

**TOWN OF PITTSFORD
PLANNING BOARD
JANUARY 13, 2025**

Minutes of the Town of Pittsford Planning Board meeting held on January 13, 2025, at 6:30PM local time. The meeting took place in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

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

ABSENT:

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

ATTENDANCE: There were 19 members of the public present.

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

Chairman Limbeck called for a moment of silence for former Planning Board Member Sarah Gibson. She passed away on January 5, 2025, after a two-year battle with glioblastoma.

CONTINUED HEARING:

Passero Associates, Pittsford Oaks Apartments
Preliminary/Final Subdivision and Preliminary Site Plan

Jerry Goldman, of Woods Oviatt Gilman, LLP; Anthony Daniele, of 2851 Clover, LLC; and Hans Lindenhovius, of Christa Construction, introduced the application. Mr. Daniele stated that the applicant is returning after further deliberation with the Design Review & Historic Preservation Board (DRHPB) on the design of the proposed apartment building. The DRHPB made specific comments requesting to lower the height of the northeast corner. The applicant agreed that the DRHPB's requests were not exactly followed, but Mr. Daniele believed the same goal was achieved. He understood that there will likely be more comments and more design changes before approval from DRHPB.

Board Member Buckley asked the applicant if the continued contention over the massing will be addressed with DRHPB. Mr. Daniele stated that he does not believe the DRHPB agrees with their feelings on the overall mass of the building. He stated that although the building is still three stories, the overall height is lower than previously presented. He agreed to continue working with the DRHPB. He stated that the DRHPB has requested other configurations than the currently proposed "H" shape, but the applicant is not interested in changing the shape due to the possible loss of units. By reducing the height at the northeast corner, the applicant estimated that there was a loss of 2-3 units already. Mr. Daniele stated that the building is similar in shape and height to the previous Cloverwood Senior Living plan, which the DRHPB approved.

Chairman Limbeck stated that since the last Planning Board meeting, the applicant has received County of Monroe Industrial Development Agency (COMIDA) approval for mortgage and sales tax relief. The Town Board and Planning Board were told that this project is "market-rate" housing, yet the application to COMIDA mentioned "senior housing" as the use. He was disappointed to learn that the applicant is advertising

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this project as senior housing after being specifically told that senior housing was not profitable enough to construct.

Chairman Limbeck stated that the draft resolution includes protections for the DRHPB to continue work on building design. He stated that the resolution also includes many concerns that still need to be addressed. He worried that if the Planning Board grants Preliminary Site Plan approval, the applicant will come back months later still with minimal changes, and will have spent money on demolition already, which will then become an excuse to approve the Final Site Plan.

Mr. Daniele stated that although the applicant has made clear that this project is for “market-rate” apartments, it is being marketed toward the 55+ community. Chairman Limbeck stated that most seniors are looking for a two- to three-bedroom apartment, but this development has mostly studios and one-bedrooms.

Board Member Liebschutz asked what amenities will be available to renters. Mr. Daniele stated that the apartment building will have a lobby for seating, a workout facility, a game room and card table, and a breakfast bar with no kitchen. Mr. Lindenhovius stated that there will be amenities outdoors including pergolas, barbeque grills, and outdoor seating.

Board Member Morabito stated that our resolution includes conditions that will be the applicant’s responsibility to meet upon Final Site Plan application.

Mr. Goldman agreed, stating that there are multiple conditions that must be met prior to applying for Final Site Plan review. Mr. Goldman stated that granting a Preliminary Site Plan approval does not give the applicant rights to construct the building and that the applicant will undertake the risk of proceeding. He stated that the objective of a resolution would be to continue progression on the demolition and overall timeline. Chairman Limbeck stated that the applicant must understand that although the Board may move forward with Preliminary Site Plan approval, it is on the applicant to meet the conditions of the Planning Board and design requirements of the DRHPB. Chairman Limbeck stated that the excuse of money being spent will not be tolerated when negotiating Final Site Plan conditions. Mr. Goldman stated that during a previous project, the Whole Foods Plaza in Brighton, the applicant was involved in litigation and proceeded with the project regardless. Therefore, the applicant understands the risk involved. Board Member Buckley noted that the Town would like to avoid spending taxpayer dollars on litigation.

Chairman Limbeck stated that there is an open public hearing on this matter and invited members of the public to speak. He noted that the previous owner of the property, Chuck Ryan, submitted a written public comment to the Planning Board and Town staff. The comment asked the Board to approve the project.

