

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS**



Members

Justin Vlietstra, Chair
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Dan Keating, Liaison
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Linda Habeeb, Recording Secretary

PLANNING & ZONING BOARD OF APPEALS

Monday January 28, 2019 at 7:00 pm

Tentative Agenda

This agenda and the order of review may change at the discretion of the Chairperson.

- ✓ Conflict of Interest Disclosure

ZONING BOARD

- Michael Newcomb, 47 State Street ~ Use Variance

PLANNING BOARD

- Pittsford Canalside Properties, LLC, 75 Monroe Avenue ~ Review of the draft Findings Statement for the LWRP Determination of April 16, 2018

Member Items:

- Status of communications antenna 11 Schoen Place
- Zoning Code updates

Minutes:

- PZBA 12.10.18; 01.03.19 Minutes

Pittsford Canalside Properties, LLC

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Rochester, New York 14608
Phone (585)232-1760
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January 21, 2019

Planning and Zoning Board of Appeals
Village of Pittsford
21 North Main St.
Pittsford, NY 14534

**Re: Pittsford Planning Board Meeting – January 28, 2019
Proposed Agenda Item – Findings re: Westport Crossing/75 Monroe Avenue
Pittsford Canalside Properties Application for Consistency Determination with the Village
of Pittsford Local Waterfront Revitalization Program – P.**

Ladies and Gentlemen:

I am writing on behalf of Pittsford Canalside Properties, LLC ("PCP") to request that the Village of Pittsford Zoning Board of Appeals adjourn taking any action with respect to the draft Findings regarding PCP's Application for a Determination of Consistency with the Village of Pittsford Local Waterfront Revitalization Program (the "Application"), but instead, that it reconsider the matter, and allow PCP an opportunity to address the Board's specific concerns regarding the project with the hope that we can achieve a resolution.

Recall that on April 18, 2018 the Planning Board passed an oral resolution determining that the Application was not consistent with the Village of Pittsford Local Waterfront Revitalization Program ("LWRP"). Rather than require that PCP file an immediate appeal and/or commence litigation, the Board agreed to enter into a tolling agreement with PCP while several pending lawsuits related to the project work their way through the court system. Presently PCP is hopeful there may be a resolution to those cases and perhaps to this LWRP matter if the Board will allow us the opportunity to address their concerns.

I have also been advised by counsel that if the status quo is changed, meaning if the Board votes to approve the proposed Findings, such action is not contemplated by the Amended Tolling Agreement and that PCP, in order to protect its rights, would be required to commence an appeal and/or litigation – a circumstance that I think all parties would prefer to avoid (especially the additional expenditure of taxpayer funds that would result).

We hope this request is acceptable to the Board, and that we can have an open discussion with the Board at the January 28, 2019. I look forward to your reply. In the meantime, should there be any questions, or if additional information is required please contact us.

Sincerely,



Christopher A. DiMarzo
Pittsford Canalside Properties, LLC

cc: Mindy L. Zoghlin, Esq., PZBA Attorney

FINDINGS
VILLAGE OF PITTSFORD ZONING BOARD OF APPEALS
APPLICATION OF PITTSFORD CANAL PROPERTIES LLC
FOR A DETERMINATION OF LOCAL WATERFRONT CONSISTENCY

Applicant: Pittsford Canalside Properties, LLC
Address: 75 Monroe Avenue, Village of Pittsford
Tax Account #: 151.18-1-15.1
Zoning District: R-5
Relief Sought: Pittsford Canalside Properties, LLC's application for a determination as whether the proposed Westport Crossing development is consistent with the LWRP policy standards and conditions.
Applicable Laws: Pittsford Village Code Article 121.
Notice:
Of Publication:
Public Hearing
Dates: February 26, 2018; March 19, 2018; and April 16, 2018.

This is an application for determination as to whether proposed Westport Crossing development is consistent with the LWRP policy standards and conditions.

Background

PCP applied to the APRB for a Certificate of Approval on March 21, 2013.

