

**TOWN OF PITTSFORD
PLANNING BOARD
March 8, 2021**

Minutes of the Town of Pittsford Planning Board meeting held on March 8, 2021 at 7:00 pm local time. The Meeting took place with Board members participating remotely using Zoom.

PRESENT: Kevin Morabito, Paula Liebschutz, Dave Jefferson, Sarah Gibson, Jeffrey Donlon, John Limbeck, John Halldow

ABSENT: None

ALSO PRESENT: Robert Koegel, Town Attorney, Kate Munzinger, Town Board Liaison, Douglas DeRue, Director of Planning, Zoning & Development, Jessica Yaeger, Planning Board Secretary

ATTENDANCE: There were 19 members of the public present.

Chairman Limbeck made a motion to call the meeting to order seconded by Board Member Morabito. Following a unanimous voice vote the meeting opened at 7:02 P.M.

DECISION PENDING:

Kilbourn Place Apartments, Final Site Plan and Subdivision Approval

Chairman Limbeck introduced the decision pending and asked if there was any statement from applicant.

Jerry Goldman of Woods Oviatt Gilman LLP spoke on behalf of the application. He introduced the other members in attendance for the application as well including Dave Reidman, Jerry Watkins with Reidman Development, Alex Amering with Costich Engineering and Dave Hanlon with Hanlon Architects. He reviewed that with their Final Site Plan and Subdivision submittal, they are approaching the end of the approval process; they have received amended Zoning through Town Board, Preliminary Site Plan and Subdivision Approval though the Planning Board and are still working to complete the Design Review Board approval process for the apartment buildings which is part of the building permit process. They had received the draft Final Site Plan and Subdivision Resolution from Town Staff the Friday prior to the meeting and the project Engineer has been reviewing the comments and will be working on resolving the remaining Conditions of Approval with the Town Engineer and Staff. Mr. Goldman concluded that they look forward to any comments from the Planning Board.

Chairman Limbeck stated that they had closed the public hearing as part of the Preliminary hearing process and that no public comment will be accepted at this time. He also noted that they had granted a negative declaration with SEQR with the Preliminary approval. With that John Limbeck announced he would read through the draft Final Resolution.

Board Member Halldow expressed his concern that the Final Approval Resolution before the Board at this meeting was rushed.

Chairman Limbeck added that he had already shared his opinion with the applicant and fellow board members on why the application did not deserve to pass.

Chairman Limbeck continued by reading through the draft Final Resolution, noting 8 Findings of Fact and 54 Conditions of Approval. Vice Chair Donlon motioned to approve the Final Resolution, seconded by Board Member Morabito. The board voted as follows: Ayes: Jefferson, Donlon, Morabito, Liebschutz, Gibson. Nays: Halldow, Limbeck. The Kilbourn Place Apartments Final Site Plan and Subdivision Resolution was approved 5 ayes to 2 nays.

