

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
April 8, 2014 – 7:00 PM

Present

Mayor:	Robert C. Corby
Trustees	Lili Lanphear
	Lorie Boehlert
	Frank Galusha
	Tim Galli
Attorney:	Jeffrey Turner
DPW Superintendent:	Doug Yaeger
Treasurer:	Mary Marowski
Recording Secretary:	Dorothea M. Ciccarelli

CALL TO ORDER

Motion Trustee Boehlert and seconded by Trustee Lanphear to call the meeting to order at 7:00 PM.

DPW REPORT – Doug Yaeger

- Superintendent Yaeger presented different samples that are available to block the pigeons from underneath the pavilion. He recommended that the Board use the netting type material since it would lessen the chances of any gaps under the pavilion. The Board agreed with Mr. Yaeger on the use of the netting material.
- The Superintendent informed the Board that there was problem with the Jefferson Road project. There is up to 8 inches of old concrete road that will have to be removed by a contractor. Mr. Yaeger is currently obtaining quotes from several vendors for the removal.
- Superintendent Yaeger informed the Board that he had spoken with the GIS department at the Town of Pittsford and they will be having a summer intern work on having the village's tree inventory entered in the GIS system.
- Tambe Electric made temporary repairs on the sidewalk heaters and will be providing estimates on the permanent repairs necessary. The contractor was also able to repair the heat tape in the gutters; a simple repair was made by replacing a couple sensors.
- Mr. Yaeger also discussed with the Board estimates he is obtaining for the repair of the DPW department roof. The contractors have informed him that the repairs should be minimal.
- The Superintendent received correspondence from the Monroe County Water Authority that they will be doing repairs around the village.
- Mr. Yaeger expressed concern related to discussions he had regarding the crosswalk proposed for the farmer's market. He was informed by the Department of Transportation that a crosswalk location could not be too close to another crosswalk location. Mayor Corby commented that he would be rolling the location of a crosswalk into the GTC study so that they will be able to review the location in terms of safety.

Proceedings of a Meeting of the Board of Trustees
April 8, 2014

- Mr. Yaeger informed the Board that the loader has mechanical problems and the parts are on order for the repair. He was working with the Town on the use of their loader, while the repairs were being completed.

BUILDING INSPECTOR'S REPORT

Mayor Corby indicated that Building Inspector, John Limbeck, was absent but had sent in his report. Trustee Lanphear commented to the Board that the Junior League had contacted the Village Office and would be appearing for their non-municipal use permit for the house tour.

BOUGHTON AVENUE RESIDENTS

Whitney Brice and Andrew Evans discussed with the Board the petition presented by the Boughton Avenue residents and their request for speed humps because of safety concerns. Ms. Brice informed the Board that they have seen an increase of young children living in the area. Mr. Evans stated that the neighborhood is very concerned with the excessive speeding in the area and the public's disregard for the stop sign at Boughton Avenue and Jackson Park. The residents also expressed concern with the number of school buses using the street as a cut through.

The Board discussed the issue and indicated that the placing of the speed humps would only be a temporary solution for the area. The Mayor informed the residents that the village would be doing the GTC study and would look at the area for a permanent solution. Trustee Boehlert suggested that the Board have Steve Ferranti propose a solution for the area. The Board also requested that Superintendent Yaeger set up the speed monitor in the area. The Mayor indicated he would speak to the school district regarding the number of school buses as well.

Janet Reynolds – 35 Church Street, addressed the Board and expressed concern for Church Street, which was experiencing similar issues. She requested the Board review their area as well.

SAHA MED GRILL – SPECIAL USE PERMIT

Sami Mina, representing the Saha Med Grill, stated that he is proposing opening a Mediterranean Eatery at 14 South Main Street. Mr. Mina expressed to the Board that the proposed location would be a great fit in the neighborhood. He stated that he had met with the owner of the property, Charlie Fox, and he would be taking care of the drainage issue in the parking lot, as well as the dumpster enclosure. Mr. Mina informed the Board that he would be remodeling the inside of the building, but that the kitchen would remain the same. The Board questioned the applicant as to his intended hours of operation. The applicant responded that he was intending to be open 11 am – 10 pm – 7 days of the week. The Board discussed additional requirements for the property, which included the screening of the dumpsters, landscaping on the parking lot, information on the planned patio, and designated pickup parking.