Kathleen Cristman, DRHPB Member, stated that the Board agrees some project has been made on the design of the building, but would like to see more changes made to reduce the height, massing, and footprint. Board Member Morabito asked DRHPB Member Cristman to elaborate on her concerns with massing. DRHPB Member Cristman stated that the Board has discussed the possibility of reconfiguring the “H” shape, reducing height at the northeast corner, and breaking up the 400-foot length of the building located directly behind the historic home at 2867 Clover Street. The applicant has not made efforts to minimize the impacts of these aspects. She stated that design guidelines suggest breaking up a large building into smaller buildings, even if the total square footage is the same. As is, the volume of the building is visually overwhelming.

Board Member Buckley noted that the DRHPB previously approved the “H” shape of the Cloverwood Senior Living project in the same location. She questioned how this application is different from the previous. DRHPB Member Cristman stated that there is a fourth floor visible for underground parking that was not visible in the Cloverwood Senior Living project. Mr. DeRue stated that the most recent rendering appears as if the peak

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elevations may have a lower height than the Cloverwood Senior Living project, especially east and west elevations. North and south elevations may appear taller, as the rooflines are shifted.

Board Member Morabito asked which DRHPB members are against these aspects. Mr. Koegel stated that DRHPB Member Cristman cannot speak on behalf of the entire Board, and that Board Member Morabito can review the DRHPB minutes if interested.

Board Member Alguire asked if the building footprint is similar. Chairman Limbeck confirmed.

Bonnie Salem, DRHPB Member, asked the Board to not act on the resolution at this meeting. She stated that all DRHPB members are asking this. She confirmed that the DRHPB has been requesting alternate footprints yet have not seen options. She stated that although the previously approved Cloverwood Senior Living project had a similar "H" shape, it had fewer units, which meant windows were less uniform and were spread out. She stated that if Preliminary Site Plan approval locks in the "H" configuration, the DRHPB has fewer options to make the building appear less obtrusive without the reduction of units. Mr. Koegel stated that Preliminary Site Plan approval should not lock in the "H" configuration, as the Planning Board has included protections to the DRHPB in the resolution for design changes.

Mr. DeRue asked the applicant if revised plans are in the works, as the last set of plans was from over a month ago on December 11th. Mr. Daniele confirmed that plans are continuously revised.

Vice Chairman Halldow stated that the resolution is seven pages long and includes 40 conditions of approval. He stated that this resolution reads as a project that is not ready for Preliminary Site Plan approval.

Chairman Limbeck motioned to close the public hearing, seconded by Board Member Liebschutz; all ayes, none opposed.

Chairman Limbeck read the Preliminary Site Plan and Preliminary/Final Subdivision resolution. Board Member Liebschutz motioned to approve the resolution, seconded by Board Member Morabito. The Board voted as follows:

David Jefferson	No
Paul Alguire	No
John Halldow	No
Kevin Morabito	Aye
Paula Liebschutz	Aye
Hali Buckley	Aye
John Limbeck	Aye

The resolution was adopted.

NEW HEARING:

Thornton Engineering LLP, Warfle Subdivision
Preliminary/Final Subdivision

Glenn Thornton, of Thornton Engineering LLP, introduced the application. Steve Warfle and Suzanne Wolf, owners of 74 East Park Road, were also in attendance. Mr. Thornton stated that he received Monroe County Department of Planning & Development comments and has submitted a letter in response. He has also received the Town Development Review Committee (DRC) comments and will submit a letter to address comments. He stated that the house will be elevated to avoid the canal overflow area and so that a walkout

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basement can be achieved. He stated that Monroe County Water Authority is requiring an easement for connection to the new home. He stated that the Town DRC comments include the recommendation for the Planning Board to require a sidewalk and trail easement. The property owners are not in favor of this, as the makeshift trail that exists now has created parking problems.

Board Member Alguire asked if the new home would connect to the sanitary sewer. Mr. Thornton confirmed.

Chairman Limbeck motioned to open the public hearing, seconded by Board Member Morabito; all ayes, none opposed. Chairman Limbeck asked for public comments. Hearing none, he stated that this hearing will remain open. He asked Mr. Thornton to address DRC comments and concerns with Town staff.

OTHER DISCUSSION:

The minutes of December 9, 2024, were approved following a motion by Chairman Limbeck, seconded by Board Member Alguire. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman Limbeck thanked the Board for their dedication on the Pittsford Oaks application.

Chairman Limbeck motioned to close the meeting at 7:37PM, seconded by Vice Chairman Halldow, and was approved by a unanimous voice vote, none opposed.

