteen million dollar

8 inter-situational thing between nowhere and nowhere,

9 and we can't fix the railroad tracks in Pittsford

10 Village, which is a platinum community.

11 Somehow, about a year later, the crews

12 came up. It was a two-year lapse, and fixed that

13 intersection. I give that as anecdote. It's not so

14 much what the retrospec -- prospective studies in

15 terms of traffic and wear and tear, but the issue is

16 after it's in, after the decisions have been made.

17 Who is responsible, who has the statutory

18 responsibility and the authority for maintaining and

19 monitoring and controlling and revising that stretch

20 of roadway that is going to be severely impacted by

21 this change?

22 Obviously, something is needed because you

23 said you're going to re-stripe the street, you're

24 going to put in medians. But it doesn't have any

25 impact. Well, why are you doing that if it doesn't

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2 have any impact? And if it does have a deleterious

3 impact, how is it going to be monitored? Who is going

4 to have the operational and policy responsibility and

5 the authority to do anything about it? Because it's a

6 never-ending conundrum. This village goes from four

7 lanes in some places to five lanes by Wegmans down to

8 two lanes.

9 MR. MAYOR: And could I ask you to

10 summarize, because your time is up.

11 MEL DIAMOND: That's it.

12 MR. MAYOR: Fact correction before someone

13 else speaks.

14 With the CSX maintenance issue, we didn't

15 just say it's CSX's responsibility. We nagged them

16 for two years calling weekly to try to get somebody to

17 come out here and to get our calls returned. And I

18 have to credit a village resident, Frank Galucia, who

19 actually made the contact with somebody higher up,

20 and, really, it was Frank that we can all thank that

21 actually facilitated the actual -- (applause).

22 MEL DIAMOND: But that is precisely the

23 issue. You have no control; you have no authority;

24 you have no operating budget, but you're making plans

25 that are going to have a long-term chronic impact on

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 2 this whole community and we have to rely on the nuance  
 3 or the sophistication of somebody high enough up.  
 4 MR. MAYOR: I need you not to speak out of  
 5 order.  
 6 MEL DIAMOND: I'm responding to your  
 7 anecdotal reference as to how this is going to be  
 8 managed by good people making phone calls.  
 9 MR. MAYOR: If you will sit down, I'll  
 10 give you the answer.  
 11 The answer is Monroe Avenue, the changes  
 12 that will be made on Monroe Avenue -- it's a state  
 13 highway -- the state will maintain any modifications  
 14 that are made as a result of this project. The only  
 15 exception to that is a landscape median west of the  
 16 bridge which would actually be located in the Town of  
 17 Pittsford and that would be maintained by the village.  
 18 There is a significant safety issue which  
 19 is the reason the median is necessitated, because the  
 20 incoming speeds coming over the bridge are  
 21 approximately ten miles per hour faster than would be  
 22 acceptable for an ingress and egress point at the  
 23 project site, and that's the reason that was  
 24 stipulated as a requirement of this approval.  
 25 All right. Next person.

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 2 LISA COVE: I'm Lisa Cove. I live at 44  
 3 South Main Street. We will have been village  
 4 residents coming up on four years. I have three boys,  
 5 and we have lived ten years in the City of Rochester.  
 6 And I specifically moved to the village for the school  
 7 system. Unlike most people that I know, and many that  
 8 I am sure now that we've had the privilege of being  
 9 number one in the state -- it was just on the news --  
 10 that people come here many times for the schools.  
 11 My concern is when we increase the  
 12 rental-to-owner ratio that we're going to get more  
 13 transient people that will come and maybe spend five  
 14 years while their kids want to go to high school and  
 15 just live in a place and not really care too much  
 16 about it, and then as soon as their kids are out of  
 17 there, then they're out of here.  
 18 It makes me nervous because I invested in  
 19 ownership in this village and I take care of my  
 20 property and, you know, it's mine, and I have to take  
 21 care of it because it's mine.  
 22 Now, I'm not saying anything bad about  
 23 renters. I'm sure there are great renters, okay? But  
 24 no one can deny the fact that when you own something,  
 25 it's different than renting and I don't care what you

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 2 say. There's great renters. I mean, I rent hotel  
 3 rooms. I rent beach houses. There's no way I take  
 4 care of that property like my own.  
 5 So that makes me very nervous and I just  
 6 think that ratio change is significance and it will  
 7 change the demographics of our village.  
 8 MR. MAYOR: Next person.  
 9 FRED LESTER: Fred Lester, 102 South Main  
 10 Street.  
 11 Mr. Morse stood up and ended up having to  
 12 defend the fact that he has a business relationship  
 13 with the developers. He indicated it was a small  
 14 business relationship. But nonetheless, he has had  
 15 one in the past and possibly he'll -- he has an  
 16 invested interest in the future for this particular  
 17 project.  
 18 But I'd like to know, it got me thinking.  
 19 I'd like to know if anyone on the board here wants to  
 20 make a disclaimer now about any kind of a business  
 21 relationship they have with Mark IV, either in the  
 22 past or something that's going to take place as a  
 23 result of approval of this project. Now, doesn't  
 24 mean -- I'm not accusing anybody. But this is out --  
 25 I mean, it's out. It's already out.

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 2 Mr. Morse accused people who kind of  
 3 questioned it as insulting his integrity. I really  
 4 want people on the board to give a statement at some  
 5 time whether or not they have had in the past or have  
 6 an ongoing business relationship with the developers  
 7 in this case.  
 8 MR. MAYOR: Speaking for myself, I can say  
 9 I have never had any business relationship with the  
 10 developer ever.  
 11 FRED LESTER: That would go for everybody  
 12 on the board, Mr. Corby.  
 13 MR. PIERSON: No relationship in the past  
 14 or future.  
 15 MR. GALLI: I can say the same.  
 16 MS. BOEHLERT: I can say the same.  
 17 FRED LESTER: I think we all want  
 18 independent action here. I know you got a tough  
 19 decision to make, and -- but, you know, over the last  
 20 time we were here one of the members said something to  
 21 me about -- he talked about the traffic and he used  
 22 the term -- I think it was -- maybe you could help me.  
 23 It wasn't "scientific," but it had to do with  
 24 experiential.  
 25 MR. PIERSON: Anecdotal.

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2 FRED LESTER: Yeah. Anecdotal. Then I

3 was thinking, I was saying, okay now, anecdotally I

4 know I'm going to sit along this property. Because

5 you agreed that anecdotally I would feel that I was

6 waiting forever to make a left-hand turn or whatever.

