

**PROCEEDINGS OF A SPECIAL MEETING
OF THE
VILLAGE BOARD OF TRUSTEES
July 2, 2013 – 6:45 PM**

Present

Mayor: Robert C. Corby – arrived at 7:03 PM
Trustees: Lili Lanphear
Lorie Boehlert
Stacey Freed
Tim Galli
Attorney: Jeffrey Turner
Recording Secretary: Anne Hartsig

CALL TO ORDER

Deputy Mayor Galli called the meeting to order at 6:55 PM.

RELAY FOR LIFE REQUESTS

Sydney Flemister and Heather Peets explained their requests to promote the Relay for Life through a “paint the town purple” campaign from July 5th -July 12th. They would like permission to tie purple bows and ribbons on poles and flower pots throughout the village. They also plan to contact local merchants to discuss decorating storefronts. The students said they would be following the same guidelines as those that were used in 2012. They withdrew a request to hold a 5K race on the morning of July 6th. A **motion** was made **by Trustee Boehlert, seconded by Trustee Freed** to approve the request to decorate the village with purple bows and ribbons to promote the 2013 Relay for Life.

Vote: Galli – yes, Lanphear – yes, Boehlert - yes, Freed – yes. **Motion carried.**

SCHOEN PLACE LANDSCAPING

The Village Board received a quote for landscaping on Schoen Place from Bristol’s Garden Center for \$4,000.00. Trustee Boehlert explained the cost would be covered by money that was budgeted and by surplus funds from last fiscal year. Board members agreed that they would like to have the landscaping completed before the PGA. A **motion** was made **by Trustee Freed, seconded by Trustee Boehlert**, to approve the expenditure of \$4000.00 for landscape plantings along Schoen Place.

Vote: Galli – yes, Lanphear – yes, Boehlert - yes, Freed – yes. **Motion carried.**

PUBLIC HEARING – 75 MONROE AVENUE

Trustee Galli asked members of the public to turn off all cell phones. He noted that Mark IV hired a court recorder for this meeting. He asked members of the public who wish to speak to state their name and address clearly for the record.

~Mayor Corby arrived at 7:03 PM~

Mayor Corby explained the reason for the public hearing. He said the developer submitted a revised regulating plan for the Westport Crossing project at 75 Monroe Avenue. He said that Mark IV representatives would present a summary of the changes between the original regulating plan and this revised one. Following the presentation, Mayor Corby said he would open the public hearing. He emphasized that the discussion this evening should not pertain to the special permit that was approved by the Trustees in December 2012. He said that the Board of Trustees

will ultimately have to determine if there are any significant impacts due to the changes that are proposed for this new regulating plan.

Peter Vars, BME Associates, 10 Liftbridge Lane, Fairport, NY: Mr. Vars, on behalf of the developer, said Mark IV is requesting review and adoption of a new regulating plan dated May 15, 2013. Mr. Vars submitted a handout comparing the original regulating plan to the revised regulating plan. He noted the following points listed on the hand-out:

- There were 18 buildings on the original plan. There are 13 buildings on the revised plan.
- The amended regulating plan has a smaller building footprint than the original plan.
- The amended regulating plan offers a 0.39% decrease in coverage of the overall site by buildings and a 3.52% decrease in impervious areas on the site.
- The total number of parking spaces remains the same although there will be fewer underground spaces and a greater number of surface parking spaces.
- The maximum building height of 2, 3 and 4-story buildings remains the same.
- The percentage of 4-story maximum building heights remains at 28%.

Mr. Vars stated that in the revised plan, the largest building (mill site building) has been moved to the interior of the site. The streetscape has been increased, the articulation has been increased and several points of entry have been proposed. There is increased connectivity between buildings. The pool area will be adjacent to the clubhouse area which allows for interior green space between two buildings. The exit lane has been reduced to a single lane to increase the median. Mr. Vars said that the changes have improved the site plan. He said the DRC endorsed it. Mark IV would like the revised regulating plan to be adopted so the site plan review can move forward.

