

**Findings of the
Village of Pittsford Planning Board
Regarding the Application of
Pittsford Canalside Properties, LLC
Dated February 5, 2013**

PROCEDURAL HISTORY

On December 19, 2012, the Village of Pittsford Board of Trustees adopted Resolution No. 20 of 2012 which issued Special Permits to Pittsford Canalside Properties, LLC to construct and operate a 167-unit, multiple dwelling building community, 125-seat restaurant, and clubhouse and pool on 7.5 acres of property located at 75 Monroe Avenue in the Village of Pittsford pursuant to Article VA of the Code of the Village of Pittsford. That resolution also adopted a Regulating Plan and Design Guidelines for the Project. A copy of that Resolution is annexed hereto.

Prior to adopting Resolution No. 20 of 2012, the Village Board of Trustees, acting as Lead Agency pursuant to the New York State Environmental Quality Review Act ("SEQRA") issued a negative declaration on August 9, 2012 determining that the Project did not pose a potential, significant adverse environmental impact. The Planning Board was an involved agency in that coordinated the review.

By application dated February 8, 2013, the Applicant submitted to the Village of Pittsford Planning Board for approval, a Preliminary Site Plan to construct the Project.

The Applicant subsequently submitted to the Planning Board Addenda #1 and #2 to the Preliminary Site Plan on February 25, 2013.

The Village of Pittsford Code Enforcement Officer certified the Preliminary Site Plan as complete on February 25, 2013.

The Planning Board received and reviewed a memorandum and Addendum #3, dated March 18, 2013 from the Applicant, which provided a written response to comments provided to the Planning Board by the Village Planning Consultant, dated February 23, 2013.

The Planning Board also received feedback from the Village of Pittsford Architectural Preservation and Review Board ("APRB") regarding the Preliminary Site Plan and its proposed mass and scale of buildings.

A Public Hearing was duly advertised and held by the Planning Board for the Preliminary Site Plan on February 25, 2013, which was continued on March 25, 2013, April 8, 2013 and July 10, 2013. Public comment was incorporated into the record of proceedings before the Planning Board.

At its April 8, 2013 meeting, the Planning Board expressed to the applicant the Planning Board's concerns that the Preliminary Site Plan application together with Addenda #1, #2 and #3 appeared to have major deviations from the Regulating Plan approved for the Project by the Village of Pittsford Board of Trustees.

At the request of both the applicant and the Planning Board, the Village of Pittsford convened a Development Review Committee to review the Project and make recommendations for appropriate changes to be made to the Preliminary Site Plan application and Addenda #1, #2 and #3.

That Development Review Committee consisted of 2 members of the Board of Trustees, 2 members of the Architectural Preservation and Review Board, and 2 members of the Planning Board, as well as the Planning Board Consultant and the Building Inspector.

As a result of recommendations made by the Development Review Committee, the applicant prepared Addendum #4 to its Preliminary Site Plan application.

Addendum #4 contains substantial modifications from the initial application and Addenda #1, #2 and #3, which modifications were recommended and endorsed by the Development Review Committee. A copy of the Development Review Committee memorandum is annexed hereto.

The Planning Board received and reviewed Addendum #4 to the Preliminary Site Plan, dated July 1, 2013, and a letter dated July 10, 2013 from BME Associates, P.C. on behalf of the Applicant, providing additional information and modifications to the Preliminary Site Plan.

At the close of the Public Hearing on July 10, 2013, the Planning Board approved the Pittsford Canalside Properties amended Preliminary Site Plan application and Addendum #4 as the Preliminary Site Plan for the Project with the following conditions:

- (a) The Final Site Plan shall be in conformity with the R-5 code.

- (b) The Preliminary Site Plan will be reviewed by the Village Engineer and any modifications required by the Village Engineer shall be incorporated in the Final Site Plan application and approval.

- (c) The Preliminary Site Plan will be subject to the approval of other involved agencies and any modifications required by these involved agencies shall be incorporated in the Final Site Plan application and approval.
- (d) The approved Preliminary Site Plan will be reviewed by the Fire Marshall for compliance with the Fire Code, and any modifications required by application of the Fire Code shall be incorporated in the Final Site Plan application and approval.
- (e) The Preliminary Site Plan will be reviewed by the Village Traffic Engineer and any modifications required by the Village Traffic Engineer shall be incorporated into the Final Site Plan application and approval.
- (f) The Final Site Plan application and approval shall include proper remediation of the drainage of ground water from Village lands adjacent to the subject parcel on the railroad side of such parcel.

