

**TOWN OF PITTSFORD
PLANNING BOARD
DECEMBER 9, 2024**

Minutes of the Town of Pittsford Planning Board meeting held on December 9, 2024 at 6:30PM local time. The meeting took place in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

PRESENT: John Limbeck, Hali Buckley, Paul Alguire, Paula Liebschutz, Dave Jefferson, John Halldow

ABSENT: Kevin Morabito

ALSO PRESENT: Doug DeRue, Director of Planning, Zoning, and Development; Anna Piazza, Building Department Assistant; Evan Harkin, Student Member; Robert Koegel, Town Attorney; Kim Taylor, Town Board Liaison

ATTENDANCE: There were 10 members of the public present.

Chairman Limbeck made a motion to call the meeting to order, seconded by Board Member Jefferson. Following a unanimous voice vote, the meeting opened at 6:30PM, none opposed.

PENDING DECISION:

McMahon LaRue Associates, Geoca Subdivision

Final Subdivision

Al LaRue, of McMahon LaRue Associates, re-introduced the application, stating that this is a 4-lot subdivision, located at 215 Mendon Road. The subdivision proposes three new homes, one existing home, and an 80-foot-wide right-of-way (ROW) to be dedicated to the Town of Pittsford.

Chairman Limbeck stated this is not a public hearing and read the Final Subdivision resolution, which was unanimously approved by the Board.

CONTINUED HEARING:

Passero Associates, Pittsford Oaks Apartments

Preliminary/Final Subdivision and Preliminary Site Plan

Jerry Goldman, of Woods Oviatt Gilman, LLP; Danny Daniele and Anthony Daniele, of 2851 Clover, LLC; Andrew Burns, of Passero Associates; and Hans Lindenhovius, of Christa Construction, introduced the application.

Chairman Limbeck stated that the applicant, 2851 Clover LLC, applied for tax incentives through County of Monroe Industrial Development Agency (COMIDA), which includes a portion of the project to be dedicated as affordable housing. He stated that COMIDA plans to act on the application on December 17th and the Planning Board cannot further discuss the application without knowing the outcome of the application. He encouraged the applicant to continue working with the Design Review & Historic Preservation Board (DRHPB).

Mr. Danny Daniele stated that the application in front of the Planning Board has not changed and asked the Board to clarify why an action cannot be taken until COMIDA has acted.

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Chairman Limbeck stated that the application to COMIDA includes affordable housing, which was not included in the application to the Town Board or Planning Board. Mr. Koegel stated that upon submission of the application to the Planning Board, the letter of intent stated that these apartments will be "market rate." During re-zoning discussions with the Town Board, it was made clear that affordable housing was not planned and there is nothing in the record indicating a portion of the apartments would be designated "affordable." This proposal is different than the zoning approved by Town Board. Mr. Koegel stated that COMIDA must act first for the Planning Board to continue consideration. If affordable housing is included in the COMIDA resolution, the application will no longer meet the Town Board zoning approval.

Mr. Goldman stated that if the application to COMIDA is approved, only the sales and mortgage tax requirements will be impacted. COMIDA can adapt the resolution to remove affordable housing or change tax incentives.

Board Member Buckley asked why an application to COMIDA was submitted knowing affordable housing would be considered if the intent was to remain market rate apartments. She stated that these contradictions encourage the Planning Board to wait for COMIDA action.

Mr. Goldman stated that the COMIDA application requires review of all aspects. If the COMIDA action does not affect the apartment rates, the application should remain the same. Mr. Koegel stated that inclusion of affordable housing is not determined yet and if it is included in COMIDA approval, it changes the nature of the application. Chairman Limbeck stated that COMIDA has not acted yet, so the Board cannot determine if the affordable housing aspect of the project meets the re-zoning approval from Town Board.

Board Member Alguire encouraged the applicant to continue conversations with the DRHPB.

Chairman Limbeck asked for public comment. Hearing none, Chairman Limbeck stated that this public hearing will remain open.

OTHER DISCUSSION:

The minutes of November 25, 2024 were approved following a motion by Board Member Alguire, seconded by Board Member Buckley. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman Limbeck motioned to close the meeting at 7:02PM, seconded by Board Member Liebschutz, and was approved by a unanimous voice vote, none opposed.