7 MR. PIERSON: I used that. I went the

8 other day on Friday night at 5:30 to Pittsford Plaza

9 and back to my house at South Street in 14 minutes.

10 FRED LESTER: That was good. So what I'm

11 saying --

12 MR. PIERSON: Bought something there too,

13 so this is at rush hour, so anecdotally that's my

14 experience.

15 FRED LESTER: This was brought up by one

16 of the other people. I think the doctor brought it

17 up.

18 Anecdotally we all sense that this has got

19 to have an impact on traffic, but scientifically,

20 somehow scientifically does away with our own everyday

21 experience. And I'm really wondering is it really, in

22 fact, the science that's involved in this case, that

23 real science can actually do away with this anecdotal

24 evidence that I have had for all the years I've been

25 born and all the miles I've driven and all the times

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2 I've gone in and out of the village, et cetera.

3 MR. MAYOR: We'll wait. They're trying to

4 discipline me to let everybody speak first. We'll let

5 everybody speak and then we'll go back and address the

6 issues.

7 Who else would like to speak? Anyone

8 else?

9 ADEL LESTER: I'm Adel Lester. I live at

10 102 South Main Street and I have a question for the

11 builder. I want to know --

12 MR. MAYOR: Well -- but it has to come to

13 the board. So you have to address your question to

14 the board.

15 ADEL LESTER: I want you to ask the

16 builder, I want to know where his funding is coming

17 from to build the project? Is there federal funding

18 involved in his getting federal loans?

19 MR. MAYOR: Thank you.

20 ADEL LESTER: My point is that if there is

21 federal funds, that will change if he is unable -- he

22 may have requirements that are put on him by the

23 federal government, by these federal funds, in order

24 for him to be able to claim these tax credits and tax

25 breaks.

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2 These federal funds may mandate that he,

3 that 20 percent of the people that he puts in that

4 building, those buildings will be low income and I

5 would like to know if that's part of their funding.

6 MR. MAYOR: We'll find that out. Thank

7 you.

8 I saw another hand over in this area.

9 Yes?

10 JANET REYNOLDS: I'm Janet Reynolds, 35

11 Church Street.

12 In a previous favorite project, ESL, we

13 were assured that the fire department could not handle

14 only one entrance. And when I look at this project,

15 which is a very large project, as far as I can tell,

16 there's one entrance and one exit for that property.

17 And, frankly, I've been to a lot of your meetings.

18 I don't remember if there was an answer

19 for that, but I do remember at ESL they told us it has

20 to come out on your street because there has to be an

21 entrance and exit. That's one little building.

22 I'd like to ask each of you that are

23 members of board when you vote whether or not to issue

24 this permit, I hope that each of you, if you vote yes

25 or you vote no, that reflects your personal belief

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2 that this project fits the village, is best for the

3 village, et cetera, and is not a reaction to some

4 perceived threat that you think someone is putting

5 pressure on you or that a lawsuit threatened or

6 something else. I really hope that each one of you

7 personally votes because you think it is or is not the

8 best thing to maintain this village.

9 MR. MAYOR: Thank you.

10 Does anyone else wish to speak?

11 JACK CARGIL: Jack Cargil, 8 Boughton

12 Avenue.

13 Paragraph 2 here in this update: We have

14 investigated the potential condemnation of the

15 property. Due to the liability for environmental

16 cleanup, the cost proved to be prohibitive.

17 I'm not sure what that means.

18 Condemnation of the property. I don't understand that

19 legalese.

20 MR. MAYOR: We'll explain it.

21 That your only question?

22 JACK CARGIL: Well, the next sentence:

23 Due to the liability for environmental cleanup, if

24 Mark IV is going to get state funds, why can't we get

25 state funds? Why can't the village get state funds?

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2 MR. MAYOR: And we're asking just to give

3 everybody one chance to speak tonight. So what we're

4 asking for is people that haven't spoken so far.

5 AUDIENCE MEMBER: Are we going to get an

6 answer to that question?

7 MR. MAYOR: All the questions that have

8 been raised we're going to go back through the list

9 and hit every one of them and give answers for

10 everyone. We're trying to be a little more efficient

11 tonight to make sure we get through this to make sure

12 everybody has a chance to speak.

13 JIM MOE: My name is Jim Moe. I live at

14 29 Hearthstone Road in Lone Meadow. I've got several

15 concerns.

16 One is the tremendous light pollution that

17 this thing is going to bring. These lights for the

18 parking lot are going to be on at all hours.

19 Two is the noise pollution from a

20 restaurant that stated it's going to be open to 2 a.m.

21 I mean even where we are back in Hearthstone, as far

22 back as you can go, we can clearly hear noises on the

23 canal.

24 The other thing is I'm worried just the

25 genuine character of Pittsford. Right as you're

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2 entering this village, there's going to be this huge

3 lighted complex of buildings, what that's going to do

4 of the general feel of the village. Thank you.

5 MR. MAYOR: Okay. Is there anyone else

6 who has not spoken yet?

7 JUSTIN VLIETSTRA: Justin Vlietstra, 19

8 Boughton. I have talked to many, many residents in

9 this village and the general opinion of a lot of

10 people is why can't this be scaled down? Why can't we

11 build single-family homes here, which is allowed by

12 zoning, without having to go through this special

13 permit review process. And we keep getting different

14 stories as to why this happens. I think just about

15 everyone in the village would find single-family homes

16 to be acceptable. A park is also allowed here, which

17 I've heard very little discussion of. And I've had

18 very -- I guess, very simple descriptions of why

19 single-family homes have been put down and I don't

20 understand this.

21 Two things I've heard is it's a brownfield

22 site and it's hard to sell. So there could be a

23 financial hardship to the developer for this.

24 I have a report here that's put out by the

25 America Journal of Public Health by a PhD, and he

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2 basically gives a list of arguments for building on

3 brownfield sites. And he found in a study that about

4 40 percent of perspective homeowners were willing to

5 purchase new homes or lots for building a new home on

6 brownfield sites. And the general opinion of these

7 homeowners, most of them are young, maybe first-time

8 homeowners is that they had faith that their

9 government and the state were going to do due

10 diligence and clean the place up properly. I know New

11 York State has had tremendous success stories cleaning

12 up brownfield sites. You can look at lots of

13 different projects. They have tremendous engineers,

14 tremendous advisors, environmental consultants. I

15 think we would guess New York State is second to none

16 on that. And there's been tremendous amount of

17 developments.