The APRB considered PCP's application at public meetings conducted on December 1, 2014 and December 10, 2014. The APRB denied PCP's application for a Certificate of Approval on December 10, 2014. PCP appealed the APRB decision on December 11, 2014. By Order and Judgment dated March 5, 2015, the Monroe County Supreme Court, Honorable John M. Ark presiding, directed the Village of Pittsford Zoning Board of Appeals ("ZBA") to hear PCP's appeal from the APRB determination. *Pittsford Canalside Properties, LLC v. Village of Pittsford Zoning Board of Appeals et al* (Index No. 2015-280).

The ZBA rendered its final determination on October 19, 2015. PCP commenced an Article proceeding to challenge a prior, nonfinal determination. The ZBA moved to dismiss the Article 78 proceeding in December 2015. The Court has not ruled on that motion.

In the meantime, the APRB and PCP apparently entered into settlement discussions regarding the Westport Crossing project. PCP moved to compel the APRB to approve the Project under the terms of the purported settlement.

On October 4, 2017, Judge Ark remanded PCP's application for a Certificate of Approval to the APRB for reconsideration pursuant to the parameters set forth in a letter dated April 4, 2017. The Decision and Order directed the APRB to commence reconsideration no later than November 4, 2017 and specifically stated that "other provisions of the Code of the Village of Pittsford no inconsistent with this decision shall apply." In this regard, the Planning Board notes that the Court's 10/25/2015 decision in *FOPV v. Village of Pittsford et al* (Index No. 2012/13778), page 12, explicitly found that:

1. There is no coastal assessment form in the Record.
2. The Village Board never prepared a coastal assessment form.
3. The Planning Board never prepared a coastal assessment form.
4. The Developer never submitted a coastal assessment form to the Village Board.
5. The Village Board did not make a proper determination of consistency with the LWRP.
6. The Planning Board did not make a proper determination of consistency with the LWRP.

PCP submitted an Application for a Certificate of Approval to the APRB on October 23, 2017 (the "Application"). The Application consisted of a 2-page letter and 9 attachments. The attachments are:

- PCP's application to the APRB for a Certificate of Approval dated October 23, 2017;
- Village Board of Trustees Resolution 20 of 2012;
- SEQRA Neg Dec for Westport Crossing dated 8/9/12;
- Something titled "Findings of the Village of Pittsford Planning Board regarding application of Pittsford Canalside Properties LLC dated September 4, 2013";
- An undated site plan;
- 16 pages of Architectural drawings and elevations. The first 6 pages are not signed or dated and appear to describe elevations for the Clubhouse, garage, Building 6000 (3 pages) and the pump house and gazebo. The next ten pages have the handwritten dated 10/23/17 on them and appear to be signed by Richard L. Rosen on 10/26/17. They appear to

be building elevations for Building 1000 (2 pages), building 2000 (2 pages), building 3000 (2 pages), building 4000 (2 pages), building 5000 (2 pages).

- Document dated 5/31/17 is 3-pages and appears to be a list of exterior materials and specifications for Westport Crossing buildings 1000, 2000, 3000, 4000, 5000, 6000, clubhouse and garages/ accessory structures.
- Letter from Jeff Turner dated April 4, 2017 with Exhibits A-H.
- Judge Ark's decision and order in PCP v. Village of Pittsford ZBA and APRB dated October 4, 2017.

On November 4, 2017 the APRB passed a resolution which, among other things, directed PCP to complete and provide a Coastal Assessment form as required by Village Code Section 121-5(B) so that the Planning Board could make a Local Waterfront Consistency determination. The APRB also referred the application to the Planning Board to determine whether it conforms to the approved site plan.

By letter dated December 15, 2017, the Planning Board advised PCP that the materials it submitted to the APRB on October 23, 2017 did not contain sufficient information to determine whether its plans conformed to the approved site plan, and asked PCP to provide the Board with a copy of the approved site plan with the information contained in the October 23, 2017 application superimposed on it.

The Planning Board put the APRB referral on its agenda for the January 22, 2018 meeting even though PCP had not yet provided it with a copy of the approved site plan with the information contained in the October 4, 2017 Decision and Order superimposed on it.

PCP delivered a Coastal Assessment Form and unsigned, undated drawings to Village Hall on January 22, 2018.