Respectfully submitted,

April Zurowski
Planning Assistant

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

**TOWN OF PITTSFORD
PLANNING BOARD
RESOLUTION
300 Tobey Village Road (Pittsford Oaks)
Preliminary Site Plan & Preliminary/Final Subdivision
Tax Parcels #163.02-1-24.111, 163.02-1-23.1, 163.02-1-36
Tobey PUD Parcels #8, 12, 7**

WHEREAS, Passero Associates, as agent for 2851 Clover, LLC (“applicant”), has made application for Preliminary Site Plan and Preliminary/Final Subdivision approval for the construction of a 175-unit market rate apartment building at 2851 Clover Street (300 Tobey Village Road), with last revised application materials received October 24, 2024; and

WHEREAS this is a Type I Action pursuant to SEQRA 6 NYCRR § 617.6(b) and the Town Board, as lead agency, conducted a coordinated review and issued a negative declaration on May 7, 2024; and

WHEREAS, a public hearing was duly advertised and held on July 8, 2024, and continued through January 13, 2025, at which time it was closed, and public comment was incorporated into the public record; and

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

RESOLVED, that the Planning Board of the Town of Pittsford grants Preliminary Site Plan and Preliminary/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 subject to the Tobey Planned Unit Development (PUD) rezoning approval granted by the Town Board on May 7, 2024 (Local Law No. 4 of 2024). This local law limits the market rate apartment building up to 175 units and a maximum gross square footage of 287,000 square feet. The Planning Board submission made October 24, 2024, indicates a proposed total of 175 units and 285,379+/- square feet. The local law requires unit counts to be reasonably similar to 16 studios, 102 one-bedroom, 45 two-bedroom, and 12 three-bedroom units. The Planning Board submission made October 24, 2024, indicates a total of 16 studios, 102 one-bedroom, 45 two-bedroom, and 12 three-bedroom units.
2. The local law includes the requirement of 1.75 parking spaces per unit. It is presumed that this parking ratio will facilitate 100% off street parking for the apartments.
3. The project area includes a 5.333+/- acre portion of Parcel 8, a 1.157+/- acre portion of Parcel 12, and a 0.518 +/- acre portion of Parcel 7, totaling 7.008 +/- acres. The project also may include an agreement with Cloverwood Senior Living for use and maintenance of buffer plantings on the Cloverwood property.
4. The project area is immediately adjacent to 2867 Clover Street, a locally designated historic landmark and eligible landmark for listing on the New York State Register of Historic Places. The New York State Division for Historic Preservation of the Office of Parks, Recreation, and Historic Preservation (OPRHP) has submitted letters dated February 7, 2024, and August 20, 2024, stating that the project will have No Adverse Impact on historic resources provided that a portion of the existing mature tree canopy will be retained as a vegetative buffer between the project and 2867 Clover Street. The site plan submitted on August 26, 2024, was reviewed by The New York State Division for Historic Preservation of the Office of Parks, Recreation, and Historic Preservation.

5. The new apartment building is proposed 41 feet from the property line, making it approximately 91 feet to the historic home at 2867 Clover Street.
6. This application includes the demolition of the Barn Bazaar buildings and former Five-Star Bank building.
7. Site walks with Planning Board, Environmental Board, and Design Review & Historic Preservation Board (DRHPB) members were conducted on August 23, 2024, and September 4, 2024, in which the Developer, Contractor, Town Staff, and Town Review Engineer were present. Corners of the proposed building, parking areas, and clearing limits were staked for review. Balloons were flown on September 4, 2024, to indicate approximate building height to help understand the visual impacts of the proposed structure. The Developer, Contractor, Town Staff, and DRHPB members attended the walk and took pictures from different viewpoints.
8. A Traffic Impact Report (TIR) dated October 31, 2023, and updated in July 2024, was submitted to the New York State Department of Transportation for review. A response received August 20, 2024, requested an updated study to support the applicant's recommendations of lowering the speed limit on Jefferson Road and Clover Street to 40 MPH, reviewing signal timing at Jefferson Road/Clover Street and Jefferson Road/Tobey Village Road/YMCA intersections, and installing a flashing yellow arrow for left-hand turns at Jefferson Road/Clover Street intersection. A revised TIR was submitted on August 26, 2024.
9. The applicant provided additional traffic study information from NYSDOT and a letter from Passero Associates on August 29, 2024. In 2023, NYSDOT did an evaluation of Clover Street to determine if lowering the speed limit was warranted, in which it determined lowering the speed limit was not warranted. It is noted that the Planning Board and the Town Staff do not agree with the NYSDOT findings.
10. This approval includes the Preliminary/Final Resubdivision of a 0.5+/- acre parcel from the Cloverwood parent parcel #163.02-1-36, and the combining of 2851 Clover Street with a portion of Parcel 12, Tax #s 163.02-1-24.111 and 163.02-1-23.1.
11. The Development Review Committee (DRC) responses to questions and comments about the site plan meeting specific NYS Building and Fire Codes will require external review. The Planning Board does not support the granting of NYS variances from Building and Fire Codes.
12. The apartment building will be re-numbered from 2851 Clover Street to 300 Tobey Village Road. The Town will correspond with applicable agencies regarding this address change following Preliminary Site Plan approval.
13. This application was submitted to Monroe County Department of Planning & Development (PT24005) and review comments were received June 10, 2024. Comments were incorporated into the DRC report, dated July 3, 2024.
14. The Planning Board acknowledges that the proposed 175-unit, market rate apartment building has raised public and DRHPB member concerns of its possible impacts due to the building's overall size, massing, height, and unit count. Each of these concerns could result in undesirable impacts to the character of the Town and the historic home on Clover Street. The Planning Board feels that the most important potential impact to address is the building's height and massing as viewed from the historic home and the intersection of Clover Street and West Jefferson Road. The Planning Board recommends a substantial reduction in the overall height of the eastern side of the building from behind the historic home to the northern end. The DRHPB should give careful consideration to the building's proposed elevations.
15. The size, scale, and mass of the building was relatively unchanged from the original Town Board submission in November 2023. The DRHPB has identified building characteristics that can be modified to help address those concerns. The DRHPB provided the following comments from their September 12, 2024 meeting in regard to changes that would reduce the building's impacts:

