



COUNTY OF MONROE
COMIDA
 INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR ASSISTANCE

Each applicant seeking assistance must complete this application and provide required supplemental forms/documentation.

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available at www.monroecountybusiness.org/application.

Please send completed application via email to EconomicDevelopment@monroecounty.gov. A **non-refundable** application fee of \$350.00 is required. Please see page 12 for additional information on costs and fees.

I. APPLICANT

A. Applicant Information

Name: Pittsford Canalside Properties LLC
 Address: 301 Exchange Blvd
 City/State/Zip: Rochester, NY 14608
 Tax Id No.: 20-2428905
 Contact Name: Tim Reidy
 Title: CFO
 Telephone: (585) 232-1760 (ext. 158)
 E-Mail: treidy@markiventerprises.com

B. Applicant's Legal Counsel

Name: Christian Nadler, Esq.
 Firm: General Counsel
 Address: 301 Exchange Blvd
 City/State/Zip: Rochester NY
 Telephone: (585) 315-4767
 Email: cnadler@markiventerprises.com

C. Owners of Applicant Company (must total 100%). If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
<u>Christopher DiMarzo</u>	<u>50 %</u>	<u>Member</u>
<u>Steven DiMarzo</u>	<u>50 %</u>	<u>Member</u>
<u></u>	<u>%</u>	<u></u>
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<u></u>	<u>%</u>	<u></u>

II. PROJECT

A. Address of proposed project facility

Address: 75 Monroe Avenue, Pittsford NY

Tax Map Parcel Number: 151.18-1-51.1

City/Town/Village: Pittsford

School District: Pittsford

Zip: 14534

Current Legal Owner of Property:

Pittsford Canalside Properties LLC

B. Benefits Requested (Check all that apply)

- Sales Tax Exemption
- Mortgage Recording Tax Exemption
- Real Property Tax Abatement
- Industrial Revenue Bond Financing

C. Description of project (check all that apply)

- New Construction
- Existing Facility
 - Acquisition
 - Expansion
- Renovation/Modernization
- Acquisition of machinery/equipment
- Other (specify) _____

D. Proposed User(s)/Tenant(s) of the Facility

If there are multiple Users/Tenants, please attach additional pages.

Are the user and owner related entities? Yes No

Company Name: _____

Address: _____

City/State/Zip: _____

Tax ID No: _____

Contact Name: _____

Title: _____

Telephone: _____

Email: _____

% of facility to be occupied by user/tenant _____

E. Owners of User/Tenant Company (must total 100%)

If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
_____	%	_____
_____	%	_____
_____	%	_____
_____	%	_____

F. Project Timeline

Proposed Date of Acquisition: Property Already Owned

Proposed Commencement Date of Construction: 1/20/2025

Anticipated Completion Date: Phase I: 6/20/2027

FINAL PHASE: 6/20/30

G. Contractor(s)

Newmark Development

II. PROJECT (cont'd)

H. Would the project be undertaken without financial assistance from the Agency? Yes No

Please explain why financial assistance is necessary.

The Project requires construction of extensive public amenities and off-site infrastructure improvements totaling over \$8,100,000*. These additional costs combined with high interest rates makes it infeasible to obtain adequate financing to move the project forward.

See Exhibit A for more details.

* The majority of the expense is the Brownfield Clean up of environmental contamination left on site by the Monoco Oil Company. The clean up was undertaken by Pittsford Canalside Properties and was the largest environmental remediation project in New York State in 2015. Costs and expenses related to the contamination and re-use of the site will be on-going through the construction process.

I. Are other facilities or related companies located within New York State?

Yes No

Location:

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state? Yes No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?

Yes No

If Yes to either question, explain how the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant or User's competitive position in its respective industry:

J. State Environmental Quality Review (SEQR) Act Compliance

COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR).

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

YES - Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.

NO

II. PROJECT (cont'd)

K. DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY

NAICS Code: 531110

Westport Crossing is an exciting mixed-use development that will contain 156 apartment units contained in 7 unique 3-story buildings on 7.5 acres in the Village of Pittsford, along with a clubhouse and restaurant facility along the canal. The Unit mix will consist of: 3% Studios/ 36% 1 Bedrooms/ 38% 2 Bedrooms and 21% 3 Bedroom Units. Rents will range from \$1,800 to \$3,500. The project will feature significant public benefits and public amenities, including unprecedented public access to the historic Erie Canal, remediation of an environmentally contaminated Brownfield site, an extensive network of sidewalks, boardwalks, gazebos and benches, extensive landscaping, docks on the canal and two off-site public infrastructure improvement projects, all of which were mandated by the Village of Pittsford. The project, including the restaurant, will generate approximately 20 full time and 8 part time jobs. Seven of the jobs created will be associated with the management and maintenance of the residential portion of the development and 17 of the jobs will be associated with the restaurant component. Less than 5% of the development will be for commercial use as a restaurant. The restaurant will have 125 seats indoor and outdoor seating and access to the docks. (see Appendix #1) The Project will be developed in 3 Phases. Phase I will consist of site work, off-site amenities, and construction of the first three apartment buildings. Subject to financial feasibility there will be a 20% affordable set aside for individuals making 80% of AMI. Projected rents will be determined based on the Rochester, New York Metropolitan Statistical area HUD Guidelines in place at the time of leasing.

See Exhibit A for more details.

III. PROPERTY TAX ABATEMENT/PAYMENT IN LIEU OF TAX AGREEMENT (PILOT)

Check One:

JOBSPLUS

Requirements:

- Applicant must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is 1 .

LEASEPLUS

Requirements:

- University and/or medical related facilities in which a 501(c)3 entity leases from a for-profit entity.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

ENHANCED JOBSPLUS

Requirements:

- A minimum \$15 million investment **AND**
- A minimum of 100 new jobs

GREEN JOBSPLUS

Requirements:

- LEED® Certification – Project must be rated as Certified, Gold, Silver or Platinum by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating System.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

SHELTER RENT

For student housing or affordable housing projects.

Local Tax Jurisdiction Sponsored PILOT

NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT

PHASE I PROJECT COSTS

IV. APPLICANT PROJECT COSTS

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipment of the project by the APPLICANT.

Building Construction or Renovation

- a. Materials a. \$ 12,420,000
- b. Labor b. \$ 8,280,000

Site Work

- c. Materials c. \$ 1,237,500
- d. Labor d. \$ 1,512,500
- e. Non-Manufacturing Equipment e. \$ _____
- f. Manufacturing Equipment f. \$ _____
- g. Equipment Furniture and Fixtures g. \$ 255,000
- h. Land and/or Building Purchase h. \$ 126,250
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 1,400,000
- Other (specify) j. _____ j. \$ _____
- k. _____ k. \$ _____
- l. _____ l. \$ _____
- m. _____ m. \$ _____

Total Project Costs \$ 25,231,500
(must equal Total Sources)

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ _____
- b. Taxable Industrial Revenue Bond b. \$ _____
- c. Bank Financing c. \$ 21,500,000
- d. Public Sources d. \$ _____

Identify each state and federal grant/credit

_____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

- e. Equity \$ 3,731,250

TOTAL SOURCES \$ 25,231,250
(must equal Total Project Costs)

C. Has the applicant made any arrangements for the financing of this project

Yes No

If yes, please specify bank, underwriter, etc.

We are in the process of negotiating the terms of Phase I construction loan.

V. COMPLETE FOR EACH USER/TENANT THAT IS SEEKING SALES TAX EXEMPTIONS USER(S)/TENANT(S) PROJECT COSTS

Use additional sheets as necessary

Company Name _____

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement, and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

Estimated Costs Eligible for Sales Tax Exemption Benefit

- a. Materials a. \$ _____
- b. Labor b. \$ _____
- c. Non-Manufacturing Equipment c. \$ _____
- d. Manufacturing Equipment d. \$ _____
- e. Furniture and Fixtures e. \$ _____
- Other (specify): f. _____ f. \$ _____

g. _____ g. \$ _____

h. _____ h. \$ _____

i. _____ i. \$ _____

Total Project Costs \$ _____

TOTAL PROJECT COSTS

IV. APPLICANT PROJECT COSTS

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipment of the project by the APPLICANT.