Mayor Corby read the following legal notice which was published in the June 20th edition of the Brighton-Pittsford Post:

*VILLAGE OF PITTSFORD
NOTICE OF PUBLIC HEARING*

“Please take notice that a public hearing will be held before the Village of Pittsford Board of Trustees on July 2, 2013 at 7:00 PM in the LGI Room at Pittsford Sutherland High School, 55 Sutherland Street, Pittsford New York to consider an amendment to the Regulating Plan last adopted on December 18, 2012 for the development at 75 Monroe Avenue, Village of Pittsford, County of Monroe, State of New York”

Mayor Corby highlighted the changes to the amended regulating plan. Changes include 5 major buildings instead of 6, the rearrangement of building locations, a different parking configuration and a new location for the pool. In addition, the restaurant now abuts Monroe Avenue and will have residential units above it. Mayor Corby noted that during the execution of remediation work, a buried sewer pipe was discovered.

A **motion** was made by **Mayor Corby, seconded by Trustee Lanphear**, to open the public hearing.

Vote: Galli – yes, Lanphear – yes, Boehlert - yes, Freed – yes, Corby – yes. **Motion carried.**

Mayor Corby asked participants to limit their remarks to 3 minutes or less so that everyone would have an opportunity to speak.

Jack Cargill – 8 Boughton Avenue: Mr. Cargill confirmed his understanding that building 6000 on the regulating plan is the restaurant and that it is the first major building that will be seen from Monroe Avenue. He noted a telescoping view upon approach. Mayor Corby said the “mill site” building is the largest building and is located second to the last on the amended regulating plan.

Alysa Plummer – 66 South Main Street:

- Ms. Plummer asked if the buildings on the amended plan are smaller in square footage. Answer: The total square footage is approximately the same.
- She asked if there has been a repair plan submitted since the storm sewer pipe was broken. Mr. Vars answered that a repair proposal regarding the storm pipe has not been submitted because it was not a result of this proposed action. He said buried pipe was an existing condition and will be considered in site plan approval. He said drainage will need to be maintained with the project and a storm sewer system will be designed for the site. He noted the system will not go under any buildings.
- Ms. Plummer said she is familiar with the photos of canal commercial buildings and does not think the design matches up. Attorney Pavia answered that the purpose of this hearing was not to discuss the Special Permit, only the proposed amended regulating plan. Mayor Corby added that the Board is looking at the R-5 district and the site layout, not the architecture. He said the Board is looking at such things as the streets, location and size of buildings, landscaping, sidewalks, and circulation.
- Ms. Plummer asked why the applicant is so heavily involved in deciding if SEQR should be reopened. She asked why the Village Board has to rush through this process. She stated that there should be as many meetings as are needed. Mayor Corby replied that he has been an advocate of not rushing this project. He made a commitment that the Board will go through the process carefully and proceed cautiously. He noted the Board does have an obligation to allow what is permitted by Village Code.
- Ms. Plummer noted that the amended plan requires wider streets due to the requirements of the fire department. She asked why the original regulating plan was approved if it did not meet the fire code.

Justin Vlietstra - 19 Boughton Avenue: Mr. Vlietstra asked for twenty minutes to speak to the Board and to present various documents and photos which demonstrate his position regarding this project.

- He submitted aerial views of the original regulating plan and the amended plan to show that there are significant differences in the two plans.
- He submitted photos illustrating how the view shed from Sutherland High School will be affected. He said the view will be of buildings, not of canal. He stated the buildings should be no higher than one story to protect the view.
- Mr. Vlietstra said there is a great deal in the regulating plan that deviates from the Special Permit that was granted.
- In a written memo to the Board of Trustees dated 7/2/13 and submitted at this meeting, Mr. Vlietstra formally requested that SEQR be re-opened because significant changes have been made to the plan since the August 9, 2012 negative declaration was issued by the Board of Trustees.

A copy of the memo listing Mr. Vlietstra's concerns and a copy of all photos that were submitted by Mr. Vlietstra are on file in the Village Office and are part of the record.

Heather Erwin – 18 Greenhill Lane: Ms. Erwin said there are obvious major deviations. She said the applicant is trying to push the project through before the 4th of July.