18 They also happen to site the lack of real

19 estate, and brownfield development is very attractive

20 to communities that have very little real estate, as

21 does this one. There's very little free real estate

22 available in this community.

23 They also don't distinguish between

24 apartments and homes. So I've been given reasons why

25 you can build apartments here, but you can't build

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2 homes here. The only reason I've heard is

3 ventilation. Okay. So you need to ventilate the

4 basement. Well, thousands of people ventilate their

5 basements for radon. This is not a significant cost.

6 Costs what, maybe, a couple thousand dollars to put in

7 a ventilation system.

8 I think I've heard that, oh, you need to

9 do sub slab ventilation. That's basically you put a

10 fan in a sump crock and it sucks some of the air out

11 of the ground, the soil beneath there. It's not that

12 complicated a deal. So I have yet to hear a good

13 reason for that.

14 Now, I've heard the developer's claim of

15 financial hardship for this. So they need to build

16 the 167 units in order to make a profit and, you know,

17 making a profit is reasonable. I would argue they can

18 build zero units and make a profit. I believe they

19 paid about \$250,000 for the land. Please correct me

20 if I'm wrong. State funds will pay for the cleanup --

21 MR. MAYOR: I think they spent 750,000 for

22 it.

23 JUSTIN VLIETSTRA: \$750,000. So --

24 MR. MAYOR: And I need you to summarize

25 because your time is just about up.

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2 JUSTIN VLIETSTRA: So in summary, just

3 selling this land as lots. I've been told a fair

4 price for just a lot is about \$40,000. At a density

5 six to eight compatible with the village, six to eight

6 units per acre, that comes out to 1.8 to 2.4 million

7 dollars. I see no reason why they can't make a profit

8 at zero units. So there's got to be something between

9 zero and 167 units that they can still make a profit.

10 And I also, as I said, I see no reason why

11 single-family homes can't be profitable here. At some

12 scale you don't need to put as much infrastructure in.

13 You don't need to do massive sewer upgrades that are

14 expensive. You don't need to do massive road upgrades

15 that are expensive. That's all I have.

16 I want to submit this article for you to

17 review.

18 MR. MAYOR: We'll include it as part of

19 the record.

20 Next person who hasn't spoken who wishes

21 to speak? Is there anybody who has not spoken already

22 who wishes to speak?

23 KAREN McCALL: I am Karen McCall, 110 Wood

24 Land Road, and I have a couple of questions and a

25 couple of comments.

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2 My first question is if this is

3 residential, how does a restaurant not qualify as

4 something commercial? I'm concerned about the hours

5 and the noise because, frankly, I have trouble

6 sleeping at night when there's a lot of noise coming

7 across the canal.

8 My second comment is about the traffic

9 study. I went to the traffic study, which is

10 available on the village site, and I looked at the

11 whole thing. And it did not say that there has been

12 no change in 20 years. It says that the backup is

13 slowly creeping backwards and in four years has crept

14 from Woodland to halfway down Monroe Avenue and is

15 expected to be at Lone Meadow Circle in another couple

16 years. And so I take issue with the fact that the

17 traffic has not increased.

18 And if you have to work with the state for

19 the traffic situation, getting in and out of Woodland

20 is getting to be nearly impossible. Okay. A median

21 isn't going to help that at all at the bottom of the

22 bridge from people coming from the village. It goes

23 into two lanes, and I don't know if it's still going

24 into two lanes or not, but -- and I've been to several

25 meetings and I've requested before, can we request the

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2 state to say "left-turn only" so cars don't veer over

3 right at the Woodland entrance so nobody can get out.

4 I would propose that that would be something that

5 would be requested as you work with the state.

6 MR. MAYOR: Thank you.

7 Is there anyone else who has not spoken

8 who wishes to speak?

9 TIM GALLI: I'd move that we close the

10 public hearing considering there are no further

11 comments.

12 MR. PIERSON: I'll second it.

13 MR. MAYOR: All in favor?

14 (The motion was passed unanimously.)

15 MR. MAYOR: Now, I think we need to work

16 our way back through the comments.

17 The first thing I'd like to address is

18 when our meetings have been held. So far this board,

19 I believe, has had 68 meetings on this project.

20 There's only been a couple that we've had during the

21 day, and in some cases that was because we had

22 consultants that had a conflict in the evening. But

23 almost every meeting we have had has been an evening

24 meeting, and that is a normal practice to make it

25 available to people -- and that's true for the

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2 planning board and APRB. In several situations as

3 tonight, we moved the venue to make sure we could

4 accommodate as many people as showed up. Tonight we

5 had a full house. Several other times we did that and

6 we didn't have good attendance, but we still made the

7 effort to make sure that everybody has a chance to

8 speak. We've held this public meeting open since --

9 does anyone remember when we opened? It was sometime

10 in the spring. We've done that to maximize

11 opportunity so everybody has a chance to speak and

12 have their comments heard by us and entered into the

13 public record.

14 MR. ESSLER: SEQR. So everyone knows, I'm

15 Karl Essler. I'm an attorney with Bond Schoeneck &

16 King, and I have been retained as special counsel for

17 the village board. I have a fair amount of land use

18 and zoning work, so they asked me to come in and help

19 them about a year and a half, two years ago with the

20 issues involved here.

21 We had a comment from Mr. Galusha tonight

22 that believes that the board is obligated at this

23 point to rescind what he calls a SEQR Resolution.

24 Just so everyone understand what SEQR is,

25 that stands for State Environmental Quality Review

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1 Act, and it has very, very detailed procedures that an  
 2 applicant, such as Mark IV in this case, has to comply  
 3 with and the board has to comply with before it can  
 4 make a final determination on the permit application.  
 5 The applicant did what it was supposed to  
 6 do. It filed what's called a long form, Environmental  
 7 Assessment Form, which identified all the potential  
 8 issues involved in this situation.  
 9 From there I will tell you that over the  
 10 past two years, not only has the board received expert  
 11 opinion from the applicant's experts, but the board  
 12 has gone out, as has the planning board, and has the  
 13 APRB, and retained its own experts to look at all of  
 14 these issues that have been raised. I don't need to  
 15 get into all of them, but the example we talked about,  
 16 traffic and the traffic experts. We've talked about  
 17 the reasonable return issue, which we'll get into  
 18 later, but we actually had a very good expert who came  
 19 in and looked at the financial data that the applicant  
 20 presented and gave the village board a very strong  
 21 opinion that the applicant had met its burden on that  
 22 issue.  
 23 Mr. Galusha said that, however, since the  
 24 SEQR Resolution was adopted, there have been, quote,  
 25