Building Construction or Renovation

- a. Materials a. \$ 36,690,000
- b. Labor b. \$ 24,460,000

Site Work

- c. Materials c. \$ 3,307,500
- d. Labor d. \$ 4,042,500
- e. Non-Manufacturing Equipment e. \$ _____
- f. Manufacturing Equipment f. \$ _____
- g. Equipment Furniture and Fixtures g. \$ 735,000
- h. Land and/or Building Purchase h. \$ 378,750
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 3,775,000
- Other (specify) j. _____ j. \$ _____
- k. _____ k. \$ _____
- l. _____ l. \$ _____
- m. _____ m. \$ _____

Total Project Costs \$ 73,388,750
(must equal Total Sources)

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ _____
- b. Taxable Industrial Revenue Bond b. \$ _____
- c. Bank Financing c. \$ 65,000,000
- d. Public Sources d. \$ _____

Identify each state and federal grant/credit

_____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

- e. Equity \$ 8,388,750

TOTAL SOURCES \$ 73,388,750
(must equal Total Project Costs)

C. Has the applicant made any arrangements for the financing of this project

Yes No

If yes, please specify bank, underwriter, etc.

We are in the process of negotiating the terms of Phase I construction loan.

V. COMPLETE FOR EACH USER/TENANT THAT IS SEEKING SALES TAX EXEMPTIONS USER(S)/TENANT(S) PROJECT COSTS

Use additional sheets as necessary

Company Name _____

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement, and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

Estimated Costs Eligible for Sales Tax Exemption Benefit

- a. Materials a. \$ _____
- b. Labor b. \$ _____
- c. Non-Manufacturing Equipment c. \$ _____
- d. Manufacturing Equipment d. \$ _____
- e. Furniture and Fixtures e. \$ _____
- Other (specify): f. _____ f. \$ _____
- g. _____ g. \$ _____
- h. _____ h. \$ _____
- i. _____ i. \$ _____

Total Project Costs \$ _____

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Pittsford Canalside Properties LLC

Applicant: **or** **User/Tenant:**

Applicant/Tenant creating jobs must submit most recent NYS-45 or equivalent.

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	0	0	20	20
Part Time (PTE)	0	0	8	8
Total	0	0	24	24

** For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes: Monroe County, Orleans County, Genesee County, Wyoming County, Livingston County, Ontario County, Wayne County, Yates County, and Seneca County chosen at the Agency's discretion.

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VIII. LOCAL LABOR

To be completed by all Applicants and Users/Tenants of Projects which include the construction of new, expanded or renovated facilities:

Company Name Pittsford Canalside Properties LLC

Applicant: **and/or User/Tenant:**

The County of Monroe Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Monroe County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Monroe County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs are vital to the overall employment opportunities and economic growth in Monroe County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices ("construction workers"), during the construction phase of projects.

CD **100% Local Labor**

Initial Applicants receiving IDA benefits **must** ensure that the it and/or its contractor/developer hire **100% of its construction workers from the local labor market.**

CD **Local Labor Market**

Initial For the purpose of this policy, the local labor market is defined as construction workers residing in the following counties in New York State: Monroe, Genesee, Livingston, Orleans, Ontario, Seneca, Steuben, Wayne, Wyoming and Yates.

CD **Bid Processing**

Initial Local participation in qualified projects receiving IDA economic incentives and benefits is vital to the economic growth of Monroe County. As such, all applicants/contractors/developers of a qualified project with a minimum \$5,000,000 investment must place any and all invitations to bid in the Builders Exchange of Rochester Plan Room (<https://robex.com/planroom/>) two weeks before the bids are due.

CD **Monitoring**

Initial A third-party auditing firm ("Project Monitor") will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

Once approved for IDA benefits, all applicants will be required to provide to the Project Monitor and the Exemption Processor (as hereinafter defined) the following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project; and
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions.

All Monroe County IDA projects are subject to local monitoring by the IDA and the Project Monitor. Proof of residency or copy of drivers' license shall be checked by the Project Monitor during the Project Monitor's periodic inspection of the project.

The Project Monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, the Project Monitor shall notify the applicant and contractor of such non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or the Project Monitor shall notify the applicant that the project is in violation of the Monroe County IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.

CD

Signage

Initial

The applicant/contractor/developer of an IDA approved project shall be required to maintain a sign, provided by the Project Monitor, on the project site at all times during construction. This sign shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible.

CD

Exemption Process

Initial

In some instances, use of 100% local labor may not be possible for any of the following reasons:

- o Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers (a copy of the equipment warranty confirming the use of specific installers must be provided). The granting of an exemption for the use of non-local labor on warranty related grounds is expressly conditioned on either (i) said non-local sub-contractors being enrolled in a New York State certified apprenticeship program (proof of such enrollment shall be provided to the IDA upon request) or (ii) the hiring of an apprentice/apprentices or local construction laborer(s) to assist in the installation.
- o Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work (proof of communication with local contractors, or details of the specialized construction must be provided);
- o Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. Three (3) bids are required and a cost differential of 25% is deemed significant. Where there is a significant cost differential, that if the local labor contractor agrees to reduce the bid to the average of the two bids, no waiver will be granted. However, if the average is still 25% or more, a waiver will be granted (copies of all bids/proposals received, including pricing, must be provided to confirm cost differential).
- o No local labor available for the project (if local bids were solicited with no response, please provide a copy of the bid, explain how it was advertised, and list who the bids were requested from).

The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party exemption monitor (the "Exemption Processor") and received by the Exemption Process forty-five (45) days in advance of work commencing. The request will be reviewed by the Exemption Processor and forwarded to the IDA, at which time the IDA's Executive Director shall have the authority to approve or disapprove the exemption. The Exemption Processor shall report each authorized exemption to the Board of Directors at its monthly meeting.

The applicant has read the Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same.


The foregoing terms have been read, reviewed and understood by the Applicant or User/Tenant and all appropriate personnel. Furthermore, the undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialman. Furthermore, the undersigned agrees to post and maintain a sign, provided by COMIDA, in a prominent, easily accessible location, identifying the project as a recipient of COMIDA assistance and the local labor requirements associated with this assistance.

Furthermore, the undersigned realizes that failure to abide by the terms herein could result in COMIDA revoking all or any portion of benefits it deems reasonable in its sole discretion for any violation hereof.

PITTSFORD CANALSIDE PROPERTIES LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

 MEMBER 10/22/24
 Signature, Title Date

 Signature, Title Date

IX. FEES

Transaction Type	Fees
Real Property Tax Abatement (PILOT Agreement) including Sales Tax Exemption* and/or partial Mortgage Recording Tax Exemption.	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000 if transaction includes mortgage recording tax exemption. Minimum fee of \$750 if transaction is sales tax exemption only.
Bond: Taxable or Tax-Exempt Including any/all of the following: 1. PILOT Agreement 2. Sales Tax Exemption 3. Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 1.25% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.
Bond: Taxable or Tax-Exempt	Application Fee: Non-refundable \$350.00 IDA Fee: 1.00% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

*If the sales tax benefits are required prior to closing, a non-refundable twenty-five percent (25%) of the IDA fee and Legal fees are payable at that time. This amount will be applied towards the IDA fee and Legal fee.

PITTSFORD CANALSIDE PROPERTIES LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

Christopher Desjardins MEMBER *10/22/24*
Signature, Title Date

Signature, Title Date

X. CERTIFICATION

The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Absence of Conflicts of Interest – The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officers or employees of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described: _____
- D. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- E. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- F. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- G. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- H. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- I. Applicant hereby releases the COMIDA ("Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY

TENANT COMPANY

Pittsford Canal Side Properties LLC

[Signature] Member
Signature, Title Date

Signature, Title Date



WESTPORT CROSSING
COMIDA APPLICATION

I. INTRODUCTION

Westport Crossing is an exciting mixed-use development that will contain 156 apartment units contained in 7 architecturally unique 3-story buildings on 7.5 acres in the Village of Pittsford. There will be a clubhouse and restaurant facility along the Erie Canal. **(See Appendix #1)** The long and narrow blighted site bordered by the CSX railroad and the Canal created many reuse difficulties, however it was determined that multi-family development was best suited for the community. The project will feature significant public benefits and public amenities, including *unprecedented* public access to the historic Erie Canal, remediation of an environmentally contaminated brownfield site, an extensive network of sidewalks, boardwalks, gazebos and benches, extensive landscaping, and off-site public infrastructure improvement projects, all of which were mandated by the Village of Pittsford. The additional costs of the public amenities and off-site infrastructure improvements require COMIDA benefits to make the project financially viable.

