

**VILLAGE OF PITTSFORD**  
**PLANNING AND ZONING BOARD OF APPEALS**  
Regular Meeting April 16, 2018 at 7:00 PM

**PRESENT:**

Chairperson: Justin Vlietstra (absent)  
Members: Jo Anne Shannon  
Renee Stetzer  
Susan Lhota  
Heather Erwin  
  
Recording Sec: Linda Habeeb  
PZBA Attorney: Mindy L. Zoghlin, Esq.

**Motion:** Member Lhota made a motion, seconded by Member Shannon, to call the meeting to order at 7:00 pm.

**Vote:** Shannon – yes; Lhota – yes; Erwin – yes; Stetzer - yes. *Motion carried.*

**Conflict of interest disclosure:** Member Lhota asked if any of the board members had a conflict of interest with the application before the board. Board members stated that they had no conflicts of interest to disclose.

**Pittsford Canalside Properties, 75 Monroe Avenue**

**Present:** Chris DiMarzo, Bryan Powers, Mark IV Enterprises; Tom Daniels

**Discussion:** Member Lhota stated that she will be the Acting Chairperson for the 75 Monroe Avenue matter. She explained that this is a continuation of the Board’s discussion regarding the LWRP consistency review for the 75 Monroe Avenue project. On October 25, 2015, in FOPV vs. Village of Pittsford et al, and on October 4, 2017, Monroe County Supreme Court Judge Ark directed the Planning Board to conduct an LWRP consistency review, which basically asks if the applicant’s plan to develop the site at 75 Monroe Avenue is consistent with the policies set out in Pittsford’s Local Waterfront Revitalization Program, as well as Village Code. It is not a question of whether remediated canal-front property, which includes many good amenities for the Village community, is better than polluted landscape, but rather a question of whether a development abides by legal guidelines, policies, and Village Code in regard to development in Pittsford. The Planning Board is open to growth and development in Pittsford Village, and the LWRP was written to insure that growth and development is commensurate with well-established and well-protected community character.

Member Lhota explained that the Board will deliberate in public regarding these issues, and will not be hearing any public comments. In the discussion, the Board will be considering LWRP Sections 3 and 5 and Village Code § 121-5(G).

Village Code Chapter 121 sets forth the factors the Board is required to consider in evaluating the consistency of a proposed action with the LWRP. Village Code § 121-5(G) states that the action shall be consistent with the policy to:

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,

minimizes adverse effects of development (LWRP Policy 1), and 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.

Member Lhota stated that the Board will begin with a discussion about community character. She stated that the character of the Village of Pittsford has been referred to as an old canal Village, with the Erie Canal being a defining constant, and structures along the canal displaying a variety of building styles and shapes relating to their original function. The Erie Canal was conceived of as a commercial thoroughfare, and is a part of the National Heritage Corridor. Schoen Place is one of the oldest remaining sections of original canal buildings that have been preserved to reflect that history. It is an important defining feature of the character of the community.

Member Erwin stated that guidelines preserving community character can be found in the LWRP Section 3, Policy 1.1, which states:

No action will be undertaken within the LWRP boundary which detracts from the historic character of the community. . . New construction or alterations will be done in accordance with the existing historical patterns of the area. . . The siting of new construction or building alterations 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.

Member Erwin stated that possible talking points could be whether the scale of the project is compatible with existing buildings on Main Street and Schoen Place. She stated that unity, harmony, contrast, scale, and proximity are key factors in architecture. Member Lhota stated that the harmony that exists in the village and along the canal is actually a disharmony of different buildings. She explained that there is a pattern of different heights and shapes of the existing buildings that often reflects the original functionality of the buildings. "Harmonious" doesn't mean the same, but indicates a repeated pattern. Member Erwin stated that the repeated pattern of the buildings on Schoen Place is not symmetrical, but is asymmetrical. There is an alteration and a variety, as opposed to a "block" of similar buildings. She explained that the majority of the structures in the Village of Pittsford do not have suburban-style architecture. She stated that according to the LWRP, larger elements should be broken down into smaller, pedestrian-scaled structures which better relate to the existing streetscape. The question is whether the proposed project will result in an enhancement of the existing area, or damage the quality of the Village streetscape.

The LWRP Section III states 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 encompassing the natural environment. The siting of new development should be respectful of existing view sheds and natural features.

Member Lhota stated that from Sutherland Street there is currently a clear view shed to the canal, which is a visual open space that defines the Village of Pittsford. Schoen Place has examples of existing structures that have been repurposed for contemporary use.

Member Erwin stated that LWRP Section III states 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.

Ms. Zoghlin asked that the Board members explain how they are interpreting that section of the LWRP with respect to the proposed project.

Member Lhota stated that the Board has reviewed superimposed renderings of the project in relation to Schoen Place and Main Street, and it is evident that the mass and scale of the proposed project is inconsistent with, and out of proportion to, the surrounding Village. The Village consists mainly of two-story homes and buildings that are free-standing and individually conceived. Member Erwin stated that the proposed project creates an emphasis and a focal point entering the Village, which is not compatible with the surrounding Village buildings. She pointed out that the LWRP not only considers the canal, but involves the entire Village.