Respectfully submitted,

Anna Piazza
Building Department Assistant

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

**TOWN OF PITTSFORD
PLANNING BOARD
RESOLUTION
Geoca Subdivision
Final Subdivision
215 Mendon Road
Tax Parcel #164.03-1-33**

WHEREAS McMahon LaRue Associates P.C., as agent for Eric Geoca, has made application for Final Subdivision approval for a 4-lot subdivision on 3.22 +/- acres with application materials received October 31, 2024; and

WHEREAS the Planning Board coordinated with the Design Review and Historic Preservation Board and granted a negative SEQRA declaration on March 25, 2024; and

WHEREAS, Preliminary Subdivision approval was granted on March 25, 2024, and the Final Subdivision plans are consistent with the approved Preliminary Subdivision plans; and

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the applicant, appropriate agencies, the Planning Board having given this matter due deliberation and consideration; it is

RESOLVED, that the Planning Board of the Town of Pittsford grants Final Subdivision approval based upon the following Findings of Fact and subject to compliance with the following Conditions of Approval:

FINDINGS OF FACT

1. This application is consistent with the Preliminary Subdivision approval granted March 25, 2024. The conditions placed on the Preliminary Subdivision application that fall outside of this approval remain in effect.
2. This property is located within the Town's only historic district, the Mile Post/Stonetown Historic District. Since creation of the District, the Planning Board has approved a 26-lot subdivision known as the Stonetown Hamlet Subdivision, constructed in the late 1990s within the district. During the subdivision approval process, the Town Board required an 80-foot-wide right-of-way to be preserved for the possible, future realignment of Stone Road. This proposed 4-lot subdivision includes an 80-foot-wide right-of-way that will further the plans outlined in the Design Guidelines & Standards for the Mile Post Stone Town Historic District, dated November 1993. This road reconfiguration plan is intended to reduce and minimize the long-term increasing traffic impacts to the existing Mile Post/Stonetown Historic District intersection and its adjacent structures.
3. Regarding the possible future realignment of Stone Road:
 - a. Across from the subject property on Mendon Center Road, Monroe County owns a right-of-way (ROW) intended for the future re-routing of Stone Road. This 80-foot-wide ROW was facilitated by the Town Board during the Lusk Farm development and was transferred to Monroe County in the mid-1990s, as shown on a 1994 Lusk Farm subdivision plan completed by Boncke, Mueller, and Eldred. Through this 1994 plan, the Town is ensuring that Monroe County and New York State could re-route Stone Road and Mendon Road to a new 90-degree intersection through this property, if necessary. This highway project, if implemented, would eliminate the unwieldy "bottle neck" intersection of South Main Street, Mendon Center Road, Stone Road, and Mendon Road, which is included in the Town's 1994 Comprehensive Plan as part of a traffic improvement plan.

- b. The following excerpt is from a letter dated April 23, 2014, from the NYSDOT: “The **current** [emphasis added] philosophy in deciding on highway improvements is based on safety and accident reduction, the Mile Post intersection although, not efficient for the flow of traffic, its accident history does not appear unusually high and there are no discernible patterns of accidents that would be mitigated by a project to realign it. Therefore, the DOT would not likely be pursuing a capital project to re-align the intersection **in the foreseeable future** [emphasis added] and cannot recommend that the property be retained for such purposes.” The Town does not agree with the conclusionary ending statement above and has no reason to abandon planning for the future intersection improvements.
 - c. As part of the re-configuration, a portion of Stone Road and Mendon Road would likely be abandoned, possibly providing additional land or buffering of the Historic Lusk home, located at 1 Mendon Center Road, and the Mile Post School, located on Mendon Road.
 - d. It is noted that while the 80-foot right of way is being preserved, there is not a current plan to realign the Stone and Mendon Road intersection. The Planning Board feels that the option to realign the intersection should be preserved given the possible future benefits to the existing Mile Post intersection.
4. The property is zoned Residential Neighborhood (RN) and totals 3.22 acres. The minimum lot size, without the creation of a new ROW, has been calculated using Monroe County Real Property Services (RPS) data to be 1.07 acres each. Per Town Code Section 185-19 A. (1), when including a ROW, the Planning Board has the ability to reduce the lot sizes, so the 4 lots proposed are possible. The proposed subdivision will have a total of 4 lots including 3 new building lots and 1 existing home, plus the 80-foot-wide right-of-way to be dedicated to the Town of Pittsford.
 5. The Town of Pittsford Planning Board has authority to set “appropriate number of allowable lots, as well as the building line, lot area, lot width and lot depth for each new lot, based on the context of the new lots to adjacent existing lots and to one another,” per Town Code Section 185-19.
 6. The existing sanitary sewer is available at 48 Mendon Center Road, four properties south of the subdivision site. Neighbors at 44, 38, and 34 Mendon Center Road have signed petitions and easements to extend the sanitary sewer north to serve the Geoca Subdivision. The Town Board has approved the sanitary sewer district extension (Ext. No. 161) on August 20, 2024. The sanitary sewer extension to serve the new homes as part of this subdivision shall be extended from the existing sewer south of the project.
 7. The Planning Board has reviewed a letter from New York State Office of Parks, Recreation, and Historic Preservation, dated August 3, 2023, indicating that the Mile Post/Stonetown Historic District is eligible to be listed in of the State and/or the National Register of Historic Places.
 8. The Planning Board notes that 43 new homes have been built within the Mile Post/Stonetown Historic District since it was established in 1991 and that all new structures within the district must receive a Certificate of Appropriateness from the DRHPB, further minimizing potential impacts. In particular, the DRHPB review process will ensure that each new house is compatible with surrounding structures of the historic district, including its design, scale, texture, materials, color, and overall visual appearance, see Town Code Section 185-197.
 9. Adequate measures will be provided to manage construction and post-development stormwater runoff. The applicant will comply with the provision of NYSDEC Phase II Stormwater Regulations.