II. PROJECT BACKGROUND

After an extensive municipal approval process over the last 18 years, Pittsford Canalside Properties (PCP) has spent years working closely with the Village of Pittsford's Historic Preservation Board, Planning Board, and Board of Trustees to completely redesign the architecture so that it accurately reflects the Historic Canal Commercial character that is featured throughout the Village of Pittsford.

III. BROWNFIELD REMEDIATION.

The Site, located at 75 Monroe Avenue, was developed in the mid-1920s for storage and distribution of petroleum products and operated until the mid-1980s when it was used for liquid asphalt and fertilizer distribution which spewed noxious fumes and leached contaminants into the Canal until it was closed down by the Federal Government EPA in 2000.

(See Appendix #2)

As a result of the toxic uses and over 16 verified NYSDEC spills, the blighted site needed an extensive environmental response from the USEPA who cleaned portions of the site. In 2015 Pittsford Canalside Properties LLC, the current owner developer, voluntarily entered into the NYS Brownfield Program and successfully remediated the entire distressed site and removed over 90,000 tons of contaminated soil at a cost of over \$5,200,000. A Certificate of Completion from the NYS Department of Environmental Contamination was received and the site is now fully cleared for construction. The project was the *largest Brownfield Remediation Site* in New York State in 2015. **(See Appendix #3)** This environmental cleanup has and will be a public health and safety benefit to the Town and Village of Pittsford and all downstream areas on the Erie Canal for years to come.

IV. PUBLIC AMENITIES AND OFF-SITE IMPROVEMENTS

The Project requires construction of extensive public amenities and off-site infrastructure improvements:

- Erie Canal Dock, Boardwalk, ADA accessible Ramps, sidewalks and public Restrooms (\$475,000)
- Additional Public Realm Greenway Landscaping and Open Space (\$365,000)

- Pedestrian Sidewalk Network with Gazebos, Benches (\$325,000)
- Traffic Calming Enhancements on Monroe Avenue (\$750,000)
- Water Main Rehabilitation Installation on Sutherland Street (\$530,000)
- Ongoing Environmental management as required by the NYSDEC site management Plan (SMP) as part of the Brownfield process (\$480,000)

These additional items required by the municipality and the State will provide incalculable benefits to the surrounding community, but they will also greatly increase the cost of the project to the developer. The estimated cost increase as a result of public amenities, off-site infrastructure improvements, and Brownfield remediation adds an additional \$8,125,000 to the project.

V. NEED FOR COMIDA ASSISTANCE

Due to these unique factors, the costs required for the public amenities and infrastructure improvements are more than the project can withstand financially without COMIDA assistance.

We believe that the provided community public amenities, infrastructure improvements, environmental clean-up, and development of a blighted site provide immeasurable benefits to the Village, Town, and Monroe County as a whole.

Notwithstanding the basic fact of cleaning an environmentally contaminated site for residential reuse, the addition of hundreds of construction jobs, full time jobs, increased tax base, consistency with The Town of Pittsford Comprehensive plan, opportunity for new housing types not currently offered including current and future need for age-in-place friendly ADA housing for seniors, will create an economic multiplier in the County that is greatly needed.

We look forward to forging a long-term relationship with Monroe County Economic Development and other career centered organizations on these initiatives on this and future projects.

Appendix #1 – Westport Crossing – Restaurant on Canal



Clubhouse View 1



MARK IV ENTERPRISES
WESTPORT CROSSING
75 MONROE AVE
PITTSFORD, NY 14534
08/10/2022





Building 3 / Parking Entrance to Garage

MARK IV ENTERPRISES
WESTPORT CROSSING
75 MONROE AVE
PITTSFORD, NY 14534
08/11/2022






Building 1 Entrance - Canal Side - Human Scale



MARK IV ENTERPRISES
WESTPORT CROSSING
75 MONROE AVE
PITTSFORD, NY 14534
09/19/2022



Westport Crossing- Conceptual Aerial Overlay



Appendix #2 – View of the 75 Monroe Avenue Site when used as a petroleum distribution 1985 prior to remediation.



Appendix #3 Brownfield Environmental Remediation Pic #1



Appendix #3 Brownfield Remediation Picture #2



Appendix #3 Brownfield remediation Picture #3



Appendix #3 Brownfield Remediation Picture #4



State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Name: Westport Crossing

Date: 8/9/12

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village Board of Trustees of the Village of Pittsford, as lead agency (21 North Main Street, Pittsford NY 14534), has determined that the proposed action, described herein, will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

SEQR Action Status: Type 1 Unlisted

Conditioned Negative Declaration: No

Description of Action: The issuance of special permits, site plan approval, certificate of appropriateness, NYSDOT permits, and NYS Canal Corporation permits relating to the development of 167 apartments and a 125 seat restaurant, with underground and surface parking facilities and canal side amenities including docks, a public promenade, landscaping and interpretive signage, small water craft launch and restroom facilities.

Location: 75 Monroe Avenue, Village of Pittsford NY

Reasons Supporting This Determination:

The Project proposal has been accompanied by a full environmental assessment form (EAF) which has been reviewed by the Lead Agency and Involved Agencies.

The Lead Agency and certain Involved Agencies, in the interests of a comprehensive environmental review, have retained and utilized expert consultation in the areas of traffic, planning, historic preservation, environmental engineering, SEQRA and village law.

The Lead Agency has inspected the subject site; carefully and comprehensively reviewed the project including all documents, reports, expert opinion and public comment on record; and, has discussed and considered the project at a multitude of public meetings; and, has secured significant project changes in agreement with the project sponsor, thereby eliminating substantial environmental impacts of the project as proposed.

After a lengthy period of analysis and review, the Lead Agency arranged for and conducted a public meeting and invited all involved and interested agencies to attend in order to provide a project update, with an emphasis on project changes, process status and to seek additional comments.

A Part II Environmental Assessment form has been completed by the Lead Agency, as required, and as a result of its completion of the Part II EAF, the lead agency deemed several defined impacts to be potentially large (aesthetic resources, historic resources, open space and recreation, and transportation)

The Lead Agency has completed a Part III EAF in which it presents a careful discussion and analysis of potentially large impacts as required, but also, in the interests of a comprehensive and thorough review, discussed and further analyzed those impacts deemed to be small to moderate and not required to be addressed in the Part III analysis. (Water, air, noise, odor, public health, community growth and character)

A public informational meeting was held on June 14, 2012, the purpose of which was to discuss and disclose the process to date and the process to follow and to review updates to the project since its original submission, and to provide for complete disclosure of, and for public review of, the Part II and Part III EAF documents and to hear comments and entertain questions on the project and the process;

The Lead Agency thoroughly identified and analyzed the relevant areas of environmental concern and has set forth a reasoned elaboration of its significance determination.

For Further Information:

Contact Person: Robert Corby, Mayor, Village of Pittsford
Address: 21 North Main Street Pittsford NY 1453
Telephone Number: 585-586-4332
E-Mail Address: Email: pittsfordvillage@frontiernet.net

xc: Village of Pittsford, Mayor
Village of Pittsford, Board of Trustees
Village of Pittsford, Planning and Zoning Board
Village of Pittsford, Architectural, Preservation and Review Board
New York State Department of Transportation
New York State Canal Corporation
New York State Historic Preservation Office
Town of Pittsford
County of Monroe

Pittsford Canalside Properties, LLC

Resolution to Adopt Environmental Significance Determination for the Westport Crossing Development at 75 Monroe Avenue

Whereas, the review and approval of the development of the property at 75 Monroe Avenue, known as Westport Crossing (The Project), including associated special permits, site plan approval, certificate of appropriateness, right of way improvements; and, coastal improvements, are actions subject to the New York State Environmental Quality Review Act (SEQRA); and,

Whereas, the proposed actions are Type I Actions pursuant to SEQRA; and,

Whereas, the Board of Trustees of the Village of Pittsford, has coordinated with other involved agencies and has been designated Lead Agency for the environmental review of the Project;

Whereas, the Project proposal has been accompanied by a full environmental assessment form (EAF) which has been reviewed by the Lead Agency and Involved Agencies; and,

Whereas, the Lead Agency has carefully and comprehensively reviewed the project over an extended period of time; has discussed and reviewed the project at a multitude of public meetings; and, has secured significant project changes in agreement with the project sponsor, thereby eliminating substantial adverse environmental impacts;

Whereas, the Lead Agency and certain Involved Agencies, in the interests of a comprehensive environmental review, have retained expert consultation in the areas of traffic, planning, historic preservation, environmental engineering, SEQRA and village law;

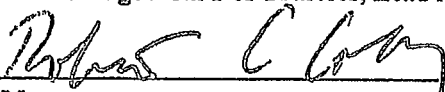
Whereas, most recently, after a lengthy period of analysis the lead agency arranged for and conducted a public meeting, May 31, 2012, for involved and interested agencies to review project changes and to seek additional comments;

Whereas, The Village Board of the Village of Pittsford, has completed the Part II EAF and Part III EAF;

Whereas, a public informational meeting was held on June 14, 2012 the purpose of which was to allow for public review of the process to date and the process to follow; to review and comment on the Part II and Part III environmental assessment, and to review project changes since its original submission;

Accordingly, be it resolved that the Village Board of Trustees of the Village of Pittsford, as Lead Agency and in accordance with 6NYCRR Part 617, determines that based on the information and analysis cited above and all supporting documentation, resolves to adopt a Negative Declaration and Notice of environmental determination attesting to and giving notice of the same.