At the Planning Board meeting, the Board asked PCP to provide it with a signed, stamped approved final site plan with the information contained in the October 4, 2017 Decision and Order superimposed on it.

PCP submitted signed, stamped documents purporting to be the approved final site plan with latest proposed building overlay to the Planning Board on January 29, 2018 ("PCP's 2018 Site Plan").

The Planning Board met in February and noted that the final approved site plan was revised several times after the October 2014 final approval: February 13, 2015; March 30, 2015; May 27, 2015; July 6, 2015; and January 24, 2018.

On February 26, 2018 the Planning Board opened the public hearing and asked PCP to describe each of the post-approval revisions so that it could determine whether they were things that required a modification of the approved site plan. PCP responded on March 8, 2018.

On March 12th there was a court appearance regarding PCP's motion to compel the APRB to comply with Judge Ark's October 2017 Order. At the court appearance, PCP's principal stated to Judge Ark that the plans he submitted to the Planning Board on January 29th with the October 2017 proposal outlined in red did not include the location of decks, porches or stairwells.

The Planning Board then sent PCP an email on March 14th asking it to update the site plan map he sent us on January 29th to include the location of decks, porches and stairwells in green. PCP emailed those documents to the Planning Board on March 16th.

The Planning Board continued the public hearing on PCP's application on March 19, 2018.

On April 12, 2018 PCP submitted revised site plans for Westport Crossing that eliminated three parking spaces, as required by the Village Board of Trustees' Resolution #20 of 2012.

On April 16, 2018 The Planning Board closed the public hearing and deliberated the LWRP application. It found that PCP's Westport Crossing application of October 23, 2017, as amended through April 16, 2018 to be inconsistent with waterfront consistency standards.

SEQRA

On October 12, 2010, the Village Board declared itself as lead agency for SEQRA review of the project. The project was classified as a Type I action requiring coordinated review. On August 9, 2012, the Village Board issued a Negative Declaration. PCP challenged this decision in an Article 78 proceeding. On October 14, 2014 Justice Ark annulled the decision rescinding the neg dec for this Project. The Fourth Department affirmed this on March 18, 2016. *Pittsford Canalside Properties LLC v. Village of Pittsford*, 137 AD3d 1566 (4th Dept. 2016).

No further SEQRA review is required.

GML 239-m Referral

The Planning Board referred the LWRP Application to Monroe County Planning. By letter dated March 23, 2018, Monroe County Planning assigned referral PV18002Z to the LWRP application and determined that its prior

Referral response and Project Review Report for PZ12-1Z was relevant to the LWRP referral.

The LWRP Determination

After review, the Planning Board makes the following findings regarding the waterfront impacts as required by §121-5.G:

(1) Foster a pattern of development in the LWRP area that incorporates the design guidelines contained in Section V of the LWRP and which enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of the waterfront location and minimizes adverse effects of development (LWRP Policy 1), takes advantage of the community's location on the canal to provide amenities for residents and visitors and guides future development so that it complements, not competes with or detracts from, the Historic village.

Guidelines regarding preserving community character can be found in the LWRP §III, Policy 1.1. They include:

- No action may be undertaken which detracts from the Historic character of the community. LWRP §III, P. 2.
- New construction or alterations will be done in accordance with the existing Historical patterns of the area. LWRP §III, P. 2.
- The siting of new construction should reflect and reinforce the existing building line and be compatible with existing mass and height. New buildings should not compete with or destroy the existing street line and skyline but should enhance its overall character. LWRP §III, P. 2.

The LWRP policies explain that:

Attractive older buildings and public spaces within the town and village, and along the canal should serve as models for new construction and the design of public spaces. This local vernacular, as expressed through site and architectural details such as roof shape, building scale, window size, fenestration, and appropriate landscape elements, should be incorporated within the design of new buildings and public spaces. Overall, the design of new construction, as well as infill construction, or alterations, should enhance the character of the community and canal and contribute to, not detract from, a unified and memorable Pittsford identity. LWRP §III, P. 3.

