

RESOLUTION No. 20 of 2012

At a Special Meeting of the Pittsford Village Board of Trustees held on December 18, 2012, Mayor Corby moved the adoption of the following Resolution; Trustee Boehlert seconded the motion:

WHEREAS, by application dated June 23, 2009, **PITTSFORD CANALSIDE PROPERTIES, LLC** (“Applicant”) submitted applications for Special Permits to permit the construction and operation of multiple-dwelling buildings and a restaurant on land owned by Applicant at 75 Monroe Avenue, Pittsford, NY (Tax Account No. 151.170-0003-003) (the “Property”) pursuant to Article VA R-5 Residential District (§§ 210-19.1 – 210-19.5) of the Code of the Village of Pittsford (the “Code”); and

WHEREAS, in developing the R-5 Code, the Village Board utilized “form based” design standards because the Board recognized the critical relationship between the Village's distinctive physical character, charm, and historic integrity and residents’ quality of life, property values and the health of the community's business economy. Formed based standards and codes are prescriptive, allowing for reasonable and limited deviation, requiring that the physical character of new development must reflect the community’s vision of its current and future identity. This type of code requires a detailed description of the vision, addressing both private and public space to ensure new development blends seamlessly with the existing village. Form based standards regulate the physical character of buildings, streets, sidewalks, parks, and parking. Form based standards are place based, building upon the unique characteristics of the community and the region. Form based standards incorporate spatial organizing principles that reflect and reinforce the existing Village hierarchy and the transition from Village center to edge.

Whereas, the Board of Trustees believes that the large size and highly visible location of the project proposed at 75 Monroe Avenue warranted careful study to identify and minimize potential adverse impacts, over the last two years, the Board of Trustees, with assistance from the Architectural Preservation Review Board and the Planning Board has looked in depth at a broad spectrum of issues.;

WHEREAS, the Village has hired multiple consultants to assist the boards in the review of this project including a traffic engineer, an attorney specializing in real estate and municipal zoning, a preservation architect, an environmental engineer, a civil engineer, two planners, an appraisal firm, a SEQR consultant, and a rental residential real estate expert; and the Village has also consulted with the Department of Environmental Conservation, the New York State Department of Transportation, the State Historic Preservation Office, the New York State Canal Corporation and the legal staff of the New York Conference of Mayors and Municipal Officials; and

WHEREAS, pursuant to § 210-19.2 B. (3) (a) of the Code, the Board of Trustees conducted a public hearing on August 11, 2009 which continued on August 9, 2012, September

11, 2012, September 24, 2012, and October 25, 2012, at which time such public hearing was declared closed; and

WHEREAS, pursuant to § 210-19.2 B. (3) (b) of the Code, the Board of Trustees referred the applications for Special Permits to the Planning Board for review; and

WHEREAS, the Planning Board referred the applications for Special Permits to the Architectural Preservation and Review Board; and

WHEREAS, by Memorandum dated March 26, 2012, the Planning Board submitted recommendations to be considered by the Board of Trustees based on the standards listed in § 210-19.2 B. (3) (c) of the Code; and

WHEREAS, as a result of meetings between the Applicant and the Board of Trustees, the Planning Board and the Architectural Preservation and Review Board, and the Applicant having satisfied the Board of Trustees and an expert retained on its behalf that further significant reductions and changes would not allow the Applicant to realize a reasonable return on the project, the Applicant has modified its original proposal by, among other things, reducing the number of apartment units from 185 to a maximum of 167; by reducing the number of restaurant seats from 150 to 125; by changing the architectural style and appearance of the buildings to be constructed to reflect the commercial nature of buildings historically located along the Erie Canal and to produce a scale that is visually compatible with the Village's distinct aesthetic character; and