Pittsford Village Board of Trustees, Lead Agency


By: Mayor _____ Date: 8/9/12

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- ! The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer Yes if there will be any impact.
- b. Maybe answers should be considered as Yes answers.
- c. If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | |
|--|-------------------------------------|--------------------------|--|
| C Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C Construction that will continue for more than 1 year or involve more than one phase or stage. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

5. Will Proposed Action affect surface or groundwater quality or quantity?

NO YES

Examples that would apply to column 2

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
<input type="checkbox"/> Proposed Action will require a discharge permit.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Construction or operation causing any contamination of a water supply system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Proposed Action will adversely affect groundwater.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Proposed Action would use water in excess of 20,000 gallons per day.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Proposed Action will allow residential uses in areas without water and/or sewer services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Other Impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
c Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

c Specific land forms: Yes No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

c Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

c A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | | |
|---|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| C | Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Other Impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Some drainage will flow to Canal

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | | |
|---|---|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| C | Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Other Impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Proposed restaurant may emit odors

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | | |
|---|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| C | Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
C Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?
 NO YES

Examples that would apply to column 2

C Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?
 NO YES

Examples that would apply to column 2

C The Proposed Action would sever, cross or limit access to agricultural land (Includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
C The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Other Impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO YES

Examples that would apply to column 2

C Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Other Impacts:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Project will affect views important to the community, including views to and from its most important natural resource.

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO YES

Examples that would apply to column 2

C Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

c	Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?
 NO YES

Examples that would apply to column 2

c	The permanent foreclosure of a future recreational opportunity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c	A major reduction of an open space important to the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c	Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?
 NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

c	Proposed Action to locate within the CEA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c	Proposed Action will result in a reduction in the quantity of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c	Proposed Action will result in a reduction in the quality of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c	Proposed Action will impact the use, function or enjoyment of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c	Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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IMPACT ON PUBLIC HEALTH

18. Will Proposed Action effect public health and safety?

NO YES

- | | | | | |
|---|--|-------------------------------------|--------------------------|--|
| C | Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Other Impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action effect the character of the existing community?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|---|-------------------------------------|--------------------------|--|
| C | The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Proposed Action will cause a change in the density of land use. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Development will create a demand for additional community services (a.g. schools, police and fire, etc.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

C Alteration of present patterns of movement of people and/or goods.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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C Proposed Action will result in major traffic problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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C Other impacts:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

C Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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C Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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C Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

C Blasting within 1,500 feet of a hospital, school or other sensitive facility.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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C Odors will occur routinely (more than one hour per day).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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C Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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C Proposed Action will remove natural barriers that would act as a noise screen.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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C Other impacts:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------	-------------------------------------	--------------------------	------------------------------	-----------------------------

Noise and vibration can be expected from the construction activities on the site. Noise from outdoor dining area for restaurant. See Air Impact section also.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
c Proposed Action will set an important precedent for future projects.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
 NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

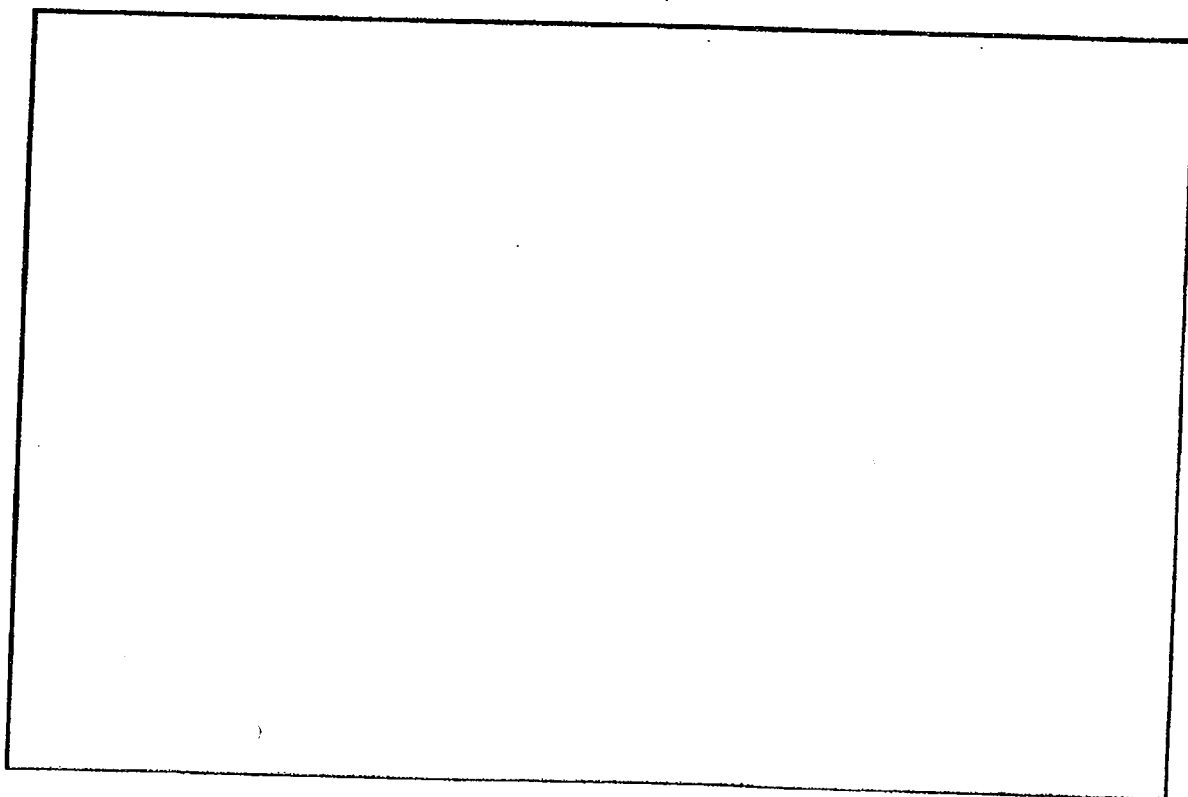
Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.



PART III
IMPACT ON LAND

The proposed action result in a physical change to the project site. This impact was deemed to be small to moderate in the Part II EAF.

The project site had been previously developed as an oil tank farm and asphalt plant. As a result of its prior use and development the site is contaminated with no public access to the site or the canal waterfront. In its current state, recreational opportunities along the waterfront, both active and passive, are precluded. The comprehensive plan encourages the development of the subject land area. (Implementation: Goals/Actions 1.1.2, 2.2.3; Village Schematic 3.8.7)

The project will involve construction on slopes of 15% or greater. In 2003, approximately 1,200 tons of contaminated soils were removed from the center of the site as part of the EPA remediation, resulting in a low area in the middle of the site with slopes over 15%. Slopes leading to the canal waterfront typically exceed 15% and are covered with a mix of vegetative materials, none of which is deemed to be highly significant either in terms of its quality or function. Likewise, the slopes referenced are not considered to be unique or unusual land forms of this extensively disturbed site

Construction of the proposed development will include re-grading of the slopes around the perimeter of the area excavated by the EPA in 2003 to accommodate the proposed apartment buildings and underground parking. The slopes leading to the canal will be re-contoured in areas where the docks and promenade are to be constructed and vegetation in these areas will be removed. This grading and stripping will be necessary to make the area accessible to the public. Construction of the proposed apartments and parking areas will also result in lowering the existing grade along the canal by 10 or more feet to accommodate the movement of vehicles in and out of the underground garages. All grading is subject to permit approval by the New York State Canal Corporation.