CONDITIONS OF APPROVAL

1. Subject to conformance with or resolution to the response to the conditions of Preliminary Approval and the conditions/comments contained herein.
2. Changes/additions to the Site/Signed Plans must be reviewed by the Town of Pittsford Department of Public Works and may require Planning Board approval.
3. Subject to conformance with the specific conditions of the Town Board Incentive Zoning Resolution dated August 4, 2020 including but not limited to:
 - a. Amenities accepted. The applicant has proposed the rehabilitation and maintenance of the Wright House at 3524 East Avenue (at the southeast corner of the site, near Bretton Woods Drive), with an amenity cash value of \$287,000. This amenity furthers the Town's goals of retaining Town historic assets and is accepted by the Town Board. The applicant has also proposed the preservation of a large green area along East Avenue and the preservation of significant trees of the site. While the applicant assigned no amenity cash value to this benefit, the Town Board accepts it as an amenity, and it becomes part of the project. The applicant has also proposed an enhancement of the cash amenity to the senior citizens' fund from \$100,000 to \$200,000, to be paid at the granting of the first certificate of occupancy for the apartment use. (A cash amenity of \$100,000 was required by an earlier IZ approval, and \$20,000 of that condition has already been paid for the constructed townhome units). The Town Board accepts this benefit as an amenity. Accordingly, project amenities equal \$387,000, plus the remaining balance of \$80,000 on the earlier approval.
4. Prior to final signatures, a letter to the Town Attorney requesting the abandonment of the specific Town easements that need to be abandoned must be provided.
5. A Stormwater Maintenance Access Easement Agreement and an Emergency Access Easement will be necessary for the property. The Town would prefer to simply cover the parcel with these easements allowing for access in the most practical manor to address the situation.
6. Subject to the granting of the new Sanitary Sewer Easement over existing sanitary MH S-2.
7. Subject to submission of SWPPP in compliance with applicable NYS Stormwater regulations and subject to review by the Town's Reviewing Engineer.
8. Adjust light poles that are adjacent to drive lanes to be 4 feet behind the curb (there appears to be 10 that will need adjustment).
9. The Letter of Credit or alternate financial guarantee including but not limited to inspection fees, SWPPP measures, landscaping and possibly additional landscaping at the discretion of the Planning Board, must be established prior to final signatures. An Engineers' Estimate for the overall site work should be submitted. A Letter of Credit covering items the Town

must insure are completed/restored will be included. This should be coordinated with the Town Engineer.

10. Landscaping Plans must include a minimum of 50% native plant species. Add a note to the Landscaping Plans stating that they meet this requirement and place an asterisk next to the native plants in the planting schedules.
11. Subject to the establishment and continuing maintenance of “reasonable buffering” of residential properties from the proposed roadways, parking and buildings as established by the Planning Board. This can include, but is not limited to, berming, plantings, and/or fencing.
12. Final Plans must specifically note that “Parking for residents or construction is not allowed on Bretton Woods, East Ave or Kilbourn Road.” Identify where this note is located in the plan set.
13. The following items will be subject to additional review and approval prior to submission of plans for final signature.
 - a. Landscaping plan, specifically the State Land near the bend in Bretton Woods Drive.
 - b. Sequence of construction notes
14. The Lighting Plans do not have contributions from building mounted lighting shown, building mounted lighting must be added to the lighting plan with details provided. Building mounted lighting should have greater than a 90 degree cutoff to minimize glare in the parking areas and insure no glare reaches neighbors. Adjustments to Lighting Plans are subject to Department of Public Works approval and may be referred back to the Planning Board for approval.
15. Subject to applicable regulatory approvals including but not limited to NYSDOT, Pittsford Sewer Department, Department of Public Works, MCHD, MCWA, and the Town Review Engineer.
16. Subject to reimbursement of any outstanding Engineering Review Fees accrued by the Town’s Review Engineer, the final amount will be known shortly after the Town’s Engineers signature on the plans.
17. Sewer Department entrance fees for “units” will be collected with the sewer connection permit that is issued with each building as part of the Building Permit process for that individual building.
18. Parks & Recreation Trust Fund Fees are applicable to each unit in this project, the applicable fee currently \$850.00 per unit will be collected when building permits are issued.
19. Each building is subject to Design Review and Historic Preservation Board approval.
20. A complete “code compliance and life safety review” shall be submitted with the building permit application. The Applicant shall be aware that the Town of Pittsford reserves the right to send the plans out to a contracted consultant for code review. Additionally, due to the size of this project, the Applicant is informed that it may be necessary to contract with outside agencies to assist with construction inspections. These costs will be billed to the owner.
21. Site work cannot begin without fully signed Site Plans in conformance with this resolution. A pre-construction meeting with the Town is required prior to the start of any work.
22. The Town will assign address numbers for the project prior to final signatures.

23. Final Plans submitted for signature must include a response/explanation as to how the comments/ conditions of this approval have been met.