WHEREAS, the Applicant has submitted a Concept Plan dated March 5, 2012 (the "Concept Plan"), and a conceptual ground level drawing received by the Architectural Preservation and Review Board on December 21, 2011 depicting in a general and conceptual fashion the design, height and configuration of the buildings on the site, showing the arrangement of buildings, streets, sidewalks, landscaped areas, parking areas, canalside amenities and other features of the proposed development ("Ground Level Drawing"), and the Architectural Preservation and Review Board prepared a document based upon the Ground Level Drawing entitled "Quantitative Analysis of Building Heights" ("Quantitative Analysis"), noting that the Ground Level Plan contained the following percentages of building stories: 4 ½ (4) stories – 28%; 3 ½ (3) stories – 37%; 2 ½ (2) stories – 31%; and 1 ½ (1) stories – 5%, all of which are either attached hereto or incorporated herein by reference, and the Board of Trustees has proposed for the maximum building heights within the proposed development as follows: two-story buildings (or the two-story sections of buildings) will be 30 feet; three-story buildings (or the three-story sections of buildings) will be 41 feet; and four-story buildings (or the four-story sections of buildings) will be 52 feet, all as measured from the averaged finished grade on the canal side of the buildings to eave of the building; and the maximum percentage of 4 ½ story sections of buildings in the proposed development shall be 28%;and

WHEREAS, the Board of Trustees of the Village of Pittsford has heretofore completed Parts 2 and 3 of a Long Form Environmental Assessment Form (“EAF”) regarding the proposed development and adopted a resolution dated August 9, 2012 determining that construction and operation of the multiple-dwelling buildings and restaurant proposed by the Applicant would not have a significant adverse environmental impact as described in the New York State Environmental Quality Review Act (“SEQRA”), copies of which EAF and resolution are attached hereto and the findings, terms and conditions of said EAF and resolution are hereby incorporated herein by reference as if more fully set forth below as part of the Board’s findings and determinations; and

WHEREAS, the Board of Trustees recognizes the importance of preserving the integrity of the Village’s historic buildings, streetscapes, landscapes and context, review of compliance with Special Permit standard No. 2 below has required a comprehensive review to identify a design language appropriate to the site and its context; and

WHEREAS, following due deliberation and consideration of the application and the comments made at the public hearings, the Board of Trustees hereby determines that the Applicant has demonstrated to the satisfaction of Board of Trustees that:

1. Access to the site and the size of the site are adequate for the proposed use. The Board of Trustee’s traffic engineer has suggested that the high speed of eastbound traffic and the short site distance due to the rise of the Monroe Avenue bridge warrant various traffic calming measures to ensure maximum safety at the project entrance. To address the safety issue, the Village’s traffic engineer proposed, among other traffic calming measures set forth in item 7 below, an approximately two hundred fifty-foot long center median immediately west of the canal bridge. This critical traffic calming element has been incorporated into the Applicant’s proposal.
2. The proposed development will be compatible, in terms of scale, massing, orientation, and architectural design, with the visual character of the Village and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof. The Village of Pittsford’s Comprehensive Plan and Local Waterfront Redevelopment Program emphasize the importance of ensuring new development is compatible with the Village’s existing historic character. The assumption that new construction must blend harmoniously with the Village is a primary intent of the R-5 code. Evaluating these criteria requires understanding the physical character and historic significance of the Village.

The Village of Pittsford is a vernacular cultural landscape. A cultural landscape is a geographic area, including both natural and cultural resources, associated with a historic event, activity, or person. The National Park Service recognizes four cultural landscape categories: historic designed landscapes, historic vernacular landscapes, historic sites, and ethnographic landscapes. These categories are helpful in distinguishing the values that make landscapes cultural resources and in determining how they should be treated, managed, and interpreted. Historic vernacular landscapes

illustrate peoples' values and attitudes toward the land and reflect patterns of settlement, use, and development over time.

The Erie Canal prism, waterway, associated lands, bridges, and other features constitute a cultural landscape of national significance. The entire canal system has been deemed eligible for listing in the State and National Registers of Historic Places.