A. The massing is too large

- I. *The +/- 400' long legs of the "H" forming the East and West Elevation of this development needs to be broken up with big moves (changes in depth and height) to reduce the massing.*
- II. *Suggestions we see as possible options to achieve this are:*
 - i. *Reduce some areas by a minimum of a full story (11')*
 - ii. *Think about moving the eave line along the elevation by introducing details of mansard roofs etc.*

B. Building NE corner at intersection of Clover and Jefferson

- I. *The maximum height for at least +/- 60' length of building needs to be at the previously approved height of 573' above sea level and not as the currently shown ridge height at 590' above sea level.*

C. Site section

- I. *Provide a site section from Clover St. through the historic property depicting the historic home in elevation including the garage elevation, through the entire project site including the bank building on the west side.*

16. The applicant appeared again before the DRHPB on October 10, 2024, and building adjustments were discussed and modified renderings were presented. The following comments were generated by the DRHPB on October 22, 2024, and forwarded to the applicant on October 23, 2024:

- A.** *After further discussion and reflection at the board meeting, we hope the Planning Board will hold off on preliminary approval until the developer submits at least one more round of elevations.*
- B.** *The developer's recent presentation demonstrated that they can react to our specific suggestions (i.e., focus on just the one end that was most problematic) but their redesign is still 3 stories high, and they made no changes to the rest of the building to integrate the changes. We are still awaiting a cohesive solution that might impact the unit count and therefore possibly the parking requirements. We said they were on the right track - but they have taken only a small step towards a possible approach that will reduce the massing as requested.*
- C.** *As mentioned above we think they need to re-examine the whole project in terms of massing, height, repetition, materials and develop a cohesive approach. We mentioned that the H design worked for Cloverwood (previous senior housing option) but now with increased height this is creating a substantial mass. While the project does have some vertical elements to break up the overall mass there is an underlying 'pancaking' or 'banding' that at the scale of this building is overwhelming. Everything lines up horizontally meaning the stone/concrete base of one story, the next single story of a darker gray material and then the upper two stories of lighter gray. In addition, all the trim lines, eave lines, roof lines all follow and are monotonous. They could break up the overall large massing of the building by playing with the 'banding' it could help the appearance that there are smaller masses of building.*
- D.** *We also mentioned to maybe explore more drastic interventions along the +/- 400' long building such as removing a few units over 1, 2 or three stories to the double loaded hallway (this would bring daylight in the enormous, long internal hallway) and maybe 1 or 2 units wide (varying in the approach) would create a relief possible necessary to help make the mass make less imposing.*

17. The applicant met with the DRHPB on November 14, 2024, to further discuss building adjustments that would address the concerns identified during the initial review of the building and the follow up meetings held on September 12th and October 10th. At the November 14th DRHPB meeting, it was acknowledged by the Board that additional adjustments were necessary.

18. The applicant revised the building elevations and made a presentation at the December 5th DRHPB meeting. There was Board consensus that the design was moving in the right direction and that the latest elevations depicted the best iteration of the building to date. However, the Board was divided between those who were confident that further design modifications made after the Planning Board grants Preliminary Site Plan approval for the project would be acceptable to the DRHPB during its formal review process, and those who felt that more big moves to reduce the overall mass of the building were needed before the DRHPB could recommend that the Planning Board should move forward with vote on Preliminary Site Plan approval.