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1 unquote, changes to the project. And I will tell you  
 2 that while the rule of law under SEQR is that those  
 3 changes would, first of all, would have to be  
 4 significant changes. And, frankly, I think the board  
 5 would concur, at least my viewpoint is, and I have  
 6 advised the board, we have not seen significant  
 7 changes since we adopted the SEQR Resolution. And  
 8 they would have to be adverse changes, negative  
 9 changes.  
 10 And, in fact, what we've seen since the  
 11 SEQR Resolution was adopted, I believe, have been  
 12 essentially positive changes that the applicant has  
 13 offered further concession as we move forward with the  
 14 process.  
 15 We also -- the village board also  
 16 retained, in doing the State Environmental Quality  
 17 Review, a person I think who is the most qualified  
 18 expert in the State of New York on the State  
 19 Environmental Quality Review Act. He used to work for  
 20 the City of Rochester. And I will tell you I can't  
 21 tell you how many times he did not recommend negative  
 22 declaration and required applicants in the city to do  
 23 Environmental Impact Statements. He's not a one-sided  
 24 person by any stretch of the imagination. He went  
 25

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1 through the evidence that was before the board. And  
 2 by "evidence" you have to take a look at the expert,  
 3 the hard proof that's before the board. But before  
 4 you look at -- as has been said before -- anecdotal  
 5 evidence. The law says you must consider that.  
 6 And our expert's opinion was very strongly  
 7 that there was nothing here that in his view presented  
 8 a significant adverse impact to the environment that  
 9 would require anything other than a negative  
 10 declaration. As part of the process, as well, we had  
 11 a meeting in which we invited other interested and  
 12 involved agencies, such as the State DOT, such as the  
 13 State DEC to come and comment. If you have comments  
 14 about things, and we also invited them to comment in  
 15 writing.  
 16 No agency that's been involved or  
 17 interested in this project has made what we would  
 18 consider to be an adverse comment about this project.  
 19 We did get a few things from, I think the water people  
 20 about some things that needed to be done. The  
 21 applicant agreed to do them.  
 22 The school district has been commented on  
 23 several times what the impact is on the school  
 24 district. The school district, actually, I believe,  
 25

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1 wrote a letter indicating they had no significant  
 2 issues with this project.  
 3 So we explored, this board, explored all  
 4 these SEQR issues in exhaustive detail, has expert  
 5 proof, and I know the speaker also talked about an  
 6 expert who used the phrase the "canal commercial"  
 7 rendering his opinion. I will tell you if you read  
 8 his report, he refers to that "canal commercial" not  
 9 because the use itself is, quote, unquote, commercial,  
 10 but because the appearance of the project is one that  
 11 promotes a, quote, unquote, canal commercial view  
 12 based upon the drawings that we have seen from the  
 13 applicant. And that expert who was retained by the  
 14 APRB, found that he had no problem from the standpoint  
 15 of any adverse impact on the community from the design  
 16 that we had seen from the applicant, which, indeed,  
 17 has from that point, from that point has been reduced  
 18 from the number of units from 187 to 165. We've now  
 19 put, at least are proposing maximum heights on the  
 20 buildings that were not there before.  
 21 So I'm very comfortable as the special  
 22 counsel for the board in saying to you that all of  
 23 this State Environmental Quality Review aspect of this  
 24 has been done and has been done properly and very  
 25

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2 carefully by this board. Thank you.

3 MR. MAYOR: The next issue that someone --

4 AUDIENCE MEMBER: Could I just have a

5 brief --

6 MR. MAYOR: Public Hearing is closed.

7 AUDIENCE MEMBER: That's what I was

8 wondering, if an actual hearing took place where all

9 this information was given. No, I mean, when you

10 considered all that various expert information, expert

11 opinion, was there ever a hearing, a question and

12 answer offered to village residents?

13 MR. MAYOR: Yes. Several times, actually.

14 MS. BOEHLERT: Two of them at the library.

15 MR. MAYOR: Two at the library and one at

16 Pittsford Mendon High School.

17 Let's try to go through and get to

18 everybody's questions that were brought up.

19 Someone mentioned property acquisition or

20 the issue of swapping with the DPW property with this

21 site.

22 We actually did look at that issue. We

23 had the DPW property, which is 12 acres appraised. We

24 also had this property appraised. We looked at the

25 cost of the environmental cleanup, the planning costs

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2 that would be necessary for a potential condemnation

3 procedure. And to justify condemnation you have to

4 determine a public purpose.

5 The difficulty in us doing that is the

6 town has proposed a park immediately across the canal

7 from us, which would make it more difficult for us to

8 get funding and to justify condemnation on the grounds

9 of protecting green space or a park, but we did look

10 at that.

11 Let me finish, please.

12 In our discussions as a board on

13 potentially swapping this or moving the DPW to this

14 site and developing the DPW site, what we heard from

15 many residents was people value the DPW site as an

16 open piece of land. It's used for people to walk

17 their dogs. It's a really beautiful green space that

18 gets greener every year, and I think there's a fairly

19 strong sentiment especially in the north neighborhood

20 of the village to leave it alone and protect it. So

21 that's where we ended up.

22 We felt given the potential cost of the

23 cleanup liability -- and the developer has entered

24 into the brownfield program, our investigation with

25 our environmental consultant indicated there's no

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2 certainty that there will be money available in that

3 for future people to participate in that program. So

4 that's a fairly significant liability that we would

5 incur if we somehow came into possession of the

6 property ourselves.

7 Anybody else on the board who wishes to

8 add to what I said, please do.

9 In terms of rewriting the zoning to reduce

10 the density, a year ago we actually considered a

11 moratorium to rewrite the zoning.

12 MR. ESSLER: Want me to address that?

13 MR. MAYOR: Yes.

14 MR. ESSLER: I only stand because I wanted

15 to make sure everyone can hear me in the back of the

16 room. I'm not trying to be a showoff here.

17 In terms of -- and it's a hard issue to

18 grasp for a lot of people, and believe me, it's a very

19 difficult legal issue. But once a person buys a piece

20 of property, and in this case when the applicant

21 bought the piece of property, I believe it was

22 actually zoned commercial at that time, if I'm not

23 mistaken. So they had an expectation when they bought

24 this property that they could develop it for

25 commercial use, which would have been extremely

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2 profitable.