3. An important part of the physical characteristic contributing to the Village's historic character is its modest size and two-story scale. Of the Village's 800 buildings, only church steeples, a few silos, two schools, and six commercial buildings are taller than two stories. Schoen Place, the Village's historic canal commercial district includes several of the Village's largest structures and tallest buildings. The street is a group of four historic building complexes. As in other canal towns, each complex contains a variety of structures varying in height, size, and massing. These include silos, mills, barns, shed and homes. Most buildings in Schoen Place are designed in a regional utilitarian vernacular style that dominated rural western New York construction between 1850 and 1930. Much of Schoen Place's charm and distinctive character are due to the way it evolved randomly over a period of eight decades.

To be architecturally compatible with the "canal commercial" style of Schoen Place, as defined herein, as well as the Village, new construction must relate to the general scale of Schoen Place, must embody the architectural style and variety in mass, scale, and height. The development proposed at 75 Monroe Avenue will be visible from the historic residential section of Monroe Avenue and will frame one of the most highly trafficked and visible Village entrances. The Board of Trustees recognized the importance of this gateway as well as the need to ensure that all new development at this location is a visually compatible introduction to the historic Village of Pittsford. The Board of Trustees endorses the "canal commercial" style proposed by the applicant and reviewed and endorsed by the Architectural Preservation and Review Board and the Planning Board. The "canal commercial" concept proposes to and shall reflect the architectural massing, materials, proportionate size, element proportions, scale and building variety found on Schoen Place in the Village and at other similar scale authentic Erie Canal commercial historic sites constructed between 1850 and 1920, photos of which are annexed hereto as Appendices 1 through 4. This approach is appropriate within the scope of the R-5 requirements because the site is situated between the Erie Canal and the West Shore railroad line and is physically separated from adjacent historic neighborhoods by an office park. The Board of Trustees finds that the conceptual design incorporated in the Regulating Plan established herein shall be deemed an appropriate guide to achieve a project compatible in terms of scale, massing, orientation and architectural design with the visual character of the Village.

The Board of Trustees and residents have expressed concern regarding the impact on the Village of the 167 rental units proposed as part of the project. This issue was investigated by the Village Planning Board and its planning consultant. Neither the Planning Board nor its planning consultant could find any objective or authoritative evidence that the quality of rental housing proposed by the Applicant or a change in

the percentage of home ownership within the Village would have any adverse impact upon the Village.

4. The proposed use will not create a hazard to health, safety, or the general welfare. In that regard, the Applicant has agreed that it will work with Monroe County Water Authority to ensure the installation of a new water main on Sutherland Street, as required in a letter from the Monroe County Water Authority dated August 20, 2009, to the specifications required by the Monroe County Water Authority, as such water main is necessary to ensure adequate water service to the proposed development and the surrounding neighborhood. In addition, as indicated in a report prepared by BME Associates and submitted by the Applicant as part of a Response to Additional Information Requested by the Village of Pittsford for Review of Special Permits for 75 Monroe Avenue updated and revised April 26, 2010, the current Village sanitary sewer system has adequate capacity to service the proposed project.
5. Public access and amenities are provided along the canal shoreline abutting the project, including sidewalks, docks, promenades, benches, and landscaping to ensure that the waterfront is easily accessed by the public.
6. The proposed density does not exceed a maximum of 25 dwelling units per acre.
7. As set forth in the EAF and SEQRA Resolution, and as also discussed in memos reviewed by the Board of Trustees from SRF & Associates dated July 16, 2102 and Stantec Consulting Services, Inc. dated July 20, 2012, the Applicant has demonstrated that the traffic generated by the proposed use will not be detrimental to the surrounding area, and has agreed to pay the cost of the following traffic calming measures as recommended by the Village's traffic consultant, which will help mitigate traffic conditions at and near the project site and will assist in reducing the speed of vehicles travelling eastbound towards the Village over the Monroe Avenue bridge during off-peak hours:
 - a. Raised Landscaped Median on the West Side of the Monroe Avenue Bridge: The Applicant will pay the cost of installing a 250-foot long raised median located approximately 200 feet west of the Monroe Avenue bridge.
 - b. Permits and Traffic Control for Raised Median: The Applicant will supply personnel and safety equipment for traffic maintenance and protection during construction of the raised median. The Village will work with the Applicant to secure NYSDOT construction permits for the installation of the raised median.
 - c. Installation and Maintenance of Landscaping on Raised Median: The Applicant will pay the initial cost of installing landscaping on the raised median, subject to NYSDOT approval and final design

approval by the Board of Trustees, and shall not be responsible for future maintenance.