Janet Reynolds – 35 Church Street, expressed to the Board that the additional traffic on Church Street should be reviewed, in addition to the impact this business will have on the neighbors.

PUBLIC HEARING – PROPOSED LOCAL LAW #9 – Amend 210-4. – Zoning Map

Proof of the legal notice below having been published, the public hearing from 3/25/2014 continued on the proposed amendment to section 210-4. Zoning Map.

Proceedings of a Meeting of the Board of Trustees
April 8, 2014

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, March 25, 2014 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider proposed Local Law #9 of 2014, which law will amend §210-4 Zoning Map, of the Code of the Village of Pittsford.

Proposed Local Law #9 of 2014
Amend §210-4. Zoning Map

Amend §210-4. Zoning Map, Property to be rezoned as follows:

B1-Retail Business District
Property Tax Id #164.06-2-6 - 7 State Street

Mayor Corby reviewed the new map provided showing the zoning and property lines.

Janet Reynolds – 35 Church Street, was concerned they would see additional commercial creep into Church Street.

Charlie Fitzsimons – Village Bakery, stated he would be using the building for expansion of the Village Bakery and the building would provide additional storage.

Mike Reynolds – 35 Church Street, expressed concerns that there would be additional commercial signage facing Church Street, which was not allowed.

(Mr. El Rayess requested previous comments from February 25, 2014 be entered into the record.)

Majed El Rayess, 30 Church Street – Expressed concern regarding the zoning changes for the two properties; he anticipated it would prompt further development that would negatively affect the homeowners on Church Street. Mr. El Rayess discussed with the Board whether the current level of control over the development in the area was appropriate, and he stated that changing the zoning would allow developers the ability to manipulate the zoning, which would diminish that control.

There being no one else present wishing to speak for or against this application, a **motion** was made by **Mayor Corby, seconded by Trustee Lanphear**, to close the public hearing.

Vote: Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha – yes. **Motion carried.**

Motion Trustee Lanphear, seconded by Mayor Corby, to approve the amendment of section 210-4, Zoning Map for Property Tax ID# 164.06-2-6.

Vote: Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha – yes. **Motion carried.**

PUBLIC HEARING – PROPOSED LOCAL LAW #10 – Amend 210-4. – Zoning Map

Proof of the legal notice below having been published, the public hearing on 3/25/14 Continued on the public hearing on the proposed amendment to 210-4. Zoning Map.

VILLAGE OF PITTSFORD
NOTICE OF PUBLIC HEARING

Proceedings of a Meeting of the Board of Trustees
April 8, 2014

*Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, March 25, 2014 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider proposed Local Law #10 of 2014, which law will amend **§210-4 Zoning Map**, of the Code of the Village of Pittsford.*

**Proposed Local Law #10 of 2014
Amend §210-4. Zoning Map**

Amend §210-4. Zoning Map, Property to be rezoned as follows:

*B1A – Special Historic Business District
Property Tax Id #164.06-2-7 – 14 South Main Street*

There being no one present wishing to speak for or against this application, a **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to close the public hearing.

Vote: Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha – yes. **Motion carried.**

Motion Mayor Corby seconded by Trustee Lanphear to not approve the amendment of section 210-4, Zoning Map for Property Tax ID#164.06-2-7.

Vote: Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha – yes. **Motion carried.**

TREASURER’S REPORT – Mary Marowski

Village Treasurer, Mary Marowski, presented vouchers listed on Abstract #017 of 2013/2014 fiscal year for approval. A **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to approve payment of vouchers listed on Abstract #017 in the amounts stated below and to charge them to the appropriate accounts pending review from Trustee Galli and Superintendent Yaeger.