FINDINGS OF FACT

1. As set forth above, Resolution No. 20 of 2012 by the Board of Trustees, granted Pittsford Canalside Properties, LLC a Special Permit for the construction of a 167-unit, multiple dwelling development and restaurant on property known as 75 Monroe Avenue.
2. As set forth above, the above-mentioned resolution by the Board of Trustees adopted a Regulating Plan for the development of the above-mentioned property pursuant to Article VA of the Code of the Village of Pittsford.

3. The above-mentioned resolution vests the Village of Pittsford Planning Board with jurisdiction to determine whether the Preliminary Site Plan for the Project reasonably complies with the Regulating Plan established for the development of the property. See the 16th and 17th whereas paragraphs of the above-mentioned resolution and Pittsford Village Code Sections 210-19.4.A. and 210-19.5.E.

4. Had the Board of Trustees intended literal and strict compliance, as opposed to reasonable compliance with the Regulating Plan, the Board of Trustees would have vested the Building Inspector with Regulating Plan review and compliance authority.

5. During the course of its review of the Preliminary Site Plan, addenda and supporting documentations, the Planning Board established a matrix to determine major and minor deviations from the established Regulating Plan to assist it in determining whether or not such deviations were a reasonable or an unreasonable variance from the Regulating Plan.

6. That matrix had 10 main categories and the Planning Board found there to be a major deviation in 4 of those categories.

7. In granting the Planning Board jurisdiction to determine whether the Preliminary Site Plan conformed to the site's Regulating Plan, the Board of Trustees determined that in the exercise of its Site Plan review authority, the Planning Board was permitted to allow the Preliminary Site Plan to vary to a reasonable extent from such Regulating Plan. See the 2nd whereas paragraph of the above-mentioned resolution and see paragraph 8. of the 13th whereas paragraph of such resolution. See the 19th whereas paragraph of such resolution.

8. The Board of Trustees made clear that the conceptual design contained in the Regulating Plan was to serve only as a guide to be used in achieving a compatible Project. See paragraph 2 of the 13th whereas paragraph of Resolution No. 20.

9. The use of the word “guide” by the Board of Trustees indicates that strict conformity with the adopted Regulating Plan would not be required and that the Site Plan was permitted to vary to a reasonable extent from the Regulating Plan. However, other design elements such as maximum building heights, the maximum percentage of buildings that can be 4 ½ stories, the number of units and the maximum number of parking spaces must be strictly adhered to. The approved Preliminary Site Plan adheres to the design elements required by the Special Use Permits.

10. The Board of Trustees contemplated that the concept design contained in the Regulating Plan would require refinement to ensure that the project was visually compatible with the Village and further contemplated that there would be adjustments to the distribution of bulk, mass and scale of the project as set forth in the Regulating Plan. See paragraph E. of the 15th whereas paragraph of Resolution No. 20.

11. The Planning Board was guided, in their review of the “reasonable variance issue” by the requirements and suggestions of the Fire Marshall, the Village Engineer, the Planning Board’s Professional Consultant, the Architectural Preservation and Review Board, and the Development Review Committee.

12. In determining whether any major deviation of the proposed Preliminary Site Plan from the Regulating Plan was reasonable, again relying on input from the Fire Marshall,

the Village Engineer, the Planning Board's Professional Consultant, the Architectural Preservation and Review Board, and the Development Review Committee, the Planning Board determined that any such major deviation was a reasonable variance from the Regulating Plan if that deviation provided an improvement to the Preliminary Site Plan for the project, enabled the project to meet the needs for fire apparatus access to every structure on the site, and/or promoted the intent of the R-5 Code and the intent of the Trustees as set forth in Resolution No. 20. An improvement to the Preliminary Site Plan could include but not be limited to modifications that:

- (a) Preserve the visual character of the Village.
- (b) Do not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
- (c) Ensure the project blends harmoniously with the Village.
- (d) Foster compatibility with the "canal commercial" style present elsewhere in the Village.
- (e) Create an attractive and distinct gateway into the Village.
- (f) Enhance the public realm.
- (g) Calm traffic along Monroe Avenue.
- (h) Create streets that have streetscape elements and pedestrian character that are similar to existing Village streets.