The LWRP Guidelines further state that:

The siting of major new development should address the physical location and logical organization of buildings on a site in relation to both the surrounding man-made environment and the encompassing natural environment. The siting of new development should be respectful of existing view sheds and natural features. Where feasible, new developments should retain the integrity of the site's character as expressed through its land form and landscape. Open space, courtyards, and landscaped pathways within any new development should be encouraged to provide transitional areas between public and private spaces. LWRP §III, P. 4.

Larger structures should be broken up into smaller more pedestrian scaled structures which relate better to the existing streetscape. LWRP §III, P. 4.

Finding: the action is **inconsistent** with this policy for the following reasons:

- A. The Planning Board finds that the proposed Westport Crossing Project stands in striking contrast to the long established character of the Village of Pittsford. The proposed Project competes with and detracts from the Historic Village.

The entire Village of Pittsford is designated as a historic district. The Village contains well-preserved homes, stores, churches, and accessory structures most of which were built between 1789 and 1930. The historic center of the Village comprises one of the earliest and best-preserved collections of nineteenth-century architecture in the region.

Moreover, the Village remains a working example of a traditional Erie Canal village. Schoen Place, the commercial section of the Village along the banks of the Erie Canal, is an outstanding example of historic preservation in action. Buildings originally designed as canal and railroad warehouses have been adapted for contemporary commercial use.

As such, the unique history of the Village and its architecture frame the character of the Village. Residences and businesses in the Village identify themselves with color, materials, alternating sizes, and variations in architectural style and features in keeping with their individual history and the Village as a whole. In fact, the commercial buildings along Main Street, Schoen Place, and the adjacent neighborhood visible from Monroe Avenue feature a wide range of colors, styles, and sizes complementing their architectural designs, features and design details, and specific functions.

Evaluating the commercial buildings on Main Street and Schoen Place and the adjacent neighborhood visible from Monroe Avenue against the Project, the Planning Board determined whether the proposed Project's design is incompatible with the character of the Village. Architectural and historic design principles evaluated by the Planning Board include mass, scale, density, building height, width, orientation, setback, spacing, neighborhood rhythm or pattern of development, proportion, overall design, individual features and design details, materials and color. Analyzing the proposed Project using these principles, the Planning Board finds that it competes with and detracts from the Historic Village for the reasons set forth below.

- 1) The Proposed Westport Crossing Project Competes With and Detracts from the Character of the Historic Village Because Its Mass and Scale Are Disproportionately Large.*

The Planning Board finds that the proposed Westport Crossing Project competes with and detracts from the Historic Village because its mass and scale are inconsistent and out of proportion with the surrounding Village.

The New York State Office of Parks, Recreation and Historic Preservation's Guidelines for New Construction recommend that new construction be within 10% of the scale of historic equivalents. The proposed Westport Crossing Project greatly exceeds 10% of the scale of historic equivalents in the Village.

With respect to mass and scale, the Village is characterized by modestly-sized historic residences averaging two storeys in height. Lots in the Village feature varying setbacks and regular spacing. These characteristics contribute to a moderate density environment which signifies the appropriate mass and scale for the Historic Village.

Furthermore, large blocks of buildings are atypical. Sections of the Village featuring block-shaped commercial buildings are broken up by residences and smaller scale retail and commercial uses. For example, the commercial section of historic Main Street consists of modestly sized, two to three storey, storefront-style retail and commercial buildings, interspersed with parking areas, residences converted into businesses, pedestrian-scale modern office buildings, and municipal buildings. The modest size and moderate density environment created by the layout of Main Street embodies the appropriate mass and scale for the Historic Village.

Additionally, Schoen Place contains a variety of generously spaced structures with unique architectural design details reflecting their original uses as canal and railroad warehouses. Further, the adjacent neighborhood visible

from Monroe Avenue displays a mix of modestly sized, regularly-spaced pedestrian-scale retail businesses, office buildings, single-family homes, and municipal buildings featuring varying setbacks as well as the Pittsford Sutherland High School.

With the exception of the High School, no structure that is visible along the canal or the adjacent neighborhood is more than two storeys tall. As such, the layout of Schoen Place and the adjacent neighborhood visible from Monroe Avenue is characterized by modest structures sited on appropriately sized lots, indicative of moderate density. These areas exemplify the mass and scale appropriate to the Historic Village.