- d. Re-striping of Monroe Avenue on East Side of Monroe Avenue Bridge: The Village will work with NYSDOT to have NYSDOT assume responsibility for re-striping Monroe Avenue from Woodland Road to the railroad track in accordance with the concept plan submitted by the Applicant at the Village's request. The re-striping will occur at the time NYSDOT would normally provide such maintenance and repair to this area.
 - e. Portable Radar Speed Sign: The Applicant will pay the cost of providing the Village with a Portable Electronic Radar Speed Sign to be deployed at or near the project entrance and elsewhere as the Village and/or the Monroe County Sheriff's Department may determine.
 - f. Additional landscaping, lighting and street furniture on the Monroe Avenue frontage: As the Applicant committed to in a Supplement to its Special Permit applications received by the Village Clerk on August 27, 2010, the Applicant will pay the cost of providing these elements as specified in materials previously submitted to the Village.
8. The sample renderings submitted by the Applicant illustrate a concept incorporating seven (7) buildings which are unique and varied in design with a residential scale and architectural articulation that relates to the Village of Pittsford's canal commercial building traditions. It is the understanding of the Board of Trustees that, except for the maximum height of buildings, as defined in the Regulating Plan hereinafter adopted (although subject to reasonable compliance with the Guidelines set forth in the Regulating Plan), the final design may vary to a reasonable extent in footprint, façade appearance, and mix of building story sections from the concept. The final design shall reflect to the satisfaction of the Architectural Preservation and Review Board (pursuant to the standards for a Certificate of Approval) and Planning Board the following:
- a. Varied roof heights, projecting bays, gables, recesses, and porches used to visually divide larger buildings to produce a scale that is visually compatible with the Village's distinctive aesthetic character, reflecting the canal commercial vernacular found in Schoen Place and other authentic historic Erie Canal commercial districts; and

- b. Avoidance of uniform building designs, heights and number of stories, and the design of individual buildings within groups of buildings to create unique and distinct identities, reflecting the canal commercial vernacular found in Schoen Place and other authentic historic Erie Canal commercial districts.

and

Whereas, the Board of Trustees hereby determines that the Concept Plan, the Ground Level Drawing, the Quantitative Analysis, the maximum heights set forth in the tenth WHEREAS paragraph above and the guidelines set forth below shall constitute the Regulating Plan for the Property pursuant to § 210-19.4 (A), showing approximately (except for the maximum heights and the guidelines set forth in the Regulating Plan, and subject to precise definition and compliance with all R-5 requirements as part of Site Plan approval and the issuance of a Certificate of Approval by the Architectural and Preservation Review Board, including the provisions of §210-19.3(B)):

1. The permitted location – or “footprint” -- of buildings on the property, located within specific building “envelopes;”
2. The orientation of the façade of the buildings;
3. The maximum height and mix of sizes of buildings on the property (but such heights being considered as maximum with no potential higher deviation and measured from the average finished grade of each building on the canal side, excluding changes in grade for garage entrances, to the eave of the building and not pursuant to the definition of “Building, Height of, as set forth in §210-2(B) of the Village Code) and corresponding roof lines, with final roof peaks to be determined consistent with the Regulating Plan adopted hereby by the Architectural Preservation and Review Board in issuing a Certificate of Approval;
4. The maximum “length” of buildings on the property;
5. Provisions mandating the use of areas separating buildings from one another (*e.g.*, driveways, pedestrian pathways, etc.);
6. The façade composition of building faces and the requirements in variation of façade design;
7. Required building entryways;
8. Location of streets, sidewalks, tree lawns and public realm lighting;
9. Location of “public realm” features along the Canal;
10. Location of trees, landscaping, and buffer areas along streets and property edges;

11. Location of parking areas and associated driveways and entrances;
12. Location of active and passive recreation areas on the site; and
13. Location of accessory structures, including storage and trash collection facilities.