3 The village, however, understanding that

4 that was not a very desirable use, because of the much

5 higher traffic volumes that would have been involved

6 in that, rezoned the property to what's called R-5,

7 and it created certain standards within the R-5

8 district that allowed the development, frankly, in its

9 initial adoption, at 25 units per acre.

10 The applicant came in with a proposal

11 under the R-5 provision as drafted at something around

12 that number. The village board was very, very

13 concerned about that. And we actually talked about

14 having a moratorium where we would explore rezoning

15 the property down to a lower density level with more

16 controls. And part of the problem that exists with

17 that is that if we were to do that and put the

18 applicant in the position where by doing that after

19 they'd already purchased the property in reliance upon

20 what had been previous zoning, and they could no

21 longer make a reasonable return, they would have a

22 right to bring a lawsuit for what's called a taking.

23 The village could be subjected to either

24 having the zoning thrown out or, technically, turned

25 back to the 25 units or acre or paying very, very

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 2 substantial damages.  
 3 The village retained an expert, one of the  
 4 best people in the community that I know in terms of  
 5 understanding the rental real estate market, the  
 6 single-family residential real estate market, and he  
 7 came in and took a very, very detailed look at the  
 8 financial numbers that the applicant presented down  
 9 now to 167 units where we'd gotten some concession.  
 10 In fact, he think we scared them with the moratorium,  
 11 if I can say that. That may have helped us a little  
 12 bit in getting that concession.  
 13 And our expert was crystal clear that the  
 14 numbers that they came up with from the standpoint of  
 15 what their return would be based upon their expenses  
 16 in the property and cost of development that, in fact,  
 17 he thought they were being a little optimistic and  
 18 that in his viewpoint it fell within the range of the  
 19 of what the courts would define as a reasonable  
 20 return.  
 21 And as I mentioned to the board --  
 22 MR. PIERSON. Not to name names, it's a  
 23 resident of the village that was that expert, and  
 24 somebody that, in some cases, stands to be in  
 25 opposition to that rental -- potential rental --

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 2 MR. ESSLER: Absolutely.  
 3 AUDIENCE MEMBER: What's his name?  
 4 MR. ESSLER: Mike Smith from Cabot Group.  
 5 MR. PIERSON: Lived here for 20, 30 years.  
 6 MR. ESSLER: And I've known Mike  
 7 personally, worked with him on many projects, and he's  
 8 as good as they come.  
 9 From the standpoint of that whole issue of  
 10 the economic thing, we came to a point, the board came  
 11 to a point where -- and by the way, we did some more  
 12 things beyond getting it down to 167. We got some  
 13 height restrictions that are in this resolution the  
 14 board is considering. It's not approved yet, but the  
 15 resolution has been drafted. We've got some height  
 16 restrictions in there that, frankly, are not in the  
 17 code. But that we kind of kept nudging at the  
 18 applicant, we need to get this down to a different  
 19 level height wise.  
 20 And so I feel very comfortable that given  
 21 the legal boundaries that the board is stuck with, in  
 22 terms of this constitutional, quote, unquote, takings  
 23 issue, that the board has done everything possible to  
 24 get this project down to a scale -- and by the way,  
 25 again, the scale that the experts have said is not

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 2 injurious to the community. We do not have a single  
 3 expert opinion from any architectural expert,  
 4 financial expert, whatever you call, zoning and  
 5 planning expert, we don't have an opinion from any  
 6 expert that says this concept as it is now laid out  
 7 will be injurious to this community.  
 8 And, again, we appreciate -- I know the  
 9 board appreciates the input and appreciates the  
 10 feelings and what people believe. But, unfortunately,  
 11 legally the board is obligated to literally abide by  
 12 the objective, expert evidence that it receives. And  
 13 that's what we received. So I think that answers that  
 14 question.  
 15 MR. MAYOR: The only thing I might want to  
 16 add to that, -- I don't know if you want to speak to  
 17 this, Laurie -- in researching the timeline that is on  
 18 the table, one of the things that we didn't even know  
 19 going into the project, but Laurie Boehlert found out  
 20 in her research, was that in 1968 when this was in the  
 21 Town of Pittsford, the town rezoned it to residential  
 22 and the owner at the time contested it and  
 23 successfully took the town to court and had it rezoned  
 24 back to commercial.  
 25 Lighting and noise. Yeah. That's been an

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 2 concern of ours too. The code specifies a certain  
 3 type of light that would ban -- you know, if you look  
 4 at other apartment complexes, they typically use high  
 5 pressure sodium wall packs, you know, those industrial  
 6 fixtures on the side of the buildings. Those are  
 7 prohibited by our codes. There's specific standards  
 8 in R-5 to set the style and maximum of wattage of the  
 9 lighting.  
 10 Noise. We've had a lot of discussion  
 11 about the noise from the beginning. I think it would  
 12 -- I'm not a technical sound expert -- but in this  
 13 case I would ask the applicant if you could address  
 14 how you're proposing to deal with the noise issue for  
 15 the benefit of everybody here.  
 16 MR. ESSLER: Mr. Mayor, just before you  
 17 do, I want to add also that we did, in this resolution  
 18 that we're looking at, we included additional  
 19 restrictions on hours of the restaurant. It's not  
 20 open everyday until 2 in the morning.  
 21 MR. MAYOR: Correct.  
 22 MR. ESSLER: So you did that as looking at  
 23 that as part of the noise issue.  
 24 MR. PIERSON: And also -- just to jump in  
 25 on the restaurant -- the restaurant, like every other

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2 restaurant in the village, gets a Special Use Permit.

3 They have to, again, come back after the first year.

4 And I think a lot of people were here for that

5 discussion as well. So if there's a problem with the

6 restaurant it will be -- you know, we'll have the

7 opportunity to address it after one year.

8 AUDIENCE MEMBER: Anybody that's ever been

9 to a lake house, you know, also knows that sound from

10 across the lake --

11 MR. MAYOR: We really need to have the

12 public hearing closed, so we really need to just go

13 through the questions.

14 I would ask Frank to answer that question.

15 MR. HAGELBERG: Frank Hagelberg. I'm

16 counsel for the applicant.

17 The issue of noise was studied by this

18 board at the time the negative declaration on the SEQR

19 was issued, and the findings of the board are

20 basically in two parts: One, that noise and vibration

21 resulting from construction activities are typically

22 unavoidable, but there was an understanding that those

23 activities would occur during morning and afternoon

24 hours typically 7 a.m. to 6 p.m., Monday through

25 Saturday and not anticipate interfering with

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2 surrounding uses or the enjoyment of nearby

3 properties. So that was the noise during

4 construction.