The construction is likely to continue for more than 1 year and will involve two phases, each lasting approximately 14 months. The area of construction is at a significantly lower grade than adjoining Village properties (nonresidential) and is also separated from those village properties by a railroad right-of-way. Hours of construction will be controlled, typically Monday through Saturday 7:00 AM – 6:00 PM. All staging will occur and be contained on site. Construction impacts are considered to be unavoidable and temporary and hence, small to moderate.

The physical changes are considered to be positive in that the project will result in the remediation of an environmentally contaminated site; greater public access along the canal and to an historic resource; new recreational opportunities; and, the utilization of currently underutilized land for productive use.

IMPACT ON AIR

The proposed action may affect air quality in that the proposed restaurant may generate odors. This impact was deemed to be small to moderate in the Part II EAF.

The proposed restaurant will require a building permit and therefore will be subject to the current New York State Building Code, which requires a hood system to manage exhaust and intake air to address the cooking odors emitting from the restaurant. There are other restaurants in the Village that exist in areas closer to both residential uses and other businesses that are regulated in the same way and are able to conduct viable non-intrusive businesses. Further, the developer has an interest in not permitting odors to become objectionable as the occupants of its own residential units would be most affected.

IMPACT ON WATER

**The proposed Action will affect surface or groundwater quality or quantity.
This impact was deemed to be small to moderate in the Part II EAF.**

The primary surface water discharge for the existing site is currently the Erie Canal. The proposed development will also discharge some storm water runoff to the Erie Canal through one or more piped conduits. The proposed Action will require a discharge permit which must be obtained from the New York State Department of Environmental Conservation.

The proposed storm water management plan is described in the 4/26/2010 project sponsor response to the Village's request for additional information (pp.13 & 14). The proposed plan addresses both construction and post-construction conditions and reflects an awareness of the property's Brownfield designation. Construction or operation may cause contamination of a water supply system. The storm water management plan will be prepared per guidance provided by NYSDEC and per the NYSDEC approved remediation work plan.

The Plan will be prepared per the requirements of the NYSDEC Stormwater Management Design Manual. The design will conform to Chapter 9 of the manual, redevelopment guidelines, and to the requirements of the NYSDEC General Permit GP-10-001. The project sponsor must comply with this permit. Discussions with DEC staff have acknowledged the property's past history and Brownfield designation. The design will take advantage of the permeable soils available on-site. The main component of the system will be the use of stormwater infiltration to manage post development runoff. An underground system of infiltration chambers will collect, detain, and allow percolation into the subsurface. The design of the underground storage will provide for water quality treatment volume. Additional storage will be provided for stormwater quantity control volume with an overflow discharge to the canal. Smaller more frequent storms will use infiltration and larger less frequent storms the discharge.

The proposed plan also addresses stormwater runoff and erosion during construction. A complete construction erosion control plan will be designed per the NYSDEC's Erosion Control Guidelines as well as a complete Stormwater Pollution Prevention Plan (SWPPP). Once all mitigation is completed there will be no contamination left on site to affect the water supply system or the Canal waters. The proposed plan has been reviewed by the Village Engineer who indicated approval of the proposed plan for a cleaned up site.

The proposed action may alter drainage flow or patterns, or surface water runoff. The proposed action will follow the existing drainage patterns with a majority of the surface water directed towards the canal. While the amount of surface water runoff will increase, the flow will be controlled. The storm water management system, referenced above, will mitigate the expected increase in runoff flow rate to at or below existing conditions. The canal flows toward the Village center and not westerly toward the Longmeadow neighborhood from which concerns have been expressed. There will not be any drainage impacts associated with the project that will cause flooding in the Longmeadow neighborhood.

IMPACT ON AESTHETIC RESOURCES

The proposed action will affect aesthetic resources. This impact was deemed to be potentially large in the Part II EAF.

Proposed land uses, or project components, are obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural. The project is the first large multiple-family rental development proposed in the Village of Pittsford, and follows the Village Board's adoption of the R-5 Zoning Ordinance which, among other things, promotes such development. Since this is a new use in the Village, the project is different from surrounding land use patterns, which include an office park, state and municipal public works facilities, retail establishments, a high school and single-family residential structures.

The Village has retained an outstanding degree of historic and aesthetic integrity from its early years of settlement. Its small scale is an important component of its unique visual character and appeal. The proposed mass and bulk of the buildings are large in comparison to most Village buildings. The Village's strong aesthetic character is a key contributor to quality of life, economic vitality and property values. Only 9 of 800 structures in the Village are greater than 3 stories in height. Much care has been taken by the Board in the consideration and analysis of the potential impacts of the project on aesthetic resources, not only from the view of adjacent properties and the canal, but also from the standpoint of the extraordinary aesthetic qualities of the Village itself. It is important that this new construction does not appear to be out of place. Location of buildings, design of their footprint and mass will serve to minimize their apparent bulk. Generous plantings on Monroe Ave., along the Canal, and throughout the project are also important in lessening of visual impacts. While there are no locally legislated view sheds in the Village, there are significant views of importance to the community. Further, the Erie Canal is on the state inventory of aesthetic resources. As such, the DEC Policy for Mitigating Visual Impacts was consulted for guidance (issued 7/31/00). The policy states that... *significant aesthetic impacts are those that may cause a diminishment of the public enjoyment and appreciation of an inventoried resource, or one that impairs the character or quality of such a place. Proposed large facilities by themselves should not be a trigger for a declaration of significance. Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure. Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision making. Instead a project, by virtue of its visibility, must clearly interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource.*

The proposed development is located at a critical gateway to the Village of Pittsford, fronting on Monroe Avenue, the Village's busiest arterial street. The appropriate standard for setting design queues is the attractive residential single family home area on Monroe Avenue. In fact, the largest impact on any existing view shed will occur as pedestrians, cyclists and drivers travel easterly over the Monroe Avenue Canal Bridge. A similar impact will occur with vessels on the canal and pedestrians on the pathway. The proposed development will also be seen from the hill on Sutherland Street and by westbound motorists on Monroe Avenue. The impact of the view from the residential properties in the Town to the west is negligible as it currently consists primarily of a view of the NYS and Municipal buildings on the west side of the Canal. The Planning Board conducted a site visit along Sutherland Street to analyze the view shed looking west from Sutherland St. While the very tops of the buildings of the proposed development would be visible the view to downtown Rochester will remain. The March 20, 2012.

Memorandum from the Planning and Zoning Board indicates that their analysis and evaluation resulted in a conclusion that the proposed development will not negatively affect these views. (Also, reference view study, Tab 9, Comprehensive Response to Comments date 11/23/11.)

The development will be composed of non-specular materials and views to the development have been mitigated through downsizing and various off-sets with respect to existing conditions. Lighting controls (per 117 Village Code) will ensure against excessive glare and light shed as well as sky glare. The applicant has stated that the lighting for the project will be "dark sky" or "full cut-off". The proposed landscaping will be maintained by the project sponsor who has extensive experience and a record of quality maintenance.

Based on the intent of the R-5 District, the Comprehensive Plan (see Impact on Land Section above & section 1.2.2 of the Comprehensive Plan) and analysis and input from the Planning and Zoning Board and the Architectural & Preservation Review Board, the proposed development is not aesthetically or visually in conflict with surrounding uses and natural features. Rather than diminishing the public enjoyment and appreciation of an inventoried resource, or impairing the character or quality of the resource, the action will result in greater visual and physical access to and from the Canal. This will improve the public's perception and appreciation of the canal front.

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

The proposed Action will impact sites or structures of historic, prehistoric or paleontological importance. This impact was deemed to be potentially large in the Part II EAF.

The proposed action will occur within or substantially contiguous to a site listed on the State or National Register of Historic places. The Village itself, the Canal and the Monroe Avenue Bridge are considered to be of historic importance. The Village in its entirety has been designated a Local Historic Preservation District which underscores the need to consider potential historic resource impacts in the context of the Village as a whole. In fact, it is a legislated matter of public policy that the protection, enhancement, perpetuation and use of buildings, structures, places and sites of historic, architectural, cultural or aesthetic value is a public necessity and purpose in the Village of Pittsford. The Village's preservation ordinance is over 40 years old.