Member Stetzer questioned whether the Board needed to acknowledge that the site was previously a contaminated area, which has been cleaned up by New York State and PCP. There is no longer contamination going into the canal, and they will be adding residential property to an industrial site.

Member Lhota stated that one of the points the Board will be reviewing is whether the project “makes beneficial use of the waterfront location, minimizes adverse effects of development (LWRP Policy 1), and 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.” She noted that one of the attractive amenities that would be provided is a sidewalk where there currently is none. She also commented that sidewalk is in the rear of the property and doesn’t connect to anything else. Member Erwin stated that the development provides a number of positive things for the area, but she also acknowledged that there are other things about the project that are not compatible with the Village of Pittsford. She stated that the visual unity is disproportionate to the surrounding area, and the proposed materials for the buildings are not appropriate for the historic village. The development is not in keeping with the rhythm and movement of the canal.

Member Lhota stated that another point the Board will review is whether the development “protects water-dependent uses, promotes siting of new water-dependent uses in suitable location, and supports efficient harbor operation.” She stated that the existing buildings along Schoen Place have a pattern of different heights and shapes that relate in height, mass, and architectural character. The proposed development, in contrast, represents a very monolithic, unified set of buildings and materials.

Member Lhota stated that the next issue for discussion is whether the development “protects existing agricultural lands within the LWRP area (LWRP Policy 12).” She noted that this does not apply here, because there are no agricultural lands within the LWRP area.

The Board next discussed whether the proposed action “promotes sustainable uses of living marine resources in coastal waters (LWRP Policy 11).” Board members noted that the site includes a dock for public access.

The next issue for discussion is whether the proposed action “protects and restores ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities (LWRP Policy 6).” Member Lhota said that this issue has no direct correlation to this project on this site.

Member Shannon referenced a report from the Monroe County Department of Planning and Development, dated April 23, 2013, which indicated that according to the National Wetland Inventory (NWI) maps prepared by the United States Department of the Interior, this site appears to contain a portion of a federal wetland. It is beneficial to the wetland if a natural buffer of 100 feet is left around it. The applicant may need to obtain a permit from the Army Corps of Engineers. She further stated that Monroe County also commented that the New York State Canal Corporation should be contacted if the applicant intends altering any existing state permits, proposing new docks or other canal-side improvements located within state-owned land, any proposed use of state-owned land, or any disturbance of Barge Canal (including cutting of vegetation or grading). Member Lhota explained that this has already been addressed. The report also indicates that the project occurs in the Irondequoit Creek Watershed, and discusses recommendations for comprehensive stormwater management.

Board members discussed whether the development “protects and improves water resources (LWRP Policy 5). They agreed that the proposed project takes advantage of the canal as an amenity.

The next issue discussed was whether the project “minimizes loss of life, structures, and natural resources from flooding and erosion (LWRP Policy 4).” Member Lhota stated that this is not applicable because the site is not designated as a flood hazard area.

The next issues discussed deal with protecting and improving air quality in the LWRP area (LWRP Policies 7 & 8). Board members agreed that issues of air quality and the environment were covered during the remediation process.

The Board next discussed whether the project “provides for public access to, and recreational use of, coastal waters, public lands, and public resources of the LWRP area (LWRP Policy 9).” Member Lhota stated that the project provides a dock and a sidewalk to provide public access to the area. She noted that the sidewalk is in the rear of the property and doesn’t improve connections to important open space assets. One of the goals of the Comprehensive Plan is to improve connectivity within the Village. Visual access will be impeded by the height and mass of this development, especially from the iconic Sutherland viewshed. Member Erwin stated that the project should maximize the retention of the quality of the materials and features of architecture on the existing buildings as visible entering the Village.

Member Lhota stated that LWRP Policy 3 states that the project should “enhance visual quality and protect outstanding scenic resources.” The policy states to “avoid structures or activities that introduce visual interruptions.” She stated that the development qualifies as a “visual interruption.” It is strikingly different from other buildings along the canal. Member Erwin stated that development along the canal is desirable, but it should not be in competition to the Village itself. She further explained that the bulk and mass of the buildings becomes a focal point of the area. The project should enhance, or recognize, the historic character and scale of the Village and strive to repeat the existing pattern.

Member Lhota stated that they have reviewed measurements of population density in the Village, and this development is inconsistent with the Village and surrounding villages. Member Stetzer stated that she is in agreement that the current proposal is too large for the gateway to the Village, and she would prefer a project that complements the surrounding area. Member Shannon referenced the Village’s Design Guidelines, which states that new construction should be done in accordance with existing historical patterns of the area. She expressed that it’s not just the buildings surrounding the development, it’s the

entire Village. Member Lhota acknowledged that there are other large buildings existing in the Village, such as the High School and the Library, but they are single, stand-alone buildings, not groups of large buildings in one area, and not residential.

