

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
February 25, 2014 – 7:00 PM

Present

Mayor:	Robert C. Corby (arrived at 7:25 pm)
Trustees	Lili Lanphear Lorie Boehlert Frank Galusha Tim Galli
Attorney:	Jeffrey Turner
Building Inspector:	John Limbeck
Recording Secretary:	Dorothea M. Ciccarelli

CALL TO ORDER

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

BUILDING INSPECTOR'S REPORT

General Items

Building Inspector, John Limbeck, reviewed with the Board the new special permit application form. Trustee Galli requested the application code section for special permits be added to the form as an attachment. The Board decided the application could be put to use immediately, and any changes needed to the form will be addressed as discovered.

Mr. Limbeck informed the Board he was keeping a watchful eye on the work currently being done on the canal and that he had requested from the Canal Corporation a copy of the paving schedule. Trustee Galli informed Mr. Limbeck that a light pole had been turned facing the canal during the current construction and would need to be turned back in the proper direction.

The Building Inspector questioned if the Board had already approved a location for the American Legion to store their propane tanks on the Village Hall property. The Board had not approved a location on the site but requested the location be 100ft from the office and have bollards in front of the site for safety.

Commercial

A stop work order was issued for 25 State Street, the contractor immediately completed the proper paperwork, and a building permit was issued.

Representatives of ARC contacted the village about the group home located at 19 Church Street. ARC is exploring the possibility of decertification of the home. The representatives wanted to check if there were any ramifications before they proceeded. The Building Inspector, after speaking to Village Attorney, Jeff Turner, informed the agency that the village does not have any jurisdiction over their certification process, but if the facility ceases operation as a group home, they would have to reapply for this use in the home again.

Mr. Limbeck indicated to the Board he had spoken to property owner, Mr. Powers, regarding a five-year plan to bring his properties into compliance with the NYS Building codes. Mr. Powers is scheduled to appear at the April APRB meeting at this time.

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Mr. Limbeck reviewed with the Board renovations being requested by Simply Crepes. The applicant would be expanding his seating, and the Building Inspector didn't anticipate any issues with parking.

Property owner, Charlie Fox, contacted Mr. Limbeck regarding his plans to renovate the former Pedestal store in Northfield Common for a new retail clothing store.

Residential

Mr. Limbeck indicated there was nothing significant to report related to residential to the Board.

Board Actions

Trustee Galusha questioned if the Building Inspector could speak to the Town Planning Board regarding the need for a site plan and approvals required for the proposed generator for Wood Creek Subdivision.

Mayor Corby arrived

SIMPLY CREPES

Pierre Heroux, owner of Simply Crepes discussed with the Board his plans to expand the seating from 50 to 66 seats at his current location at 7 Shoen Place. The restaurant expansion would include relocating the restroom facilities and an updated design for improved work flow for the kitchen. Mayor Corby suggested the owner add a historic window and suggested a six-by-six style. Trustee Galusha questioned the owner as to how the grease is handled. Mr. Heroux explained that they have a grease trap in place, and they also use a live enzyme system as a secondary system to handle the grease. The Board discussed with the applicant the next steps he would have to take for the expansion of his special use permit, which include an appearance at the Planning Board and APRB Board.

Motion Trustee Boehlert, seconded by Trustee Lanphear to set a public hearing on March 25, 2014 at 8:00 pm to review the special use permit for Simply Crepes expansion.

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

THIRSTY'S, NON-MUNICIPAL USE PERMIT - TENT FOR EVENTS

Applicant was not present, and the permit was deemed not necessary.

TOWN OF PITTSFORD – NON-MUNICIPAL USE PERMIT FOR 2014 MEMORIAL DAY PARADE

The Board received a request from the Town of Pittsford for a non-municipal permit for the 2014 Memorial Day Parade.

Motion Mayor Corby, seconded by Trustee Galli, to approve the issuance of a non-municipal use permit to the Town of Pittsford for the annual Memorial Day Parade on May 26th with the same permit conditions as issued in 2013.

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

TREE INVENTORY

This agenda item was tabled until March 11, 2014 meeting.

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CANAL CLEAN SWEEP

Mayor Corby reviewed recent correspondence received from the New York State Canal Corporation regarding their 9th Annual Canal Clean Sweep program scheduled for Friday-Saturday, April 25-27. Mayor Corby informed the Board that the Friends of Pittsford Village would be participating, and that more local support for the project was needed. Trustee Boehlert discussed the possibility of scout troops participating.