Fire Department:

- After additional consultation with the Brighton Fire Department, the ideal connections for both buildings would be standalone/sidewalk connections in the vicinity of the nearest hydrants to the proposed locations. If this can be accommodated by the owner, the exact locations can be provided by the Fire Marshal.
- If building mounted connections are utilized the proposed location on Building # 2 is acceptable. The proposed location on building #1 must be moved to the north, in proximity to the man door into the building.
- For planning purposes, FDC's shall be equipped with a 5" Stortz connection.
- The Fire Department is requesting that the applicant provide a turning radius template for a dual axle aerial apparatus to verify that all turning radius are acceptable for response by emergency services especially in the proposed front loop and the northwest corner providing access to the rear of the structure.
- Construction of the sound wall with regards to cut outs for the Fire Department to supply water to the 490 side will need to be coordinated with the Brighton Fire Department.

Technical conditions/comments

24. On Lot 2, for the connection to the existing lateral please provide annotation that states, "Connect to existing CIP lateral with a shielded Fernco coupler". Also please provide a new cleanout at the existing lateral bend, which is north of the existing sanitary manhole. The Town must inspect work that occurs on this lateral. The Town will not object to complete replacement of the lateral if the owner chooses to do so.
25. At existing manhole S-4.2 on the Demolition Plan, please provide annotation that states, "remove southwest 8" PVC piping and plug manhole, and provide a new concrete bench and invert to convert manhole into a dead-end manhole".
26. Add a note to the Utility Plan at MH S-2: A plug (tied off to MH steps) must be placed in the upstream side of the Sewer and only removed in the presence of the Town of Pittsford Inspector.
27. Please confirm the location of the existing sanitary lateral for the Wright House. The Town is unaware of a connection to the East Ave sewer but does believe the former septic tank needs to be abandoned. Is it possible this work was already completed given the number of existing sanitary cleanouts on the north side of the house?
28. Please adjust the note on the Demolition Plan to include demolition of the sanitary cleanouts located just north of the Wright House if they are not intended to be used. Otherwise the entire line will need to be preserved to continue to service the Wright House.
29. Is it intended that the RPZ/Meter box will be located within the modular retaining wall at the South corner of Lot 1? If so, please provide the necessary details of construction for the wall and RPZ/meter box at this location.
30. At the northeast modular retaining wall, the proposed light poles are now depicted on the top of the wall. Will the light poles be mounted on the wall? If so, please provide a detail for this, and also confirm that these wall mounted lights will be the same height as the other fixtures.

31. The placing of the retaining walls immediately behind the curb line of the 9' x 18' stalls is not recommended when considering vehicle sizes and bumper overhangs. Compact parking signs may be required if vehicles are found to be extending into the drive/Fire Lanes.
32. Please depict the method of drainage conveyance for the underdrain piping that will be installed behind the retaining walls. Will this piping be connected into the new storm sewer system? As it appears there is not a suitable location to "day light" the underdrain piping. Drainage behind the wall could be collected by extending the weep pipe vertically and installing grates instead of cleanouts.
33. At the northern modular retaining wall for Lot 2, the wall height is in excess of three feet in areas adjacent to property line. Additionally, the wall scales at a 4' horizontal distance from the property line at its closest location to the property line. Also, there appears to be several mature trees in this location that are along the property line. The current plan depicts a limit of disturbance line that is located partially on the adjacent property. If a temporary easement is required from the property owner for grading and/ or tree removals, this should be completed prior to plan approvals.
34. Please provide bottom and top of wall elevations on the timber sound wall profile along its entire length.
35. The proposed timber sound wall plan depicts a 16' wall height. Please confirm the resulting elevation of the top of the proposed wall at its location adjacent to existing NYS sound wall.
36. On the Sound Wall Plan, please provide a seal by a licensed structural engineer. Topographic elevation information is missing from the wall's elevational sketch as is information concerning the coordination of the sound wall footings in relationship to the retaining wall. A Cross-section would be beneficial to better understand how the 12' high wall will be anchored behind the proposed retaining walls.
37. The proposed sidewalk easement should also be extended from the backside of the easement all the way to the ROW/Property Line on Lot 2. This would eliminate the "odd trapezoidal shape" between the Easement and the ROW line allowing the Town to someday straighten the sidewalk should the existing trees and grading restraints be eliminated in the distant future. Additionally, the minor jog in the back edge of the easement along the southwest corner of Lot 2 could be eliminated.
38. The Staging areas are very small. A detailed construction sequence plan must be presented at the pre-construction meeting to insure construction does not impact the flows of traffic, emergency access or the surrounding neighborhood.
39. The Stormwater Maintenance Access Easement Agreement, will reference the SWPPP in regards to what is covered under the easement.
40. The Drainage Report will need to be updated to reflect the revised site plan and Bioretention facility features. The proposed storm sewers from Lot 2 all seem to direct runoff to catch basin DB-1 and then into the lower pond's south lobe. Given the pond's shape and the intended expansion of the north lobe, it would be beneficial if all, or perhaps the Northern portion of Lot 2, be directed into the lower pond's north lobe to help increase detention time and flow path within the facility.
41. Several trees on the Demo Plan are shown as being demoed when in reality it appears they are intended to remain. Please review and correct the proposed Demolition Plan to shade only those trees intended for removal. Tree protection limits may also need to be adjusted.