19. The applicant revised and returned at the December 19, 2024, DRHPB meeting. Changes to the elevations included the introduction of decorative elements at the garage level, the use of more flat roofs, and the addition of more design changes to break up the uniformity of the building's facades. The Board commented that while it recognized that the changes made were in the right direction, the changes made were minimal and served to make the building appear smaller than it actually would be. Bigger moves and bigger reductions, the Board opined, could go a long way in showing how the massing and volume of the building could be reduced.
20. The Planning Board acknowledges that progress has been made on the scale and massing of the building but supports additional modifications that may be required by the DRHPB that will further reduce the scale and massing of the building.
21. It is possible that building design and roofline changes will reduce the total number of apartment units to less than 175. At the time of this decision, the number of units has not been finalized.
22. The Town Supervisor received notice, dated November 29, 2024, of a public hearing to be held at Town Hall by the County of Monroe Industrial Development Agency ("COMIDA") on December 9, 2024, to consider COMIDA's granting of financing assistance in the form of sales and use tax exemptions, a mortgage recording tax exemption, and a partial real property tax abatement for the applicant's project, consistent with COMIDA's housing policy. The housing policy has a requirement that all projects for market rate housing include a set aside of at least 20% of the total number of units to be "affordable," meaning units for households whose income is between 60% and 80% of the Rochester, New York Metropolitan Statistical area median household income based on HUD Home income limits.
23. The Town has obtained a copy of the applicant's COMIDA application for assistance. The application states, in part, that the project "was designed around the desires of the town of Pittsford to allow for the first affordable workforce housing in Pittsford," and "incorporat[es] the wishes of the town board of Pittsford to incorporate affordable housing." This is wholly incorrect. The Town Board at no point expressed an intention of below-market-rate units being a part of this project. Its amendments to the PUD, and the terms of the PUD as amended, contain no such provision, but rather the opposite.
24. The applicant's application to the Town for this project has at all times been for "market rate" housing, which the Town has reasonably interpreted to mean all units for rent at the Town of Pittsford market rate for every unit, without adjustment based on household income or statistical area median household income or any other adjustment intended to reduce pricing below market rate or having that effect.
25. At no time has the application material revealed any proposal to build any portion of the units as "affordable" under COMIDA's definition. All notices given by the Town for any public meetings or hearings on the project described the housing as market rate, without any reference of a set aside for below-market-rate housing. At those public meetings or hearings, the applicant never divulged its intention to set aside a portion of its housing for rental below market rate. And the Town Board zoning approval for the project did not incorporate any intention or requirement for below-market-rate housing for any portion of the project.
26. As a result of the comments received at the December 9, 2024 Town Hall public meeting, COMIDA at its December 17, 2024 board meeting adopted a resolution which waived the set aside requirement for below-market-rate rental in its housing policy, refrained from granting any partial real property tax abatement for the applicant's project, and granted the applicant sales and use tax exemption benefits up to \$1,447,440 and a mortgage tax exemption up to \$285,000 (for total financial assistance of up to \$1,727,440).