Member Lhota stated that LWRP Policy 2 states that historic resources of the coastal area should be preserved. Member Erwin pointed out that the LWRP states that “development should be designed to a size, scale, proportion, mass, and spatial relationship compatible with the historic resource, and should use materials, features, forms, details, textures, and colors compatible with similar features of the historic resource.” The siting of new construction, as well as infilled construction or alterations, should enhance the character of the community and the canal and contribute to, not detract from, the Village identity. Good local examples of the vernacular attractive older buildings and public spaces within the Town and Village and along the canal should serve as models for new construction and design of public spaces.

Member Erwin stated that in her opinion, the project does not enhance the historic character of the Village because it is out of scale and proportion. It is not a unified continuation of the existing features of the Village. Member Lhota stated that the word, “enhance” means to recognize or imitate the historic character of the Village. She explained that the density of the project is three times the density of Schoen Place. Also, there is an alternating pattern of building sizes and types on Schoen Place, which is absent in the proposed development. The historic patterning of the buildings should be acknowledged architecturally. The proposed plan does not address the historic character, which includes different functionalities of buildings that resulted in buildings with different shapes, sizes, and materials. The proposed project is very repetitious of one design, not of a variety of designs. Board members agreed that smaller structures, similar to the existing buildings along Schoen Place, would be more appropriate at this location. Member Shannon stated that the project is a residential community, and therefore the buildings should be similar to the residences in the Village. Member Stetzer pointed out that the Village is mixed with commercial structures and isn’t strictly residential. The new construction should pay homage to the past history.

Member Lhota stated that the project must conform to the State Environmental Quality Review Act (SEQRA) regulations (6 NYCRR Part 617). The Village Board determined that the Westport Crossing proposal is a Type I action subject to SEQRA and issued a Negative Declaration. Therefore, no further SEQRA review is necessary.

All actions must adhere to Village protective measures for environmental resource preservation (Pittsford Environmental Guidebook and the Greenprint for Pittsford’s Future). Board members determined that the property is not within the Greenprint.

At last month’s meeting, the applicant stated that it does not intend to perform any dredging of the Westport Crossing development.

## **VILLAGE OF PITTSFORD PLANNING BOARD**

### **RESOLUTION – 2018-6: DECISION ON WATERFRONT CONSISTENCY**

**Applicant Name: Pittsford Canalside Properties**

**Address: 75 Monroe Avenue**  
Pittsford, NY 14534

**Action: LWRP Review for 75 Monroe Avenue**

At a meeting of the Planning Board of the Village of Pittsford (the “Board”) duly convened on April 16, 2018 at 7:00 **PM** at Village Hall, 21 N. Main St, Pittsford, NY 14534,

The following resolution was offered by Board Member Susan Lhota,

Who moved its adoption, and seconded by Board Member Erwin,

**WHEREAS**, The Village of Pittsford Planning Board (the “Board”) received and reviewed a coastal assessment form (“CAF”) from the above mentioned applicant for the above mentioned action pursuant to chapter 121, Local Waterfront Consistency, of the Code of the Village of Pittsford; and

**WHEREAS**, The Board has held a public hearing, and received comments thereat; and

**WHEREAS**, The proposed action is a Type I action subject to SEQRA Review; and

**WHEREAS**, 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.

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

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

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

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

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

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

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

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

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

(6) Protect and improve water resources (LWRP Policy 6).

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

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

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

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

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

(9) Minimize environmental degradation in the LWRP area from solid waste and hazardous substances (LWRP Policy 10).

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

(10) Provide for public access to, and recreational use of, coastal waters, public lands and public resources of the LWRP area (LWRP Policy 11).

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

(11) Enhance visual quality and protect outstanding scenic resources (LWRP Policy 12).

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

(12) Preserve historic resources of the LWRP area (LWRP Policy 13).

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

(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.

The following additional findings are noted: The basis for these Findings will be set forth in a written Findings Statement based on the documents considered by the Planning Board and its deliberations in this matter.

**NOW THEREFORE, IT IS RESOLVED** that the Planning Board of the Village of Pittsford finds the action to be **inconsistent** with waterfront consistency standards.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra: Absent  
Renee Stetzer: Yes  
Heather Erwin: Yes  
Susan Lhota: Yes  
JoAnne Shannon: Yes

Dated: April 16, 2018

By order of the Planning Board of the Village of Pittsford

Mr. DiMarzo questioned the status of the hiring of a drainage engineer, and Member Lhota informed him that the process is progressing.

**Member Items:**

**Motion:** Member Vlietstra made a motion, seconded by Member Stetzer, to approve the 3/19/18 minutes, as drafted.

**Vote: Shannon – yes; Lhota – yes; Erwin – yes; Stetzer - yes. *Motion carried.***

**Motion:** Member Lhota made a motion, seconded by Member Shannon, to adjourn the meeting at 8:30 pm.

**Vote: Shannon - yes; Lhota-yes; Erwin – yes; Stetzer – yes. *Motion carried.***

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Linda Habeeb, Recording Secretary