42. The Demolition Plan should indicate gutter removal to accommodate the new sidewalk across the middle driveway entrance and the curb demo at the signal entrance is no longer required.
43. On the Site Plan, label the sound walls intended offset from the property line.
44. A facility dumpster and maintenance shop location could be identified within the Site Plan. Or a note added that "Future dumpster location be coordinated with Town and shall include a screened enclosure to block view from adjoining properties". If not addressed Planning Board approval in the future may be required.
45. Note 2 on the Utility Plan should be revised as previously discussed.
46. Light pole location conflicts with underlying utilities should be reviewed throughout the project.
47. The Grading Plan shows a shallow swale and cross culvert under the front sidewalk of Lot 2. Why doesn't this swale contribute to the unlabeled Bioretention Area? Also the swale then seems to terminate further east at DB-1.1. Is there a second Bioretention Area at this location or are the stones intended to create "Dry Creek" aesthetic feature that helps with erosion scour?
48. On the Grading Plan; the area behind Apartment Building 1 is missing the 431 contour.
49. On the Grading Plan; the area near the garage stall #1 at Apartment Building 2 has a 1 foot grade difference from the building's finish floor elevation. Please revise the plans to correct this.
50. Provide a flattened concrete gutter detail for sidewalk crosswalks.
51. Provide Hot Box Details / info as it relates to the proposed retaining wall. Is it metal or precast?
52. The project's previous "project specific details" (in particular those associated with the Stormwater Management Facility) should be incorporated into this plan set and the SWPPP even if the items are currently constructed. These items will need to be reviewed throughout construction and we will eventually need a Record Plan of these features. This could be achieved as placing the items on a separate detail sheet and identifying the sheet as "site components previously installed".
53. On Page 3 of the Sanitary Sewer Supplemental Analysis, the following statement is made: "Note: One (1) person occupancy to one bedroom ratio, assumption same as 14 room St. John Fisher College property assumption made by Labella Associates." This is in error as the College Property referenced as a 14 room facility was a Priest Rectory (with single occupancy per room). Please revise this note to indicate why your project feels the occupancy rate should be 1 person per bed within the apartment complex.

On Page 4 of the Sanitary Sewer Supplemental Analysis, the Conclusion indicates a 12" capacity of 70.2%. This should be revised to indicate $(495.64/702.89 =)$ 70.5% It might be helpful to indicate that while this percentage is extremely small, the Town is concerned as the current system is not hydraulically functioning as an efficient gravity system given the numerous vertical sags known to exist in the system. Further survey measurements could be taken of the downstream inverts and assumptions revised to better describe the pipes actual peak capacity.