Development along the entire Canal system has been advantageous to localities as well as to the state, as it has opened public access, provided enjoyment of the Canal and adjacent historic sites and communities, and provided economic development opportunities. Schoen Place is an example of the positive effects of quality development on, within and adjacent to historic resources. The Village of Pittsford is one of the leading and most historically preserved Canal communities in the State of New York.

The Lead Agency has been guided by the Code of the Village of Pittsford that requires development projects to implement the vision, goals, and objectives of both the Erie Canalway National Heritage Corridor and the Erie Canal Preservation and Management Plan. In terms of the former, the Lead agency has sought, through the encouragement of major project changes and attention to location, design and landscaping, to ensure new construction and the development of recreational opportunities is in harmony with the protection of heritage resources. To this end the development plans have been proposed and modified in such a way as to protect the Canal Corridor's sense of place, scenic views, and other natural features. With respect to the latter, it warns against sacrificing historic character in the interest of short term economic gain. The Plan calls for new development to consider the treatment of public space-roads, parks, and sightlines which have been considered and analyzed in this review.

As noted above regarding the impact on aesthetic resources, the views of the Village, the Canal and the Monroe Avenue Bridge were all considered by the Planning and Zoning Board of Appeals in its Memorandum dated March 20, 2012, from which it concludes that there will be no adverse or significant impact on historically important resources.

The most significant historic resources to be affected are the Erie Canal and the Village itself. The Canal is directly affected because the project is located on the Canal, and the Village because the project would be the most dominant feature of the eastern gateway to the Village. The removal of contaminated soils, the restoration of the site, and increased public access to and enjoyment of the site will enhance the Canal's role in the community. The "Canal Commercial" character of the architectural design can be expected to enhance the historic significance of the Canal and Canal the Village of Pittsford. Months of study, analysis, public input and project changes have been keyed to the assessment of the project impacts on these historic resources. A multitude of project changes addressing this issue have been made in response to the board's concerns including, significant changes to density, configuration, mass, scale, material composition, and parking layout. The resultant "Canal Commercial" design has been character changing and draws on existing and historic examples of Canal side development.

In their letter of April 27, 2011, Crawford & Stearns, Architects and Preservation Planners, as consultants to the APRB rendered an opinion that the changes made in the overall character of the project from the time of the original submission were significant. "The use of the Canal Commercial concept allows for diversity of design, scale, massing and architectural design that can create a contemporary site development that remains compatible with the Village's historic character". It was the expressed, expert

opinion of that consultant that the project design is compatible with the historic character of the Village of Pittsford as stated in the R-5 district legislation.

While working with the APRB over the last 18 months the applicant has modified their design to reduce its apparent bulk and mass, reduce its height, varied building design, and has adopted a design language compatible with the project site's historic Canal side context. The APRB, as an involved agency, has expressed concern with the scale and massing of the project. Comments received from the APRB relating to the standards for special permit approval stated that the project is not compatible with the visual character of the village in terms of scale, massing, orientation and architectural design. At the same time the ARPB discusses how the concept plan provides varied roof heights, projecting bays, gables, recesses that visually divide larger buildings to produce a scale that is visually compatible with the Village's aesthetic character. The ARPB did not make a recommendation on a significance determination. The Board of Trustees, as Lead Agency, believes outstanding issues relating to scale and mass can be addressed by the ARPB as they review the project application for a certificate of appropriateness. The Lead Agency has considered those concerns, other expert input, as well as the ability of the APRB to address those issues and apply conditions as they may deem appropriate. The Lead Agency in looking at all of the relevant documentation on the issues in the context of the whole action does not believe that those concerns should raise the level of environmental review to that of an environmental impact statement.

The Lead Agency has received correspondence from the NYS Canal Corporation which has indicated that, based on its initial review, it is in general support of the subject mixed use development. Canal Corporation Occupancy and Work permits are required to be issued for land use and construction.

Correspondence has also been received from the New York State Office of Parks, Recreation and Historic Preservation, Historic Preservation Field Services Bureau which indicates that the agency believes that subject project will have no adverse impact on the National Register Canal or other resources eligible for inclusion in the National Register of Historic Places. Landscape plantings along the Canal were recommended by SHPO. Screening elements for the site are within the purview of the local boards and will be duly considered and applied in conjunction with the processing of local approvals.

IMPACT ON OPEN SPACE AND RECREATION

Proposed Action will affect the quantity or quality of existing or future open spaces or recreational opportunities. This impact was deemed to be potentially large in the Part II EAF.

The development of the property does not result in the loss of public open space. The project site is a former industrial site that has been previously disturbed, is contaminated and in its current condition lacks any amenity for public recreational purposes or enjoyment.

Future open space and recreational opportunities will result from the project, and the public will have a new access point to the Canal.

The additional recreational opportunities provided by the project are consistent with the Village's Comprehensive Plan and the R-5 Zoning ordinance.

The physical changes to the project will result in the remediation of an environmentally contaminated site; greater public access along the canal, with public walkways and docking, and amenities such as outdoor seating for restaurant patrons. Public access to a significant historic resource will be enhanced as will the possibilities for new recreational opportunities.

IMPACT ON TRANSPORTATION

There will be an effect to existing transportation systems that could result in major traffic problems. This impact was deemed to be potentially large in the Part II EAF.

The existing and projected traffic conditions have been thoroughly evaluated and the proposal has been thoroughly assessed regarding the significance of traffic impacts:

- Stantec March 10, 2010 Traffic Impact Study
- NYSDOT letter dated August 30, 2010 summarizing their review of Stantec March 10, 2010 Traffic Impact Study. Stantec Traffic Impact Study dated revised July 10, 2010
- SRF Monroe Avenue Corridor Study dated April 2010 SRF Traffic Assessment Reviews dated August 26, 2010 and February 17, 2011
- SRF memo with updated response to applicant's transportation recommendations 7-16-12.
- Westport Crossing-Stantec Response Letter July 2012.

The Village of Pittsford is a Complete Streets Community and encourages walking, bicycling, and public transit for transportation, health, fitness, and recreation. It recognizes the importance of creating Streets that enable safe travel by all users, including pedestrians, bicyclists, public transportation riders and drivers, and people of all ages and abilities. The Village considers all transportation and/or development projects to be an opportunity to improve safety, access and mobility for all travelers and to position bicycling, walking and transit as integral elements of the local transportation system. The planning and review process associated with transportation and/or development projects shall incorporate as a primary objective the alteration of existing streets and other infrastructure and the creation of new streets and other infrastructure that conform fully with the Village's Complete Streets Policy. This policy has been consulted in connection with the assessment of the development plan as well as potential mitigation or project changes that would positively affect the Monroe Avenue right of way.

Traffic impact mitigation measures include, appropriate access location, lane restriping, median construction, additional traffic calming features, speed signs, enhanced walkability, gateway landscaping and signage for the vicinity of the project to calm traffic and reduce impacts in the area of the project site. As a result, the speed of traffic adjacent to the subject site on Monroe Ave. will be reduced by 10 mph.

Specifically, the applicant proposes to and will construct, and bear the full cost of construction of, a raised 250' median on the west side of the Monroe Avenue Bridge. Additionally, the developer will pay the cost of installing and maintaining landscaping on the raised median and the cost of providing the Village with a Portable Radar Speed Sign to be deployed at or near the project entrance and elsewhere as the Village and/or the Monroe County Sheriff's Department may determine. These project changes eliminate substantial traffic impact of the proposal.

The 2010 Monroe Avenue Corridor Study addresses future conditions and projects an ambient growth rate of 0.25% over a ten year period. It projected future conditions based on this expected ambient growth and considered future land use projects as well. The study accounted for the subject project as well as for the future development, the Northwest Canal Development (Community Center) the development of 3750 Monroe Avenue (offices/Distribution). The proposed development meets the Village Code requirement for off-street parking. Spaces have been allocated for waterfront uses and it is estimated that there will be a 15% availability rate based on actual usage by residents.

IMPACT ON PUBLIC HEALTH

The Proposed Action may affect public health and safety. This impact was deemed to be small to moderate in the Part II EAF.

The site is a registered spill site and contains areas of soil contamination and abandoned buildings and site infrastructure. The site has become an "attractive nuisance," the buildings are covered with graffiti and there are frequent trespassers on the property.

The site is part of the New York State Brownfield Cleanup Program. The status of the program is discussed in the materials submitted by the applicant dated April 26, 2010. As of this date the NYSDEC has reviewed and accepted the Remedial Investigation report (Step 3), and has reviewed and approved the Interim Remedial Measures (IRM) Work Plan.