- (i) Provide public access and amenities along the canal shoreline.

13. The first major category in which the Planning Board had found the Preliminary Site Plan to have a major deviation from the Regulating Plan was in the number of buildings. The Planning Board found the major deviation in the number of buildings to be a reasonable variance from the Regulating Plan based upon the following:

- (a) The building placement and design incorporates architectural elements and features that lessen the appearance of size and mass of each individual building and the collection of buildings taken as a whole. The depth of the buildings on average increased, but the use of cross gable ends on several of the larger buildings removed the existence of low sloping gable elevations on several building ends, helping to reduce the impact of this increased depth.
- (b) The reduction in number of buildings had the effect of reducing the apparent length of the canal elevation view of the project, as well as creating a more naturally occurring spacing pattern between buildings. This spacing is more typical of canal settlements where buildings were constructed over an extended period of time rather than completed simultaneously. The linear mass and scale of the project was reduced by relocating some mass and scale to the far end of the development and by shifting additional mass from the 2nd exclusively residential building to the now proposed 3rd exclusively residential “mill style” building. This serves to relocate the building with the

most mass to the lowest point on the site, thereby reducing its visual impact from a number of vantage points.

(c) The modification of the number of buildings significantly improved the distribution of apparent mass and scale of the project. Changing the number of buildings allowed for the design of the third exclusively residential building to possess the feel and scale of a 19th century mill. This concentration of height and mass recalls a variety in hierarchy within authentic canal commercial complexes as required by the Regulating Plan.

(d) The placement of the 2-story clubhouse building in front of the “mill” building reinforces variety and a more random style of development and the appearance that the project might have evolved over a long period of time. In addition, placement of the clubhouse lessens the appearance of the mass of the “mill” building behind it, and it creates the most visually compelling streetscape of the project along the main roadway that runs between these two buildings.

(e) Plantings and the placement of street trees can now be more consistent with the intent of the R-5 Code.

14. The next category in which the Planning Board had found there to be a major deviation was in the arrangement of buildings on the site. The Planning Board determined that this major deviation was a reasonable variance from the Regulating Plan based upon the following:

- (a) See the findings in the preceding paragraphs.
- (b) The movement of the restaurant location from the center of the site adjacent to the canal to a location on Monroe Avenue also adjacent to the canal results in less restaurant traffic and noise disturbing the residential interior of the site. The presence of the restaurant along Monroe Avenue is also consistent with non-residential uses which neighbor the site to the south and to the east (across the street).
- (c) The orientation and spacing of the buildings is more varied and thus relates better to the “canal commercial” concept, and allows for more usable green space where large canopy trees can be planted or for public seating and amenities between buildings.
- (d) Significant building mass has been shifted away from Monroe Avenue which serves to complement the Village’s scale and character.
- (e) The space between the last building and the adjacent railroad track has been increased by shifting the buildings towards the canal and adjusting the orientation of the building to make it parallel to the canal. This creates a larger buffer for residents from the railroad and provides a continuous front yard between the last building and the canal.

- (f) The revised plan incorporates a streetscape that is consistent with the Regulating Plan, the Village's Complete Streets Policy and the Design Standards of the R-5 Code.

15. The next category in which the Planning Board had found there to be a major deviation was the shape of buildings. It should be noted that the Preliminary Site Plan that was approved by the Planning Board had been revised from the original filing to reflect the comments from the Planning Board and the DRC. These revisions included re-designing the building footprints to create building shapes that are consistent with the Regulating Plan as compared to the initial Preliminary Site Plan. For example, building 1000 on the approved Preliminary Site Plan reflects the tapering or stepping up from east to west that is shown in the Regulating Plan. In addition, the presence and the placement of the perpendicular gable roofs on buildings 2000 and 3000 are consistent with the Regulating Plan. The Planning Board found the remaining deviations in the shape of the buildings to be a reasonable variance from the Regulating Plan for the following reasons:

- (a) See the findings as more fully set forth above.
- (b) The mixed use residential and restaurant building on Monroe Avenue has been reconfigured with the residential wing facing Monroe Avenue and a second wing occupied by the restaurant extending parallel to the project entrance street.
- (c) These changes create building facades that are more compatible with the scale, mass and character of the existing historic structures and settlement

pattern along Monroe Avenue, as well as providing a street presence on both Monroe Avenue and the site entrance street.