Abstract #017 – 2013/14

General Fund (#590-#628): \$29,057.80

Sewer Fund (#618): \$ 85.98

Total vouchers for approval: \$29,143.78

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Galusha - Yes. **Motion carried.**

Village Treasurer, Mary Marowski, discussed with the Board an update on the outstanding invoices for 75 Monroe Avenue.

PUBLIC HEARING – ON 2014/2015 TENTATIVE BUDGET

Proof of the legal notice below having been published, **Motion Mayor Corby, seconded by Trustee Boehlert**, to open the public hearing on the 2014/2015 Tentative Budget.

Vote: Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha – yes. **Motion carried.**

**NOTICE OF PUBLIC HEARING
VILLAGE OF PITTSFORD**

Pursuant to Section 5-508 of the Village Law, the tentative budget for the Village of Pittsford 2014-2015 fiscal year has been prepared and filed with the Village Clerk at the Village Office, 21 North Main Street, Pittsford, New York, where it may be inspected by interested parties

Proceedings of a Meeting of the Board of Trustees
April 8, 2014

between the hours of 9:00 a.m. and 3:30 p.m., weekdays except for holidays until April 8, 2014. Said tentative budget includes maximum compensation for the Mayor of \$13,543.56 per annum; for the Trustees, \$5,743.06 per annum.

General Fund	\$ 1,233,930
Sewer Fund	\$ 139,331

A public hearing on the proposed budget will be held before the Board of Trustees of the Village of Pittsford, 21 North Main Street, Pittsford, New York, on the 8th day of April 2014 at 7:30 p.m., to consider same before final adoption of the tentative budget.

A resident requested that trash cans be added to the canal path by the Department of public works for garbage disposal. The resident was concerned with ongoing litter in the area and thought the trash receptacle would help. Mayor Corby thanked the resident and said that the Village would look into the idea.

Justin Vliestra, 19 Boughton Avenue, questioned if the sidewalk budget was for a particular project. Trustee Galusha indicated that the DPW Department is reviewing the current sidewalk repairs and replacements necessary. Mr. Vliestra asked if the sidewalks that were to be added to Jefferson Road had been dropped.

Mayor Corby and the Board explained they would be working on E. Jefferson Road to replace the grass median.

A resident questioned what expenditures were used to make up the safety budget. Village Treasurer, Mary Marowski, explained the budget line was for compensation for the Building Inspector, Parking Monitor, and Fire Marshall.

Janet Reynolds, 35 Church Street, questioned the location of the public meeting space. Village Treasurer, Mary Marowski, explained it was the Village Board Meeting Room.

Trustee Galli informed the public that this is a draft budget, and the Board would have to approve a final one before the end of the month. He stated the Board might make changes.

Janet Reynolds, 35 Church Street, questioned how much of the Erie Canal Park the Village maintains. Mayor Corby indicated that the Village maintains the north side of the canal, plows the towpath, and handles all the landscaping. Ms. Reynolds further questioned how much of the attorney fees in the budget are allocated for 75 Monroe Avenue. Village Treasurer, Mary Marowski, informed her that currently, in the budget, there is \$50,000 budgeted for 75 Monroe Avenue.

There being no one present wishing to comment, a **motion** was made **by Mayor Corby, seconded by Trustee Galusha**, to close the public hearing.

Vote: Corby – yes, Galli – yes, Lanphear – yes, Boehlert – yes, Galusha – yes. **Motion carried.**

Motion Trustee Galli, seconded by Mayor Corby, to approve the tentative budget for 2014/2015.

Vote: Corby – yes, Galli – yes, Lanphear – yes, Boehlert – yes, Galusha – yes. **Motion carried.**

PITTSFORD CANALSIDE PROPERTIES, LLC – RESPONSE FOR SEQR FOR 75 MONROE AVENUE

Proceedings of a Meeting of the Board of Trustees
April 8, 2014

Frank Pavia, Attorney, for Pittsford Canalside stated that the applicant does not believe the Board has the legal authority to reopen SEQR; that authority ended when they issued the special permit for the project in December 2012. The applicant stated that in full reservation of its rights, they would offer a response to the notice to rescind.