Alpine Ridge Subdivision, Section 2, Final Subdivision Approval

Doug DeRue, Director of Planning and Zoning addressed the Board. After speaking with the Engineers as agent for the applicant prior to the meeting, they have decided to postpone their attendance for tonight's meeting. They have a scheduled meeting for later this week with Town Staff and the Town Review Engineer to resolve a few underlying questions and technical grading and drainage issues to discuss. Mr. DeRue believed they would be making some adjustments to the plan and the applicant didn't want to waste the Board's time prior to that.

Chairman Limbeck asked Mr. DeRue if the Board should retain their packets for the application for the next meeting. Mr. DeRue answered yes.

Vice Chair Donlon asked if Town Staff could send the Preliminary Subdivision Approval and Final Approval for Section 1 Resolutions to the Board. Jessica Yaeger, Planning Board Secretary answered those could be emailed to the Board this week.

Board Member Gibson asked about the grading for the Subdivision. After driving by the site, she said the grading done was much more substantial than she had expected from the plan. She asked if Town Staff had received any complaints from surrounding properties regarding any draining issues they may be experiencing as adjacent property owners had expressed concern about drainage during the Preliminary Approval.

Doug DeRue answered that there haven't been any serious issues with Section 1's grading. They have seen minor erosion issues which are typical. The Section drains in a straightforward manor to the north through their stormwater ponds discharging in an existing creek there which doesn't have much effect on the surrounding residents. Many of sites involve hillside in some form and as soon as you have to cut a road into a hillside and make space for homes, the grading does end up being pretty substantial and that is some of the questions that Town Staff have for Section 2 including exact grading elevations and proposed units there. He concluded that they have not had any issues from residents in Section 1 and they are trying to avoid any potential future residents in Section 2.

Board Member Gibson also asked about 2 adjacent buildings where she noticed very large boulders that were not natural stone but appeared to be made up of broken concrete and asked if Doug DeRue knew what those were.

Doug DeRue answered that he had not been on site in a while and would have to ask the Building Inspectors that are out there more regularly. He said he would look into it and let her know.

Chairman Limbeck asked if the Board had any other questions for Mr. DeRue. Seeing none, he introduced the next Decision Pending application.

Bridleridge Farms Subdivision, Section 1, Easement Adjustment

Board Member Liebschutz recused herself from this application.

Peter Vars with BME Associates spoke on behalf of the application. Jim Connaughton with Bridleridge Farms LLC was also in attendance.

The application was brought to the Planning Board by the developer, Spall Homes, for Bridleridge Farms Subdivision who is looking to make an adjustment to the conservation easement area to resubdivide lots 117 and 118, located on the east side of Clover Street. Lots 117 and 118 are the two most southern lots and the proposed lot line adjustment would shift the common lot line between the two lots south so that each lot would increase in size by $\frac{3}{4}$ acre. This increase in size will provide a lot more flexibility to the design and siting of any potential home that could be constructed. The conservation easement in that area does not protect any natural features or natural resources that were identified during the concept planning process. The project still provides over 109 acres of open space and conservation easement area which continues to exceed the 106 acre requirement.

Mr. Vars then asked if Jim Connaughton, also in attendance, had anything to add.

Jim Connaughton with Spall Homes explained to the Board that this request came from their Sales Department asking if there was any way to make lot 118, which was initially the smallest lot in the subdivision, more equal to the other lots as they have had a lot of people interested in these lots. With this request in front of the Planning Board, prior to Town Board, the developer wants to attempt to establish a rear property line similar to 117.

Chairman Limbeck asked if any of the Planning Board members had any questions for the applicant.

Vice Chair Donlon asked if the developer had approached the neighbor to the South regarding this change in conservation easement area and received any comment from them.

Mr. Connaughton answered that they property owners to the South are aware of the application to amend the conservation easement area.

Vice Chair Donlon asked if they had given the developer any feedback.

Mr. Connaughton answered there has been no feedback from them and that they understood it was something that could happen.

