

**PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES**  
**March 11, 2014 – 7:00 PM**

**Present**

<b>Mayor:</b>	Robert C. Corby
<b>Trustees</b>	Lili Lanphear
	Lorie Boehlert
	Frank Galusha
	Tim Galli
<b>DPW Superintendent:</b>	Doug Yaeger
<b>Building Inspector:</b>	John Limbeck
<b>Recording Secretary:</b>	Dorothea M. Ciccarelli

**CALL TO ORDER**

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

**TREASURER’S REPORT**

**Village Clerk, Dorothea Ciccarelli** presented vouchers listed on Abstract #015 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 #015 in the amounts stated below and to charge them to the appropriate accounts.

**Abstract #015 – 2013/14**

General Fund (#530-#551, #553-#557):	\$18,568.97
Sewer Fund (#550, #552):	<u>\$ 474.21</u>
<b>Total vouchers for approval:</b>	<b>\$19,043.18</b>

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

**DPW REPORT – Doug Yaeger**

- Yearly vehicle preventive maintenance was completed, and the crew discovered that truck #1 requires a new oil pan and a cylinder, which is used for lowering and rising of the dump body. The cylinder is currently leaking hydraulic fluid; the anticipated cost for both repairs is around \$4,300. The Superintendent indicated he would be obtaining additional quotes for the necessary repairs.
- The project for Jefferson Road was postponed due to the anticipated weather conditions.
- Mr. Yaeger indicated to the Board he was currently working with Town DPW to schedule upcoming road projects for the summer.
- Mayor Corby requested that Superintendent Yaeger update the village tree inventory. The Superintendent indicated he would review the current list, but informed the Board he was going to speak to the Town GIS services and see if the tree inventory could be added.
- When the weather has allowed, the DPW crew has been filling potholes. Unfortunately, due to the cold patch material, the repairs are not long term and the potholes return within a short period.
- The crew has finished restoring three of the memorial benches, and they have turned out beautiful.
- The Superintendent discussed the gutters on the Village Hall. The current heat tapes are not working, and a call was placed to Tambe Electric. The company indicated the system could be outdated and in need of an update. Mr. Yaeger was also going to have them inspect the heated sidewalk and give him a quote for both the heat tapes and the sidewalk.

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- The Board and Superintendent held discussion regarding the replacement of trash bins on Main Street and the size required. The Superintendent recommended the Board replace the current bins with similar ones used on the canal.
- Superintendent Yaeger and Trustee Galusha discussed with the Board using the newsletter to inform residents of the upcoming road projects for the summer.
- Trustee Galli requested the Superintendent review the situation with the pigeons at the pavilion and seek assistance in getting the birds relocated.
- Mr. Yaeger informed the Board that the sample bows Trustee Lanphear provided had been placed in front of the Village Hall for the Trustees to view.

Motion Trustee Galli, seconded by Mayor Corby, to authorize Superintendent Yaeger to attend the NYS-DEC Erosion & Sediment Control Training and the Stormwater Engineer for MS4S training, the cost not to exceed 100 each.

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

## **BUILDING INSPECTOR'S REPORT**

### **General Items**

Building Inspector, John Limbeck, discussed with the Board the issuance of the non-municipal use permit to the Town of Pittsford for the Memorial Day parade since they are a municipality. Mayor Corby stated that in this case, the permit should be a municipal use permit.

Mr. Limbeck informed the Board that he had informed the Pittsford Community Library that their request for sandwich board signs for their upcoming sale was not allowed. The Library would be allowed to install the banner on the face of the building.

Building Inspector, John Limbeck, reported to the Board about his discussion with village insurance agent, Gary Wilkins, regarding the certificates of insurance that the village requires for a building permit. He stated that we do not need to have an endorsement to the policy issued to accompany the certificates of liability for personal injury and property damage. The only time that the endorsements should be issued is when the work is being performed for the village. Mr. Limbeck indicated that he changed his insurance requirement sheets will submit a code change once the current slate of public hearings subsides.

### **Commercial**

Mr. Limbeck issued an asbestos abatement permit for Pittsford Pediatrics at 59-B Monroe Avenue. This is part of their overall renovation project, and the work is complying with New York State Code Rule 56.

The Building Inspector informed the Board that Chase Bank at 31 State Street would be replacing their HVAC equipment this year. He sent pictures of the structure to their A/E firm and reminded them of the screening requirements. The Board expressed concern that the screening requirements be addressed. Mr. Limbeck assured the Board he was working with the bank, and the requirements would be completed.

Mr. Limbeck completed a survey of the existing dumpsters in the Village and came up with 44 existing dumpsters and several locations where three or more totes are being used. The Building Inspector noted that there were nine locations that did not have enclosures, and several other locations where the enclosures were in need of repair. Mr. Limbeck provided the Board a sample letter and application to start issuing permits for the current dumpsters. He stated that he would also be sending notifications to the owners who need enclosures or required repairs to the existing enclosures. Mayor Corby stated he was pleased that the Building Inspector was reviewing the dumpster situation.