As part of the proposed action, the existing abandoned buildings and site infrastructure will be removed. Remediation of the site under the Brownfield Cleanup Program and the removal of the abandoned buildings, which will be prerequisite to the issuance of permits for development and occupancy of the site, will improve public health and safety.

The site has been utilized for industrial activities since the 1930s. A significant fuel oil spill occurred in 1999 that the Environmental Protection Agency (EPA) responded to. The EPA spent \$980,000 on remediation so a good portion of the gross contamination that existed on the site has already been remediated.

As stated earlier, the site is part of NYS's Brownfield program. The Brownfield Program has seven steps. The steps are: Remedial Investigation Plan; Remedial Investigation; Remedial Investigation Report; Remedial Work Plan; Remedial Work; Remedial Work Report; and Certificate of Completion. The approved IRM is an initial action in Step 4 (Remedial Work) of the overall seven steps.

All Brownfield Program documentation and environmental reports are available to the public in the Town/Village of Pittsford's Public Library.

Several soil and groundwater investigations have been completed at the site. A Phase 1 Environmental Investigation, a Phase 2 Environmental Investigation, and a NYSDEC-approved Remedial Investigation (under NYS's Brownfield Program) have been completed. These combined studies have effectively characterized the remaining environmental contamination and public health risks at the site. However, the NYSDEC will require additional remediation work at the site if additional environmental contamination or risks are identified when the site remediation begins.

The Remedial Investigation Report Identified seven environmental areas of concern at the site:

- Former Storage Tank Areas and the EPA's Bio Cell Areas
- Impacted Groundwater Area at Monitoring Well #3
- Former Service Station Area
- Former Garage Area
- Former Rail Road Loading Area
- Former State Pollution Discharge Elimination System (SPDES) Discharge Outfall
- Area of potentially buried drums and containers

NOISE AND ODOR IMPACT

There may be objectionable odors, noise or vibration as a result of the Proposed Action. This impact was deemed to be small to moderate in the Part II EAF.

Noise and vibration are likely to result from construction activities and are typically unavoidable impacts in any built up location. Construction activities will occur during morning and afternoon hours, typically from 7am to 6pm, Monday thru Saturday, and are not anticipated to interfere with surrounding uses or the enjoyment of nearby properties. All construction activities and staging will occur and be contained within the project site. There will be 2 phases of construction each lasting approximately 14 months, hence, the noise and vibration associated with construction activity will be temporary in nature.

Other generators of noise at the operational level will be site maintenance and traffic. The Planning Board concluded after reviewing a substantial amount of data submitted by the applicant that such noise would not be discernibly higher than current ambient levels. Outdoor dining and any associated music or entertainment may be another source of noise. The developer has indicated that a lease restriction for any tenant of the restaurant building would prohibit live, recorded or amplified music or singing outdoors after a designated time, such as 10PM or however the hours may be restricted by the special use permit.

Potential odors from the restaurant use are addressed above (Impact on Air).

3. Emergency Response and Communication of Incidents that occur during Remediation Actions

Considering the scope and scale of the remediation steps that are planned for the site, there is a probability that incidents may occur with the heavy equipment operating at the site, the large quantities of material being trucked offsite, and with the maintenance and fueling of this onsite equipment.

In addition to the applicant (and their contractors complying) complying with all NYSDEC incident reporting regulations, they should also develop a mechanism to alert the Village to incidents that may occur on site. This will allow Village staff to be aware of situations that they may receive questions on from neighbors or interested citizens that are following the site's remediation.

4. Preparation for Significant Rainfall Events

Because of the site's proximity to the Erie Canal, special preparation for significant rainfall events and the potential impact they may have on the canal should be completed by the applicant.

The applicant's plan in the approved IRM is to individually remediate the seven areas of concern at the site. While individual plans have been developed for each of the seven areas, special planning should be completed to both anticipate and mitigate the impact that a significant rainfall event could have on the Erie Canal if a sudden storm would be encountered during an important remediation step.

PELytle, E&L Solutions, Inc.

The Applicant's initial focus will be on these seven areas of concern. They will further investigate these areas and complete appropriate cleanups. The final site remediation will be done when the site is being developed.

The NYSDEC approved IRM is a very detailed work proposal. Virtually every step of this initial site remediation is spelled out and will be closely monitored by the NYSDEC. The applicant will also have routine reporting responsibilities throughout the completion of the IRM that will provide ongoing justification that the approved remediation steps yield the NYSDEC cleanup requirements.

Improvements to Public Health and Safety

1. Background

As stated earlier, this proposed action will provide significant improvements to public health and safety. The existing conditions at the site are currently presenting risks to both public safety and the environment. Because of the site's location on the Erie Canal, restricting access to the site has been difficult. The site's dilapidated buildings provide great risk to trespassers on the property. In addition, the residual, uncontained environmental contamination is providing some degree of offsite migration of site contaminants to the Erie Canal, neighboring properties, and groundwater under the site.

While significant benefits to public health and safety will be realized by this proposed action, successful completion of such a remediation will require careful planning, utilizing experienced remediation specialists, and routine/effective communications.

In order to realize the maximum benefit to public health/safety and the environment through this proposed action, the applicant and their contractors must appropriately react to the environmental conditions that are encountered at the site so that appropriate actions are taken to correct them.

The IRM is a very detailed and structure plan, however, challenges and new environmental situations will undoubtedly arise when the work begins. The way that the applicant and their contractors effectively manage these challenges will determine whether the maximum benefit is derived from the proposed action.

2. Response to Previously Unrecognized Environmental Risks on the Site

Because there is the potential for previously unrecognized environmental contamination and risks being identified during remediation, the applicant (and their remediation contractors) must have an effective communication process in place with both the NYSED and the Village of Pittsford should unanticipated problems be encountered.

The applicant and their contractors must be experienced and quick to identify and respond to conditions that may pose a risk to neighbors, Village inspectors, interested citizens, or the Erie Canal. Some of these new conditions may require a modification to the approved remediation plan.

The Village should review and approve the process that the applicant will utilize to identify and communicate previously unrecognized situations and risks so that appropriate public alerts and public communications can be effectively carried out.

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

The Proposed Action may affect the character of the existing community. This impact was deemed to be small to moderate in the Part II EAF.

The proposed action will occur within or substantially contiguous to a site listed on the State or National Register of Historic places. The Village itself, the Canal and the Monroe Avenue Bridge are considered to be of historic importance and significant elements of community character. The Village has been designated a Local Historic Preservation District which underscores the need to consider potential community character impacts in the context of the Village as a whole.

The project location is at an important gateway to the Village and as such its design, function and appearance have been reviewed extensively in an effort to ensure that it will exude the Village's community character at this important entry point. It is evident that prior usage and current condition do not positively affect community character or gateway importance.

The proposed Action will cause a change in the density of land use. The project will create a 167-unit multiple-family residential development and a restaurant on a vacant former industrial site. It will be the first large-scale apartment community within the Village of Pittsford. The development of the subject site is encouraged by the Comprehensive Plan.

In their letter of April 27, 2011, Crawford & Stearns, Architects and Preservation Planners, as consultants to the APRB rendered an opinion that the changes made in the overall character of the project from the time of the original submission were significant and indicated that "The use of the Canal Commercial concept allows for diversity of design, scale, massing and architectural design that can create a contemporary site development that remains compatible with the Village's historic character". It was the expressed, expert opinion of that consultant that the project design is compatible with the historic character of the Village of Pittsford as stated in the R-5 district legislation.

The development may create a demand for additional community services (e.g. schools, police, and fire, etc.). The Planning and Zoning Board of Appeals reviewed the demand for additional community services, and the applicant submitted materials addressing this issue dated November 23, 2011 and February 20, 2012. The March 26, 2012 Memorandum from the Planning and Zoning Board of Appeals indicates that community services will be available to serve the growth anticipated as a result of the proposed development.

Based upon the expected demographics of the project the Pittsford School District has indicated that it will be able to accommodate the project. Based on the potential increase in school attendance and increased tax revenue associated with the project the Planning Board asserted that it is reasonable to assume a net gain in revenue by the school district. The Lead Agency understands that an increase in the tax base associated with the project will more certainly result in lower taxes in the community and could result in increased revenue for the school district as well.

The Pittsford Fire District has a long range plan that incorporated new areas of residential and business development. That plan provides that services for the new development will be absorbed by the added tax revenue that the development will contribute.