CONDITIONS OF APPROVAL

1. Subject to compliance with or resolution of the DRC comments dated July 3, 2024 and the applicant's written responses dated July 18, 2024, and August 26, 2024, unless otherwise specified herein.
2. Per the local law, the apartment building's appearance, including rooflines, materials, and colors, is subject to approval by the DRHPB.
3. A Letter of Credit will be necessary for portions of the project, including but not limited to maintenance and inspections of the Stormwater Pollution Prevention Plan (SWPPP), sanitary and storm sewers, sewer inspection fees, sidewalks, and landscaping adjacent to Clover Street, West Jefferson Road, Tobey Village Road, Cloverwood Senior Living, and landscaping installed to buffer the historic home. Details will be established as part of Final Site Plan review.
4. Following a site visit, it has been discovered that unpermitted demolition has already begun. A demolition permit is required prior to continued demolition of the Barn Bazaar buildings and former Five-Star Bank buildings and associated clearing of vegetation. Demolition and construction work involving overly disruptive equipment shall be limited to weekdays from 7AM to 5PM to reduce noise impacts to adjacent neighborhoods.
5. A demolition permit will include only the demolition of the existing buildings, clearing of vegetation inside the Barn Bazaar courtyard, and within 25 feet of the existing structures. Clearing adjacent to the garage at 2867 Clover Street is limited to the minimum necessary to demolish the Barn Bazaar building. Existing utilities must be protected except for the disconnection of service lines to the buildings. Earth moving, grading, and asphalt or curb removal is not permitted.
6. A Pre-Fire Plan, as required by Chapter 33 of the NYS Fire Code, must be submitted prior to the issuance of a demolition or building permit.
7. Town Code 185-194 (C) states, "All projects shall have landscaping equal to a minimum expenditure of 1% of the total project cost. Landscaping shall be considered as any living plant but shall not include excavating, earthmoving, fill, grading or paving associated with normal requirements of building." There is a calculation associated with determining the 1%, which is 2.5 times the published wholesale cost of the plants. This covers the cost of installation and 2-year guarantee for the plants. A calculation must be provided for Planning Board review as part of Final Site and Landscaping Plan submission.
8. The Developer shall not disturb greater than five acres of soil at any one time without prior written authorization from NYSDEC or the jurisdictional MS4. A 5-acre waiver is required from the Town of Pittsford (MS4) and is to be included within the SWPPP prior to submission of the NOI to NYSDEC.
9. The utility plan must note that the Town can require the replacement of the porous pavement and its base if it does not function as designed or loses stormwater infiltration capability. Please add this note prior to Final Site Plan submission.
10. Decisions regarding the requirement of electric car chargers, locations, and electric meters will be reviewed as part of Final Site Plan review.
11. The geometries and clearances associated with the central entrance and canopy will be reviewed as part of Final Site Plan review.
12. Notes regarding Tobey Village Road repair/reconstruction will be reviewed as part of Final Site Plan review.
13. The dumpster and compactor area are subject to further review; specifically, adjustments in orientation, screening, and requirements to connect dumpster surface drainage to the sanitary sewer.

14. Please add a note to plans to indicate that excess snow will be removed from the property.
15. Final Site Plan signage details must remove lighting from signage that is not permitted to be lit, per Town Board amended Tobey PUD regulations. Details can include a rendering, but must also include materials, square footage, dimensions (height, length, width), and footings, where applicable. The appearance of signage is subject to DRHPB approval. Final renderings should be presented to the DRHPB for approval prior to Planning Board signature.
16. Lighting for the site, including building-mounted lighting, will receive further review as part of Final Site Plan review. Details/cut sheets for all lighting must be submitted with the Final Site Plan application.
17. Exterior building features including the generator, pavilions, pergolas, fire pits and similar, are subject to building permit review. Final Site Plans should note the approximate size and locations of these features, but specific details will not be required until building permits are applied for.
18. The Tobey PUD general requirements include that “street trees will be required.” Before Final Site Plan submission, landscaping plans should be reviewed against the Town Board’s decision to ensure it is achieving the specific goals outlined in the Tobey PUD amendment approval.
19. Final clearing limits will be established with Final Site Plan landscaping review and approval.
20. Prior to Final Site Plan application, easements and/or agreements must be in place to ensure new landscaping and existing trees/vegetation are preserved and maintained to function as buffering on the Cloverwood property south of the 54-car parking lot.
21. Final Site Plan application must include specific provisions to protect each of the adjacent private properties, such as copies of encroachment agreements and construction fencing, including Cloverwood Senior Living, 2867 Clover Street, and the Pittsford Federal Credit Union (PFCU). It appears that crossing of property lines will be necessary for Cloverwood and PFCU.
22. Details regarding the sidewalk construction adjacent to Tobey Village Road must be resolved prior to the Final Site Plan submission.
23. The underground parking layout is subject to further review by the Planning Board. Dead-end aisles should be eliminated where possible. The gross square footage of the building must include the lower-level parking area.
24. As part of Final Site Plan review, the Planning Board will determine if the proposed apartment building meets the proposed multi-family code requirements included in the Town’s Zoning Code update.
25. Subject to granting applicable easements to the Town of Pittsford, including but not limited to stormwater maintenance access, storm sewers, and sanitary sewers.
26. The Town will require a grit trap and oil-water separator, if deemed necessary.
27. This approval is subject to verification of sewer capacity. Information was provided to the Design Engineer on August 20, 2024.
28. Subject to resolution of Town Review Engineer comments dated August 30, 2024.
29. Subject to review and approval of the project SWPPP by the Town’s Review Engineer, including drainage from the PFCU property.
30. Subject to review of stormwater facilities’ spillways.