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Lock 32 Brewing Company has received a Certificate of Occupancy and will be opening as soon as they receive their Liquor License.

**Residential**

Mr. Limbeck informed the Board he sent a letter to the owner of the property at 18 Lincoln Avenue regarding a hole in the roof of the barn and was awaiting a response.

**Board Actions**

Discussion was held with the Inspector regarding the paving of the path at the canal. The Inspector indicated the time frame for the paving currently was scheduled for June through July. The work being done on the canal is being performed between Pittsford and Fairport. Mayor Corby indicated that we should look into setting a preconstruction meeting with the Canal Corporation to review the project.

**FRIENDS OF PITTSFORD VILLAGE – NON-MUNICIPAL USE PERMIT FOR FARMER’S MARKET**

John Stadt, Justin and Amy Vliestra representing the Friends of Pittsford Village discussed with the Board the proposed Farmer’s Market. Trustee Galli questioned the applicant as to when the Market was planning on opening. Mr. Stadt indicated the market would be opening on June 1, and the hours would be 4-7 pm. The applicants indicated they might extend the hours until 8pm during the summer. The group provided to the Board correspondence from the Town regarding the approval for use of the Town property. The applicant indicated the current plan for the market included having musicians for entertainment and cooking demonstrations. Discussion was held on possible signage for the market; the group was informed they could not use a-frame signs. Mayor Corby informed the group they would still need to go to the Zoning Board to receive a Special Zoning Permit. Discussion was had on handling of the garbage. The coordinators commented that the market should not generate more than a bag or two of trash. Mayor Corby suggested that the market could dispose of the garbage in the DPW dumpster. Trustee Boehlert expressed concern that they do not allow other groups to use the village dumpster. Mayor Corby commented that this group was actually conducting a community event and the village could contribute the disposal of the garbage as an act of support.

**PUBLIC HEARING – PROPOSED LOCAL LAW #8 – Amend Section 168-5. Signs**

Proof of the legal notice below having been published, **Motion Mayor Corby, seconded by Trustee Galusha**, to open the public hearing on the proposed amendment to section 168-5. Signs

**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, March 11, 2014 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider proposed Local Law #8 of 2014, which law will amend §168-5 Signs, of the Code of the Village of Pittsford.*

**Proposed Local Law #8 of 2014  
Amend §168-5 Signs**

**Amend §168-5 Signs as follows:**

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*Section 168-12 Temporary signs would become "Temporary banners."*

*Section 168-12 (2) (a) through (g) and Section 168-12 (3) would be eliminated.*

*Section 168-12 C would be reworded to read, "Banners will require a permit from the Building Inspector."*

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

John Limbeck, Building Inspector, at Mayor Corby's request, reviewed with the Board and residents the intent of proposed Local Law #8. The Building Inspector explained that the above law legalized the removal of the sandwich board signs from the code and changed the section from temporary signs to temporary banners.

Janet Reynolds, 35 Church Street – Questioned the Board as to what a banner is, and why it does not apply to the farmer's market.

Mr. Limbeck explained that a banner is not placed in the right-of-way, and that due to the Department of Transportation law and our village insurance carrier, we are forbidden to allow any signs to be placed in the right-of-way.

Mayor Corby commented that this law allows this type of banners for non-for-profit, places such as the Town Hall, Library and perhaps a church.

Mr. Limbeck indicated that he was correct and even the Fire Department would be allowed to display this type of banner.

Ms. Reynolds questioned why the farmer's market could not use one. The Mayor indicated there is not a building to place the banner on. She further stated that maybe the law is too restrictive, given the opportunity to have the farmer's market and the limitation on the signage they would need.

Mayor Corby indicated that the farmer's market signage could be addressed another way. He indicated the intent of the code was to remove the flapping type signage. The banner-type signage allowed is the type of signage found for community events.

Mayor Corby and Inspector Limbeck discussed the possibility of assisting the farmer's market with signage through the special zoning permit process. Mr. Limbeck also suggested the issue be reviewed with the Village Attorney as well. Mayor Corby agreed and indicated it also might be reflective of the zoning district as well.

Trustee Galli questioned whether the code describes a banner and if it includes the size information. Mr. Limbeck indicated the code does describe the different types of signs. The Board discussed the size of the banners and where they had been placed on different public buildings.

There being no one wishing to speak further for or against this local law, **Motion 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 Galusha, Seconded by Trustee Boehlert, to approve Local Law #8.

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

FRANK SCIREMAMMANO, F-E-S ASSOCIATES – SEQR FOR 75 MONROE AVENUE

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Mr. Sciremammano stated the Board in order to comply with the SEQR law must answer two questions at this time. He stated that the first question is whether substantive changes were made to the 75 Monroe project submission or whether new information was discovered that is relevant to the environmental review and the previous negative declaration.

Mr. Sciremammano reviewed the definition of substantive: Having a firm basis in reality and therefore important, meaningful, or considerable.

The second SEQR question to be answered is whether the changes or new information indicates that there is a significant, adverse environmental impact beyond what was considered in the negative declaration.