5 The board went on to find -- and I'm

6 quoting from the Part III that board completed -- the

7 board's findings.

8 AUDIENCE MEMBER: Could you face us,

9 please?

10 MR. HAGELBERG: Actually, I believe I have

11 to address the board.

12 The board's finding in connection with the

13 Part III also said, and I'm quoting: Other generators

14 of noise at the operational level will be site

15 maintenance and traffic. The planning board concluded

16 after reviewing the substantial amount of data

17 submitted by the applicant that such noise would not

18 be discernibly higher than current ambient levels.

19 Outdoor dining and any associated music or

20 entertainment may be another source of noise. The

21 developer has indicated that a lease restriction for

22 any tenant of the restaurant building would prohibit

23 live, recorded or amplified music or singing outdoors

24 after a designated time, such as 10 p.m. or however

25 the hours may be restricted by the Special Use Permit.

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2 And as Mr. Essler indicated, the

3 resolution that the board is considering in talking

4 about the special permit for the restaurant limits

5 those outdoor loud speakers and use of instruments and

6 the like.

7 So the board has looked at the noise issue

8 and has determined for SEQR purposes that it would not

9 constitute a significant adverse impact on the

10 community.

11 MR. MAYOR: Another issue I'd like you to

12 address, either Frank or Chris, is many people have

13 been concerned about the viability of the project due

14 to the noise from the trains.

15 Could you explain to the people how you

16 plan to ensure that the units that you rent will be

17 viable given the proximity to the CSX tracks.

18 CHRIS DIMARZO: Chris Dimarzo from Mark

19 IV, Pittsford Canalside Properties.

20 The train is a negative. We know it, and

21 we're studying the exact sound from the trains now,

22 and we're determining with our architects what

23 techniques we can use in construction to mitigate some

24 of that noise.

25 MR. MAYOR: The other question I have is

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2 many people have asked why did you do multiple family

3 on the site? Why didn't you build single-family

4 homes?

5 CHRIS DIMARZO: Our determination to build

6 multiple family there is because we think that's the

7 best use for that site. It is very expensive, (a), to

8 purchase the site, put the infrastructure in, mitigate

9 the environmental issues, do offsite improvements, and

10 to build single-family homes financially isn't close

11 to working. We're a multi-family home developer.

12 We've built thousands in town. That's our experience.

13 And from the really outpouring of emails

14 and inquiries that I get on a daily basis, people

15 can't wait to move in here. Believe it or not. And a

16 lot of these people live in the village, live in

17 Pittsford and just don't want a big single-family home

18 anymore. So most of the people who would be living

19 here, from the people that I am getting, inquiries

20 from, live in this area now and they just want a

21 different type of housing.

22 MR. MAYOR: Chris, one more question for

23 you while you're up.

24 One person asked are you getting any state

25 or federal funding, and are there any restrictions

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2 with that funding, and is there any requirement from

3 that funding that you accommodate lower moderate

4 income units?

5 CHRIS DIMARZO: Well, I mean, our

6 financial information is our information. But I can

7 tell you that we have no interest right now in doing

8 some kind of low-income housing. This housing will be

9 market rate and be really at the high end of lease

10 rentals in the community.

11 AUDIENCE MEMBER: I'm sorry. That

12 question never really got answered.

13 MR. MAYOR: Excuse me. You're out of

14 order.

15 MR. ESSLER: If I can add something,

16 Mr. Mayor?

17 MR. MAYOR: Go ahead.

18 MR. ESSLER: My understand having dealt

19 with the applicant over the last couple years is that

20 I'm not aware of them having sought, what you refer to

21 as federal funding. The funding that they seek is

22 brownfield funding through the state for the

23 environmental cleanup.

24 But I also have to tell you that, for

25 better for worse, whether you like this or not, folks,

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2 this board cannot consider whether or not the rentals

3 would be to low-income people or not. Rental and

4 residential use is allowed in that district. There's

5 nothing that this board can do. In fact, it would be

6 illegal for this board to say, no, we will not allow

7 any moderate or low-income housing in this village.

8 AUDIENCE MEMBER: The question, though,

9 was to the developer. The question was to him, not

10 the board.

11 MR. ESSLER: I'm just giving you what the

12 board is stuck with in terms of the law.

13 AUDIENCE MEMBER: So he doesn't have to

14 answer that? Is that what you're saying?

15 MR. ESSLER: No, he doesn't.

16 AUDIENCE MEMBER: He doesn't have to

17 disclose his financing to the board?

18 MR. ESSLER: No, he doesn't.

19 AUDIENCE MEMBER: Based on what?

20 MR. PIERSON: We had that conversation to

21 the board and they disclosed that by accident. That's

22 confidential.

23 MR. ESSLER: But they don't have to.

24 MR. PIERSON: But they did.

25 MR. ESSLER: They don't have to.

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2 MR. PIERSON: They deserve confidentiality

3 because, again, they're in the open marketplace. If

4 other people know what they're doing --

5 AUDIENCE MEMBER: That would be a key to

6 rental property --

7 MR. ESSLER: Nope. Nope. Nope. Nope.

8 MR. MAYOR: Karl, the next question for

9 you is, someone asked why the owner's purchase of the

10 property isn't a self-imposed hardship?

11 MR. ESSLER: Well, and as I said

12 previously, they actually bought this when it was

13 zoned for a more profitable use. The zoning has

14 changed twice. Or at least once, I guess. Well, it's

15 changed to the R-5 since they bought the property.

16 And, again, we were talking about changing

17 it even further. They're entitled to -- again, when

18 they purchase a property, it's zoned in a certain way,

19 and the owner of any property who purchases it has a

20 right to expect he's going to be able to develop it in

21 a manner in which it's zoned when he buys it and is

22 entitled to receive a reasonable return from investing

23 in that.

24 The zoning here got changed and, frankly,

25 it got changed in the manner that diminished the

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2 return for this applicant. They hung in there and

3 made a proposal that met our zoning requirements and

4 have even accommodated it further by shrinking it down

5 at this board's rather diligent urging to get it to be

6 something that our expert has said now gets them still

7 to a point of reasonable return.

8 MR. MAYOR: While you're standing, so a

9 village resident called me earlier today and asked me

10 to ask you, is there any way that would require this

11 decision to be a public referendum? Is there any way

12 the village could make this a public referendum issue?

13 MR. ESSLER: No. Essentially, under your

14 zoning code, this is not a referendum issue.

15 MR. PIERSON: Someone asked about what was

16 the recourse.