and

Whereas, the Board of Trustees hereby adopts the following guidelines for the project as part of the Regulating Plan:

- a. Plantings of what are classified horticulturally as “full-size” deciduous trees that will eventually recreate the continuous line of trees along the canal bank will be required to mitigate the visual size and scale of the proposed development. The size of the initial plantings of these trees shall be determined by the Planning Board as part of site plan approval.
- b. The project’s frontage on Monroe Avenue must be appropriately developed to create a pedestrian oriented streetscape including street lights, street trees, and relocating the sidewalk away from the curb where feasible.
- c. Streets within the development shall have the streetscape elements and pedestrian character similar to existing Village streets. Streets within the development shall also be planted with continuous “full-size” deciduous trees to eventually form a continuous shade canopy over the streets. This element is consistent with other Village streets, and is necessary to mitigate the visual size and scale of the project and to enhance the quality of life for residents of the project. The regulating plan illustrates the maximum amount of surface parking that will be acceptable.
- d. Buildings within the project must be fully engaged with the streets they face, meaning lower units will have street entrances with porches and/or stoops. Other building entrances shall be designed to encourage their use and to engage interior activity with the public space of the street.
 - i. The Board of Trustees has identified the following qualities of the Regulating Plan or concept design as important in contributing to the design’s visual compatibility with the project’s immediate setting as well as with the village itself. The final design shall not be significantly larger, more massive, or taller than the illustration identified as the Regulating Plan. A two-story building will be located between Monroe Avenue, the project driveway and the canal.
 - ii. The design of each building will incorporate gable roofs, raking eaves, and double- hung windows proportioned in accordance with the “canal

commercial” vernacular style. The use of occasional shed, hip, or flat roofs in accordance with the “canal commercial” style is appropriate. Contemporary “boxed” soffits are not appropriate unless there is a cornice return.

- e. A row of residential buildings will be constructed over a one-level underground parking garage. The northernmost building will be primarily two-stories in height, including the end projecting toward Monroe Avenue. The other buildings will be a mixture of two, three, and four stories in height. They will incorporate variation in height, roof cupolas, projecting wings, dormers and other architectural elements to visually convey an architectural scale, massing, and variety similar to that which exists on Schoen Place and other authentic canal village commercial areas. No more than approximately 28 percent of the residential buildings shall be four stories in height. Like Schoen Place, the project should have the appearance of several larger scale buildings set among smaller and lower structures. The concept design will require refinement to ensure the proposed project is visually compatible with the Village. In particular, adjustments will need to be made to the project’s distribution of bulk, mass, and scale. The Village, Schoen Place and canal commercial districts in villages of similar size to Pittsford are comprised primarily of one and two-story structures. (Refer to appendices 1 through 4.) In canal commercial districts, larger taller and longer buildings are usually surrounded by lower barns and sheds giving a sense of hierarchy and a distinctive varied profile to these areas. To be visually compatible with the Village and the canal commercial concept this project will need to incorporate a variety of scale similar to authentic canal commercial districts. Architectural design tools such as cladding of first-floor exterior walls with masonry will need to be used to ensure proposed 3- and 4-story buildings are visually compatible with the Village’s predominant 2-story scale.

Whereas, the Planning Board’s review of the application for Site Plan approval and the Architectural Preservation and Review Board’s review of the application will ensure that the requirements of Article VA R-5 Residential District (§§ 210-19.1 – 210-19.5) of the Code will be observed; and

WHEREAS, the Board of Trustees hereby determines that, subject to precise definition as part of Site Plan approval and as part of application for a Certificate of Approval by the Architectural Preservation and Review Board, the Regulating Plan is in compliance with the “Building Design Standards” of § 210-19.4 (B), (C), (D), (E), (F), (G), (I), (J), (L), (M) and (N) of the Code, and the Applicant has expressed an intent to seek relief from some of the building material requirements in § 210-19.4 (K) from the Architectural Preservation and Review Board as provided in that section, as to which the Board of Trustees makes no endorsement and leaves to the discretion of the Architectural Preservation and Review Board; and