Mr. Sciremammano reviewed the consequences of each action the Board might take. If the Board answered “no” to either question, they would need to prepare an amended negative declaration, acknowledging the changes and the new information and affirming the determination that no significant environmental impact may result from the project. If the Board answered, “yes” to both questions, it was recommended that they pass a resolution to that effect and provide notice to all the involved agencies and the applicant. The notice should state that, pending review of a response from the applicant, they intend to rescind the negative declaration and adopt a positive declaration for the project. If this action is done, Mr. Sciremammano recommends giving the applicant two weeks to respond to this determination.

Mr. Sciremammano reviewed with the Board the project plans provided by the applicant for the initial and currently proposed project. In reviewing the plans, Mr. Sciremammano indicated that there were four major deviations from the regulating plan, which included: the number of buildings, arrangement on the site, including the restaurant location, building footprints and the use of space between the buildings. Mr. Sciremammano individually reviewed the deviations as follows. Although the number of apartment buildings was reduced from six to five, it was determined that the overall footprints for the individual buildings are on average 27% larger. The relocation of the restaurant to Monroe Avenue from the canal also moved the restaurant 800 feet closer to the village homes. The area at the canal, which had been dedicated for the restaurant, was redesigned as a private pool and clubhouse. The public boat dock and boardwalk were also reduced in length due to this change. The wider building footprints necessitate a 290-foot long, 7-foot high retaining wall along the canal. There is less usable space between the buildings because these areas were turned into driveways to the underground parking. In addition, a sewage pump station has been placed in the only green space available between the buildings. Mr. Sciremammano discussed the 18-inch drainage pipe discovered during remediation of the site. This pipe was removed and is apparently still plugged under the railroad right-of-way. The existence of the pipe was not known during the original SEQR analysis done in support of the negative declaration.

Mayor Corby pointed out that in the regulating plan there was a planned twenty to twenty-five foot wide area of trees along the railroad bed. In the new plan, the space has been reduced to five feet in width, which limits the number of trees. Mayor Corby stated the space was not adequate to allow tree growth. This would not provide sufficient buffering and would not provide the same canopy of trees as the regulating plan. Mayor Corby stated that this was a substantial change.

Trustee Galli questioned what consideration has been given to green space in the plan. Mr. Sciremammano indicated the applicant has been required to do an open space plan. Mr. Sciremammano did not do a comparison of the green space between the two plans, but indicated they were roughly comparable, but distributed differently. Trustee Galli questioned whether that would be significant. Mr. Sciremammano stated it is not a significant change, but the redistribution might be significant in the way it was completed.

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Trustee Galli questioned how many of these changes are due to fire code requirements versus just simply redesigning and moving things around. Mr. Sciremammano indicated he was not completely sure, but indicated some of the items were most likely due to the fire codes. Trustee Lanphear questioned when you are designing a plan similar to this, why would you not address the fire code from the beginning. Mayor Corby indicated that they did have a creative solution to handle the 26-foot right-of-way for the fire code-turning radius at the end of the buildings. However, the roadways are essentially the same; he stated that the only variable was the width in the buildings. Mr. Sciremammano indicated he was unable to answer Trustee Lanphear's question since it depends on who is doing the design work.

Mr. Sciremammano indicated that the biggest change in the plans is the restaurant moving and the impact on the public use of the space along the canal. The idea of having a promenade along the canal with a restaurant was to draw people into the site. Discussion was held on the definition of substantive, and Mr. Sciremammano indicated it would be up to the Board to use their best judgment.

Mayor Corby agreed with Mr. Sciremammano that moving the restaurant was a significant change, and the new location was actually 840 feet closer to existing single-family homes. Mayor Corby indicated that the previous location was in an insulated area due to the buildings and distance, which would benefit the residents by isolating the noises associated with the restaurant. The current location would not provide the same protection from these noises for the residential area. Mayor Corby informed everyone that the original intent of the R-5 Code was to reinforce the residential character of Monroe Avenue, but moving the restaurant to the Monroe Avenue location does not do that.

Mr. Sciremammano commented that the changes made to the public access areas on the boardwalk would not be as inviting to the public. Mayor Corby stated that another reason for the restaurant being located along the canal was to provide a public destination to the waterfront and the site. The current design is not as inviting, with the privatized pool and clubhouse and the missing sloped sidewalk area along the waterfront.

Trustee Galli questioned why the restaurant was moved. Mayor Corby indicated that the applicant decided to move the location of the restaurant. Trustee Galli asked if moving the restaurant was discussed at the Development Review Committee meetings. Mayor Corby indicated that it had been discussed. Trustee Boehlert questioned if some of the people on the committee wanted it moved there. The Mayor indicated that yes, some people did want it moved, but there was not a consensus on the move. Mayor Corby and Mr. Sciremammano indicated that what the Board needed to look at now was this substantive change from the regulating plan. Trustee Boehlert stated that this is about SEQR, not whether it is a good idea to move the restaurant. Mr. Sciremammano indicated they needed to make a decision as to whether these changes were substantive.