Fran Kramer – 17 Golf Avenue: Ms. Kramer reminded the Board that they were elected to mitigate this project and there is no need to rush. She said this project, once built, will be in place forever. She said it is a major project and the residents have told the Board that they do not want it. Her questions were:

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- Is the Board planning to make a decision this evening and is there any legal reason they must do so?
- If the revised regulating plan is rejected, does it revert to the original regulating plan or will other regulating plans be allowed to be submitted?

Doug Drake – 28 Monroe Avenue: Mr. Drake asked the following questions:

- With the reduction in the number of buildings, what is the square footage per apartment versus the original regulating plan?
- How many employees will be working in the restaurant? Twenty-five parking spaces do not seem to be realistic. Mr. Drake said he is not happy that residential areas of the village will be impacted by the restaurant.
- Are there regulations about how many people can occupy each unit?
- He said it appears units are being moved closer to the railroad tracks. He suggested that the next meeting be held in a tent on the site. He said attendees will need to hold their hands over their ears. He also said structures move due to the train vibrations.
- Mr. Drake said the revised plan shows almost no green space. He asked if there are rules that apply to complexes such as this one about green space. He said new residential buildings would not be allowed to have so little green space.
- Mr. Drake asked what R-5 means.

Ann Marie Reynolds – 11 French Road:

- Ms. Reynolds stated that the project will have a significant impact on her but that she was not informed of this project in the beginning. She asked what a single access lane will be like in the mornings and evenings.
- Ms. Reynolds said the revised regulating plan contains radical changes from the approved special permit.
- Ms. Reynolds asked why the restaurant was moved away from the canal.
- Ms. Reynolds asked the developer to state the dimensions of each individual building.

Lisa Cove – 44 South Main Street: Ms. Cove thanked the Board of Trustees and the developer. Her questions were:

- Are the pool and the dog park strictly for the residents of this project?
- Why was the restaurant moved from the waterfront to Monroe Avenue?

Chris Linares – 69 South Main Street:

- Mr. Linares asked if the new plan is further out of compliance with the Code than the original plan.
- Mr. Linares said if the revised plan isn't approved, the applicant can go back to the original plan. If this happens, he asked if there is a concerted effort to work with the community to make this a better project.

Janet Reynolds – 35 Church Street:

- Ms. Reynolds is concerned about the green area that fronts on the canal. She noted that the buildings will be higher up than the canal. She doesn't think there is enough area for trees. She said too much pavement creates drainage issues.
- She asked how the Board can approve the regulating plan if there is not plan in place to fix the drainage issue.
- She asked why the Board is in a rush. She said it has only been four years since the project began and this is a huge change to the village. She urged the Board to take enough time to "do it right".

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- Ms. Reynolds said this project is not canal commercial and none of the buildings look like canal commercial.
- Ms. Reynolds stated that the street is ten feet above the canal.
- She asked if there was handicap access to the canal front.

Mike Reynolds – 35 Church Street:

- Mr. Reynolds said he has not been able to see drawings that contain dimensions and therefore, the Board doesn't have anything to approve or deny.

Wally Morse – 12 Sutherland Street:

- Mr. Morse is in favor of the project and facetiously said he misses looking at the old tanks belonging to Monoco Oil.
- Vegetation has been removed but new vegetation is part of the plan.
- Odors from the site due to remediation are nothing compared to prior years.
- The project revitalizes the village.
- With all of the reviews that have taken place, changes that are best for the village have been made.
- Not everyone in the room will agree with every part of the plan but 3-4 years is a long amount of time. Mr. Morse doesn't want to see the project dragged out for more years.

Catherine Smith – 16 Boughton Avenue said that Mr. Morse is a supplier.

Meredith Utman – North Main Street:

- Ms. Utman walked around the village at election time and found that the majority of the residents do not want this project. She said she will come to as many meetings as it takes for Mark IV to understand what the village residents want. She said it is Mark IV's business but it is the villagers' lives.