WHEREAS, the Board of Trustees hereby determines that the following variations of the “Site Design Standards” contained in § 210-19.5 of the Code will not impair the aesthetic

character or quality of the development or be inconsistent with the intent of the R-5 Residential District as stated in § 210-19.1 and hereby grants waivers from the same pursuant to § 201-19.5(L):

1. Six-inch (6”) granite curbs will be installed at the project entrance and exit lanes adjacent to Monroe Avenue. Concrete curbing will be installed along all other roadways.
2. Street lighting will utilize fiberglass poles and fixtures matching those presently on North Main Street (as shown on Appendix 5).
3. Crosswalks constructed as elevated speed tables will be required only at the project entrances at Monroe Avenue and as required by the Planning Board.
4. Garage entrance doors leading to underground parking areas from the roadway on the canal side of the project will be permitted on the front façade of buildings as shown on the concept plans submitted to the Village.
5. Turning circles will not be required at the end of dead-end streets. Dead-end streets will be connected through a parking area large enough to accommodate emergency vehicles.

and

WHEREAS, the Board of Trustees determines that the standards for Site Plan Review by the Planning Board and issuance of the Certificate of Approval by the Architectural Preservation and Review Board shall be subject to the foregoing variations of the “Site Design Standards” contained in § 210-19.5 of the Code, but the Planning Board and Architectural Review Board are otherwise not restricted in conducting site plan review and in considering the issuance of a Certificate of Approval, respectively, in accordance with the provisions of the Village of Pittsford Code and of the provisions regulating the R-5 Residential District; and

WHEREAS, the Board of Trustees adopted Resolution 19 of 2012 on November 19, 2012 granting the Applicant the requested special permits subject to various conditions; and

WHEREAS, the Board of Trustees subsequently discovered that it had not referred the special permit applications to the Monroe County Planning Department as required under General Municipal Law §239-m, and thereafter submitted all required information and materials to the Monroe County Planning Department on November 30, 2012, and subsequently received a response from the Monroe County Planning Department on December 14, 2012 which made no recommendation of approval, disapproval, or modification of the proposed project, thereby leaving the matter for local determination, and merely offering comments from various County agencies.

NOW THEREFORE, the Board of Trustees of the Village of Pittsford hereby approves the application of Pittsford Canalside Properties, LLC for a Special Permit for a maximum of 167-

unit multiple dwelling on property known as 75 Monroe Avenue subject to the determinations, findings and variations set forth herein, and subject to the following conditions:

1. This Special Permit is subject to final site plan approval by the Planning Board in accordance with Article XVII and §210-19.5 of the Village Code (except that the landscaping to be installed in the landscaped median on Monroe Avenue shall be subject to approval of the Board of Trustees and shall not be considered by the Planning Board on site plan approval), and the issuance of a Certificate of Approval by the Architectural Preservation and Review Board, in accordance with Article XIV of the Village Code.

2. The Applicant shall respond to all comments received from the Monroe County Planning Department to the satisfaction of the Planning Board as part of site plan approval.

3. The maximum number of parking spaces within the proposed development shall be 337, the location and layout of which is subject to site plan approval by the Planning Board.

4. No certificate of occupancy for any building shall be issued until the traffic calming measures identified in Section 6 of the Board's findings herein, other than the required future striping, shall have been completed.

5. No certificate of occupancy for any building shall be issued until the improved water main identified in Section 3 of the Board's findings herein shall have been installed and connected.

6. No certificate of occupancy for any building shall be issued until the Brownfield Interim Remedial Measure shall have been completed and a Site Management Plan or an Interim Site Management Plan is approved by the New York State Department of Environmental Conservation and notice of such approval shall have been provided to the Village Code Enforcement Officer.

7. During the period prior to construction, the Applicant shall grant to the Pittsford Fire Department the right to conduct safety drills within the existing building on the project site.

8. The Board of Trustees hereby recommends to the Planning Board that it consider as part of its site plan review requiring the Applicant to install protective screens in such sanitary sewer drains as the Planning Board may select, in accordance with the recommendations of the Village Department of Public Works and the Village Engineer.