17 MR. ESSLER: Look. If anyone who's here

18 in this room doesn't like the decision of this board,

19 has the ability to go find a lawyer and bring a

20 lawsuit.

21 MR. MAYOR: Karl, while you're standing,

22 another question was, if it's a residential zoning

23 district, why is there a restaurant allowed within

24 that district?

25 MR. ESSLER: That's actually part of the

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2 R-5. It does allow that. Plus it's also on canal

3 corporation property, I believe. But, yeah,

4 restaurants are allowed as a Special Permit Use in

5 that district.

6 MR. MAYOR: Does any of the board want to

7 address that?

8 Are there any questions that I have

9 missed?

10 MS. BOEHLERT: The fire trucks.

11 MR. MAYOR: Someone asked why at ESL they

12 needed two entrances to the parking lot and why they

13 could get away with one entrance here.

14 And the answer to that is the ESL parking

15 lot, there isn't a way for the truck to turn around

16 and so they would have to drive through to get through

17 that lot.

18 In the design of this project, one of the

19 early things that was insisted upon was that there be

20 a place within the property where the trucks could

21 actually turn around, because there is no opportunity

22 for an exit. And there are actually many projects

23 like this that have one entrance. Wood Creek would be

24 the closest example that I can think of.

25 MR. GALLI: And the fire department would

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2 ultimately have to sign off on whatever the final

3 plans are.

4 MR. ESSLER: But they raised no objection

5 up to this point.

6 MR. MAYOR: Has anyone caught questions

7 that I have missed?

8 MR. ESSLER: That's all I had.

9 MR. MAYOR: I have one other issue I think

10 that was brought up and it's been brought up at other

11 meetings. And I would ask Mark IV to address this.

12 One of the concerns many people have

13 addressed is we've seen apartment complexes in other

14 communities, that as they age, the demographic market

15 for who rents those apartments changes over time and

16 they do become a potential liability.

17 Could you explain to us why you don't

18 believe that will happen with this complex?

19 MR. HAGELBERG: I think the answer to that

20 is that the developer's own self interest is going to

21 guide that. This developer, in particular, has

22 developed a number of apartment projects, and it's

23 very much in the developer's interest to keep them in

24 good repair, to do the maintenance properly, to make

25 sure that it will continue to be an attractive place

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2 for folks to rent. The last thing that this developer

3 or any smart developer is going to do is to let the

4 place run down so that there are vacancies.

5 Somebody mentioned and not complimentarily

6 so, Corn Hill, which has been open for a number of

7 years and the occupancy rate remains 98 percent or

8 higher. This is a project that rented out 128 units

9 within the first year. And there the developer

10 recognizes that keeping it attractive is the only way

11 that you're going to meet the market, particularly

12 with what we're described as rents at the high end of

13 the rental market in this area.

14 So are there guarantees? Usually the two

15 guarantees are death and taxes -- and for the lawyers

16 30 days to file your Notice of Appeal -- Hi, Beth.

17 But the real guarantee is you can look at

18 the other rental projects that this developer has

19 done. You can look at the Legacy projects that this

20 developer has done. And they are kept up to date;

21 they are maintained properly; they look substantially

22 as good, if not better, than the day they opened. And

23 it's pure self interest here that's going to provide

24 the assurance that this remains an attractive place

25 for someone to rent an apartment.

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2 MR. MAYOR: I just wanted to say one more

3 thing about traffic. I think there was one other

4 significant point that didn't come out at all the

5 comments we made so far. And that's one of the things

6 that the consultant looked at, and this was before we

7 knew what the project was and we did the background

8 study of Monroe Avenue, one of the things they looked

9 at was the travel time to get across Pittsford. And

10 that's one of the standards they use to in evaluating

11 the impact is how many minutes does it take to get to

12 Clover Street to the east side of the village. They

13 did that under several different scenarios.

14 The other point I wanted to make and it's

15 come out in previous meetings, but not in tonight's

16 discussion, is the increase in trip generation from

17 projects in the town will dwarf what's happening at

18 the site. And there's three fairly large things. One

19 has happened already which is the new call center at

20 3750. If everybody has paid attention to the light,

21 there's been -- this year there's been a huge

22 difference in the activity at the light at 3750 Monroe

23 Avenue.

24 The other is the 30 acres of commercially

25 developed property in the Town of Pittsford, which

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2 that's a huge amount. That was anticipated in Steve

3 Feroni's (phonetic) study.

4 And the last is the proposed Town of

5 Pittsford rec center, which would be located at the

6 base of the canal bridge next to Paul Harris'

7 business. So I just want to make everybody is aware

8 of that.

9 Any other comments from the board?

10 Next step. Well, I think the next step is

11 we need to have a discussion on how the board feels

12 about this and where we're going.

13 MR. ESSLER: The board has 62 days from

14 tonight in which to make a decision. That's under

15 state law, having closed the public hearing.

16 MR. MAYOR: I would personally like time

17 to digest everything I've heard tonight, because

18 there's a lot. I want to look at the notes. I'm not

19 ready for a vote right now.

20 MR. ESSLER: That's the board's

21 determination. You've got 62 days.

22 MR. MAYOR: Then I would make a motion

23 that we adjourn for this evening, and I want to thank

24 everybody for coming out tonight and taking the time

25 out of your schedule and letting us know how you feel.

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1 VILLAGE OF PITTSFORD PUBLIC HEARING

2 AUDIENCE MEMBER: You didn't answer my

3 question.

4 MR. MAYOR: What's your question, sir?

5 AUDIENCE MEMBER: Paragraph 2: We have

6 investigated the potential condemnation of the

7 property, due to the liability for environmental

8 cleanup --

9 MR. PIERSON: Bob talked about that when

10 he talked about the DPW site, and we investigated

11 that.

12 MR. MAYOR: Anybody who wants to come up

13 and talk to us after the meeting, is welcome to do so.

14 MR. PIERSON: I make a motion to adjourn.

15 (Motion was seconded and passed unanimously.)

16 (TIME: 9:10 p.m.)