Peter Vars, BME, representing Pittsford Canalside reviewed the twelve items presented by the Village Board, which included the following:

1. The mass and bulk of the proposed buildings provide a visual aesthetic that is no longer compatible with the historic character of the Village of Pittsford, its Canal waterfront development, or historic Erie Canal waterfront development in similar sized communities. The use of the “Canal Commercial” design theme, which was central to the original environmental determination, is no longer being provided by the project design.

Response: Mr. Vars indicated the architectural design of the buildings has not been completed and reviewed by the APRB. The applicant also stated the negative declaration states that the APRB will address mass and scale issues. The applicant further reviewed additional findings made by the Village Planning Board as to the size and mass of the buildings, as well as the Development Review Committee’s comments on the reduction of the buildings from seven to six. The applicant indicated the overall footprint of the project would be 1.49% smaller.

2. The relocation of the restaurant to the Monroe Avenue frontage may result in increased impact to nearby, historic residential properties relative to noise, the screening of the parking, and the location of dumpsters. In addition, the relocation of this public facility will diminish the public attraction and use of the canal waterfront at the site.

Response: Mr. Vars informed the Board that the PZBA had acknowledged the movement of the restaurant, and indicated the change would result in less restaurant traffic and noise disturbing the interior of the site. They further indicated the special permit granted for the project did not require that the restaurant be located at a specific location on the site. They also indicated that there is no basis for measuring the ability of the restaurant to attract the public to the site. The applicant further indicated that the PZBA has diligently worked to ensure adequate screening of the parking area and dumpsters.

3. The reduction in buffering of the apartment buildings from the east may result in significant visual impacts to the public traveling westbound on Monroe Avenue, exiting the primary gateway for the Village.

Response: Mr. Vars informed the Board that in their final landscape plans, they intend to have denser plantings than what was anticipated with the regulating plan.

4. The changes to landscaping and streetscape treatment at the Monroe Avenue site frontage and entrance may result in significant visual impacts to the public traveling eastbound on Monroe Avenue, entering the primary gateway for the Village.

Response: The Mr. Vars stated that the largest impact on any existing view shed was from the easterly direction over the Monroe Avenue Canal Bridge. The applicant indicated that this impact was not in conflict with the surrounding uses and features. The project would not diminish the public enjoyment of the canal, but would enhance access to the canal. The applicant also stated that the tree landscaping on the regulating plan had to be changed due to site line requirements.

Proceedings of a Meeting of the Board of Trustees
April 8, 2014

5. The changes in landscaping, buffering, and the introduction of a large retaining wall may result in significant visual impacts to the canal frontage at the site, which will be visible to the public along the canal waterfront pathway opposite the site, as well as to travelers eastbound on Monroe Avenue.

Response: Mr. Vars indicated that the retaining wall had no impact on the landscaping buffer along the canal. In addition, they informed the Board that this falls within the canal right-of-way and therefore would be Canal Corporation's exclusive jurisdiction.

6. The relocation of buildings and the changes in mass and bulk of the buildings may result in significant visual impacts to areas along the adjacent Sutherland Street that would not have occurred under the approved regulating plan.

Response: The applicant informed the Board that there would be no change in the impact on Sutherland Street due to the mass and scale of the project.

7. The relocation of the public restaurant away from the canal frontage and the placement of a private clubhouse and private pool in its place will diminish the public attraction and use of the canal frontage at the site.

Response: Mr. Vars informed the Board that the clubhouse would provide access to public restrooms, along with the docks and pavilions, which will enhance the public's use of the canal frontage. Additional landscaping has been required by the PZBA to screen views from the canal path into the pool.

8. The apparent loss of usable open space between the proposed buildings and on the canal frontage will diminish the recreational benefits of the site for residents and the public in comparison to the approved regulating plan.