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

Proof of the legal notice below having been published, **Motion Mayor Corby, seconded by Trustee Galli**, to open the public hearing on the proposed amendment to 210-4. Zoning Map

**VILLAGE OF PITTSFORD
NOTICE OF PUBLIC HEARING**

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

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

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

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

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

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

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 impact the homeowners on Church Street. Mr. El Rayess, discussed with the Board that the current level of control over the development in the area was appropriate and stated that changing the zoning would allow developers the ability to manipulate the zoning that would diminish that control.

Mike Reynolds, 35 Church Street – Shared his concern that this zoning change would lead to further commercialization of Church Street and questioned if the applicant for the property would be able to obtain the necessary changes to the property without the zoning change.

Pauline Riley, 26 Church Street – Questioned the need for this zoning change and was concerned with the further development impacts on Church Street. Ms. Riley indicated the current development in the area has a negative impact on the homeowners at this time.

Building Inspector, John Limbeck, responded to the public that the owners would not be able to get a variance for the property for the changes due to the zoning, and not changing the zoning would impact the

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current business negatively. Mr. Limbeck also informed the Board that the Village's current comprehensive plan recommended this zoning change for these properties.

Majed El Rayess, 30 Church Street – Commented to the Board that more attention should have been brought to the public regarding the public hearing.

The Board discussed with the Village Attorney about sending a mailing to a specific area affected by a local law. The Attorney commented that since the notification would only occur when it was specific to an area it would not set a precedent for notification for all local laws coming before the Board.

Mayor Corby commented to the public that the Comprehensive Plan does recommend the change, but thought the plan was not up to date and was not an accurate reflection of the current needs of the area.

Trustee Galusha was concerned that if the zoning change was made an applicant could receive a variance that would allow them to build on the property and not maintain the current parking lot.

Trustee Lanphear expressed her concern with changing the zoning at 14 South Main Street and the unforeseen impacts, but thought the changing of the zoning at 7 State Street was appropriate.

There being no one wishing to speak further for or against this local law, **Motion 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 Galusha, Seconded Trustee Galli not to adopt the amendment to 210-4. Zoning Map for 7 State Street and 14 South Main Street.

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

Motion Mayor Corby, seconded by Trustee Galli, to set a public hearing on Local Law #9 on March 25, 2014 at 8:00 pm to amend §210-4. Zoning Map Property Tax Id #164.06-2-6, 7 State Street to B1-Retail Business District.

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

Motion Mayor Corby, seconded by Trustee Galli to set a public hearing on Local Law #10 on March 25, 2014 at 8:00 pm to amend §210-4. Zoning Map Property Tax Id #164.06-2-7, 14 South Main Street to B1A – Special Historic Business District.

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

PUBLIC HEARING – PROPOSED LOCAL LAW #5 – Amend 76 – Brush, Grass and Weeds

Proof of the legal notice below having been published, **Motion Mayor Corby, seconded by Trustee Lanphear**, to open the public hearing on the proposed amendment to 76 – Brush, Grass and Weeds.

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NOTICE OF PUBLIC HEARING**

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, February 25, 2014 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider proposed Local Law #5 of 2014, which law will amend §76 “Brush, Grass and Weeds”, of the Code of the Village of Pittsford.

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Proposed Local Law #5 of 2014
Amend §76 Brush, Grass and Weeds

Amend §76-1 Duties of Owner and Occupants as follows:

New Subparagraph (c)

Owners and occupants of land in the Village shall not deposit yard waste, brush, leaves, grass, etc. upon Village Streets. Where sidewalks exist, yard waste may be placed in the right-of-way, between the sidewalk and the street pavement edge. Where neither of the above situations exists, the Building Inspector shall have the authority to designate a suitable yard waste storage location that minimizes the creation of any safety or visibility issues.

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

There being no one wishing to speak for or against this local law, **Motion 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 Galli, seconded by Trustee Boehlert, to approve the passage of Local Law #5 of 2014, to amend chapter 76 “Brush, Grass and Weeds as corrected.

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

PUBLIC HEARING – PROPOSED LOCAL LAW #6 – Amend 105-15 – Enforcement; penalties for offenses.

Proof of the legal notice below having been published, **Motion Mayor Corby, seconded by Trustee Lanphear**, to open the public hearing on the proposed amendment to 105-15 Enforcement; penalties for offenses.