Mayor Corby stated his opinion that the biggest issue is the change in the footprint of the buildings. The wider buildings have crowded the other features that were incorporated in the regulating plan. The larger buildings have taken away from the historic feel that similar developments in the area have. He further indicated there was too much uniformity with the buildings, in comparison to the regulating plan. The Mayor further pointed out that if you look at the National Park Service standards for compatibility with a historic context, the current plan is not as compatible as the previous plan. Mayor Corby expressed concern that the previous view shed analysis done for the regulating plan would not apply to the current plan.

Trustee Lanphear indicated that when she reviewed the plans, they had lost all their articulation and the buildings had swelled up in size and lost all their historic articulation. She also indicated that the green space was substantially different, and that the linear park for public access was reduced. Trustee Lanphear stated the parking lot is the first feature visual when entering the site. In the previous plan, you

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would have seen the green space, the public walkway, and the park. The green space buffer is lost and does not match the tree scape.

Trustee Galli questioned Mr. Sciremammano as to whether they should be quantitative in comparison or qualitative. Mr. Sciremammano indicated they should be looking at the quantitative for question one. Discussion was held by the Board as to whether the changes to the project and the new information regarding the drainage pipe were substantive. Mayor Corby indicated that the drainage pipe was not known by the Board or the applicant at the time of the original SEQR. Trustee Galusha discussed with the consultant the definition of substantive and basis in reality being something you could see, such as the changes in the number of buildings, footprint, width, and location. Mr. Sciremammano stated that the changes were recognized by the Planning Board as four major deviations along with several minor changes in the plan. Trustee Galusha questioned if the buildings were taller to accommodate the proposed occupancy. Mr. Sciremammano was not sure if the height of the buildings had changed, and referenced the drawings received from the applicant. He indicated the better question was the variable heights changed to accommodate the number of units, since the variable heights were important in the original negative declaration. The proposed percentages of building story heights are the same as in the regulating plan. Mr. Sciremammano indicated the heights might not have changed, but the distribution of the heights might be of concern.

**Motion Mayor Corby, seconded by Trustee Lanphear** to offer the following resolution that there have been substantive changes including: changes to the footprint of the buildings, changes to the locations, changes to the number of buildings, changes to the landscaping and the number of trees, relocating the restaurant use closer to residential, waterfront less of a destination, introduction of 290 feet of retaining wall, redesign of the central park space with introduction of a sewer pump station, reduction in the tree canopy over the streetscape throughout the project, and the blocked drainage pipe under the railroad. **Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

Mr. Sciremammano reviewed with the Board the second question the Board had to answer, which was, do the changes or new information lead you to determine that there is a significant, adverse environmental impact beyond what you considered in the previous review. He then reviewed with the Board guidance provided from the NYS DEC SEQR documentation, which provided assistance in assessing significance. The item, which must be considered, is magnitude, duration, and likelihood. In this case, the duration of these changes would be permanent. Mr. Sciremammano focused on magnitude and the guidance provided discussed moderate and large impacts. Moderate impacts are more localized and affect a portion or the whole parcel and are not regional in nature. Large impacts go beyond the parcel and into the neighborhood, community, or impact a larger number of people. These impacts often have a broad local or regional concern. Mr. Sciremammano indicated that the following DEC SEQR regulations regarding whether the impact would result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resource or of existing community or neighborhood character was what the Board was dealing with.

Mr. Sciremammano further discussed with the Board the DEC SEQR discussion on community character, which he indicated the Board would be reviewing as well. He indicated this area was quite broad and would be a matter of judgment by the Board. Trustee Boehlert asked the consultant if they were looking only at the difference between the two plans, and not starting all over again. Mr. Sciremammano agreed they were only looking at the difference in the impacts regarding the change in the plan. Mr. Sciremammano reviewed with the Board the impact areas that the original SEQR Review discussed as potential significant areas, which included: aesthetic resources, historic resources, and community character. He stated that compatibility to existing community character was deemed essential to the SEQR review. In the current EAF part 3, statements were made under aesthetic resources, that indicated the design of the footprints and massing were important. The EAF also had statements under the Historic

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and Archaeological resources that referred to the “Canal Commercial” character, which was expected to enhance the historic significance of the canal and the village. The statement also discussed the multitude of changes addressing the issue regarding density, configuration, mass, scale, material composition, and parking layout. Mr. Sciremammano indicated that these statements reflected the Village’s desire to see these components in the development.