Response: Mr. Vars indicated that the area between the buildings shown on the regulating plan was used for vehicular access to the underground parking areas as required in the R-5 District. The change in the orientation of the buildings relates better to the "canal commercial" concept, and allows more green space. There was no change along the canal frontage from the regulating plan; it still provides recreation, walking, sightseeing, and boating. The existing open space plan provides 2.3 acres, which exceeds the code requirement.

9. The potential loss of drainage function for areas east of the project site may result in significant flooding, the undermining of the railroad embankment, or other undetermined adverse drainage impacts. While this may not be the total responsibility of the project applicant, it must be addressed as a consequence of the development.

Response: Mr. Vars responded that the 18" stormwater pipe had been discovered during their cleanup of the site. They have agreed to reinstall the pipe on their property, and it will be tied into their project. The applicant indicated that they have passed the drainage plan on to the Village Engineer for review. Additionally, the applicant expressed that any other improvements needed outside their property limits are the responsibility of others.

10. The inconsistencies between the intended function of the drainage plan, as presented during the environmental review, and the design of the system as now proposed may lead to unanticipated water quality impacts due to storm drainage from the site.

Proceedings of a Meeting of the Board of Trustees
April 8, 2014

Response: Mr. Vars stated that the drainage management plan is prepared. The plan will conform to requirements in Chapter 9 of the NYSDEC General Permit. They also stated that the water quality requirements would be met and treatment would be consistent.

11. The sewage pump station is now proposed to be dedicated to the Village, instead of being maintained privately as originally proposed. Revised sewage flow calculations are necessary to determine if the capacity of the existing canal sanitary siphon will be exceeded. The cost to the Village for maintenance of the new sewage pump station and associated building was not anticipated in the original SEQR review, and the fiscal impact to the Village must be determined.

Response: The applicant informed the Board that the Village Engineer, Scott Harter, P.E., suggested the pump station be dedicated to the Village, and directed into the Village syphon system under the canal. The applicant stated they are willing to run the station themselves. There would be no change to the previously prepared flow calculations or the effect of the pump station on the syphon.

Mr. Vars's final comment to the Board was that the Board of Trustees did not have the authority to reopen SEQR, and that all the items discussed had been previously considered. The changes to the site plan were for the betterment of the project.

Frank Sciremammano was invited by the Board to discuss his response to Pittsford Canalside Properties Response. Mr. Sciremammano stated that the applicant's official response was a restatement of their legal argument. He further stated that not only did the Board have the authority to review SEQR; they have an obligation to do so. He noted that the applicant had recognized this authority when they applied for an amended regulating plan. Mr. Sciremammano reviewed the items of concern with the Board as follows:

1. Although the final architectural treatment of the buildings' exteriors is not finalized, the size, massing, and bulk of the buildings are the issue. The project has fewer, but larger, buildings that are rectangular and "boxy" in appearance than those in the approved plans, and this does represent a significant change. Mayor Corby reviewed the changes regarding the mass and bulk with the Board and the public with prepared drawings. The drawings reviewed the differences in the footprint and scale of the buildings. Mr. Sciremammano stated that the changes proposed might be appropriate, but ultimately the Village Board has to review the environmental impacts. The changed plans are inconsistent with the approved "canal commercial" theme that was an integral part of the decision regarding community character impacts in the original SEQR review.
2. The relocation of the restaurant from the canal frontage to the Monroe Avenue frontage is clearly a substantive change from the approved plans. Mr. Sciremammano further indicated that the Board had reviewed the impacts for the previous location in the previous SEQR review. The movement of the restaurant location would require the same type of examination. Mayor Corby presented prepared drawings showing the distance between the new location, the approved location, and the residential area. He discussed how the impacts from the restaurant were able to affect the area due to prevailing winds and other factors. The Mayor also stated that in the original location, a number of the impacts would be internal to the site, and the apartment buildings would block the impact to Sutherland Street. Mayor Corby also informed the Board that the Erie Canal would be being placed on the National Historic register as well. Mr. Sciremammano stated that the Board would have to review these questions.
3. Mr. Sciremammano reviewed the buffering along the eastern site boundary; the number of deciduous trees has been reduced from 16 to 14, and the number of other plantings from 60 to 49 just in the buffer from Monroe Avenue to the first apartment building. Mayor Corby reviewed the regulating

Proceedings of a Meeting of the Board of Trustees
April 8, 2014

plan drawings and the submitted drawing from the applicant, which reflected the change in the buffering. Mayor Corby discussed the importance of the buffering and the difference in the types of trees, which were proposed in the regulating plan and new plan.