The Monroe County Sheriff's Office and the State Police provide law enforcement services to the Village at the current time and will continue to provide those services to the area of the new development. New tax revenues will cover any additional cost that might be generated by the new development at 75 Monroe Ave.

The Monroe County Water Authority has indicated that certain improvements will be needed to provide adequate water supply to the site. A supply is available however the water main in Sutherland Street must be improved or replaced. If the plans for this improvement are approved by the Authority, the developer enters into a Main Extension Agreement, and all requirements of the "Rules for the Sale of Water and the Collection of Rents and Charges" and "Uniform Design and Construction Standards for Extending Water Distribution Systems" are met, the Authority will supply water to the site. This upgrade will be evaluated by MCWA and confirmed by the Village Engineer. Trauma to Sutherland Street from this construction is of concern and will be evaluated as the plans develop.

The proposed action will use in excess of 20,000 gallons of water per day. Total anticipated water usage is 37,775 gallons per day, based on a development containing 167 residential units and a restaurant with 125 seats. The project will utilize water conservation fixtures and the effluent will be discharged to the Village of Pittsford's sanitary sewer system. The system has been determined to have sufficient capacity to accommodate the project. (4/26/2010 project sponsor response to the Village's request for additional information; Appendix4)

To address agency concerns regarding the adequacy of the sewer siphon system beneath the Canal to accommodate flow from the proposed project additional analysis was required by the Lead Agency. The project sponsor met with the Village DPW Director on 7/2/12 at the sewer siphon location. As a result the BME project sponsor study was updated. The Village engineer, who has reviewed revised calculations and analysis by BME associates (7/27/12), indicates and that there is adequate capacity for the siphon to serve the proposed development. He further indicates that as the project approaches site plan design, there will likely be discussions for enhancements or improvements to the siphon. However, the Village Engineer states that, for the purpose of judging environmental impacts, the existing siphon has the necessary capacity to pass the additional wastewater generated from this project.

County of Monroe Industrial Development Agency

MRB Cost Benefit Calculator



Date: November 17, 2024
 Project Title: Pittsford Canalside Properties LLC
 Project Location: 75 Monroe Ave, Pittsford, NY 14534

Economic Impacts

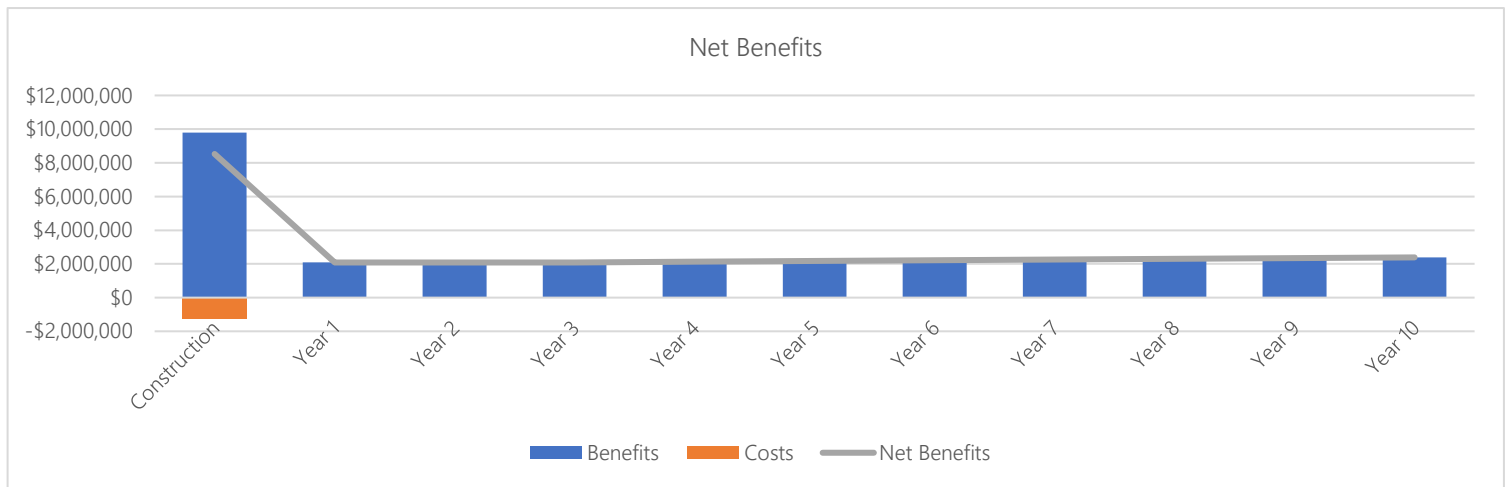
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$25,231,500

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	127	29	156
Earnings	\$7,778,927	\$1,475,983	\$9,254,910
Local Spend	\$20,185,200	\$5,024,478	\$25,209,678

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	24	14	38
Earnings	\$13,969,519	\$6,864,757	\$20,834,276

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

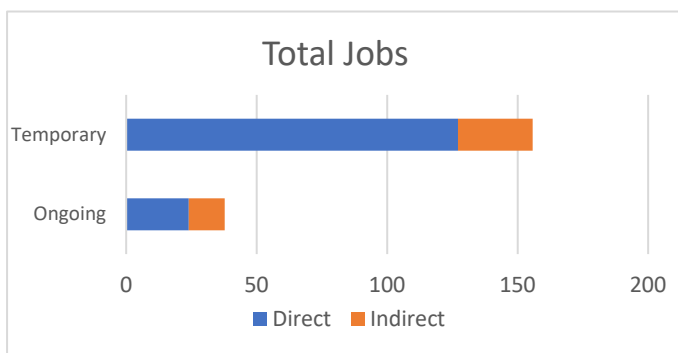
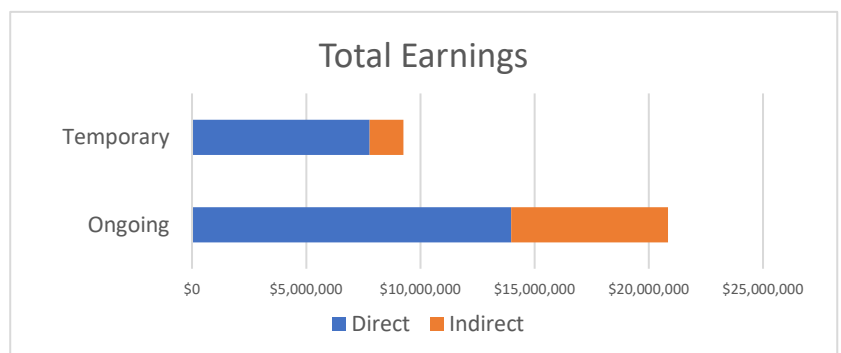


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$1,113,000	\$1,113,000
Local Sales Tax Exemption	\$556,500	\$556,500
State Sales Tax Exemption	\$556,500	\$556,500
Mortgage Recording Tax Exemption	\$161,250	\$161,250
Local Mortgage Recording Tax Exemption	\$53,750	\$53,750
State Mortgage Recording Tax Exemption	\$107,500	\$107,500
Total Costs	\$1,274,250	\$1,274,250

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$36,271,174	\$33,460,025
To Private Individuals	\$30,089,186	\$27,918,089
Temporary Payroll	\$9,254,910	\$9,254,910
Ongoing Payroll	\$20,834,276	\$18,663,179
Other Payments to Private Individuals	\$0	\$0
To the Public	\$6,181,989	\$5,541,936
Increase in Property Tax Revenue	\$5,971,364	\$5,346,510
Temporary Jobs - Sales Tax Revenue	\$64,784	\$64,784
Ongoing Jobs - Sales Tax Revenue	\$145,840	\$130,642
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$1,564,638	\$1,451,741
To the Public	\$1,564,638	\$1,451,741
Temporary Income Tax Revenue	\$416,471	\$416,471
Ongoing Income Tax Revenue	\$937,542	\$839,843
Temporary Jobs - Sales Tax Revenue	\$64,784	\$64,784
Ongoing Jobs - Sales Tax Revenue	\$145,840	\$130,642
Total Benefits to State & Region	\$37,835,812	\$34,911,765

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$33,460,025	\$610,250	55:1
State	\$1,451,741	\$664,000	2:1
Grand Total	\$34,911,765	\$1,274,250	27:1

*Discounted at 2%

Additional Comments from IDA

This is a good project.

Does the IDA believe that the project can be accomplished in a timely fashion? Yes