Vice Chair Donlon asked if said property owners to the South had expressed any concern to the Town.

Doug DeRue responded that as this is not actually a public hearing process, there was no sign posted or mailing done regarding this application. He has not spoken with the Weitz-Loss Family in 6 months to a year, so he is not sure what the specific feelings are. He added that their house is a fair distance from the shared property line to the easement.

Jim Connaughton added that there is about 290 feet from their house to the easement line.

Chairman Limbeck asked if Vice Chair Donlon had heard anything from the neighbor directly.

Vice Chair Donlon answered, no he had not heard anything directly from the property owners, but he doesn't see a reason for the Town not to reach out to them as this conservation easement change would move things closer to them. Mr. Donlon added that he doesn't recall the rationale for why the conservation easement was shaped the way it was, but he would have to imagine it was originally shaped that way to provide some buffer to the neighbor to the South and now that buffer is being removed. He is pleased that the developer spoke with them, but also

thinks is proper due diligence would be for the Town to reach out to them as well. He understands the benefit of readjusting the lines for the developer, but what is the detriment to the neighbor to the South. He would like some sort of comment directly from the neighbor.

Board Member Gibson asked what the setbacks be for the property.

Doug DeRue, Director of Planning and Zoning answered that the side setback for the property would be 10 feet.

Doug DeRue also asked the Town Attorney, Robert Koegel, if it was appropriate for Town Staff to reach out to the neighbor directly for comment and then provide that to Town Staff.

Mr. Koegel answered yes, the Board is within its power to inquire that neighbor what the impact would be to them and to get a response regarding that as opposed to only relying on the statement from the applicant, despite that this is not a public hearing.

For formality, Vice Chair Donlon made a formal request that the neighbor to the South be contacted regarding the easement adjustment and asked for comment to be provided to the Planning Board so the Board could make a knowledgeable decision on the matter. Chairman Limbeck seconded Vice Chair Donlon's request.

Peter Vars made a point to reference the Town of Pittsford Zoning Board of Appeals process when a Variance is requested by a property owner, the adjacent neighbor is asked for their input, which is what is similarly being requested here. His question for Mr. Koegel the Town Attorney, he understands the need for the Planning Board to make a recommendation on adjusting the conservation easement, but that it will ultimately be a decision from the Town Board. Would the contact input from the neighbor also be passed onto the Town Board as well?

Mr. Koegel answered that the Planning Board does have action to take with this application, and any comments given from the adjacent neighbor he would certainly expect to include in his memo he would create for Town Board along with the proposed release letter submitted, among the facts.

Chairman Limbeck asked Doug DeRue, Director of Planning and Zoning if it would be possible to reach out to the adjacent property for comment and receive a response by the next meeting.

Mr. DeRue answered that he can certainly get a letter out to contact them although he cannot guarantee how quickly they will respond.

Chairman Limbeck asked that the letter request an expedited response so that the Board can make an informed decision.

Chairman Limbeck then polled the Board to see if members agreed with contacting the neighbor to get their reaction to the conservation easement adjustment, or was against it. The Board answered unanimously (with the exception of Board Member Liebschutz as she has recused herself from the hearing) that they agreed with contacting the neighbor to the South to get their input on the impact to their property, and then they will take action at the next meeting on this application.

OTHER DISCUSSION:

The minutes of January 25, 2021 were approved following a motion by Chairman Limbeck, seconded by Board Member Liebschutz. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman Limbeck wanted to address the Board before he made motion to close the meeting. He wanted to thank all of his fellow Planning Board members for their preparation and critical thinking on recent applications as some decisions in front of the Board lately have not been typical applications and he appreciates the effort given by all.

Chairman Limbeck motioned to close the meeting at 7:40 p.m. seconded by Vice Chair Donlon and was approved by a unanimous voice vote, no opposition.

Respectfully submitted,

Jessica Yaeger
Planning Board Secretary

OFFICIAL MINUTES ARE ON FILE IN THE OFFICE OF THE PLANNING
DEPARTMENT