

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

**Present**

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

**CALL TO ORDER**

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

**TREASURER’S REPORT – Mary Marowski**

**Village Treasurer, Mary Marowski**, presented vouchers listed on Abstract #016 of 2013/2014 fiscal year for approval. A **motion** was made **by Trustee Galli, seconded by Mayor Corby**, to approve payment of vouchers listed on Abstract #016 in the amounts stated below and to charge them to the appropriate accounts.

**Abstract #016 – 2013/14**

General Fund (#558-#589):	\$44,460.30
Sewer Fund (#570):	<u>\$ 23.34</u>
<b>Total vouchers for approval:</b>	<b>\$44,483.64</b>

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

Village Treasurer, Mary Marowski, discussed with the Board the request made by Superintendent Yaeger for cell phone reimbursement per village cell phone policy.

**Motion Mayor Corby and Seconded by Trustee Boehlert**, to approve the stipend approval for cell phone use for Doug Yaeger per village policy.

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

Ms. Marowski also discussed with the Board concerns expressed regarding the urn located in front of Embrasse Moi. The urn had been damaged and discussion was held on the possibility of having it repaired. Trustee Lanphear requested that the Board give her an opportunity to look into possible repair methods. The Treasurer also discussed with the Board suggestions on additional landscaping in the Village. There was a suggestion made to add eight super pots in various locations in the village. The Board indicated they would review the locations, and that in the future, those locations may be considered.

Village Treasurer reviewed with the Board the current outstanding invoices related to the Mark IV – 75 Monroe Avenue project. The current outstanding invoice amount is \$4,410.90. Ms. Marowski sent a reminder email to Mr. DiMarzo, which was not responded to, and she informed the Board that the village will be using the \$3,000 from the escrow funds to pay the outstanding invoices. Village Attorney, Jeff Turner, suggested to the Board that he send a letter to Mr. Pavia, Mark IV attorney, informing him that the consultants on the project will complete no further work until the escrow funds are replaced.

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Motion by Trustee Boehlert, seconded by Trustee Galli, to make a resolution authorizing the payment of the outstanding invoices from the escrow; in addition, authorizing the Village Attorney, Jeff Turner, to send correspondence to Frank Pavia, Attorney for Mark IV, informing them that no further work will be completed by the consultants for the project, until the escrow fund is replenished and the outstanding balance owed is paid.

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

## **OFFICE**

Village Clerk, Dorothea Ciccarelli, reviewed with the Board the upcoming 2014 PERMA Annual Conference and requested authorization for DPW Superintendent, Doug Yaeger, and the Clerk to attend the conference.

**Motion by Mayor Corby and seconded by Trustee Galusha,** to authorize Dorothea Ciccarelli and Doug Yaeger to attend the 2014 Annual PERMA Conference.

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

Ms. Ciccarelli reviewed with the Board a request from Superintendent, Doug Yaeger, for authorization for employee Brad VanBortle to attend an upcoming Spring Tree Care Workshop.

**Motion by Trustee Galli, seconded by Mayor Corby,** to authorize the attendance of Brad VanBortle at the Spring Tree Care Workshop, at a cost not to exceed \$75.00.

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

The Village Clerk reviewed with the Board the upcoming conference for NYALGRO. She requested authorization for employee Sophie Bennett and herself to attend. Ms. Ciccarelli explained that the conference topic dealt with electronic records, and she thought the topic timely to the village's needs. The Board expressed concern with the conference cost and the expected budget. The Village Clerk further explained that she was hoping that the village would receive a scholarship to help cover the cost of the conference and would review her attendance at the conference if the village was not successful in the endeavor. The Board requested that attendees issue a brief report to the Board for conferences attended so the Board could judge if attendance at a particular conference was beneficial to the village.

**Motion by Trustee Galusha and seconded by Trustee Galli,** to authorize Dorothea Ciccarelli and Sophie Bennett to attend the NYALGRO Conference.

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

## **BUILDING INSPECTOR'S REPORT**

### **General Items**

Building Inspector, John Limbeck, was unable to attend the meeting but submitted his report for the Board to review.

### **Residential**

The Board discussed the comments from Mr. Limbeck regarding 43B Rand Place and requested further explanation as to the status of the project related to issues with the sewer lateral. Mayor Corby questioned if the line was dedicated and if a new sewer line was in place.

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The Board reviewed suggestions from Mr. Limbeck regarding his concerns related to local garage sales, and they did not feel that currently there was problem with traffic or pedestrian safety.

**Commercial**

The Board had a discussion about to concerns with the code related to consumption of alcoholic beverages outside on public spaces. Mayor Corby indicated that there are regulations in place regarding the consumption of such beverages and that the consumption must take place at the location of the business owner.