Mr. Sciremammano related that recent correspondence from residents and the village preservation consultant, Ted Bartlett of Crawford & Stearns, stated that the currently proposed plan returns to a large mass of buildings with attached details typical of suburban and urban residential developments; the distinctive effort of the Canal Commercial appeal is lost. By contrast, the Village PZBA indicated in its preliminary site plan approval that the approved plan reasonably complies with the concept and ground level plans, and the differences would not result in significant adverse impacts. Trustee Galli indicated that the Planning Board was looking at site plan requirements. Mr. Sciremammano stated that was true, they are looking at site plan, not necessarily the architecture combined with it, but they are looking at the massing and the footprints. He indicated it is somewhat subjective and would be up to the Board to decide if the plan is different enough that it would be a significant, adverse impact in the terms of the visual character, and architectural features of the village. Mr. Sciremammano indicated the APRB had not yet received the complete application for approval. However, minutes from the public meeting of the Board indicated concerns with the changes that have occurred. Trustee Boehlert stated that the DRC had wanted those changes; the Board had been made up of two members from Planning and APRB. Mayor Corby commented that the DRC is not a binding board, and has no regulating authority and they are not the lead agent for the project. Trustee Boehlert said that the Village Board had received input from other Boards and this Committee actually wanted fewer buildings and wanted to move the restaurant; they indicated it would be better. Mayor Corby stated that only trustees have the power to give special permits, and only the trustees are the lead agency to assess the impact of the move. Mr. Sciremammano stated the applicant did come back to the Village Board to request a change in the regulating plan. This was at the time they were seeking site plan approval, which indicates that they recognized there were changes in the plan and that this Board has the ultimate authority to approve changes to the regulating plan. Trustee Lanphear noted the public hearing to consider a new regulating plan was never officially closed.

Mr. Sciremammano discussed the discovery of the drainage pipe. He indicated that at first, the applicants refused to assume responsibility, but later, in correspondence dated November 12, 2013, the applicants stated that they would install the replacement pipe as proposed in its last plan revisions, while reserving its right with respect to the cost incurred and eventual ownership. Mr. Sciremammano expressed concern related to the engineer’s report for the final site plan revision of December 10, 2013, which stated, “It will be the responsibility of the adjoining property owners and/ or the Village of Pittsford to re-direct this storm sewer.” Mr. Galli questioned whose engineer made the statement. Mr. Sciremammano stated it was the applicant’s engineer, BME. Trustee Boehlert questioned if the blockage is under the railroad, how would the applicant or the Village make the repair. Mr. Sciremammano said the question is who caused the blockage. Trustee Boehlert indicated the pipe had deteriorated from age. Mayor Corby indicated that we do not know who has the ultimate responsibility; the concern right now is that it is an unresolved issue. Trustee Lanphear indicated she did not think we could let the project move forward until this issue was resolved. Trustee Boehlert indicated that the only unresolved issue is how to repair the pipe under the railroad. Mayor Corby indicated that under SEQR, you could not segment issues; you have to look at everything together. Mr. Sciremammano indicated he did not feel the issue of the pipe has been resolved. There is additional information needed for the drainage plans, and necessary information regarding the discharge for the site has not been completed. The plans have not been finalized. Trustee Boehlert questioned if this will be done at final site plan approval. Trustee Galli asked if it was premature for the Board to be hearing this since all the information is not available. Mr. Sciremammano responded that since you do not have the information, you do not know what the impact will be. Since the Board is

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the lead agency, that they need to make the decisions related to the environment. Mr. Sciremammano stated that the applicant is in the final site plan process now and still has not provided the necessary information. Trustee Galli questioned if the village engineer, Scott Harter, has asked for this information. Mr. Sciremammano responded that he has been requesting the information and it has not been received. In addition, nothing has been received by the DEC stating that they agree with the approach taken for the design of the system. Trustee Boehlert asked if they should wait for the DEC to respond. Mr. Sciremammano stated you could force them to answer by asking them for it, through the SEQR process. Mayor Corby stated it was one way; we would be able to guarantee we get the information and we understand what the impact is. Mr. Sciremammano stated that this has stemmed from the new information, regarding the drainage pipe. Trustee Galli commented that they do not know if there would be a significant adverse impact. Mr. Sciremammano commented the Board should be concerned with the potential of a significant impact.

Mayor Corby requested that Mr. Sciremammano help the Board run down each issue and then they would be able to evaluate the impacts. Trustee Boehlert asked what the process would be if the Board declared that, this would be a potential significant adverse impact and the process involved. Mr. Sciremammano informed her that the Board would inform the applicant and other involved agencies that you intend to rescind the negative declaration unless convinced otherwise. You will give the applicant time to convince you that you should not rescind the negative declaration. If you do rescind the declaration, then you replace it with a positive declaration. Trustee Boehlert stated that the Board would give the applicant two weeks to respond to what the Board deems the problems are. Mr. Sciremammano indicated that the Board would meet again and decide whether you are going to rescind the negative declaration. If you issue the positive declaration, you would then do the whole draft environmental procedure. Nevertheless, the scope would be limited to the issues you have identified: aesthetic and historic resources and the drainage. Trustee Galli commented that this would force DEC to make a declaration. Mr. Sciremammano stated it would force the applicant to get in touch with DEC and get documentation. The Board would then have an environmental impact statement subject to public review, discussing these issues and going through it. Unfortunately, the process could take up to six months. Trustee Galli asked if at some point there would be a determination and final scope. Mr. Sciremammano informed the Board that at the end, the Board will make findings, and the findings will not be that there are no impacts as the Board did before. The Board would determine that there are impacts, they looked at them, and decided if the project benefits outweigh them.