9. The Special Permit shall expire if the project is not complete and certificates of occupancy issued for each building in the proposed project within three (3) years of the first issuance of a building permit, and the Applicant shall in such event be required to reapply for a new Special Permit; and it is further

RESOLVED, that the Board of Trustees of the Village of Pittsford hereby approves the application of Pittsford Canalside Properties, LLC for a Special Permit for a restaurant having a maximum combined indoor and outdoor seating for 125 persons on property known as 75 Monroe Avenue subject to the determinations, findings and variations set forth herein, and subject to the following conditions:

1. Hours of operation shall be limited as follows:

Monday – Thursday: 7:00 a.m. – 12:00 a.m.

Friday and Saturday: 7:00 a.m. – 2:00 a.m.

Sunday: 8:00 a.m. – 10:00 p.m.

2. Outdoor entertainment or music shall be limited as follows: No outdoor music or entertainment (and no outdoor speakers playing live or recorded entertainment or music) shall be permitted after 10:00 p.m.

3. Outdoor lighting shall be limited as follows: Any building or pole mounted lighting operated for the benefit of the restaurant will be on electronic eyes and timers so as to turn on at dark and turn off one hour after the close of the restaurant. A minimal amount of lighting will remain on as needed for safe passage to and from the building and as required by the New York State Building Code for illumination of public facilities. All lighting will be dark sky compliant and provide illumination only on the restaurant parcel and not spilling onto adjacent parcels.

4. Garbage and recycling will be limited as follows: Garbage and recycling will be collected in an outdoor fully screened enclosure containing either dumpsters or individual totes . Garbage will be collected in the morning hours when the restaurant is not open, but in no event earlier than 6:00 a.m., and will be collected as needed to avoid overfilling the dumpster or totes and to minimize odors.

5. Parking will be limited as follows: A combination of self parking and valet parking services will be available utilizing the available spaces in common with the apartments. It has been estimated that the restaurant will require approximately 70 spaces, and this amount will be included in the maximum number of spaces provided in the Special Permit for the residential development.

6. Odors will be limited as follows: To minimize odors, organic items will be placed in a commercial garbage disposal and oils controlled through a separator tank. Other refuse will be kept within tight fitting containers. The cooking hoods will be filtered and vented high. By the proper sizing of the cooking hoods and associated equipment, cooking aromas will be properly diluted to avoid concentrations of cooking related odors.

7. Due to the fact that the Applicant has not specified any details of the operation of the proposed restaurant, this Special Permit shall be subject to renewal by the Board of Trustees within one (1) year after the date the restaurant opens for business.

8. This Special Permit will be subject to all provisions of Village Code Section 210-74, including specifically Section 210-74(C)(2)(c), such that, in the event the operation of the restaurant use is transferred by any means to an individual or individuals or to an entity other than the Applicant herein, this Special Permit shall expire and the new operator shall be required to obtain a new Special Permit. However, given the potential timing of the site plan and Certificate of Approval processes, rather than have this Special Permit expire pursuant to Section 201-74(C)(2)(a) if the restaurant does not begin operation within one year of the date of this Special Permit approval, it shall expire if the restaurant does not begin operation within one year of the date of issuance of a building permit for the restaurant.

9. This Special Permit is subject to final site plan approval by the Planning Board in accordance with Article XVII and §210-19.5 of the Village Code, and the issuance of a Certificate of Approval by the Architectural Preservation and Review Board, in accordance with Article XIV of the Village Code;

10. The Applicant shall respond to all comments received from the Monroe County Planning Department to the satisfaction of the Planning Board as part of site plan approval.

The foregoing Resolution having been put to a vote, the following votes were recorded:

Mayor Robert Corby	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Trustee Tim Galli	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Trustee Paula Sherwood	Aye	<input type="checkbox"/>	Nay	<input checked="" type="checkbox"/>
Trustee Trip Pierson	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Trustee Lorie Boehlert	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>

and upon such vote, this Resolution was declared duly adopted.