However, when compared to the commercially zoned buildings on Main Street and Schoen Place, and the adjacent neighborhood visible from Monroe Avenue for massing, scale, and density, the proposed Project is grossly out of proportion with the physical aspects of the Historic Village. The Project features 167 dwelling units within five buildings, a restaurant seating 125 persons, a pool, and a club house on a 7.39 acre parcel. The Project's proposed elevations illustrate this extreme contrast as they feature closely-spaced, enormous, block-shaped buildings standing approximately four storeys tall. The mass and scale of these buildings will be amplified by the Project's minimal use of color and repetitious design details.

The visual impact created by these buildings is stark. The Project's proposed buildings are massive, and they will dominate and fill the narrow strip of land on which they are sited. Notably, the density of the proposed Project is three times the density of Schoen Place.

Consequently, the proposed Project is glaringly out of context with the character of the Main Street, Schoen Place, the adjacent neighborhood, and the Village as a whole. In fact, superimposing the Project renderings onto Schoen Place and Main Street demonstrates that the mass and scale of the proposed Project is inconsistent with, and out of proportion to, the surrounding Village. The Project will essentially create a "Great Wall" of buildings visible from one of the major arteries into the Village. The Project will visually overwhelm the surrounding the neighborhood due to its mass and scale if built according to its proposed design.

Therefore, the proposed Project competes with and detracts from the Historic Village because it is incompatible with mass and scale of the canal frontage, the adjacent neighborhood visible from Monroe Avenue, and the Village as a whole.

2) The Proposed Westport Crossing Project Competes With and Detracts from the Character of the Historic Village Because It Has Regular Shapes, Spacing, Setbacks, and Patterns. The Historic Village, in contrast, Has Irregular Shapes, Spacing, Setbacks, and Patterns.

The Planning Board finds that the proposed Westport Crossing Project competes with and detracts from the Historic Village because its uniform, monotonous design fails to complement the unique, asymmetrical pattern of development found throughout the Village.

The buildings in the Historic Village display a pattern of moderately varying shapes, spacing, setbacks, and architectural styles. Additionally, very few buildings in the Village are taller than two storeys. In fact, the unique pattern of buildings in the Village is “harmonious” because it is characterized by a repeated pattern of varying building sizes, shapes, heights, and spacing.

For example, the commercial section of historic Main Street consists of regularly spaced, two to three storey, storefront-style retail and commercial buildings, interspersed with parking areas, residences converted into businesses, pedestrian-scale modern office buildings, and municipal buildings. The modest size, regular spacing, and appropriate set-backs of these buildings contribute to a feeling in harmony in keeping with the character of the Historic Village.

Additionally, groups of buildings along the Erie Canal, including Schoen Place, contain a mixture of building elevations and shapes which reflect an asymmetrical pattern of development. Schoen Place is comprised of a group of historic buildings, including silos, mills, barns, and sheds, featuring different elevations, shapes, and sizes. Many of these buildings were constructed between 1850 and 1930. These buildings continue to be used for a wide range of commercial uses. Some of these buildings even function as restaurants. The buildings in Schoen Place demonstrate harmony in their proportions because they were built to support the functions of the canal and its workers and evolved over time to meet the needs of the existing businesses in the canalside area

Further, the adjacent neighborhood visible from Monroe Avenue displays a mix of modestly sized, regularly-spaced pedestrian-scale retail businesses, office buildings, single-family homes, and municipal buildings featuring varying setbacks as well as the Pittsford Sutherland High School. With the exception of the High School, no structure that is visible along the canal or the adjacent neighborhood is more than two storeys tall. As such, the layout of Schoen Place and the adjacent neighborhood visible from Monroe Avenue is characterized by modestly sized structures, regular spacing, and appropriate set-backs in keeping with the character of the Historic Village.