16. The last category in which the Planning Board had found there to be a major deviation was the use of areas between buildings. The Planning Board found this major deviation to be a reasonable variance from the Regulating Plan based upon the following:

(a) See the findings as more fully set forth above.

(b) The amount of total impervious surface on the overall site was reduced.

(c) The nature of the public spaces between the buildings has been altered from a more transient public space that consisted of lawn, landscaping and pedestrian connections to planting areas that will utilize a combination of landscaping and grade changes to create visual interest and potential seating areas.

17. The approved Preliminary Site Plan varies only to a reasonable extent from the Regulating Plan and therefore conforms to the Regulating Plan as required by the R-5 Code.

18. The approved Preliminary Site Plan meets the requirements of the 14th whereas paragraph of the above-mentioned resolution.

19. The approved Preliminary Site Plan substantially conforms to the requirements of the 15th whereas paragraph of the above-mentioned resolution.

20. The approved Preliminary Site Plan meets the requirements of subparagraphs 3, 4 and 5 of the 18th whereas paragraph of the above-mentioned resolution and subparagraphs 1 and 2 of the 18th whereas paragraph will be dealt with in Final Site Plan review.

21. The Special Permit granted for the restaurant use on 75 Monroe Avenue does not require that the restaurant be located at a specific location on the subject premises.

22. In granting the Special Permit for the multi-dwelling development at 75 Monroe Avenue, the Trustees adopted 9 conditions.

(a) Condition 1 will be met as a result of Final Site Plan approval.

(b) Condition 2 has been satisfied as a result of one of the conditions contained in the Preliminary Site Plan review approval.

(c) Condition 3 has been satisfied in Preliminary Site Plan approval.

(d) Condition 4 will be met in Final Site Plan review and in the course of the Building Inspector's review of the project prior to issuance of a C of O.

(e) Condition 5 will be satisfied in Final Site Plan review and the Building Inspector's review prior to the issuance of a C of O.

(f) Condition 6 will be satisfied by the Building Inspector prior to the issuance of a C of O.

(g) Condition 7 will be satisfied by the Fire Marshall prior to Final Site Plan review.

(h) Condition 8 will be satisfied in the Final Site Plan review.

(i) Condition 9 remains in effect.

23. The Building Inspector reviewed the Preliminary Site Plan, Addenda #1 and #2 and certified the application as complete. The 4th Amendment merely amended the original application and addenda so that the approved amended Site Plan remained complete and continued to comply with the requirements of Village Code 210-84. In addition, the Village Engineer reviewed the Site Plan application as amended by Addendum #4 and indicated that he would need no further information until the Final Site Plan review process commenced.

24. Required traffic calming measures for Monroe Avenue will be part of the Final Site Plan review and approval.

25. The Preliminary Site Plan approval was made subject to the review and approval of professional consultants and other involved agencies. Comments received from those consultants and other involved agencies will be incorporated in Final Site Plan review and approval.

26. The multi-family development and restaurant uses proposed for this property are consistent with the applicable policy standards and conditions set forth in Pittsford Village Code 121-5.G.(1)-(15).

27. According to Section 210-19.5.A. of the Village Code, any development within the R-5 District shall be consistent with the goals of the Village Comprehensive Plan. The

proposed development at 75 Monroe Avenue achieves the following goals and actions articulated in the Comprehensive Plan:

- (a) Goal 1: “Acknowledge its unique role in Monroe County and work towards inter-municipal cooperation to promote a strong collaborative approach to future development.”

Action 1.2.2: “Promote more recreational use of the canal and consider potential docking improvements.” – The proposed project includes the construction of a canal side walkway as well as boat docking. These will serve to promote more recreational use of the canal.

- (b) Goal 2: “Promote the economic, social and cultural well being of all its citizens.”

Action 2.2.2: “Encourage the development of additional senior housing.” – The project will offer a lifestyle that is intended to be attractive to aging residents that want to remain in the Village but do not want the responsibility of maintaining a single family home.

Action 2.2.3: “Encourage the development of attractive market rate housing.” – The project’s location, design and amenities are intended to ensure that the anticipated rent structure remains strong for the foreseeable future. A mix of one, two and three bedroom units is planned. This assortment of rental unit sizes is intended to serve a blend of single individuals, couples and families.