4. Mr. Sciremammano reviewed the applicant's response to the changes on the streetscape on Monroe Avenue frontage, which indicated that the applicant was aware of the importance of the issue in the original SEQR review. The Board had no opportunity to review the visual appearance and determine the impact as it related to community character.
5. Mr. Sciremammano indicated that the treatment of the canal frontage of the site has changed significantly from the approved Regulating Plan. The placement of the clubhouse, pool, and restaurant parking lot along the frontage will have a different visual appearance, as will the introduction of the large retaining wall. The length of the public dock has been reduced from approximately 565 feet in the approved Regulating Plan to approximately 230 feet in the new site plan. This will have a visual impact and an impact in terms of public use.
6. Mr. Sciremammano stated that comments from the DRC regarding the placement of the pool state that placing the pool ten feet above the walkway "lessens the adverse impact of the pool's placement." This clearly shows that placement of the pool along the canal frontage results in an adverse impact, and this impact was not considered as part of the original SEQR review.
7. Mr. Sciremammano stated that since the mass, bulk, and locations of the larger buildings on the site have changed, the conclusions stated in the Negative Declaration from a site visit along Sutherland Street must be revisited. A detailed visual assessment under the new project plan is necessary to determine the actual impacts that may result. Mayor Corby reviewed aerial photos showing the possible impact of the buildings on the view shed, since the original impacts were studied at 42 feet and the current measurements are 52 feet to the eaves.
8. Mr. Sciremammano stated that the PZBA is currently evaluating the open space computations provided by the applicant and assessing whether or not it meets the letter and intent of the code. The impact on public use is the SEQR issue, whether it meets the technical code requirement or not.
9. Mr. Sciremammano commented on the drainage pipe issue. The applicant indicated it was discovered after the SEQR process was completed. Mr. Sciremammano indicated that there are several questions that remain to be answered. These questions include how the pipe was plugged and who plugged it, as well as how the drainage from the east side of the tracks will be handled.
10. Mr. Sciremammano reviewed the information regarding the drainage plan. He stated that he was concerned regarding the lack of information in the plan as submitted, and with the design of the system, and indicated that it does not meet the requirements under the DEC guidelines. The Village Engineer has indicated he requires more information on the proposed system.
11. Mr. Sciremammano stated that the applicant has indicated that a storm water plan has been submitted. The plan was not submitted to the Village. This should have been done, given the Village MS4 status.

In closing, Mr. Sciremammano related that in spite of the lengthy response from the applicant, he does not believe the applicant has refuted the determination substantive changes have been made. In addition, the applicant did not dispute that the new information that has been found, or that a substantive adverse impact may occur. Mr. Sciremammano stated that after the Board has reviewed the information, it would be appropriate for the Board to make a decision as to whether to rescind the negative declaration, and

Proceedings of a Meeting of the Board of Trustees
April 8, 2014

then make the determination as to whether to amend the negative declaration or issue a positive declaration.

Mr. Sciremammano reviewed the guidance information he provided for the Board from the DEC regarding moderate and large impacts. He also discussed the quotes from the EAF Part 3 to help them make their determinations. Mr. Sciremammano reviewed with the Board the items that were determined important regarding the project that made it compatible to the community and the quotes from the Village consultant, Crawford and Sterns, regarding the changes in the project.

Mayor Corby commented that in doing his research over the weekend, he had noticed that very few of the historical larger buildings in the Village were over 40 feet wide. He further indicated that the village has a unique historical cultural landscape, because the pattern of the buildings has kept its integrity. Therefore, the change of the proposed buildings related to the width and bulk from the regulating plan is significant. Mr. Sciremammano indicated it would be helpful to get a volume of these buildings. It would be a useful number for the Board when looking at the impact of the buildings from what they were proposed and what they are now.