Mayor Corby explained to the Board that tonight the goal is to checklist any impacts that arise to the substantive and potential significant level. Mr. Sciremammano discussed with the Board the focus of the loss of the Canal Commercial character and the impact on the community character, through visual impact on the Village's historic stature and the canal. He suggested the Board summarize it that way in terms of the project plan changes. Trustee Boehlert stated that we are not looking at the mass and scale; we are focusing on the loss of the Canal Commercial look. Mr. Sciremammano indicated size and scale are a part of the Canal Commercial theme. Trustee Boehlert questioned if it is the scale between the two plans. Mr. Sciremammano stated yes, it is the difference between the two plans. Trustee Galli indicated that at this point it comes down to whether we believe the consultants on the project. Mr. Sciremammano stated yes, in addition to, the movement of the restaurant and the changes to the waterfront. The waterfront might be publicly accessible but the public is not encouraged to use it. Compare Schoen Place space is used for public use to the plan proposed with private clubhouse, pool and a sidewalk. Mayor Corby indicated the Board also needed to look at the capability of the project in a historical cultural landscape. Trustee Galli indicated that it seems a little clearer when you focus on the word potentially, when you do not have a resolution. Mr. Sciremammano proposed to the Board that they propose intent to rescind the negative declaration; he would prepare some paperwork for the positive declaration. He also tried to provide to the Board the DEC criteria, for making their decision. These items included whether there be a visual impact, whether it would extend beyond the site, and whether it will have a change in the

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community character, and whether it will affect the visual landscape. Trustee Boehlert stated they are only looking at the difference. Mayor Corby indicated that the board was in agreement that they are focusing on the difference in the plans. Mr. Sciremammano indicated also, whether the changes were substantive and if the difference will result in a potential substantive impact. Mayor Corby questioned if they were separating historic from visual. Mr. Sciremammano indicated that they are connected; they all involve community character, and he reviewed the community character information with the Board. Which he indicated is the visual appearance, historic nature of the community, and how they interplay. Trustee Lanphear questioned if this would be a separate resolution. She was informed that the first resolution indicated that there were changes; the second one would deal with whether they were substantive. Mayor Corby stated that they had determined there were changes, and now they are going to evaluate changes and determine if they are moderate or large impact. Mr. Sciremammano added to the statement whether there is potential for adverse significant impact due to these changes, which could affect community character, visual, and compatibility with the historic landscape, or it could be due to the changes that occur along the canal front.

The Board of Trustees concluded that the following potentially significant adverse impacts may result from the project changes and new drainage information:

- 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.
- The relocation of the restaurant to the Monroe Avenue frontage may result in increased impacts to nearby, historic residential properties relative to noise, the screening of 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.
- 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.
- 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.
- 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.
- 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 plan.

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- 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.
- 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 plan.
- 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.
- 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.
- 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.

The Mayor also stated in terms of impacts, the village is a historic district and that 75 Monroe is a sensitive site of an important gateway on the Erie Canal. The site is being reviewed for listing on the National Register. This was not proposed at the original time the SEQR was done, and that has been a change as well. Trustee Galli questioned how important is that change, since things change all the time. Mr. Sciremammano indicated the significance of that change would be regarding the commercial industrial look. Mayor Corby indicated that it is not essential to replicate the buildings across the canal but to consider how the development at 75 Monroe might affect their historic setting.

Mr. Sciremammano at this point indicated to the Board that all they needed to do was to make a resolution to the fact of the potential significant impacts. The records will have all the reasons and it would be laid out in the positive declaration the Board would complete after the applicant's response. Trustee Galli stated these are the findings. Mr. Sciremammano indicated that yes, these were the facts, that these are the changes and there might be some adverse impacts that we did not consider before or that we considered and were wrong on because of the changes. Mayor Corby indicated it allows us to cover our bases that we have looked at everything. Mr. Sciremammano indicated as well as covering the bases for the other village boards. Trustee Boehlert asked are we just making a resolution, and we are not asking the applicant to clarify some of these things. Mr. Sciremammano stated that the applicant would have the chance to respond as per the SEQR regulations. Trustee Boehlert commented that you are asking the Board tonight to rescind the negative declaration. Mr. Sciremammano said you are looking to show your intent to rescind the negative declaration, based on the information you have now. Mayor Corby indicated that it is not a final decision. The Board would still have the opportunity to issue a negative declaration or a positive declaration. Mr. Sciremammano indicated the Board would not reaffirm the negative declaration but amend the declaration with the changes. Mayor Corby indicated that this would show we took a hard look at the new plan. Mr. Sciremammano indicated there is no time frame in the regulations, the Board could work with the applicant and have them submitted items to you

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to convince you that you should not due a positive declaration. Then you should amend the negative declaration with additional conditions.

Trustee Galli questioned if this is completed tonight what impact it has on discussions happening at the Planning Board, does it stop everything. Mr. Sciremammano indicated that it does not stop everything until you actually rescind the negative declaration and issue a positive declaration. The positive declaration would stop them from moving forward with any other approvals. Since SEQR has to be completed before, they can move forward. Mayor Corby indicated this is the lead agent's responsibility to completed. Mr. Sciremammano indicated he was correct, that they must do, if they decided there are substantive changes to the plan and there is new information that you did not have before. You must either amend the negative declaration or rescind it. Trustee Boehlert stated you are saying we have to move forward to either amend or rescind. Trustee Galusha stated this would be after the applicant has had the opportunity to respond. Mayor Corby questioned the time limit given to the applicant. Mr. Sciremammano indicated that you could work with the applicant on the time frame as long as progress is moving forward.