Mayor Corby also informed the Board of a recent discussion with the Building Inspector, related to the Brownfield Cleanup at 75 Monroe Avenue. There currently is about three weeks of remediation work remaining, and a report needs to be made to the DEC for their review. The DEC will have 62 days to conduct their review. Mayor Corby also reviewed concerns by Village Engineer, Scott Harter, related to seeding on the site and erosion fencing. Mr. Harter also had expressed concerns regarding the property and spring runoff and the blocked storm drainpipe.

Mike Reynolds, 35 Church Street: Stated he had visited the Village Green property and did not feel that the property owners had contributed to the blockage of the pipe as indicated by Mark IV construction.

Mayor Corby further discussed concerns with local retaining ponds not cleaned of sediment and causing problems. Discussion was held on contacting Mr. Harter and finding out the status of the Storm regulations for maintenance.

**PUBLIC HEARING FOR SIMPLY CREPES, 7 SCHOEN PLACE**

Proof of the legal notice below having been published.

***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 25, 2014 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Simply Crepes for an expansion of the Special Permit to allow the operation of a restaurant in the building located at 7 Schoen Place, Pittsford, NY, which location is in a B-4 District – Canal Water Front Business District, pursuant to Chapter 210-74 A (2), Special Permit Uses in B-1, B-1A, B-2, B-4 and M-1 Districts.*

Mayor Corby discussed with Pierre Heroux, owner of Simply Crepes, the roof venting for the operations. He asked if there would be a second vent on the roof. Mr. Heroux explained that they would have a second vent on the roof but the fan would be smaller and located in the attic space. Mayor Corby questioned if the applicant would be vacating the basement space. The applicant informed him they would not be and would only be making some cosmetic changes to the space, such as flooring.

Mayor Corby reviewed with the applicant village code section 210-74 items A-H to verify compliance to the section. Trustees reviewed the comments submitted by PZBA Chairperson, Remegia Mitchell, from the meeting on March 24, 2014; no concerns were noted from the meeting.

**Motion Trustee Galli, seconded by Trustee Boehlert,** to approve the Simply Crepes application for an expansion of their special permit based on the understanding that the applicant has successfully demonstrated to the Board of Trustees conformance with the criteria in §210-74 B (3) (a)-(h).

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

**Motion by Mayor Corby, seconded by Trustee Lanphear,** to rescind the previous motion to correct the opening of the public hearing.

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

**Motion by Mayor Corby, seconded by Trustee Galusha,** to open the public hearing for Simply Crepes, located at 7 Schoen Place.

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

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

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

**Motion by Mayor Corby, seconded by Trustee Boehlert,** to approve the Simply Crepes application for an expansion of their special permit based on the understanding that the applicant has successfully demonstrated to the Board of Trustees conformance with the criteria in §210-74 B (3) (a)-(h).

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

**PUBLIC HEARING – FOR FLOUR CITY PASTA, 5 SOUTH MAIN STREET**

Proof of the legal notice below having been published, **Motion Mayor Corby, seconded by Trustee Lanphear,** to open the public hearing on the special permit for a restaurant.

***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 25, 2014 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Flour City Pasta for a Special Permit for restaurant and carry out operations in the building located at 5 South Main Street, Pittsford, NY, which location is in a BIA – Special Historic Business District, pursuant to Chapter 210-74 A (2), Special Permit Uses in B-1, B-1A, B-2, B-4 and M-1 Districts.*

Mayor Corby discussed with the applicant whether they would be extending their hours of business. The applicant indicated they would not be; they were just looking to add seating for lunch and would be adding a brunch food at 10 am on Sunday.

Mayor Corby reviewed with the applicant village code section 210-74 items A-H to verify compliance to the section. Trustees reviewed the comments submitted by PZBA Chairperson, Remegia Mitchell, from the meeting on March 24, 2014; no concerns were noted from the meeting.

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

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

**Motion by Mayor Corby, seconded by Trustee Galusha,** to approve the Flour City Pasta application for an special permit based on the understanding that the applicant has successfully demonstrated to the Board of Trustees conformance with the criteria in §210-74 B (3) (a)-(h).

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

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

Proof of the legal notice below having been published, **Motion Mayor Corby, seconded by Trustee Boehlert**, 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, 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*

Janet Reynolds, 35 Church Street: Questioned the Board as to why they were considering changing the zoning since no request had been made by the owners.

Charlie Fitsimmons, Owner of the Village Bakery, indicated to the Board that he is requesting the zoning to be changed to expand his business.

Mike Reynolds, 35 Church Street: Asked the Board if the zoning needed to be resolved at this time. Could the zoning issue be resolved for the owner without changing the actual zoning.

Mayor Corby responded that the rezoning would be appropriate, because the area is not viable for residential use and has no access from Church Street.