CONDITIONS OF APPROVAL

1. Subject to resolution or compliance with the Town’s DRC report, dated May 5, 2023, and the applicant’s written responses, dated February 20, 2024, and the Preliminary Subdivision application, approved March 25, 2024, and the applicant’s written responses to the Conditions of Approval, dated November 21, 2024, unless specified otherwise herein.

2. Subject to compliance with or resolution to the Town Engineer's (TE) comments prior to final plan signatures.
3. Further discussion is necessary regarding:
 - a. Proposed home elevations on lots 3 and 4.
 - b. Sanitary sewer easement to 14 Mendon Center Road and 210 Mendon Road.
 - c. Zoning setbacks, notes and noting on the plans the Historic District.
 - d. Sewer depth in front of lots 3 and 4.
 - e. Radii at Mendon Center Road for the future ROW
 - f. Signature lines on the plan set.
4. On Sheet 6 of 9, please show the existing homes along with the finish floor elevations. Can these homes receive first-floor or basement gravity sewer service? Is it possible to reduce the pipe grade between MH 4 and 5 to provide lower gravity sewer service for Lots 3 and 4? (TE)
5. On Sheet 6 of 9, please depict existing contours and all trees. Currently, the plan does not depict the multiple trees along this corridor. The plan should also outline all required tree removals. These tree removals should be coordinated with the property owners. (TE)
6. A pavement restoration detail should be provided for the utility cuts that will be required across private driveways. (TE)
7. Final Subdivision process will include a NYS Fire Code review of the subdivision plan, including the distance to hydrants. Please include the existing hydrant located across from the RGE property on the final plan set.
8. A vegetative buffer +/- 50' in length that provides appropriate screening of the subdivision from the neighbor at 26 Mendon Center Road is to be added in a practical location to the grading plan.
9. Final plans show the 80-foot-wide right-of-way as right-of-way lands to be dedicated to the Town of Pittsford. Prior to the right-of-way (ROW) dedication, the applicant shall execute applicable easements to serve the proposed new homes, including access and property maintenance easements, under terms acceptable to the Town. Access and property maintenance easements within the future ROW shall include a termination clause if the realignment of Stone Road and Mendon Road occurs. The Town's Planning Department will prepare draft easement formats and an offer of dedication for review.
10. Lot 2 may not need an access, utility, and maintenance easement over the proposed dedicated ROW. (TE)
11. For existing Lot 1 and house # 14 Mender Center Road, please include cleanouts on each side of the 80' wide strip of proposed future ROW.
12. Between Lots 2 and 3 and the proposed dedicated ROW, it appears there are missing contours for elevations 573 and 574. Please add these to the final plan set. (TE)
13. Earthwork calculations shall be submitted as soon as practical to determine if fill is needed on the site and must be prior to final signatures. The Town Engineer should be contacted prior to deposition of fill on site.
14. A letter of credit will be necessary for this construction prior to final plan signatures. An engineer's estimate will need to be submitted for review. The Town will provide a standard format Excel spreadsheet for the engineers estimate. These costs should not be based directly on a contractor's estimate. Bonds are not accepted.
15. Building permits are required from the Town of Pittsford Building Department prior to any construction or demolition of structures on the site.

16. All new homes and structures are subject to the granting of a Certificate of Appropriateness from the Design Review & Historic Preservation Board. Final plans shall include a note stating that all future structures built or changed will need a Certificate of Appropriateness.
17. The Town's standard recreation fund fee is applicable for each new home. This fee is currently \$1,000.00 and is collected upon the issuance of a building permit.
18. Engineering review fees must be paid to the Town prior to Planning Board signature.
19. Subject to applicable regulatory approvals including but not limited to: Monroe County Health Department, Monroe County Water Authority, Pittsford Sewer Department, Town Engineer, and the Department of Public Works.
20. Correspondences with NYSDOT regarding the new driveways on Mendon Road should be forwarded to the Town.
21. A written response to these Conditions of Approval must be submitted for review prior to Planning Board final plan set signature.

The within Resolution was motioned by Planning Board Vice Chairman John Halldow, seconded by Planning Board Member Paula Liebschutz, and voted upon by members of the Planning Board as follows:

Paul Alguire	Aye
David Jefferson	Aye
Paula Liebschutz	Aye
Hali Buckley	Aye
Kevin Morabito	Absent
John Halldow	Aye
John Limbeck	Aye

Adopted by the Planning Board on December 9, 2024.

April Zurowski
Planning Assistant