When compared to the commercially zoned buildings on Main Street and Schoen Place, and the adjacent neighborhood visible from Monroe Avenue for variety in shapes, spacing, setbacks, and patterns, the proposed Project is grossly out of character with the physical aspects of the Historic Village. The proposed Project has enormous block-shaped buildings of comparable heights which are approximately four stories tall and are spaced at symmetrical, regular intervals. The proposed buildings are massive, and they will dominate and fill the narrow strip of land on which they are sited. Significantly, the Project's five residential buildings completely lack variety in size, shape, height, spacing, and function. As such, the size and uniformity of the proposed buildings in the Project ignores the pedestrian scale of the Village.

For the reasons set forth above, the proposed Project competes with and detracts from the Historic Village because its uniform shapes, spacing, setbacks, heights, and patterns contrast with the Historic Village's asymmetrical yet harmonious pattern of development.

3) The Proposed Westport Crossing Project Competes With and Detracts from the Historic Village Because the Project's Design Features are not compatible with the buildings in the Historic Village.

The Planning Board finds that the proposed Westport Crossing Project competes with and detracts from the Historic Village because its design features do not complement the existing buildings in the Village.

The New York State Office of Parks, Recreation and Historic Preservation's Guide to New Construction recommends that new construction be comprised of individual features which are comparable, but not identical, to those of similar historic properties. For example, in a historic district characterized by dwellings having front porches, paired windows and dormers, new buildings should include these same features. The proposed Project does not have individual features that are comparable to similar historic properties in the Village.

Buildings in the Village consist primarily of 2-storey, free standing homes and structures that are individually-conceived and lack a central focal point. Moreover, the existing architectural styles in the Village reflect different property uses and buildings of different sizes and elevations. The architectural flavor of the Village spans centuries, as the Village was settled in 1796. No two adjacent buildings in the Village have exactly the same architectural features or design.

The buildings along the Erie Canal, particularly Schoen Place, exhibit different architectural styles indicative of their original commercial function, as

the area evolved over time in response to the canalside's ever-changing commercial needs. Historic buildings include silos, mills, barns, and sheds, displaying different elevations, shapes, and sizes. The unique historic buildings of Schoen Place have been preserved through thoughtful new contemporary commercial use.

Further, the adjacent neighborhood visible from Monroe Avenue features a mix of architectural styles driven by function. This area features pedestrian-scale retail businesses, office buildings, single-family homes, municipal buildings as well as the Pittsford Sutherland High School.

In contrast, every building in the proposed Project demonstrates a consistent, uniform style and function typical of modern, large-scale, luxury residential complexes. The proposed Project does not incorporate a variety of styles or architectural details. In fact, proposed elevations illustrate closely-spaced, enormous, block-shaped buildings standing approximately four storeys tall. The visual impact of these buildings will be amplified by the Project's minimal use of color and repetitious design details.

Notably, the Project features architectural design details which clash with the historic character of the Village. For example, the proposed dwellings buildings feature a multitude of balconies. However, the sheer number of balconies is out of character and inconsistent with the buildings found in the Village, which rarely feature balconies.

Moreover, the proposed Project does not break up large structures into smaller, pedestrian-scaled buildings in keeping with overall layout and design of the Village. A few chimneys are incorporated into the design of the Project, but they do little to break up the monotony of the Project's design. The overall visual impact of the Project is stark – the Project will create a “Great Wall” of residential units visible from one of the major arteries into the Village.

For the reasons stated above, the proposed Project competes with and detracts from the Historic Village because its design features are not compatible with the character of the Village.

4) The Materials and Colors of the Proposed Westport Crossing Project are Inconsistent With the Overall Character of the Historic Village.

The Planning Board finds that the proposed Westport Crossing Project competes with and detracts from the Historic Village because its materials and colors are not appropriate or in keeping with the design of the Village's buildings and structures.

LWRP § III, Policy 1.1 states that the agency must consider the use of materials consistent with the overall character of the area. The New York State Office of Parks, Recreation and Historic Preservation in its Guide to New Construction recommends that the materials used in new construction should be compatible with those of corresponding historic properties.

Further, LWRP §III, Policy 1.1 also explains that new development should use colors compatible with similar features of existing historic resources.

