

PROCEEDINGS OF A SPECIAL MEETING OF THE VILLAGE BOARD OF TRUSTEES
January 28, 2013 – 5:00 PM

Present

Mayor:	Robert Corby
Trustees:	Tim Galli Lili Lanphear Lorie Boehlert Trip Pierson
Attorney:	Jeff Turner
Attorney:	Karl Essler
PZBA Chairperson:	Remegia Mitchell
APRB Chairperson:	Paul Zachman
Recording Secretary:	Anne Hartsig

CALL TO ORDER

A **motion** was made by **Mayor Corby**, **seconded by Trustee Lanphear** to call the meeting to order at 5:00 PM.

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

CLARIFICATION REGARDING POSTING OF THIS MEETING

The office staff received a complaint that this meeting had not been posted on the Village’s website. To clarify, the meeting notice for this special meeting appeared on the second page of the “News and Events” section of the website’s home page. The “News and Events” section has room for five events on the first page. The public is encouraged to click on “More News and Events” to see an entire list. The public is also encouraged to register on the home page link (Log in/Register) to receive notification of postings at the time they occur.

PURPOSE OF THE MEETING

Trustee Boehlert requested “talking points” as liaison to the APRB in regards to the 75 Monroe Avenue development project. As a result, Attorney Essler wrote a memo highlighting bullet points for discussion with the APRB and the PZBA. The purpose of this meeting was to discuss this memo.

DISCUSSION

Board members had differing opinions regarding this memo. Mayor Corby said he was not aware that this memo had been requested until after it had been written. He said the tone in which the memo was written made it sound like a policy statement coming from the Board of Trustees. Further, the memo refers to the Board of Trustees as a whole; therefore it should have been discussed with the entire Board. He said that the intent of the R5 Section of the Code was to create an extra level of protection but it was never intended to eliminate the normal review of the APRB and the PZBA.

Trustee Lanphear said that speaking from her 19 years of experience as a member of the PZBA, that Board has a system of checks and balances and has never needed this kind of instruction. In response, Attorney Essler replied that the R5 provisions impose some limits of discretion.

Trustee Boehlert said the memo was not intended to be distributed. She requested a document listing talking points in “lay speak” because she is the liaison to the APRB. Trustee Pierson added that he has said publically a number of times that the Board of Trustees respects the APRB and PZBA, the purpose they serve, and the jobs they do.

Proceedings of a Special Meeting of the Village of Pittsford Board of Trustees
January 28, 2013 at 5:00 PM

As a point of clarification, Mayor Corby explained that in the future, the initiation of a memo by a Trustee should come before the entire Board for discussion.

Trustee Lanphear asked what would become of the memo now. She said in her opinion it does not seem like the way to go about continuing the 75 Monroe Avenue review. Trustee Galli said that Chairperson Zachman thought that talking points were important whereas Chairperson Mitchell looked at it differently.

Mayor Corby said that in developing the R-5 Code, there was never any intent to limit the authority of the other boards. In fact, the goal was just the opposite. The actual intent of the R-5 was to raise the bar by adding an additional review incorporating additional design standards that didn't exist elsewhere in the Code. Mayor Corby said he spoke with Jane Tsamardino, the NYCOM attorney specializing in zoning issues. She reviewed it along with the Village's R-5 Code and the 75 Monroe special permit resolution. She consulted with chief NYCOM attorney Wade Beltramo who has previously discussed this issue with Jeff. She said that the Village's Code is structured with checks and balances to prevent each board from overstepping its legal authority. NYCOM disagrees with the statement on page 2 of the memo asserting that the Board of Trustees is the legislative board for the Village and has the highest authority among the various boards. There is no language in the R-5 Code, the Site Plan Code, or the APRB Code that justifies the interpretation that the trustees are the "highest authority" and can control the decisions of the other boards.

Attorney Essler responded that the intention of the memo was not to hand rigid gospel to the APRB and the PZBA. It was meant for guidance. He said liaisons should go to the other boards to express what the majority of the Trustees think they should express.

Trustee Pierson said it is important to tell people what the Trustees have come up with and to explain their position. He said more information is better.

Mayor Corby replied that the issue is about understanding the legal intent of the Code.

Trustee Galli suggested that he and Trustee Boehlert, as liaisons, can "do their thing" with what they know. Trustee Boehlert said the APRB and PZBA need to read the entire resolution. Mayor Corby said there are specific parts of the resolution that each of those Boards should review.

ADJOURNMENT

There being no further business, a **motion** was made **by Trustee Boehlert, seconded by Mayor Corby,** to adjourn the meeting at 5:45 PM.

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

Anne Z. Hartsig, Recording Secretary