Art Pires – 70 State Street:

- Mr. Pires thanked the Board, the DRC, the applicant, and the engineers.
- He said labeling the buildings would be helpful and the elevations need clarification.
- He asked if as the canal front is made available for private use, it will be taken away from the public.
- He asked if the EAF that was filed is correct regarding drainage.
- He asked for clarification regarding an internal dog park.
- He said the majority of the site is pavement. He asked where the snow would be pushed and asked if it was permissible to dump it into the canal.
- Mr. Pires stated that the regulating plan is a conceptual plan and does not preclude changes. He said site plan approval will still be needed.

Mayor Corby:

- Mayor Corby asked about the buffer along the railroad. He asked if there would be restrictions on the kind of trees that are planted due to limited space.

Mary Menzie – 219 Mendon Center Road:

- Ms. Menzie asked for a description of the barriers that will be built along the railroad tracks.

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- Ms. Menzie stated that she has always been concerned about why and how the Board of Trustees gave a negative declaration for SEQR. She would like the Board to revisit SEQR.

Trustee Lanphear:

- There are no property lines shown on the plan. It has not been demonstrated to Trustee Lanphear that the project will fit on the property. She would like more information.
- Ms. Lanphear said she has no idea what the finished grade will be.
- Ms. Lanphear wants to see a drainage plan and be shown that CSX has signed off on it.
- Ms. Lanphear has concerns about how an amended regulating plan will affect SEQR.
- Ms. Lanphear said if the restaurant is moved, a new special permit will be required.

Trustee Freed:

- Trustee Freed asked for an explanation of where the sidewalk goes.
- She would like the number of stories and the depth in feet of each building.

Trustee Boehlert:

- Trustee Boehlert asked for an explanation of the DEC clean-up process.

Trustee Galli:

- Trustee Galli asked for confirmation that the restrooms will be open to the public even though they are on the upper level in an area that will have limited access for the public.

Colette Yon – 27 Rand Place

- Ms. Yon said everyone knows what was once on the site and everyone is glad it is gone. However, she said the site is not located in the City of Rochester. She said it is in the Village of Pittsford. She said if the developer doesn't think about the scale of the project, he will ruin the village. She said the scale of this project is too big for the village.

Responses to questions and comments

- Mayor Corby explained that the DRC is a communications board and has no official authority. Its purpose is coordination of the various village boards so that they don't work at cross purposes.
- Regarding vibrations from the trains, Chris DiMarzo explained that the buildings will be built to code and will be structurally sound. They will have updated windows. The buildings will be built to accommodate the train vibrations.
- Mayor Corby said Justin Vlietstra's submissions will take study.
- Mayor Corby said to disregard the dog park. It is not practical.
- In response to Mr. Linares, during the development of the project, the applicant had fire safety issues and other problematic issues which resulted in changes. If a new plan is not approved, the applicant can go back to the original plan.
- Peter Vars said the original plan had 25% green space. The proposed amended regulating plan has 29% green space. Green space is any non-impervious area as defined by code.
- The dock and pedestrian way along the canal will be on both public and private land but will be accessible to the public. The pool will be private space. Restrooms in the clubhouse will be open to the public. The pedestrian way will connect to the sidewalk on Monroe Avenue.
- The Planning Board will address the issue of snow removal on the site.