- (c) Goal 3: “Promote the preservation of the significant and unique historic resources of the Village while ensuring the delivery of high quality, cost effective, essential services.”

Action 3.4.1: “The public realm within the Village (streets, sidewalks, recreation areas, environmentally sensitive areas, waterways and trail systems) should enhance the pedestrian experience.” – The proposed project is designed in accordance with the Village’s Complete Streets Policy to ensure that it results in a pleasant pedestrian experience in a manner that is consistent with the Village’s character. The project provides an additional link between Village streets and sidewalks to the canal.

- (d) Goal 4: “Preserve and enhance the role of the Village as a successful economic center to serve the business, cultural, social and governmental needs of residents, businesses and visitors.” – There are no specific action items that relate to the need for or the economic benefit that a high density residential project and restaurant will provide the Village. However, the presence of the new residents will provide an influx of patronage and spending in local businesses. As a result, the impact of the project on the local economy will be a positive one and will help to ensure that the Village remains a successful economic center.

- (e) Goal 5: “Coordinate growth and development in a way that protects environmental assets and promotes sound land use practices.”

Action 5.2.1: “Develop the primary gateways along Main Street, Monroe Avenue, Jefferson Road and State Street at Town and Village boundaries. These gateways would announce to the motorist or pedestrian they have arrived in the Village.” – As part of the project, a raised median will be placed on Monroe Avenue. This will serve to calm traffic and enhance the arrival into the Village from the Town.

Action 5.3.1: “Continue to utilize the State Environmental Quality Review Act (SEQRA) for future projects in the Village.” – The project has been reviewed using the SEQR process and the Village Board has determined that there are no significant environmental impacts.

- (f) Goal 6: “Develop and promote a coordinated approach to parking, transportation and infrastructure improvements.”

Action 6.2.1: “Work with the NYSDOT on any future improvements to the transportation network in the Town of Pittsford to determine potential impact on the Village as well as impact on Town roads and neighborhoods. This cooperative effort is imperative to ensure that NYSDOT supports the implementation of traffic calming techniques along Monroe Avenue, State Street, North and South Main Street and Jefferson Road, as well as on residential streets to discourage drive through vehicular traffic.” – NYSDOT has been integral in the review of the design and placement of the proposed entrance and traffic calming features to be completed as part of this project

including the addition of a turning lane into Long Meadow Circle, west of the site, and the canal bridge on Monroe Avenue.

This project also includes remediating the environmental contamination that has existed on this site for decades. The removal of contaminated materials and cleaning up the natural and built environments is a major theme of the Village's Comprehensive Plan.

28. The proposed development appears to conform to the mix of building story sections permitted by the Multi-Dwelling Special Use Permit and the Regulating Plan. However, detailed elevations showing the final grade line at each elevation will be required in Final Site Plan review to insure compliance with the Special Permit Building Height Limitations.

29. The number of parking spaces in connection with the two Special Use Permits granted for 75 Monroe Avenue is in conformity with the Special Permits for such uses.

30. Details of the public realm features for the project adjacent to the canal will be required in Final Site Plan review.

31. Specifications and details for the new water main to be located on Sutherland Street will be required in Final Site Plan review.

32. Specifications and details for the sanitary sewer for the project will be required in Final Site Plan review.

33. The conditions of the Special Permit for the restaurant use located at 75 Monroe Avenue set forth in Resolution No. 20 will be satisfied in Final Site Plan review and approval.

34. The conditions required by subparagraphs a. through f. of paragraph 7. of the 13th whereas paragraph of Resolution No. 20 will be satisfied in Final Site Plan review and approval.

35. Where applicable, and unless otherwise regulated by the Special Permits granted by Resolution No. 20, the requirements of Village Code Section 210-81 will be satisfied in Final Site Plan review and approval.

36. Where applicable, and unless otherwise regulated by the Special Permits granted by Resolution No. 20, the requirements of Village Code Section 210-86 will be satisfied in Final Site Plan review and approval.

37. Compliance with the provisions of the R-5 Code was a condition of the Preliminary Site Plan approval. Attached is a matrix indicating the manner in which R-5 Code compliance will be dealt with in both Final Site Plan review and approval and in the Architectural Preservation and Review Board's review and approval.