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Proposed Local Law #6 of 2014
§105-15 Enforcement; penalties for offenses

Amend §105-15.C. Enforcement; penalties for offenses as follows:

*Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code, **Pittsford Village Code** or this chapter, or any term or condition of any building permit, certificate of occupancy or certificate of compliance, temporary certificate, stop-work order, operating permit or fails to comply with any notice, directive or order issued by the Code Enforcement Officer pursuant to any provision of the **Village Code** or this Chapter, shall be liable to a civil penalty of not more than **\$300.00 in total for any specific violation**. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Village.*

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There being no one wishing to speak for or against this local law, **Motion Mayor Corby, seconded by Trustee Boehlert**, to close the public hearing.

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

Motion Trustee Boehlert, seconded by Mayor Corby, to approve the passage of Local Law #6 of 2014, to amend chapter 105-15 Enforcement; penalties for offenses.

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

PUBLIC HEARING – PROPOSED LOCAL LAW #7 – Amend 173-6 – Dumpsters

Proof of the legal notice below having been published, **Motion Mayor Corby, seconded by Trustee Lanphear** to open the public hearing on the proposed amendment to 173-6 – Dumpsters.

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NOTICE OF PUBLIC HEARING**

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, February 25, 2014 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider proposed Local Law #7 of 2014, which law will amend §173-6 Dumpsters, of the Code of the Village of Pittsford.

**Proposed Local Law #7 of 2014
Amend §173-6 Dumpsters**

Amend §173-6.B. Dumpsters as follows:

B. Location, use, condition and appearance requirements.

(1) (a) *No dumpster may be placed, and no existing dumpster shall remain in any location, unless the dumpster is screened by an enclosure consisting of a solid fence or other approved screening material. The enclosure shall exceed the height of the dumpster so that the dumpster is entirely screened from view. The enclosure shall at all times be kept closed and in good repair, so as not to create an unsightly condition.*

(b) *Where dumpsters are less than three (3) cubic yards in size, or an accumulation of three or more totes, that will contain materials other than restaurant and /or food related garbage, are maintained with securely closed and water tight openings, are structurally sound, are free of rust are order-free, are properly painted, and where the site may not be suitable for an enclosure, the Building Inspector may waive the enclosure requirement. If such a waiver is granted, the property owner, lessee or user of the dumpster or totes will be responsible for maintaining them as described herein. If these conditions are not met the Building Inspector will revoke the waiver and the dumpster and/or totes will be immediately removed. It will be the responsibility of the property owner to make an application to the appropriate Board(s) to erect an enclosure to facilitate the dumpster or totes.*

There being no one wishing to speak for or against this local law, **Motion Mayor Corby, seconded by Trustee Boehlert**, to close the public hearing.

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

Motion Trustee Boehlert, seconded by Trustee Lanphear, to approve the passage of Local Law #7 of 2014, to amend chapter 173-6.B. - Dumpsters.

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

MODIFICATION OF THE CELL TOWER CODE

Village Attorney, Jeff Turner, discussed with the Village Board a proposed modification of the Cell Tower Code. He suggested a new subsection be added to section 210-94 and section 210-95, which would waive any requirements of the section that were inapplicable as a result of the applicant proposing a shared use.

Motion Mayor Corby, seconded by Trustee Boehlert to set a public hearing on Local Law 11 on March 25, 2014 at 8:00pm for the proposed modification of the Cell Tower Code.

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

EXECUTIVE SESSION

Motion Mayor Corby, seconded by Trustee Lanphear to enter into an executive session to discuss a specific personnel performance issue at 9:00pm.

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

Having taken no action, a **motion** was made **by Mayor Corby, seconded by Trustee Galusha**, to leave the executive session and reenter the regular session of the meeting.

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

MEMBER ITEMS

Trustee Lanphear discussed with the Board the recent article in the Democrat and Chronicle which indicated the Village Meeting Hall was dimly lighted. The Board discussed and decided there was adequate lighting in the room.

Trustee Galli reminded the Board that the personnel reviews were due Friday, 28, 2014.

MINUTES

Motion Mayor Corby, seconded by Trustee Boehlert to approve the minutes of February 11, 2014, with the requested change.

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

ADJOURNMENT

Motion Mayor Corby, seconded by Trust Boehlert, to adjourn the meeting at 9:35 PM.

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

Dorothea M. Ciccarelli, Recording Secretary