17 \* \* \*

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1

2 CERTIFICATION

3 STATE OF NEW YORK:

4 COUNTY OF ONTARIO:

5 I, TAMMY B. FIGLER, do hereby certify that

6 I reported in machine shorthand the above-styled

7 cause; and that the foregoing pages were produced by

8 computer-aided transcription (CAT) under my personal

9 supervision and constitute a true and accurate record

10 of the testimony in this proceeding;

11 I further certify that I am not an

12 attorney or counsel of any parties, nor a relative or

13 employee of any attorney or counsel connected with the

14 action, nor financially interested in the action;

15 WITNESS my hand in the City of Farmington,

16 County of Ontario, State of New York.

17

18

19

20 *Tammy B. Figler*

21

22 TAMMY B. FIGLER

23 Freelance Court Reporter and

24 Notary Public No. 01FI4573724

25 in and for Ontario County, New York

<hr/> <p style="text-align: center;"><b>\$</b></p> <hr/> <p><b>\$250,000</b> 44:19</p> <p><b>\$40,000</b> 45:4</p> <p><b>\$750,000</b> 44:23</p> <hr/> <p style="text-align: center;"><b>0</b></p> <hr/> <p><b>01FI4573724</b> 75:24</p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>1</b> 23:8</p> <p><b>1.8</b> 45:6</p> <p><b>10</b> 62:24</p> <p><b>100</b> 8:6 9:22</p> <p><b>102</b> 35:9 38:10</p> <p><b>11</b> 24:19</p> <p><b>110</b> 45:23</p> <p><b>12</b> 25:5 53:23</p> <p><b>125-seat</b> 16:25</p> <p><b>128</b> 71:8</p> <p><b>138</b> 30:6</p> <p><b>14</b> 37:9</p> <p><b>165</b> 52:19</p> <p><b>167</b> 8:19 44:16 57:9 58:12</p> <p><b>17</b> 9:19</p> <p><b>18</b> 19:3</p> <p><b>1853</b> 27:17</p> <p><b>187</b> 52:19</p> <p><b>19</b> 42:7</p> <p><b>1955</b> 10:13</p> <p><b>1968</b> 59:20</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2</b> 17:3 23:9 40:13 60:20 74:5</p> <p><b>2.4</b> 45:6</p> <p><b>20</b> 21:12 39:3 46:12 58:5</p> <p><b>20,000</b> 21:25</p>	<p><b>2012</b> 22:22</p> <p><b>207</b> 16:11,13,17 17:8 18:20</p> <p><b>210-19.2B</b> 17:3</p> <p><b>23</b> 27:4</p> <p><b>24</b> 22:17</p> <p><b>25</b> 25:6 56:9,25</p> <p><b>29</b> 41:14</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3</b> 23:10</p> <p><b>30</b> 58:5 71:16 72:24</p> <p><b>34</b> 14:10</p> <p><b>35</b> 15:21 39:10</p> <p><b>35,000</b> 31:5</p> <p><b>3750</b> 72:20,22</p> <p><b>3c</b> 17:3</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>40</b> 43:4</p> <p><b>44</b> 34:2</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p><b>5</b> 7:10 19:19</p> <p><b>5:30</b> 37:8</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>6</b> 61:24</p> <p><b>60</b> 13:6</p> <p><b>6177(f)</b> 23:5</p> <p><b>62</b> 12:24 73:13,21</p> <p><b>66</b> 16:8</p> <p><b>68</b> 47:19</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>7</b> 20:3,7 61:24</p> <p><b>7.4</b> 10:6</p> <p><b>72</b> 10:12 11:5</p>	<p><b>75</b> 16:22</p> <p><b>750,000</b> 44:21</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>8</b> 11:23 40:11</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>9</b> 7:9 22:22</p> <p><b>90</b> 13:15 19:17</p> <p><b>98</b> 71:7</p> <p><b>9:10</b> 74:16</p> <hr/> <p style="text-align: center;"><b>A</b></p> <hr/> <p><b>a.m.</b> 41:20 61:24</p> <p><b>abide</b> 59:11</p> <p><b>ability</b> 68:19</p> <p><b>above-styled</b> 75:5</p> <p><b>absolutely</b> 11:25 26:13 58:2</p> <p><b>acceptable</b> 33:22 42:16</p> <p><b>access</b> 18:2</p> <p><b>accident</b> 66:21</p> <p><b>accidents</b> 13:7</p> <p><b>accommodate</b> 48:4 65:3</p> <p><b>accommodated</b> 68:4</p> <p><b>accurate</b> 12:16 75:8</p> <p><b>accused</b> 36:2</p> <p><b>accusing</b> 35:24</p> <p><b>acquisition</b> 53:19</p> <p><b>acre</b> 45:6 56:9,25</p> <p><b>acreage</b> 10:8</p> <p><b>acres</b> 10:5 53:23 72:24</p> <p><b>Act</b> 49:2 50:20</p> <p><b>action</b> 23:6 36:18 75:13</p> <p><b>activities</b> 61:21,23</p> <p><b>activity</b> 72:22</p> <p><b>actual</b> 32:21 53:8</p>	<p><b>add</b> 55:8 59:16 60:17 65:15</p> <p><b>addendum</b> 10:3</p> <p><b>addition</b> 12:14</p> <p><b>additional</b> 12:8 60:18</p> <p><b>address</b> 20:9,11 24:18,25 38:5,13 47:17 55:12 60:13 61:7 62:11 63:12 69:7 70:11</p> <p><b>addressed</b> 7:7 70:13</p> <p><b>Adel</b> 38:9,15,20</p> <p><b>adjacent</b> 11:2</p> <p><b>adjourn</b> 73:23 74:14</p> <p><b>adopted</b> 49:25 50:8,12</p> <p><b>adoption</b> 56:9</p> <p><b>advantageous</b> 15:2</p> <p><b>adverse</b> 22:25 23:12 51:9, 19 52:16 63:9</p> <p><b>advised</b> 50:7</p> <p><b>advisors</b> 43:14</p> <p><b>affect</b> 22:3</p> <p><b>affected</b> 25:15</p> <p><b>afford</b> 15:3</p> <p><b>affordable</b> 15:7</p> <p><b>afternoon</b> 7:10 19:19 61:23</p> <p><b>age</b> 70:14</p> <p><b>agencies</b> 51:13</p> <p><b>agency</b> 23:6,12 51:17</p> <p><b>agreed</b> 37:5 51:22</p> <p><b>ahead</b> 27:13 65:17</p> <p><b>air</b> 15:11 44:10</p> <p><b>allowed</b> 8:17 42:11,16 56:8 66:4 68:23 69:4</p> <p><b>alternative</b> 20:23</p> <p><b>Alysa</b> 16:7</p> <p><b>ambient</b> 62:18</p> <p><b>ameliorated</b> 12:11</p> <p><b>America</b> 42:25</p> <p><b>amount</b> 30:9 43:16 48:17 62:16 73:2</p> <p><b>amplified</b> 62:23</p>
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