Notably, the buildings in the proposed Project are not consistent with and do not conform with the exterior materials of the buildings in the Village. The exterior materials and specifications are described in Tab 7 of PCP's October 2017 application. The Village consists primarily of painted wood structures reflecting the age and architectural styles its residences and businesses. However, the exterior of the five proposed residential buildings consists primarily of masonry, especially stonework. The amount of stone in the proposed Project is not appropriate, authentic or consistent with the architecture of the rest of the Village.

Importantly, the individual residences and businesses in the Village identify themselves with color which highlights variations in architectural style. The commercial buildings along Main Street, Schoen Place, and the adjacent neighborhood visible from Monroe Avenue feature a wide range of colors complementing their unique architectural features and specific functions.

In contrast, the Project lacks variety in color and diversity in design which is a hallmark of the Historic Village. The proposed Project's minimal use of color attempts to create the appearance of multiple buildings within a single structure, which is not effective. Conversely, the Village's buildings feature a wide range of colors from neutrals to traditional yellows, greens, reds, and blues. Unfortunately, the Project's monotone colors combined with the repetitive shape, size, and siting of the buildings essentially renders individual buildings within the Project indistinguishable.

For the reasons set forth above, the materials and colors of the proposed Project are not compatible with properties in the Historic Village.

5) The Proposed Westport Crossing Project Competes With and Detracts from the Historic Village Because It Destroys the Existing Canalside Viewshed.

The Planning Board finds that the proposed Westport Crossing Project competes with and detracts from the Historic Village because it fails to maintain visual unity with its historic neighbor Schoen Place, the contiguous neighborhood, and the Village as a whole.

Notably, the proposed Project stands in sharp contrast to the appearance of other groups of buildings in the Village which are much smaller in scale. The proposed Project would create the largest massing of buildings in the Village, failing to maintain visual unity with Schoen Place, the contiguous neighborhood, and the Village as a whole.

If built according to current plans, the Project would overpower the villagescape due to sheer size and its location at the entrance of the Village. In fact, superimposing the Project's renderings onto Schoen Place and Main Street demonstrates that the mass and scale of the proposed project dwarfs the surrounding Village. Because of its sheer size, the Project will become a visual focal point that will overshadow the Village itself.

Because the scale of Project will dwarf the surrounding Village, it will interrupt the existing horizon. The Project will destroy the viewshed from Sutherland Street to the canal. The size and scale of the buildings in the proposed Project will create a "Great Wall" of buildings where an open skyline previously existed.

Not surprisingly, the proposed Project will damage the quality of the Village's horizon due to its location on Monroe Avenue, at one of the most important entrances to the Village. The Project's impact on close views will be disruptive, particularly when Monroe Avenue traffic is stopped.

Likewise, from the canalside, views of the Monroe Avenue entrance to the Village will be blocked. Additionally, along the canal, views of sloping backyards and small one or two storey buildings will be effectively eliminated by the Project's "Great Wall" of buildings.

For the reasons set forth above, the proposed Project competes with and detracts from the Historic Village because it destroys the existing canalside viewshed.

(2) Protect water-dependent uses, promote siting of new water-dependent uses in suitable location and support efficient harbor operation.

Finding: the action is **consistent** with this policy. The proposed development includes a canalside sidewalk, future opportunities to connect to other parts of the Village, attractive access to the Erie Canal and public access. The developer has remediated environmental contamination at the proposed project site.

(3) Protect existing agricultural lands within the LWRP area.

Finding: the action is **not applicable** with this policy.

(4) Promote sustainable uses of living marine resources in coastal waters.

Finding: the action is **consistent** with this policy. The proposed Westport Crossing Development includes a dock.

(5) Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands and rare ecological communities.

Finding: the action is **not applicable** with this policy.

(6) Protect and improve water resources.

Finding: the action is **consistent** with this policy. The proposed Westport Crossing development takes advantage of the canal as an amenity.

(7) Minimize loss of life, structures and natural resources from flooding and erosion.

Finding: the action is **not applicable** with this policy.

(8) Protect and improve air quality in the LWRP area.

Finding: the action is **consistent** with this policy because potential air quality concerns were addressed in the environmental remediation process.

(9) Minimize environmental degradation in the LWRP area from solid waste and hazardous substances.