Chris DiMarzo, representing Mark IV, stated to the Board that they had started this project in 2007 and since the inception, they have attended 121 meetings. All the changes that have been made are the normal progression from sketch plan to site plan. The applicant also indicated that most of the changes were made per the fire marshal and due to requirements in the R5 code that indicated; they must have storage in the basement. In addition, there is a requirement for the cars to be parked beneath the building. Mr. DiMarzo stated the changes were minor and there is nothing substantial here. He indicated that the Board should review the current information from ARPB or the Planning Board. Mr. DiMarzo indicated the plan the Board had received for this review does not show the additional trees required by the Planning Board along the railroad.

Mayor Corby stated to Mr. DiMarzo that the Board had an agreement last May that the applicant would meet with the Board of Trustees updated the regulating plan. The Mayor commented that they could have worked with the applicant then, to resolve some of these issues. Mr. DiMarzo indicated they had decided to go ahead and meet with the Planning Board instead. The Planning Board made a resolution that they did not have to come back to the Village Board. Mayor Corby stated that the Village Board was the agency responsible for SEQR and assessing the impacts. Mr. DiMarzo commented what does this have to do with environmental impacts. Mayor Corby responded that all the changes from the original plan would be reviewed as environmental impacts from the project. Mr. DiMarzo indicated he was right, but they are part of the normal progression of the site plan. The Mayor informed the applicant that the procedure they are following would allow him the chance to respond to the Board.

Mr. DiMarzo indicated that space that is more open has been provided in the current plan. He also indicated that they had moved the pool due to discussions with the DRC committee. He stated the restaurants location is about the same distance any residential neighbors as it was in original location. Mr. DiMarzo did not feel that there were any significant changes or impacts from this move. In addressing the Board's concerns regarding the ends of the buildings, Mr. DiMarzo explained that they are working with APRB and the design is not complete. The buildings have gotten wider but there is one less building and there is less of a footprint, than the originally design. Mr. DiMarzo also indicated there was a solution for the storm pipe with the Planning Board. He also addressed concerns that he cannot control where all the water that comes from and does not feel that this is a new issue.

Mr. DiMarzo indicated that they would protect their rights, even if it would mean another lawsuit with this project. He requested the Board work with him on this project. Trustee Lanphear stated that they had approved plan. Mr. DiMarzo stated that the original plan was a sketch plan and they are unable to build the site in that configuration. He also indicated that the resolution passed anticipated that the buildings

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would change, but they have maintained all the requested issues. He requested the Board not go through with this long process and work with him. Trustee Lanphear, stated they did not expect him to go away, they expected him to build the project he received approval for. Another representative for the applicant indicated the project overall had not changed. It was the same number of units the same road configuration and same type of plan. Mayor Corby informed the applicant they were required by SEQR law to do this review because of the changes made to the regulating plan. He also stated since the Village Board is the lead agency it is the only Board that can access the impacts of these changes. The Village Board is doing its due diligence, and doing what is proper and necessary related to this project. The applicant representative expressed concern the Board would be reopening the SEQR process and indicated that both parties have spent considerable time on this project.

Trustee Boehlert questioned if they needed to do the second resolution tonight or could they give the applicant a chance to return in two weeks and respond to the Boards concerns related to the project. Mayor Corby responded he would prefer to follow the SEQR law. Mr. Sciremammano discussed the degree of change in the project and indicated the process would allow the applicant to discuss the changes and review the impact or non-impacts with the Board. Trustee Boehlert asked if the Board would have to do a public hearing. Mr. Sciremammano stated if you do a positive declaration and an impact statement, you have the option of doing a public hearing and usually you do. Trustee Boehlert indicated they were not looking at changing the regulating plan. Mr. Sciremammano indicated they were not; they were just looking for the applicant to justify the changes and explain why there is no change in the impacts.

Mr. DiMarzo requested the Board allow them to return in two weeks and answer all the Board's questions without starting the formal process. Mayor Corby and Mr. Sciremammano shared an opinion that the Board should follow the SEQR process, and this would provide the applicant the ability to respond. Mr. DiMarzo stated that this was very clearly in opposition of the court's order, that this is a substantive change. Mayor Corby stated he had spoken to the attorneys and nothing precluded their actions tonight. Trustee Galli questioned whom the Mayor had spoken with. Mayor Corby responded that he spoken to Village Attorney, Jeff Turner, and Wade Beltramo with NYCOM. Mr. Sciremammano encouraged the Board to move forward and make the resolution, and if you feel you are making progress with the applicant you can amend the negative declaration. Then the Board will have looked at the changes and have reviewed the impacts as required. Mr. DiMarzo expressed concern with starting the formal process and wanted the Board to give him an opportunity to work with them. Mr. Sciremammano indicated the Board had already begun the formal process when they made the first resolution. Trustee Galusha stated he was happy with Mr. Sciremammano recommendations, since it would give the applicant a chance to respond and would provide the Board with the ability to reaffirm the impacts on the project. He stated it was a logical progression. Mayor Corby commented that it would strengthen the SEQR and make it defensible if they reaffirm the negative declaration, saying we took a second hard look at the project. Mr. Sciremammano indicated it would be a benefit to the applicant if it goes that way. Trustee Galli commented because everything will be well documented as per our actions. Mr. Sciremammano stated since you will have recognized the changes and have taken a second look.