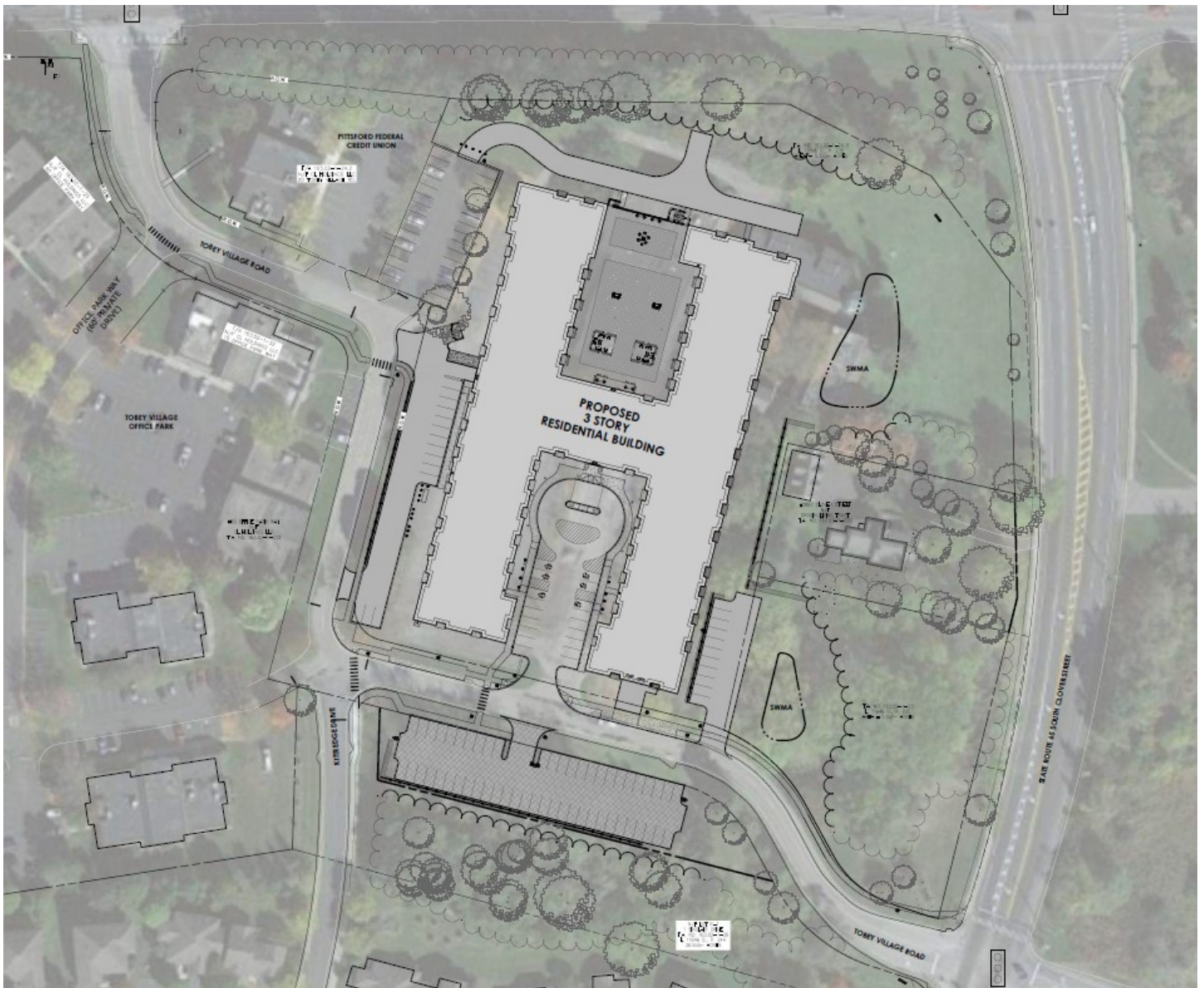
31. Retaining wall details must be submitted with the Final Site Plan application to understand the disturbance area while constructing the wall.
32. Plans must note, "The earthwork for the project is intended to balance. If it is discovered that there is an earth surplus or shortage, the Town must be notified by the Design Engineer and follow up information will be required prior to moving materials on or offsite."
33. Construction sequencing will be reviewed as part of Final Site Plan review.
34. Pittsford Sewer Department entrance fees will be due prior to the Sewer Department signatures on final approved plans.
35. Final Site Plan submission shall include a letter outlining how these Conditions of Approval have been addressed and shall include details of where each resolution can be found (i.e. notation of the plan sheet). An inadequate letter will result in a rejection of Final Site Plan application.
36. Subject to applicable regulatory approvals, including but not limited to: Pittsford Commissioner of Public Works, Pittsford Sewer Department, Monroe County Water Authority, NYSDOT, MCHD, and the Town Review Engineer.
37. A building permit from the Town Building Department will be required prior to commencement of any and all construction of the apartment building.
38. The Town's standard Recreation Fund Fee is applicable for each new unit. This fee is currently \$1,000.00 per unit and is collected upon the issuance of a building permit.
39. Outstanding Engineering Review Fees (ERF) must be resolved prior to Final Site Plan submission. In anticipation for Final Site Plan review, additional ERF monies will be collected at time of Final Site Plan submission.
40. This Preliminary Site Plan and Preliminary/Final Subdivision approval is contingent upon the applicant, its affiliates, and/or its successors-in-interest, refraining from (a) applying to any third party, including COMIDA or any governmental entity, agency of government or any non-governmental entity or agency for any incentive, grant, tax abatement or other preference or benefit of any manner or description whatsoever that would or could require any set aside or reservation of any portion of housing units comprising the project for pricing below market rate (collectively "Incentive"); or (b) receiving any such Incentive. For purposes of this section, "market rate" shall mean the fair market value for every unit without adjustment based on household income level or statistical area median household income or any other adjustment intended to reduce pricing below fair market value or having that effect. Failure to comply with this condition may result in the revocation of this Preliminary Site Plan and Preliminary/Final Subdivision approval, the denial or revocation of any Final Site Plan approval for this project, the denial or revocation of any permit authorizing any demolition or building for this project, the issuance of a stop work order for any work proceeding on the project, and other enforcement measures authorized by law.