Finding: the action is **consistent** with this policy because the applicant remediated environmental contamination at the project site.

(10) Provide for public access to, and recreational use of, coastal waters, public lands and public resources of the LWRP area.

Finding: the action is **consistent** with this policy because the proposed Westport Crossing development includes a dock, sidewalk, and access to the Erie Canal. However, the canal access is in the back of the development and does not improve connections between the canal and other important open space assets.

(11) Enhance visual quality and protect outstanding scenic resources.

Finding: the action is **inconsistent** with this policy for the following reasons:

A. The Planning Board finds that the proposed Westport Crossing Project will not enhance visual quality and protect outstanding scenic resources for the reasons set forth above and below.

- 1) The proposed Project is strikingly different from other buildings along the canal and would create a “visual interruption” in the scenic quality of the Village.*

The Planning Board finds that the proposed Westport Crossing Project will not enhance the Village’s visual quality and protect outstanding scenic resources because the physical characteristics of the Project break with and fail to complement the physical characteristics of the Village.

First, the proposed Project creates a sharp break or high contrast area when compared against nearby Village structures. Notably, the alternating physical characteristics and design of the buildings in Schoen Place and the Village evoke a feeling of rhythm, repetition, and movement. Walking through the Village past modestly-sized and alternating building types and styles, pedestrians experience distinctive and individual streetscapes differentiating the Village’s unique structures and neighborhoods.

However, the monotonous design of the Project creates a disconnect, rather than a continuation of the Village’s rhythm, repetition, and movement. The uniform architectural style and color palette of the proposed Project is static. The proposed Project’s scale, stone façade, monotone color palette, and uniform design stand in stark contrast to colorful and varied designs of the modestly-sized structures in the Village.

Further, the proposed Project is designed as an isolated community embodying a modern, uniform, large-scale, luxury residential complex aesthetic rather than a continuation of the Village’s historical, varied, pedestrian-scaled buildings. To be seen as a continuation of the Historic Village and Schoen Place, the larger structures in the proposed Project need to demonstrate more alternation or variety in size, materials, color, and form.

In fact, the proposed Project should seek to enhance or recognize the historic scale and character of the Village and strive to repeat the existing pattern. The lack of variety in building materials, the singular absence of wood, and proliferation of balconies does not blend with surrounding properties and glaringly contrasts with the surrounding neighborhood at the Village’s entrance.

Crucially, the bulk and massing of the buildings in the proposed Project are grossly out of proportion with the buildings in Village. As such, the proposed Project will become a focal point overshadowing the rest of the Village. Other large buildings in the Village such as the High School or Library are do not present the same concerns regarding mass or bulk. These buildings

are single, stand-alone structures which are spaced appropriately. The proposed project, in contrast, is a very dense, monolithic residential complex sited on a narrow strip of land located at a well-traversed entrance to the Village.

For the reasons set forth above, the proposed Project competes with and detracts from the Historic Village because it interrupts the visual quality of the Village.

(12) Preserve Historic resources of the LWRP area.

Finding: the action is **inconsistent** with this policy for the reasons set forth above.

(13) All actions must conform to the State Environmental Quality Review Act (SEQRA) regulations (6 NYCRR Part 617).

Finding: the action is **consistent** with this policy.

(14) All actions must adhere to Village protective measures for environmental resource preservation (Pittsford Environmental Guidebook and the Greenprint for Pittsford's Future).

Finding: the action is **not applicable** with this policy.

(15) Perform dredging and disposal of dredge spoil materials in a manner which is protective of natural resources.

Finding: the action is **not applicable** with this policy.

Comment Regarding the 2014 Findings Statement: PCP claims that statements contained in Planning Board's 2014 Findings Statement granting site plan approval require it to find that the Westport Crossing project is consistent with §121-5.G(1). This Board disagrees for several reasons. First, Resolution #20 addressed a proposed site plan and application that were substantially different from PCP's October 2015 application. Second, the statements were based on an error of law, which was that mere compliance with the R-5 zoning requirements satisfied the LWRP consistency requirements. Finally, the statements were largely conclusory.

Dated: