

**Town of Pittsford Design Review & Historic Preservation Board
AGENDA
June 12, 2025**

This agenda is subject to change.

Please take notice that the Town of Pittsford Design Review & Historic Preservation Board will hold the following meeting on June 12, 2025, in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street, and beginning at 6:00PM local time.

HISTORIC PRESERVATION DISCUSSION

RETURNING APPLICATIONS: RENOVATIONS & ADDITIONS

2 Charter Oaks Drive

Applicant is requesting design review changes for a 124 square foot front porch addition and a 284 square foot garage addition to the east side of the house.

COMMERCIAL APPLICATIONS

2851 Clover Street (300 Tobey Road) – Pittsford Oaks

Applicant is requesting the review of design changes to date, the current design material, confirm the overall Northeast corner of the building height.

The next meeting is scheduled for Thursday, June 26, 2025, at 6PM.

**DESIGN REVIEW & HISTORIC PRESERVATION BOARD
MINUTES
MAY 22, 2025**

Minutes of the Town of Pittsford Design Review and Historic Preservation Board meeting held on Thursday, May 22, 2025, at 6:00 PM local time. The meeting took place in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

PRESENT: Dirk Schneider, Dave Wigg, Paul Whitbeck, John Mitchell, Jim Vekasy, Bonnie Salem

ABSENT: Kathleen Cristman

ALSO PRESENT: Erik Smegelsky, Building Inspector and Code Enforcement Officer; Anna Piazza, Building Department Assistant; Cathy Koshykar, Town Board Liaison

ATTENDANCE: There were 11 members of the public present.

Design Review and Historic Preservation Board (DRHPB) Chairman Dirk Schneider called the meeting to order at 6:00PM.

HISTORIC PRESERVATION DISCUSSION

Board Member Salem discussed two potential properties up for landmark designation: Oak Hill Country Club and Lock 62. Board Member Salem stated that Oak Hill Country Club has their own historian. Chairman Schneider asked if the large-scale renovation taking place at the club was a concern and the Board decided to discuss that at the next meeting.

RESIDENTIAL APPLICATIONS: RENOVATIONS & ADDITIONS

17 Whitley Court

Applicant is requesting design review for a 336 square-foot pavilion and basement egress door.

Julie Judd, of JOSH Landscape Co., introduced the application. Ms. Judd is requesting design review for a 336 square-foot pavilion. She stated that the pavilion will be 12 feet in height and will match the existing asphalt shingles on the home. The boards will mount on the inside of the pavilion. Ms. Judd noted the proposed integrated gas burning fireplace unit made with stone veneer and a natural wood mantle, as well as a proposed shed.

Ms. Judd is additionally requesting design review for a basement egress door on the rear side of the home. The door will allow access from the basement to the backyard pool area. Chairman Schneider asked the applicant to confirm that there will be a fence along the wall by the stairs next to the door. Ms. Judd confirmed and stated that it will be painted to match the siding of the home.

Chairman Schneider motioned to approve the application for a 336 square-foot pavilion and the addition of a basement egress door with all colors and materials to both match and compliment the house, as submitted. This motion was seconded by Vice Chairman Wigg. Following a unanimous voice vote, the application was approved, none opposed.

100 Van Voorhis Road

Applicant is requesting design review for demolishing a 180 square-foot attached woodshed.

The applicant did not appear for the meeting however the Board agreed to move forward with the application. Board Member Vekasy stated that the applicant will need to fix the back of the home after the woodshed is demolished.

Chairman Schneider motioned to approve the application to demolish a 180 square-foot woodshed, as submitted. This motion was seconded by Board Member Mitchell. Following a unanimous voice vote, the application was approved, none opposed.

174 Alpine Drive

Applicant is requesting design review for an alteration to an overhead garage door.

Alex LaRue, of Rochester Custom Exteriors, introduced the application. Mr. LaRue is requesting design review for an alteration to an overhead garage door. He is proposing to change the existing two overhead garage doors into one 17-foot-wide garage door. Board Member Salem asked the applicant which material the existing garage doors are made of, and the applicant stated aluminum. Mr. LaRue showed the Board a picture of the proposed one-door garage door. He stated that he would keep at least one of the existing light fixtures and that the door will be made of aluminum or fiberglass material. He confirmed that the color of the proposed door will be white. Mr. LaRue confirmed that the proposed garage door will have windows in the top panel.

Vice Chairman Wigg motioned to approve the application for an alteration to a 17ft-by-17ft overhead garage door with the condition that glass be in the top panel of the window, as per a copy seen tonight. This motion was seconded by Chairman Schneider. Following a unanimous voice vote, the application was approved, none opposed.

726 Stone Road

Applicant is requesting design review for a 366 square-foot single car garage.

Rodney Prosser, of Lakeside Engineering, introduced the application. Mr. Prosser is requesting design review for a 336 square-foot single car garage. He stated that the garage will have a standard 8-foot-wide metal head door and confirmed that there will be windows on the garage. The siding and roof of the garage will match the existing home. The garage will extend out to meet the gable end of the home and will only extend as far as the house. Vice Chairman Wigg stated that the garage should not be higher than the home's existing ridgeline and the applicant confirmed, additionally noting that there will be a triple window on the side of the garage.

Chairman Schneider motioned to approve the application for a 366 square-foot single car garage with the conditions that (1) The ridge of the garage will be no higher than the ridge of the main house, and (2) The front face of the garage will come out no further than the main part of the main house, with all finishes and siding to match the existing house. This motion was seconded by Board Member Mitchell. Following a unanimous voice vote, the application was approved, none opposed.

121 Van Voorhis Road

Applicant is requesting design review for a 1200 square-foot detached garage.

Applicant has asked to be moved to a later meeting agenda.

406 Kilbourn Road

Applicant is requesting design review for a 392 square-foot family room and covered porch addition.

Homeowners Nancy and Dan Loughran, of 406 Kilbourn Road, introduced the application. The applicant is requesting design review for a 392 square-foot family room and covered porch addition. The applicant

confirmed that the roof itself will be the full width of the addition and that the roof style will match the the style of the house.

Board Member Vekasy motioned to approve the application for a 392 square-foot covered porch addition, as submitted. This motion was seconded by Board Member Salem. Following a unanimous voice vote, the application was approved, none opposed.

15 Warder Drive

Applicant is requesting design review for a 456 square-foot addition off the rear of the home.

Peter Houlihan, of O.P.H Renovations, introduced the application. Mr. Houlihan is requesting design review for a 456 square-foot addition off the rear of the home. He stated that the homeowner requires an oversized handicapped walk-in shower. Mr. Houlihan discussed the two proposed skylights on the West elevation.

Board Member Mitchell motioned to approve the application for a 456 square-foot addition off the rear of the home, as submitted. This motion was seconded by Board Member Whitbeck. Following a unanimous voice vote, the application was approved, none opposed.

6 Sugarwood Drive

Applicant is requesting design review for an exterior window change.

Carl Pierce, of Pierce Development, introduced the application. Mr. Pierce is requesting design review for an exterior window change. He discussed the plan to remove and rebuild the existing deck and is proposing to replace the existing slider with a triple double-hung Anderson window. Mr. Pierce stated that the proposed window will align with the other existing slider and confirmed that the siding will match the existing home.

Board Member Whitbeck motioned to approve the application for an exterior window change, as submitted. This motion was seconded by Chairman Schneider. Following a unanimous voice vote, the application was approved, none opposed.

16 Wayside Circle

Applicant is requesting design review for a 252 square-foot garage addition.

Dion Mather, of Mather Construction Pro., introduced the application. Mr. Mather is requesting design review for a 252 square-foot single-car garage addition. He stated that all materials, including the siding and roof, will match the existing home and will line up with the existing garage. Additionally, the width of the driveway near the garage will be widened, but the width of the existing driveway will not be changed where it enters into the street.

Board Member Salem motioned to approve the application for a 252 square-foot garage addition with the materials to match the original and the garage door to match the existing, as submitted. This motion was seconded by Board Member Mitchell. Following a unanimous voice vote, the application was approved, none opposed.

RESIDENTIAL APPLICATIONS: NEW HOMES

2 Laguna Lane

Applicant is requesting design review for the construction of a two-story single-family home approximately 2,581 square-feet.

Homeowner: Ismail Muhammad, of 2 Laguna Lane, introduced the application.

DRAFT MINUTES 052225

Dave Patnella, Contractor, introduced the application. Mr. Patnella is requesting design review for the construction of a two-story single-family home, approximately 2,581 square-feet. Chairman Schneider asked the applicant to explain the proposed materials for the new home and the applicant stated that he will use LP siding instead of the vinyl seen on the drawing presented, in addition to the stone. Mr. Patnella stated that there will be a trim board to match the trim board by the cantilever side of the home and discussed the stone material located there as well. Vice Chairman Wigg stated that the stone material should wrap around the home a minimum of 18-24 inches to avoid a 'skinny' looking portion of stone. Chairman Schneider asked the applicant for clarification on the bump-out seen on the rendering and the applicant stated that it will be a gas fireplace. Erik Smegelsky, Building Inspector and Code Enforcement Officer, noted the amount of exposed foundation wall on the home and the applicant discussed the option to instead carry the siding down to grade. Board Member Whitbeck discussed the number of different textures seen on the front elevation and stated that it appeared very busy. Chairman Schneider inquired about the proposed colors of the home and Ismail Muhammad, homeowner, stated that there would be two different colors. He showed the Board a picture of the colors he would like to use.

Board Member Vekasy asked the applicant if the home would be parallel with the lot lines and Mr. Patnella confirmed. Mr. Patnella added that the side elevation of the garage will face the cul-de-sac and discussed having a surveyor come out to see if the home will fit properly on the lot. The Board discussed the subdivision map and clarified that the left elevation presented is the side elevation of the home but is the front elevation that you would see from the road.

Chairman Schneider concluded that the applicant needs the property surveyed and will need to appear again before the Board. He asked the applicant to think about what he could add to the left elevation, such as windows, as he noted it appeared bare. The Board agreed to table the discussion on the application until the applicant appears again.

MEETING MINUTES REVIEW

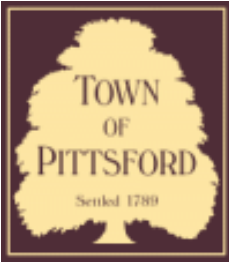
The minutes of May 8, 2025 were approved following a motion by Board Member Salem. This motion was seconded by Board Member Whitbeck. Following a unanimous voice vote, the minutes were approved, none opposed.

Chairman Schneider closed the meeting at 7:39PM.

Respectfully submitted,

Anna Piazza
Building Department Assistant

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



Town of Pittsford

Department of Public Works
11 South Main Street
Pittsford, New York 14534

Permit #
B23-000075

Phone: 585-248-6250

FAX: 585-248-6262

DESIGN REVIEW AND HISTORIC PRESERVATION BOARD REFERRAL OF APPLICATION

Property Address: 2 Charter Oaks Drive PITTSFORD, NY 14534

Tax ID Number: 178.06-3-60

Zoning District: RN Residential Neighborhood

Owner: Wong, Grace C RevTrus

Applicant: Bridgewood Design & Consulting

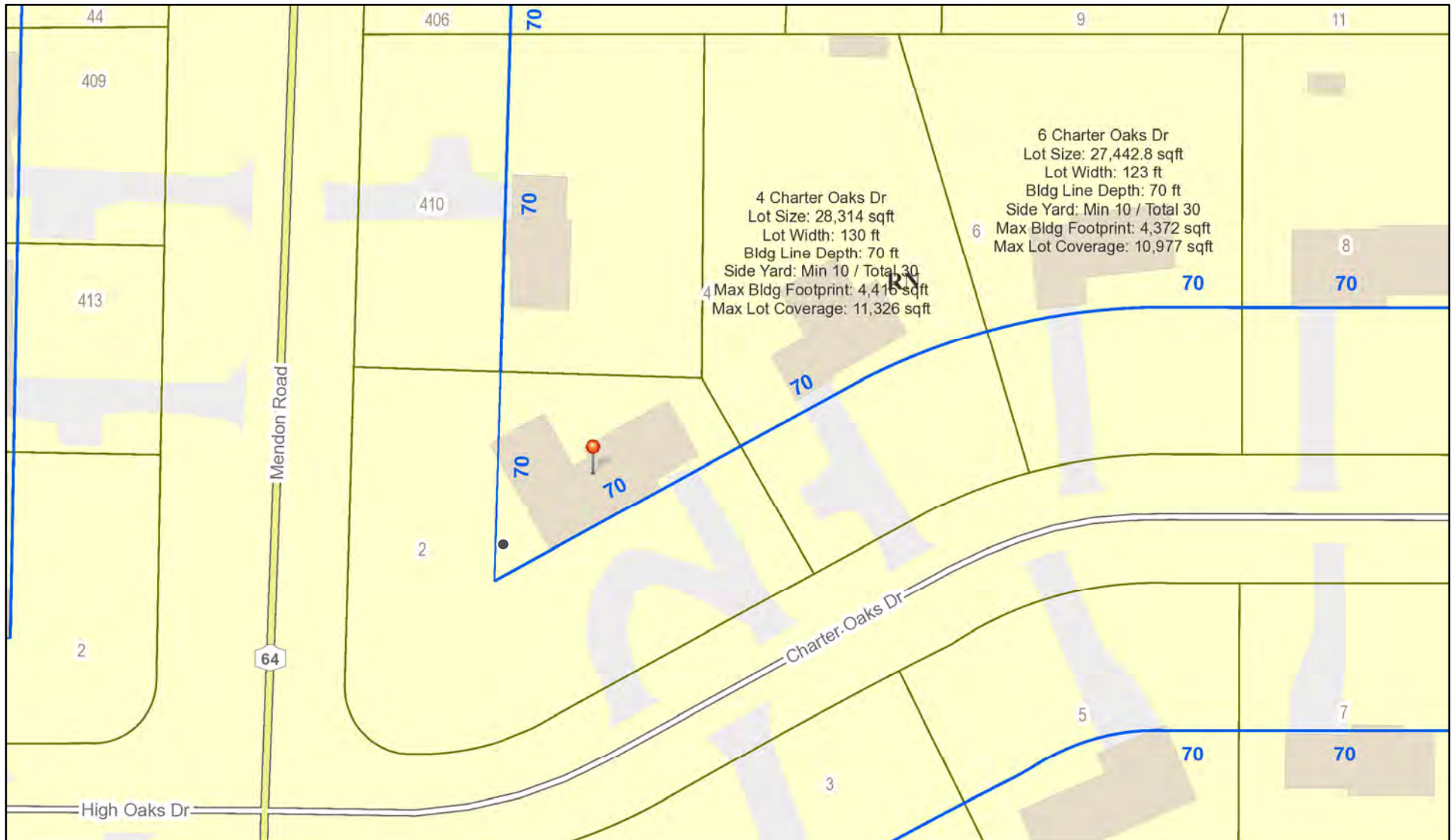
Application Type:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Residential Design Review
§185-205 (B) | <input type="checkbox"/> Build to Line Adjustment
§185-17 (B) (2) |
| <input type="checkbox"/> Commercial Design Review
§185-205 (B) | <input type="checkbox"/> Building Height Above 30 Feet
§185-17 (M) |
| <input type="checkbox"/> Signage
§185-205 (C) | <input type="checkbox"/> Corner Lot Orientation
§185-17 (K) (3) |
| <input type="checkbox"/> Certificate of Appropriateness
§185-197 | <input type="checkbox"/> Flag Lot Building Line Location
§185-17 (L) (1) (c) |
| <input type="checkbox"/> Landmark Designation
§185-195 (2) | <input type="checkbox"/> Undeveloped Flag Lot Requirements
§185-17 (L) (2) |
| <input type="checkbox"/> Informal Review | |

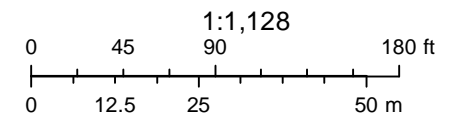
Project Description: Applicant is requesting design review changes for a 124 square foot front porch addition and a 284 square foot garage addition to the east side of the house.

Meeting Date: June 12, 2025

RN Residential Neighborhood Zoning



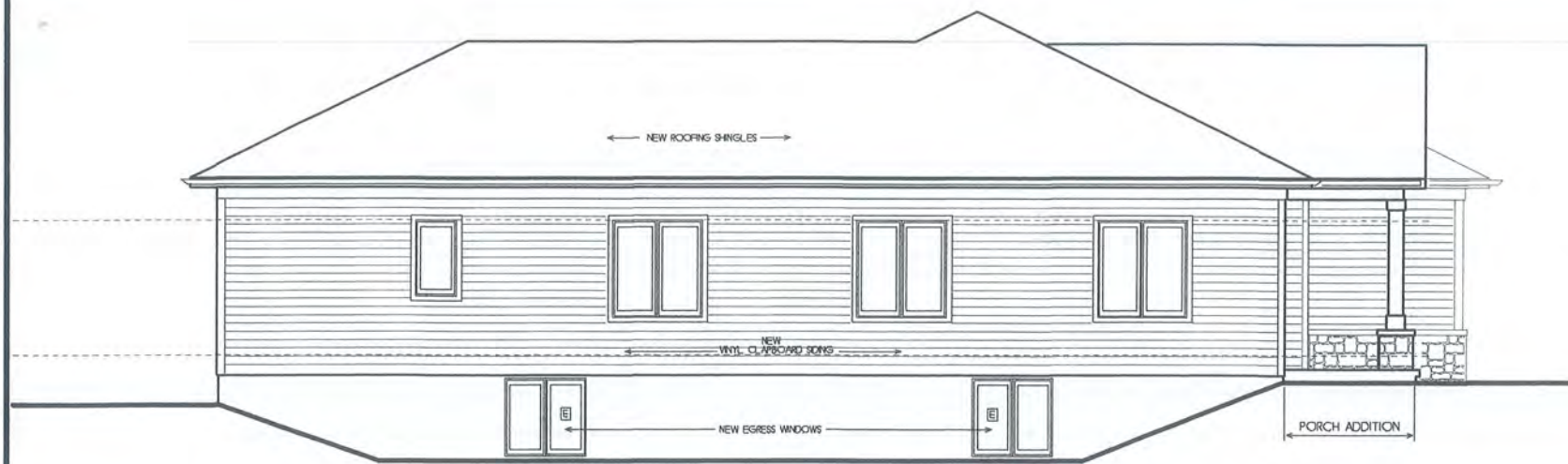
Printed June 12, 2023



Town of Pittsford GIS

The information depicted on this map is representational and should be used for general reference purposes only. No warranties, expressed or implied, are provided for the data or its use or interpretation.



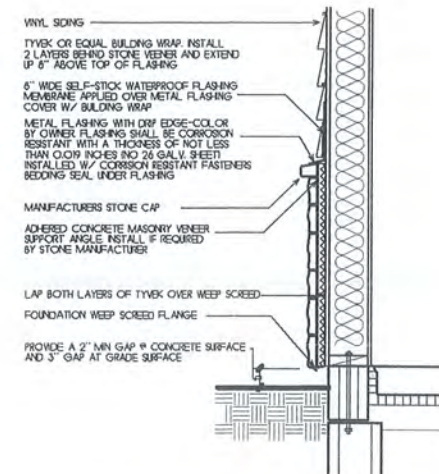
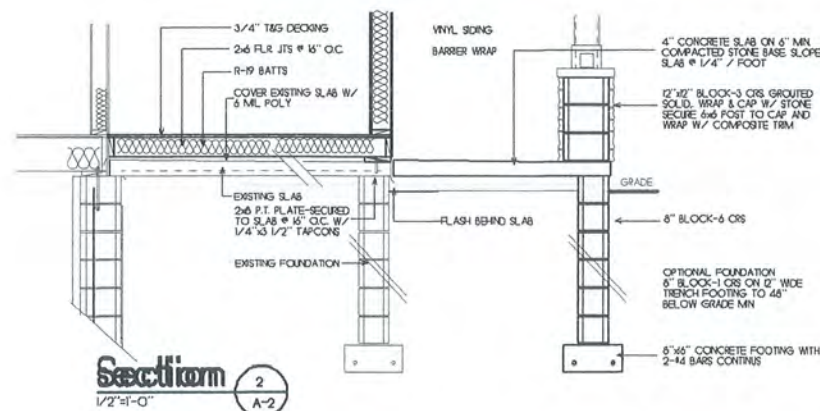


West Elevation

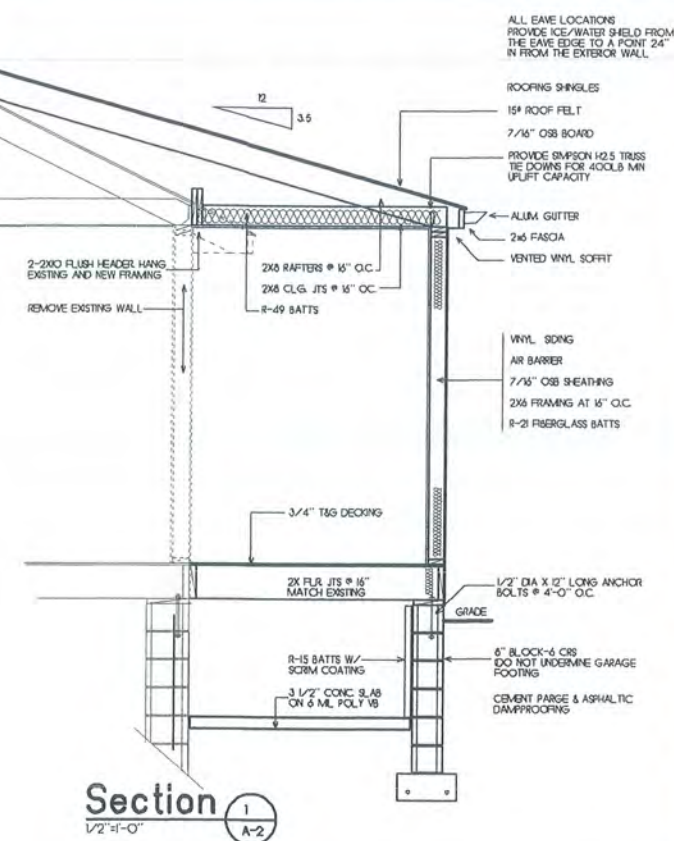
1/4"=1'-0"

THE GRADE AWAY FROM FOUNDATION WALLS SHALL FALL A MINIMUM OF 5" WITH THE FIRST 10' FROM THE HOUSE

- Ⓔ DENOTES EGRESSIBLE WINDOW UNIT W/ 57 SF. MIN. OPENING, 20" MIN. OPENING WIDTH AND 24" MIN. OPENING HEIGHT
- Ⓙ DENOTES TEMPERED GLASS PER R308 OF THE NEW YORK STATE CODE



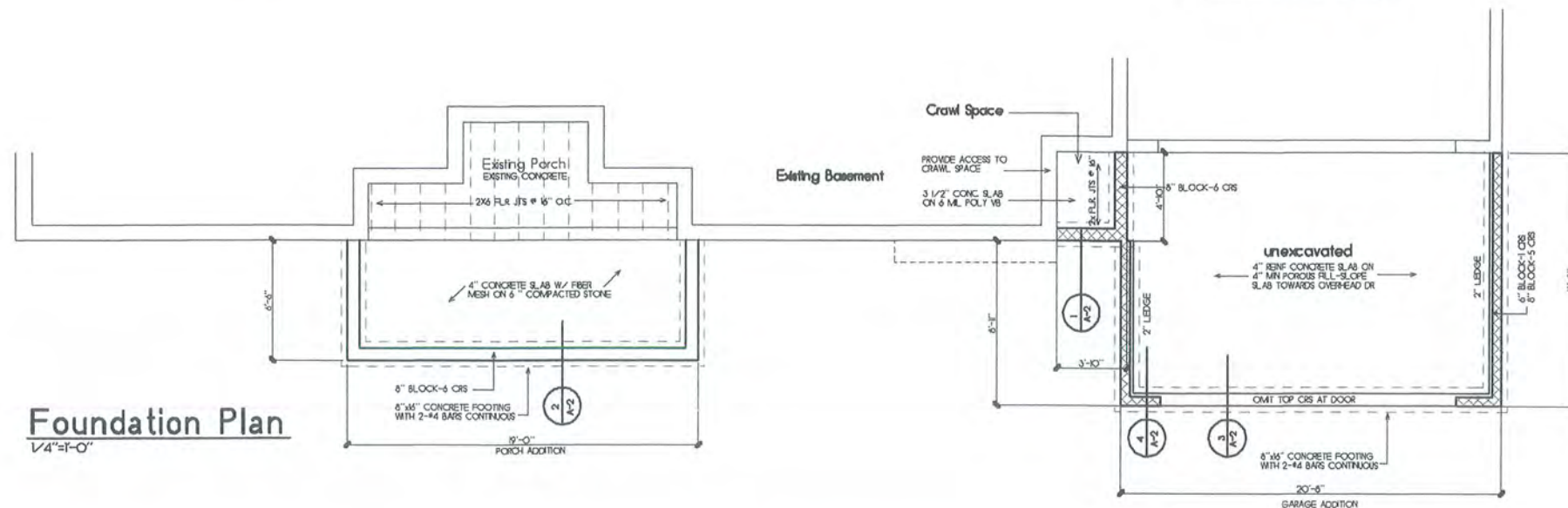
Stone Installation Detail



Section 1

1/2"=1'-0"

A-2



Foundation Plan

1/4"=1'-0"

FOUNDATIONS

CONTRACTOR SHALL NOTIFY SITE ENGINEER AND ARCHITECT IF SITE CONDITIONS, SUCH AS ADVERSE GROUND WATER OR SOIL CONDITIONS WARRANT MODIFICATIONS TO THE FOUNDATION DESIGN.

FOOTINGS MAY BE POURED NEAR AGAINST SIDES OF EXCAVATIONS ONLY IF SLOSHING OR RAVELING DOES NOT OCCUR.

CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TEMPORARY BRACINGS AND EXCAVATIONS.

BACKFILL SHALL NOT BE PLACED AGAINST BASEMENT WALLS UNTIL CONCRETE AND GROUT HAS REACHED SUFFICIENT STRENGTH TO RESIST DAMAGE ON STRUCTURAL FLOOR FRAMING INCLUDING PLYWOOD DECKS IN PLACE OR SUFFICIENT WALL BRACING IS IN PLACE.

FOOTINGS

FOOTING SHALL BE PLACED AT A MIN. OF 48" BELOW GRADE UNLESS OTHERWISE SPECIFIED ON THE DRAWINGS.

FINAL 3" OF EXCAVATION SHALL BE REMOVED BY HAND TOOL OPERATIONS IN ORDER TO ASSURE UNDISTURBED BEARING SURFACES.

NO EXCAVATION SHALL BE MADE LOWER AND CLOSER THAN 1/3 UNLESS INDICATED ON THE DRAWINGS.

FOOTINGS AND SLABS SHALL NOT BE PLACED ON MUDDY OR FROZEN GROUND. ALL FOOTINGS SHALL BEAR ON FIRM AND CLEAN SOIL. THE SOIL BEARING SHOULD BE VERIFIED AT THE FOOTINGS BY AN ACCEPTED TESTING METHOD.

CONCRETE

FOUNDATION DESIGN IS BASED ON A MIN. SOIL BEARING CAPACITY OF 2,000 PSF. BUILDER SHALL NOTIFY ARCHITECT IF CAPACITY IS LESS.

PROVIDE 6 MIL. POLYETHYLENE VAPOR BARRIER UNDER CONCRETE INTERIOR SLABS.

PROVIDE ALL NECESSARY REINFORCING BARS, SPACER BARS, CHAIRS, ETC. TO SECURE REINFORCING IN PLACE BEFORE PLACING CONCRETE.

A. STANDARDS-LATEST EDITION OF ACI 308.1-11 1. FOOTINGS, WALLS AND PERIS-3,000 PSI
B. DESIGN STRENGTH AT 28 DAYS 2. SLAB ON GRADE-INTERIOR 2,500 PSI
EXTERIOR 3,500 PSI

CONCRETE MASONRY

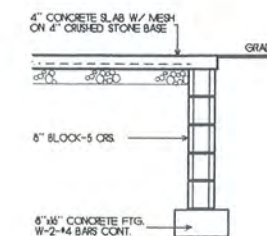
CONCRETE BLOCK UNITS SHALL CONFORM TO ASTM C90 TYPE 1, GRADE N.

MORTAR - ASTM C270, TYPE S (1 1/2" MIN. 1500 PSI)

BLOCK FULL - COURSE GROUT 3,000 PSI

REINFORCING

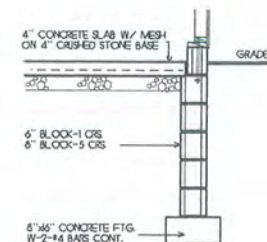
ANCHOR BOLTS SHALL CONFORM TO ASTM A-307 AND SHALL BE 1/2" DIA. MIN. AND 12" LONG. PLACEMENT OF ANCHOR BOLTS SHALL BE 12" FROM END PLATE, 6" O.C. AND MIN. OF 2-ANCHOR BOLTS IN ANY ONE SECTION LOCATE IN MIDDLE THIRD OF PLATE. AT LEAST 1 1/2" FROM THE EDGE OF A 2-4" AND 1 3/4" FROM THE EDGE OF A 2-6".



Section 3

1/2"=1'-0"

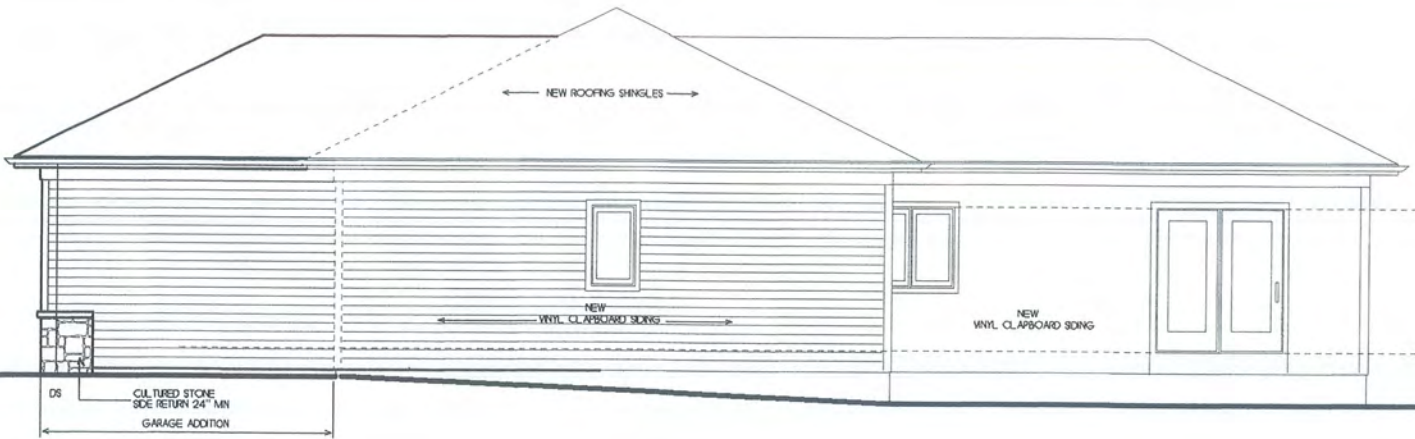
A-2



Section 4

1/2"=1'-0"

A-2



East Elevation
1/4"=1'-0"



North Elevation
1/4"=1'-0"

REVISIONS	DATE	DESCRIPTION
No.		



LEGEND

0' 15' 30' 60'
SCALE: 1"=30'

- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- PROPOSED BUILDING ADDITION

GENERAL NOTES

- 1) MAP BEARINGS AND HORIZONTAL ORIENTATION IS GRID.
- 2) EXISTING FEATURES AND TIE DISTANCES SHOWN BY LINEWORK ARE REFERENCED TO AN INSTRUMENT SURVEY BY LAND TECH ENTITLED "LOT 2 OF THE CHARTER OAKS SUBDIVISION, SECTION 1", DATED OCTOBER 12, 2022.



SITE PLAN FOR VARIANCE

2 CHARTER OAKS DRIVE

TOWN OF PITTSFORD, MONROE COUNTY, NEW YORK STATE

PROFESSIONAL
ENGINEERING
GROUP

CLIENT:
CYNTHIA WONG
923 HEAD OF POND RD.
WATER MILL, NY 11976

7171 VICTOR - PITTSFORD ROAD
VICTOR, NEW YORK 14564
TEL. (585) 924-1860 EMAIL: PROENGINEER1@PRODIGY.NET

DATE: MAR 2023	ENGINEER: S.A.H	DRAWN BY: A.A.L	SCALE: 1" = 30'	SHEET NO.: 1 of 1	DRAWING NO.: 230324SP1
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3 NORTH ELEVATION
1/16" = 1'-0"



- 4TH FLOOR WALL HGT. 31'-0 7/8" (+574')
- FOURTH FLOOR LEVEL 22'-0 1/2" (+565')
- THIRD FLOOR LEVEL 11'-0 5/8" (+554')
- SECOND FLOOR LEVEL 0'-0" (+543')

4 NORTH COURTYARD EAST ELEVATION
1/16" = 1'-0"



- 4TH FLOOR WALL HGT. 31'-0 7/8" (+574')
- FOURTH FLOOR LEVEL 22'-0 1/2" (+565')
- THIRD FLOOR LEVEL 11'-0 5/8" (+554')
- SECOND FLOOR LEVEL 0'-0" (+543')

2 WEST ELEVATION
1/16" = 1'-0"



ORIGINAL BUILDING HEIGHT

- 4TH FLOOR WALL HGT. 31'-0 7/8" (+574')
- FOURTH FLOOR LEVEL 22'-0 1/2" (+565')
- THIRD FLOOR LEVEL 11'-0 5/8" (+554')
- SECOND FLOOR LEVEL 0'-0" (+543')
- GARAGE LEVEL -12'-0" (+531')

1 EAST ELEVATION
1/16" = 1'-0"



1 SOUTH ELEVATION
1/16" = 1'-0"

- 4TH FLOOR WALL HGT.
31'-0 7/8" (+574')
- FOURTH FLOOR LEVEL
22'-0 1/2" (+565')
- THIRD FLOOR LEVEL
11'-0 5/8" (+554')
- SECOND FLOOR LEVEL
0'-0" (+543')
- GARAGE LEVEL
-12'-0" (+531')

FINISH LEGEND:

- NORANDEX CEDAR MILLS
"CHAMPAGNE"
- NORANDEX CEDAR MILLS
"GRANITE"
- NORANDEX CEDAR MILLS
"CARBON"
- PROVIA STONE VENEER
"BUFF"
- DECORATIVE PAVING
"DOWNING STONE"



3 NORTH ELEVATION
1/16" = 1'-0"



4 NORTH COURTYARD EAST ELEVATION
1/16" = 1'-0"

- 4TH FLOOR WALL HGT.
31'-0 7/8" (+574')
- FOURTH FLOOR LEVEL
22'-0 1/2" (+565')
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2 WEST ELEVATION
1/16" = 1'-0"

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1 EAST ELEVATION
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11'-0 5/8" (+554')
- SECOND FLOOR LEVEL
0'-0" (+543')
- GARAGE LEVEL
-12'-0" (+531')

1 SOUTH ELEVATION

0' 1' 2' 4' 8'

1/16" = 1'-0"



RENDERING FROM INTERSECTION OF JEFFERSON RD & CLOVER ST
 GRADE ALONG EAST FACADE AT +536'



4TH FLOOR WALL HGT.	31'- 0 7/8" (+574)
FOURTH FLOOR LEVEL	22'- 0 1/2" (+565)
THIRD FLOOR LEVEL	11'- 0 5/8" (+554)
SECOND FLOOR LEVEL	0'- 0" (+543)
GARAGE LEVEL	-12'- 0" (+531)

1 EAST ELEVATION - LANDSCAPE
 1/16" = 1'-0"



PROPOSED CONCEPT

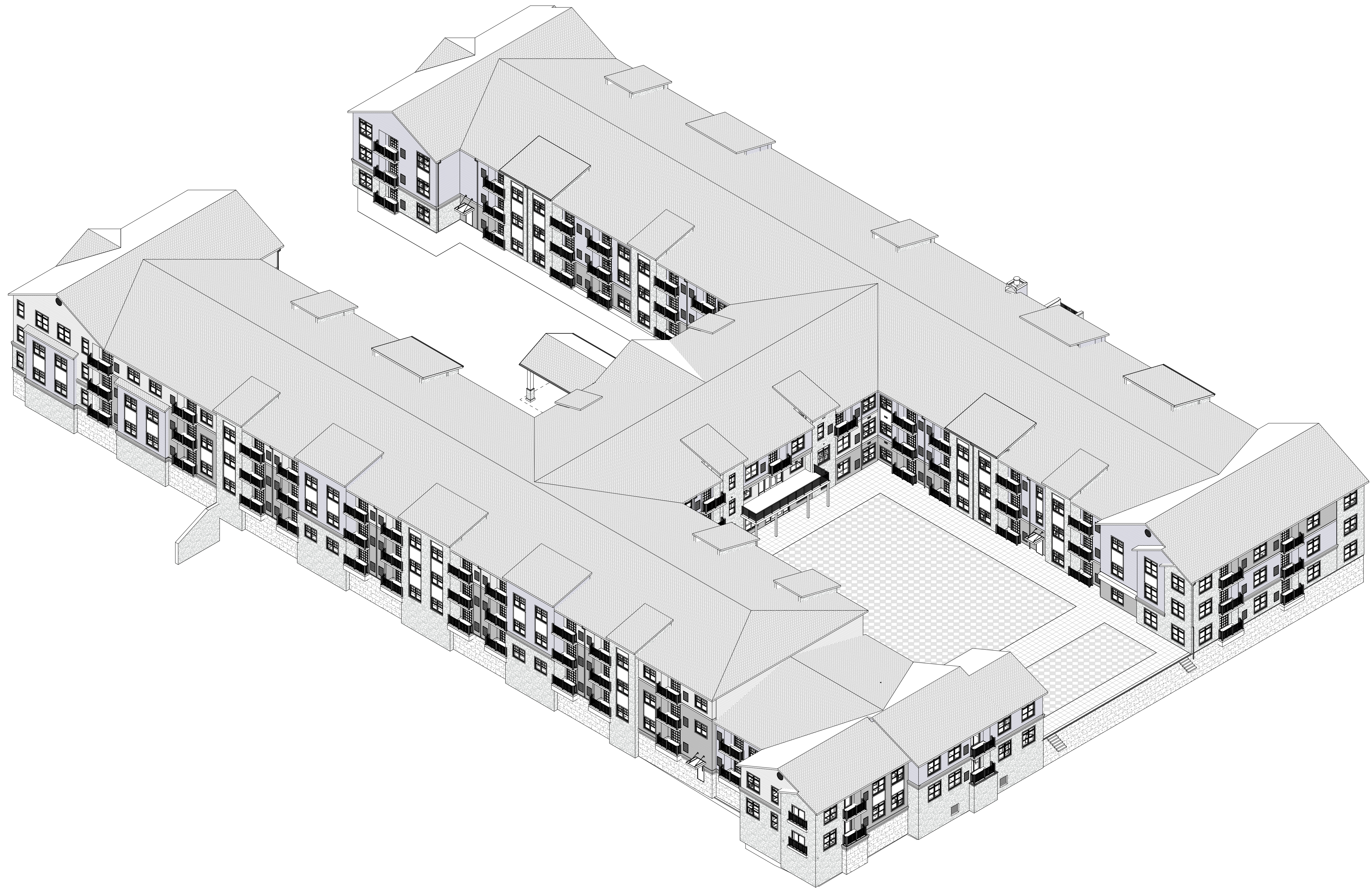
AREA: 20,200 SF ±
JUNE 2025



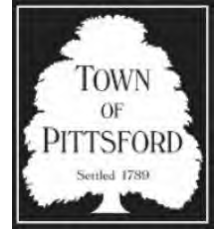




RENDERING FROM INTERSECTION OF JEFFERSON RD & CLOVER ST
INCLUDES PROPOSED FOLIAGE SHOWN AT FULL OPACITY



MEMORANDUM



To: Planning Board and Design Review and Historic Preservation Board (DRHPB)

From: Robert B. Koegel, Town Attorney

Date: May 21, 2025

Regarding: Proposed Pittsford Oaks Market Rate Apartment House (Tobey PUD Parcels 8 & 12)

This responds to the memorandum, dated May 7, 2025, to me from Mancuso Brightman PLLC, a law firm representing the developer of the proposed Pittsford Oaks project. The gist of the Mancuso memo is that the DRHPB is without power to require or recommend, directly or indirectly, any reduction in the maximum building height of 59 feet for the proposed apartment building as set forth in the latest version of the Tobey Planned Unit Development (Tobey PUD) regulations adopted in 2024. Copies of both the Mancuso memo and the Tobey PUD regulations are submitted herewith.

The Tobey PUD regulations are not static. Rather, they are a dynamic set of design guidelines meant to protect the heritage of Pittsford each time the Town Board amends them to accommodate a new land use on one or more of the 16 parcels that comprise the neighborhood. They include General Requirements that apply to all parcels and Specific Provisions that apply to proposed development in specific parcels. They are to be followed by all Town reviewing agencies.

With respect to the General Design Requirements for Landscape Architecture/Site Planning, new buildings are subject to DRHPB approval. Paragraph 6 of these Site Planning requirements provides, in part, as follows: "The design of new buildings will reflect the historic architecture of the town in terms of **scale, massing**, roof shape, gable orientation, window size, shape, and spacing, and exterior materials" (emphasis added). Paragraph 7 of these same Site Planning requirements states, in part, the following: "**Large buildings will be required to be compatible with the townscape by designing breaks in the building mass and roof lines**, and by including appropriate architectural detail" (emphasis added). Hence, it is clear that these (and other) General Design Requirements give the DRHPB power to regulate building mass and scale, particularly of large buildings such as the proposed project.

As for the Specific Provisions applying to the developer's proposed Market Rate Apartment House on Parcel 8, those provisions authorize a building for "up to" 175 dwelling units, with a unit count that is "reasonably similar" to 16 studios, 102 one-bedroom, 45 two-bedroom, and 12 three-bedroom apartments. Those Specific Provisions also provide that building heights around the building (except its entrance) must not exceed 59 feet, and that the "building's appearance, including rooflines, materials, and colors, is subject to approval by the Design Review and Historic Preservation Board." Recognizing that these Specific Provisions set upper limits, not specific amounts, for building units and building heights, the Mancuso memo

nonetheless argues that these Specific Provisions serve to annul or make inapplicable the General Design Requirements that authorize the DRHPB to regulate the mass of the building.

The developer's first argument derives from paragraph 2 of the General Requirements, which provides that "[w]herever there are inconsistencies between other regulations and these Regulations, the more restrictive will apply unless a determination to the contrary is made upon application to the Town Board." The developer asserts that the adoption of the Specific Provisions with **maximum** heights and number of units is effectively a determination of the Town Board that **actual** heights and number of units have been specifically determined. But the Planning Board has already formally notified the developer that actual heights and number of units have **not** been determined. In the "Findings of Fact" portion of its January 13, 2025 preliminary site plan approval for the project, the Planning Board found that "the most important potential impact to address is the building's height and massing," and it recommended "**a substantial reduction in the overall height of the eastern side of the building from behind the historic home to the northern end**" (emphasis added) (*Id* at ¶14). The Planning Board also supported "additional modifications **that may be required by the DRHPB** that will further reduce the scale and massing of the building" (emphasis added) (*Id* at ¶20). As for the actual number of units that the building will have, the Planning Board acknowledged the possibility that "**building design and roofline changes will reduce the total number of apartment units to less than 175**" so that "**the number of units has not been finalized**" (emphasis added) (*Id* at ¶21). Thus, the developer has known the Planning Board's position from at least last January that the determination of the actual size, height, and number of units of the building is on-going process by and among the Town Board, the Planning Board, and the DRHPB, and that until now, the developer has not challenged the legality of this process. More on that below.

The developer next argues from the Specific Provision that the unit count for the building "must be reasonably similar to" a particular ratio of different sized apartments equaling 175 apartments, that the Town Board set the actual unit count at 175 apartments. If that were true, then the unit count would be 175, not "similar" to 175. Instead, the "reasonably similar" language means that whatever the approved number of units becomes, that number will have a ratio of different sized units that is "reasonably similar to" the ratio based on 175 units.

The developer places great weight on the fact the when the Town Board reserved DRHPB approval power over the building based on the "building's appearance, including rooflines, materials, and colors," the Town Board did not include the building's "height" as a factor that the DRHPB could control. From this supposed omission the developer infers that the Town Board was expressly finding that the actual mass and scale of 175 units and 59-feet maximum building heights was appropriate. On the contrary, the Town Board chose the word "appearance" rather than "height" because the DRHPB does not set building heights but rather regulates mass and scale, which clearly fit under the word "appearance," just as much as the words "rooflines, materials, and colors."

In short, the General Requirements and Specific Provisions of the Tobey PUD regulations must be read together to ascertain the Town Board's intent with respect to the power of the DRHPB to regulate the design of the developer's project, an exercise which is consistent with standard statutory construction, as well as the rule of judicial deference to a town's interpretation of its own zoning regulations. *Matter of Affiliated Brookhaven Civic Orgs., Inc. v Planning Bd. of the Town of Brookhaven*, 209 AD3d 854, 856 (2d Dept 2022) ("The Planning Board's interpretation of local zoning ordinances is entitled to deference unless arbitrary, unreasonable, irrational, or

made in bad faith.”) When that exercise is undertaken, it is clear that the DRHPB retains power to regulate the mass and scale of the proposed building.

It is worth noting that the Specific Provision authorizing the DRHPB to approve “the building’s appearance, including rooflines, materials, and colors,” was inserted into the Planning Board’s preliminary site plan approval as the second condition of approval. Where, as here, a condition of approval is included in a preliminary site plan approval to be completed as a condition of final site plan approval, the 30-day statute of limitations to bring an Article 78 proceeding against the Planning Board commences with the filing of the preliminary site plan approval, not the subsequent final site plan approval. *Internat’l Innovative Technology Group Corp. v. Planning Bd. of Town of Woodbury*, 20 AD3d 531 (2d Dept 2005). As the preliminary site plan approval was timely filed months ago, any Article 78 proceeding against the Planning Board would be untimely.

It is also worth noting when the YMCA was faced with the same General Design Requirements for its plans to build another large building on different Tobey PUD parcels, it didn’t argue that the General Requirements were inapplicable but rather convinced the Town Board to adopt Specific Provisions which adjusted the impact of those General Requirements on the project. See the Specific Provisions for Parcels 9 and 10, YMCA Use, of the Tobey PUD regulations, which comment that the “size, scale and mass of a facility such as the new Southeast Family Branch need to be consistent with other modern YMCA’s,” and that when applying portions of the General Requirements, the various boards with jurisdiction over the project “will provide appropriate exceptions and allowances to the Regulations.” The developer declined or neglected to take that approach here.

■ ■ ■ ■ ■

Having said all this, and mindful of my role as Town Attorney and not a Town planner or board member, I will take this opportunity to suggest a design path that may break the impasse between the parties.

This suggestion does not originate with me, but rather has been conceived by Town planning resources. Still, there are three considerations that I’d like to highlight before divulging the approach.

First, in 2019 the DRHPB granted design review approval for a senior living facility called the Terraces at Cloverwood at essentially the same location that is being proposed for Pittsford Oaks. With an approved 106 units of senior housing instead of the requested 175 units of market rate housing, the Terraces at Cloverwood was a significantly less intrusive land use than Pittsford Oaks, in terms of traffic, parking, and municipal services. And while both projects would utilize essentially a three-story, 400± foot long “H”-shaped building design, the Terraces at Cloverwood design was more interesting and less intrusive than the Pittsford Oaks design, in terms of undulating rooflines, indented and curved building facades, and other architectural features. On balance, the DRHPB approval of the Terraces at Cloverwood is a precedent that can be distinguished, but not ignored.

Second, at a recent DRHPB meeting discussion of the Pittsford Oaks project, one of the developer’s principals said the developer would build the Terraces at Cloverwood design, if the board would grant immediate design approval for it. While the developer’s offer may have been

made during heated debate, it does raise the question, if the two designs are so similar, why won't the developer mimic the design changes that the DRBHP has requested?

Third, as quoted above, the Planning Board has already suggested "a substantial reduction in the overall height of the eastern side of the building from behind the historic home to the northern end." Let's start with that.

Here is the suggestion: The roofline of the eastern elevation of the apartment building will mimic the Terraces at Cloverwood eastern elevation. The northeast leg will be reduced to the same u.s.g.s. roof elevation (571 feet) as the Terraces at Cloverwood design for a distance of 155 feet, which equals the same percentage of lowered roof as the Terraces at Cloverwood design. The remaining roofline going south will be similar to the height change of the Terraces at Cloverwood design, which is ± 10 feet. This will create a significant break in the roofline and will simulate the massing of the Terraces at Cloverwood project as viewed from the Clover and W. Jefferson intersection and from directly east of the project on Clover Street.



Exterior Elevations and 3D Views The Terraces at Cloverwood

April 25, 2019







3 NORTH ELEVATION
1/16" = 1'-0"



4TH FLOOR WALL HGT. 31'-0 7/8" (+574')
FOURTH FLOOR LEVEL 22'-0 1/2" (+565')
THIRD FLOOR LEVEL 11'-0 5/8" (+554')
SECOND FLOOR LEVEL 0'-0" (+543')

4 NORTH COURTYARD EAST ELEVATION
1/16" = 1'-0"



4TH FLOOR WALL HGT. 31'-0 7/8" (+574')
FOURTH FLOOR LEVEL 22'-0 1/2" (+565')
THIRD FLOOR LEVEL 11'-0 5/8" (+554')
SECOND FLOOR LEVEL 0'-0" (+543')

2 WEST ELEVATION
1/16" = 1'-0"



ORIGINAL BUILDING HEIGHT

4TH FLOOR WALL HGT. 31'-0 7/8" (+574')
FOURTH FLOOR LEVEL 22'-0 1/2" (+565')
THIRD FLOOR LEVEL 11'-0 5/8" (+554')
SECOND FLOOR LEVEL 0'-0" (+543')
GARAGE LEVEL -12'-0" (+531')

1 EAST ELEVATION
1/16" = 1'-0"

6/12/25



1 SOUTH ELEVATION
1/16" = 1'-0"

FINISH LEGEND:

-  NORANDEX CEDAR MILLS "CHAMPAGNE"
-  NORANDEX CEDAR MILLS "GRANITE"
-  NORANDEX CEDAR MILLS "CARBON"
-  PROVIA STONE VENEER "BUFF"
-  DECORATIVE PARGING "DOWNING STONE"



PROPOSED CONCEPT

AREA: 20,200 SF ±
JUNE 2025

6/27/24



2 EAST ELEVATION
0' 1' 2' 4' 8'
1/16" = 1'-0"



1 SOUTH ELEVATION
0' 4' 8' 16' 32'
1/16" = 1'-0"

FINISH LEGEND

	STONE VENEER: BRIGHTON LEDGESTONE		SIDING COLOR 1: CHAMPAGNE
	ASPHALT SHINGLES: CHARCOAL BLACK		SIDING COLOR 2: GRANITE GRAY
	TRIM COLOR: WHITE		SIDING COLOR 3: CARBON
	DECORATIVE PARGING		

6/27/24



2 WEST ELEVATION
0' 1' 2' 4' 8'
1/16" = 1'-0"

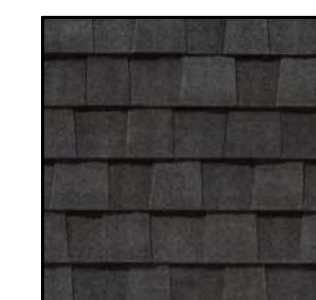


1 NORTH ELEVATION
0' 1' 2' 4' 8'
1/16" = 1'-0"

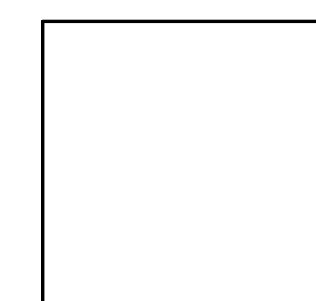
FINISH LEGEND



STONE VENEER:
BRIGHTON
LEDGESTONE



ASPHALT SHINGLES:
CHARCOAL BLACK



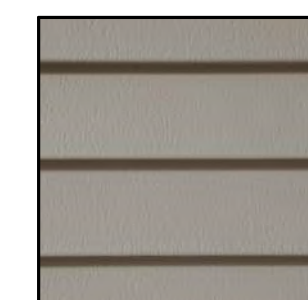
TRIM COLOR:
WHITE



DECORATIVE
PARGING



SIDING COLOR 1:
CHAMPAGNE



SIDING COLOR 2:
GRANITE GRAY



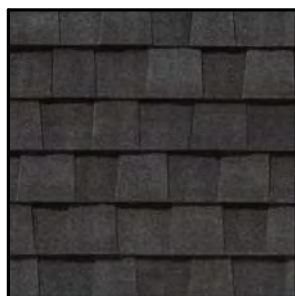
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CARBON



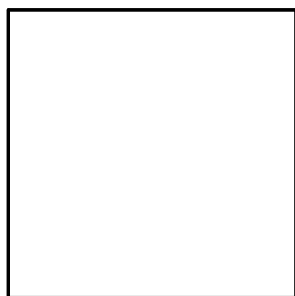
FINISH LEGEND



STONE VENEER:
BRIGHTON
LEDGESTONE



ASPHALT SHINGLES:
CHARCOAL BLACK



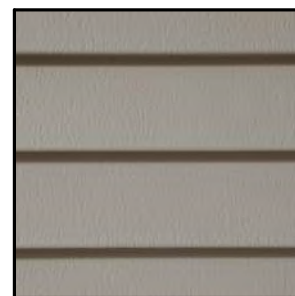
TRIM COLOR:
WHITE



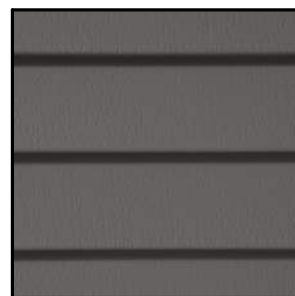
DECORATIVE
PARGING



SIDING COLOR 1:
CHAMPAGNE



SIDING COLOR 2:
GRANITE GRAY



SIDING COLOR 3:
CARBON



2 NORTH ELEVATION

0' 1' 2' 4' 8'

1/16" = 1'-0"



3 NORTH COURTYARD EAST ELEVATION

0' 1' 2' 4' 8'

1/16" = 1'-0"



6 WEST ELEVATION

0' 1' 2' 4' 8'

1/16" = 1'-0"



1 EAST ELEVATION

0' 1' 2' 4' 8'

1/16" = 1'-0"



- 4TH FLOOR WALL HGT.
31'-0 7/8" (+574')
- FOURTH FLOOR LEVEL
22'-0 1/2" (+565')
- THIRD FLOOR LEVEL
11'-0 5/8" (+554')
- SECOND FLOOR LEVEL
0'-0" (+543')
- GARAGE LEVEL
-12'-0" (+531')

1 SOUTH ELEVATION

0' 1' 2' 4' 8'

1/16" = 1'-0"

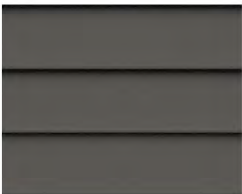
FINISH LEGEND:



NORANDEX CEDAR MILLS
"CHAMPAGNE"



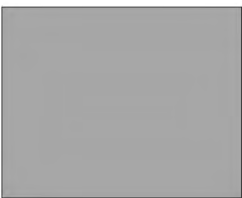
NORANDEX CEDAR MILLS
"GRANITE"



NORANDEX CEDAR MILLS
"CARBON"



PROVIA STONE VENEER
"BUFF"



DECORATIVE PARGING
"DOWNING STONE"



CLOVERWOOD TERRACE PROJECT

AREA: 21,946 SF ±
MAY 2019



LAST PROPOSED DESIGN

AREA: 22,453 SF ±
DECEMBER 2024



PROPOSED CONCEPT

AREA: 17,550 SF ±
UPDATED MARCH 2025



5 3D View from Clover St and W. Jefferson Rd



4 North Elevation of Commons



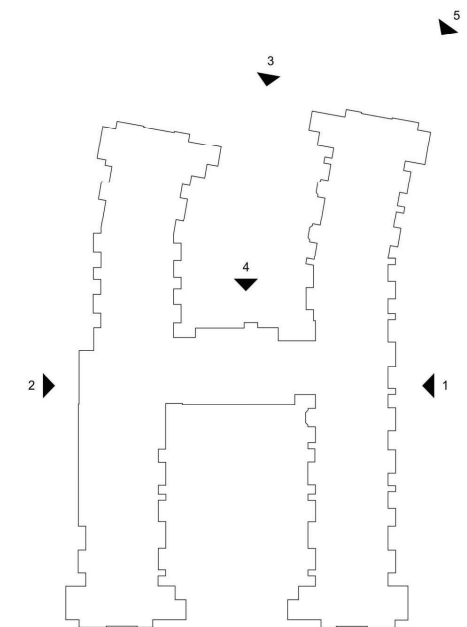
3 North Elevation



2 West Elevation



1 East Elevation



Key Plan

Exterior Elevations and 3D Views The Terraces at Cloverwood

April 25, 2019



5 3D View from Entrance at Tobey Village Rd



4 South Elevation of Commons



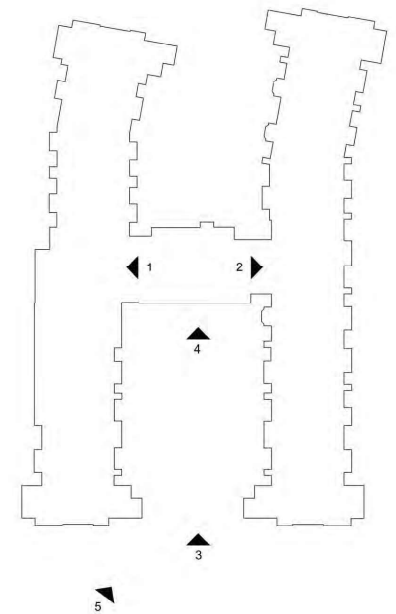
3 South Elevation



2 West Elevation of Courtyard



1 East Elevation of Courtyard



Key Plan

Exterior Elevations and 3D Views The Terraces at Cloverwood

April 25, 2019