Mr. Sciremammano reviewed the previous approvals the applicants had received from the PZBA and information from minutes from the APRB a year ago, which expressed concerns regarding the project changes and compatibility. He also reviewed the New York State Historic Preservation Office's recommendations to ensure that new construction within or adjacent to historic districts is compatible with existing properties. Mr. Sciremammano indicated that the items 1-4 in the recommendations, regarding site, scale, proportion, and massing, were directly involved in the Board review as lead agency. Mr. Sciremammano related that the Planning Board found four major deviations from the regulating plan, which indicated substantive changes to the plan. He also reviewed with the Board that reduction in the building numbers, with the same overall footprint, indicates the buildings are larger.

Mr. Sciremammano responded to the applicant's indication that all changes and elements in the canal right-of-way are the exclusive jurisdiction of the canal. This is true for approvals, but the Board is the lead agency doing the environmental review for all the agencies, including the Canal Corporation. It is in the Board's purview to look at the facilities and changes. The Board can make recommendations to the Canal Corporation as to what changes the Board would like to see approved or not approved. The Canal Corporation does not have to follow the advice of the Board but they will need to provide paperwork why they are not. Mayor Corby questioned if the Village's local waterfront revitalization program (LWRP) as well provided them further control over the development of the canal. Mr. Sciremammano indicated that the program is reflected in the Village's Code.

Mr. Sciremammano reviewed the items on the notice to rescind and discussed options with the Board, which included updating the list if there were items they thought were resolved. He further commented that if there was still something that was not resolved, it could result in a positive declaration. Trustee Galli commented that just one item could cause a positive declaration. Trustee Boehlert questioned what happens if the Board does a positive declaration. Mr. Sciremammano indicated it was a big step. He informed them they would have to tell the applicant that they found the issue, which could be a significant impact. The additional steps included a scope of the project limited to the issues; an environmental impact statement, public hearing, and then findings are issued. The findings are where you balance the impacts to the benefits. It is about a six-month process, depending on the applicant and other factors. Mr. Sciremammano commented he would like to see the applicant and the Board come to a compromise and work the issues out.

Trustee Boehlert and Mr. Sciremammano discussed the process between the Board and the applicant to review and resolve the issues.

Proceedings of a Meeting of the Board of Trustees
April 8, 2014

Trustee Lanphear stated to Mr. Sciremammano that the Board has an obligation to review SEQR. Mr. Sciremammano indicated that was how he read the regulations, that once the Board found there were substantive changes and new information, the regulations stated you must go back and review SEQR and make determinations.

Mayor Corby discussed with Mr. Sciremammano the water line proposed for Sutherland Street and the issues surrounding the installation and the removal of trees. Mr. Sciremammano informed the Mayor that it could be added to the items for review, since it was new information.

The Board discussed having a workshop with Mr. Sciremammano to continue work on the SEQR issues with the Board to narrow the list. The Board indicated the meeting should be scheduled in the near future to expedite the process.

Mike Reynolds-35 Church Street: Questioned what would be done to restore the natural trees that were removed during the cleanup.

Justin Vliestra-19 Boughton Street, was concerned that any changes could be considered since the Planning Board closed the public hearing. He further indicated that several issues were not reviewed by the Planning Board, such as open space review and storm water. He stated that two Board members had previously indicated the project should be cut in half. Mr. Vliestra expressed concern that moving the restaurant would not engage the public. He also thought a view-shed analysis should be redone.

The Board scheduled a workshop meeting to further review SEQR for April 15, 2014 at 5:00 pm.

MEMBER ITEMS

No items were discussed.

MINUTES

The minutes were not completed from March 11, 2014 and would be presented at the next meeting.

ADJOURNMENT

Motion Mayor Corby, seconded by Trust Boehlert, to adjourn the meeting at 9:49 PM.

Vote: Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

Dorothea M. Ciccarelli, Recording Secretary