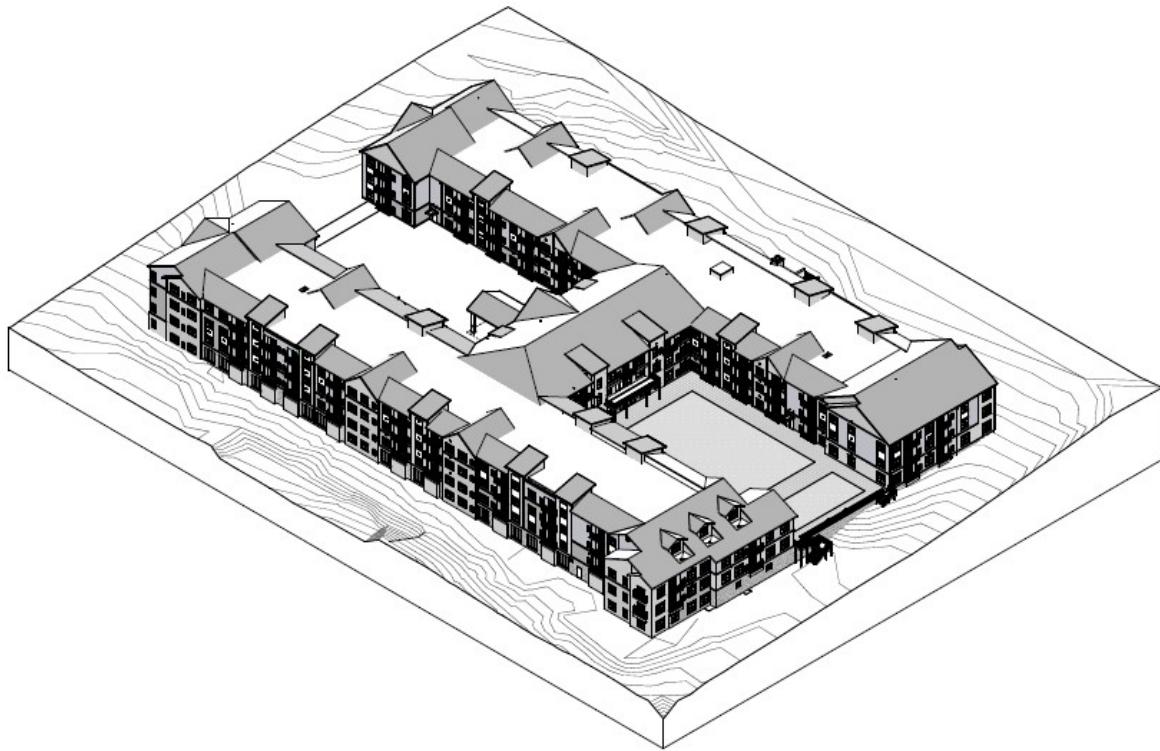
The within Resolution was motioned by Planning Board Member Paula Liebschutz, seconded by Planning Board Member Kevin Morabito, and voted upon by members of the Planning Board as follows:

David Jefferson	No
Paul Alguire	No
John Halldow	No
Kevin Morabito	Aye
Paula Liebschutz	Aye
Hali Buckley	Aye
John Limbeck	Aye

Adopted by the Planning Board on January 13, 2025.

April Zurowski
Planning Assistant





2 NORTH ELEVATION



3 NORTH COURTYARD EAST ELEVATION



6 WEST ELEVATION



1 EAST ELEVATION