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- Peter Vars said the height of the buildings on the revised regulating plan continue to conform to the special permit that was granted. The total length is the same. The width and depth has been increased in some areas and reduced in some areas. He said this is where the telescoping came into play. The changes were driven by the underground parking garage.
- Mr. Vars said the tree lawn area along the canal was increased to 8 feet to accommodate larger trees. There will be a continued landscape buffer at the canal. Landscaping will be tiered.
- The buffer along the railroad tracks has been increased in the revised plan. The buffering will include landscaped berms, conifer trees, and structural barriers such as board-on-board fencing. In addition, garages will provide buffering from the tracks. Mr. Vars said the barriers will not be six feet tall concrete barriers such as is found along portions of I-490.
- Mr. Vars explained that information such as property lines and finished grade levels are shown on the preliminary site plan that is on file at the Village Office. He said the topographical elevations in the revised regulating plan have not changed from the original plan.
- Regarding comments about the lack of connectivity of the sidewalk on Monroe Avenue to the restaurant, Mayor Corby explained that there are four points of connection within the sidewalk system. Mr. Vars elaborated on the points of connection. Mayor Corby added that all cross walks will be raised speed tables.
- Frank Pavia, Attorney for Mark IV, stated that the stormwater problem was not the result of the environmental clean-up. He said the buried pipes came from an unpermitted system as a result of an adjoining property. He said the Village was not even aware that the underground pipes existed. Mr. Pavia said the applicant has a stormwater management plan in place and will remediate on their property to correct their problems.
- Village Attorney Jeffrey Turner stated that the Board doesn't have to make a decision this evening on the revised regulating plan. However, the only reason to keep this hearing open would be if the Board decides they need more information.
- One reason the restaurant was moved away from the canal is because it will be more visible from the road. APRB chairman Paul Zachman said the restaurant was moved as a result of input from the APRB. He said the activity in that area of Monroe Avenue is commercial. A restaurant use and façade would tie into the streetscape, have more connection to the street, and engage the public. Members of the APRB determined that this change in location improved the overall design. Attorney Turner said a new special permit is not required as a result of moving the restaurant because the regulating plan says where the restaurant will be located, not the special permit.
- Mr. Vars said the sidewalk leads to the NYS standard for turn-around area. He said the Fire Marshal required modifications to the preliminary site plan to satisfy the fire code.
- The number of stories of the buildings and the depth in feet varies from building to building. It was emphasized that a regulating plan is a conceptual plan showing how the buildings sit on the property. It doesn't contain dimensions. The criteria of the special permit will still be in place if the amended regulating plan is approved. The Planning Board will handle the site plan process and APRB will handle architectural issues.
- In regards to the DEC clean-up process, Mr. Vars stated that there is no contaminated water seeping into the canal. He said the applicant has a permit from Monroe County Pure Waters. All water is filtered on the site. He said the DEC is on the site every day. The DEC is in agreement with the proposed stormwater plan. The plan will conform. Mr. Vars said a copy of the plan is available at the DEC office, on the DEC website, and in the library.

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- There will be stairs from the canal front to the street level. There will be two areas which will provide handicap access to the canal.
- Mr. Vars said the original regulating plan was prepared according to the R-5 ordinance. The R-5 district required narrower streets. At the time, the Fire Marshal didn't comment on the regulating plan but she did comment on the preliminary site plan. The revised regulating plan now addresses the State rules and regulations and meets the Fire Marshal's requirements. He said the comments from the APRB also drove some of the modifications.
- Regarding the dimensions of each building, Mayor Corby restated that a regulating plan is not looked at for architectural design. He said it examines building locations and site design. Therefore, building dimensions aren't relevant to approving an amended regulating plan. He said the site plan that is before the Planning Board doesn't pertain to the proposed revised regulating plan. The amended regulating plan is a compilation of all of the changes discussed at the DRC meetings.
- Mayor Corby explained the purpose of the R-5 was to keep the streets narrow, and to make a walkable district. He said the maximum lane width is 10 feet. This allows a 20 foot two-way street. He said the street width is driven by NYS Building Code and not by the scale and mass of the project.
- Regarding SEQR, Attorney Turner said if the Board of Trustees reaches a point where they vote to approve the amended regulating plan, they will make a resolution and they will write findings. They will determine why the regulating plan conforms to the Code. They will determine if there are substantive changes. They will determine if there are different potentially large environmental impacts. Based on those determinations, they will decide if they will revoke or amend the EAF or leave it as is.

Mayor Corby stated that the public hearing will remain open and will be on the agenda of the July 9th Board of Trustees meeting at 7:00 PM.

ADJOURNMENT

A **motion** was made **by Mayor Corby, seconded by Trustee Boehlert**, to adjourn this meeting at 9:20 PM.

Vote: Galli – yes, Lanphear – yes, Boehlert - yes, Freed – yes, Corby – yes. **Motion carried.**

Anne Z. Hartsig, Recording Secretary