Mr. DiMarzo discussed all the underlying requirements to the plan that the applicant has agreed to do. Mayor Corby stated they were not revisiting all the impacts; they were only reviewing the areas where the changes had been made. The applicant expressed further concern that the plan had evolved and that there were findings for all the changes. Mayor Corby stated that as lead agency, one of the processes involved is to gather that information and bring it together. The applicant responded that the Board had turned over every stone when it completed its negative declaration. The applicant stated to the Board if they took this action tonight there would be another lawsuit. They also stated they were violating the SEQR process. Trustee Galusha stated that they should give a member of the public the opportunity to speak since they allowed the applicant to speak.

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Justin Vliestra, 19 Boughton Avenue stated that the applicant was trying to intimidate the Board, and that the public had a right to a quality environmental review of the project. He thought the applicant manipulated the process by threatening another lawsuit. Mr. Vliestra stated the Board represents the residents and it was their job to protect the environment. Mr. Vliestra also indicated the applicant was proposing changes a month after the Board approved the regulating plan. He commented the restaurant had been moved six months prior to the DRC meeting. The resident stated two years prior, the APRB had stated the project was too big. He indicated the applicant has tried to coerce the Board and convince everyone that it is great, when they have been aware for two years that this project was problematic.

Mike Reynolds, 35 Church Street – Commented to the Board about the applicant stating the number of meetings they have attended. He stated if they brought a viable proposal they would not have needed to attend so many meetings.

Trustee Boehlert questioned if there a restraining order by the court order saying the Board cannot take any substantive action on the project. Mayor Corby stated the order is actually that we are required to notify the court if we take any actions on the project, which we have. Trustee Lanphear questioned where the restraining order was from. Mayor Corby stated there is no restraining order on the Village Board. Trustee Boehlert said there is nothing here that they can go to their lawyers tomorrow with or go to the judge and have the Board brought in for contempt. Mayor Corby responded not. Trustee Boehlert indicated she would feel better if our lawyer was present. Mayor Corby informed the Board that he had numerous conversations with the Village Attorneys; both of them indicated the Board could move forward. Trustee Galli stated that NYCOM was not our attorney. Mayor Corby stated had spoken to NYCOM regarding as different issue. The attorneys he was speaking of were Jeff Turner and Peter Skivington. Trustee Lanphear stated the only time the restraining order was ever discussed was in correspondence by Mr. Pavia; the judge never used it.

Motion by Mayor Corby, Seconded by Trustee Lanphear, to make a resolution that there is a potential significant adverse impact due to the plan changes and the new information on drainage.

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

The Board offered to set up a meeting with the applicant for the next scheduled Board meeting, and the applicant requested the Board send him a formal letter and his attorney would respond.

Trustee Galli discussed with the Board that he would like to know what implications on the plan if the changes were made from the fire code or were design changes. The Board discussed the implication of the fire code on the plan, and Mayor Corby reviewed with the Board his understanding of the changes. The Board discussed having the fire marshal present to verify the applicant statements related to the fire code.

Peggy Brizee, 81 South Main Street: Thanked the Board for reviewing the changes on the project. She thought the Board would find the process very liberating and would setup a new procedure in looking at a project. She also wanted to remind the Board that the applicant provided this new plan for the project after the approval of the special permit. She also indicated the Board was doing the right thing regarding the SEQR process, that they were doing their job.

Mayor Corby discussed that Mr. Sciremammano had a meeting with Mark IV at their request and at the village's expense. Mr. Sciremammano said there was nothing of consequence from the meeting. Mayor Corby requested it be entered into the record that the applicant had requested this meeting.

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**MEMBER ITEMS**

Trustee Lanphear discussed with the Board her attendance at the Pittsford Chamber of Commerce Business Person of the Year dinner.

**Motion Mayor Corby, seconded by Trustee Galusha** to reimburse Trustee Lanphear for attendance at the Pittsford Chamber of Commerce Business Person of the year dinner.

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

Trustee Galusha reviewed with the Board documentation for the purchase of the flush truck for the Department of Public Works.

Mayor Corby discussed with the Board a request to move the current Planning Board meetings to accommodate the Building Inspector's for attendance.

**MINUTES**

**Motion Mayor Galli, seconded by Mayor Corby** to approve the minutes of February 25, 2014, with the requested changes.

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

**ADJOURNMENT**

**Motion Trustee Boehlert, seconded by Mayor Corby,** to adjourn the meeting at 10:33 PM.

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

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Dorothea M. Ciccarelli, Recording Secretary