Trustee Lanphear indicated that this was a part of the Comprehensive plan. She indicated it would be helpful to have a map that showed the exact boundaries.

Majed El Rayess, 30 Church Street: Stated to the Board, that it would be easier for the residents to understand the impact of changing the zoning, if they could see it on a map.

Janet Reynolds, 35 Church Street: Expressed concern to the Board that commercial district zoning was affecting the residential area, and was concerned with the overall rezoning of any residential zoning area into commercial.

Mayor Corby stated that the building had been used for commercial use since it was built, and the change in the zoning would be appropriate.

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The Board requested the hearing be tabled until April 8, 2014 at 7:30 pm, when an aerial map showing the change in the zoning would be available.

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

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 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, 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*

Trustee Boehlert requested the Board table this public hearing until the maps could be provided, that clearly show the change in the zoning.

Janet Reynolds, 35 Church Street: Expressed concern that the courtesy mailing regarding the public hearing only went to residents within 300 feet of the property. She thought the whole street should have been notified.

Majed El Rayess, 30 Church Street: Informed the Board that he would be out of town for the next meeting and requested his previous comments from the original public hearing be entered into the record.

The Board requested the hearing be tabled until April 8, 2014 at 7:30 pm, when an aerial map showing the change in the zoning would be available.

**PUBLIC HEARING – PROPOSED LOCAL LAW #11 – MODIFICATION OF ARTICLE XVIII OF VILLAGE CODE / COMMUNICATIONS TOWERS**

Proof of the legal notice below having been published, **Motion Mayor Corby, seconded by Trustee Boehlert**, to open the public hearing on the proposed Modification of Article XVIII of Village Code / Communications Towers.

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 #11 of 2014, which will be a **Modification of Article XVIII of Village Code / Communications Towers**, of the Code of the Village of Pittsford.

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***Proposed Local Law #11 of 2014  
Modification of Article XVIII of Village Code / Communications Towers***

***Modification of Article XVIII of Village Code / Communications Towers as follows:***

*New Sub-Section 210-94.D. - The Planning Board is permitted to waive any requirements of this section, which are inapplicable as a result of the applicant proposing a shared use on an existing tower or structure.*

*New Sub-Section 210-95.M. - The Planning Board is permitted to waive any requirements of this section, which are inapplicable as a result of the applicant proposing a shared use on an existing tower or structure.*

*Amend Section 210-95.B.(8)*

*Accessory facilities, structures and antennas shall be subject to the review of the Architectural and Preservation Review Board.*

*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.*

Justin Vliestra, 19 Boughton Avenue: Commented to the Village Board that the wording of the law was improved, but he still had a concern with the law.

There being no one present wishing to speak for or against this application, a **motion** was made by **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 Lanphear, seconded by Mayor Corby**, to adopt the Modification of Article XVIII of Village Code / Communications Towers.

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

MEMBER ITEMS

Mayor Corby reviewed his recent meeting with GTC, regarding the \$30,000 grant received for a circulation study. The grant would be folded into the Town of Pittsford's grant. The Village and Town both expressed the need to have two stand-alone studies, to be used with their comprehensive plan. Mayor Corby informed the Board that he would be redrafting the scope of work for the project. He also requested assistance from the Board with the grant. Trustee Boehlert indicated she would be happy to assist.

Janet Reynolds, 35 Church Street: Questioned if the study would also review the current bus routes into the village, as she did not feel there were enough buses into the village.

The Board did not feel it would be addressed, but the transit authority was currently reviewing their schedules.

Trustee Galli – Wanted to make sure that the new employee polices adopted would be added to the employee handbook.

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Trustee Galusha informed the Board that the residents of Boughton Avenue were putting together a petition for speed bumps in the neighborhood, and introduced Andrew Evans to speak to the Board. Andrew Evans, 21 Boughton Avenue: Informed the Board that a group of citizens in the area was working on gathering signatures for speed bumps in the neighborhood. Mr. Evans indicated he is a new resident in the area, and has become quite concerned with the number vehicles that ignore the stop sign. He also stated the neighborhood has been changing, and there are more children in the area and that young families are increasing.

Mayor Corby informed Mr. Evans that the Village had received a grant to do a circulation study, and he was hoping to review the area for a long- term solution, such as a speed table.

#### **MINUTES**

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

#### **EXECUTIVE SESSION**

**Motion Mayor Corby, seconded by Trustee Boehlert** to enter into an executive session to discuss several specific personnel performance issues at 9:05pm.

**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 Galli**, 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.**

#### **ADJOURNMENT**

**Motion Mayor Corby, seconded by Trust Boehlert**, to adjourn the meeting at 9:33 PM.

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

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Dorothea M. Ciccarelli, Recording Secretary