

**PROCEEDINGS OF THE REGULAR MEETING OF THE
VILLAGE OF PITTSFORD BOARD OF TRUSTEES**
March 11, 2003 at 7:30 PM

PRESENT:

Trustees	Mayor Robert Corby Thomas Farlow Steven Maddox Glenn Brown
Excused:	Paula Sherwood
Attorney	John C. Osborn
DPW Superintendent	Scott Spencer
Building Inspector	Edward Bailey
Recording Secretary	Anne Z. Hartsig

Mayor Corby called the meeting to order at 7:30 P.M. The Pledge of Allegiance was recited.

PUBLIC HEARING - PROPOSED LOCAL LAW #4 OF 2003: ADD Chapter 195-18.1.

Chapter 195-18.1. Parking in front of driveways.

No person shall park a vehicle so that any portion of the vehicle extends in front of the width of the entrance, including any apron, of a public or private driveway.

Attorney Osborn stated that New York State Vehicle and Traffic Law says parking is not allowed in front of a driveway. However, it does not specify what "in front of" means. Because of the increasing problem of cars blocking driveways in the Village, this code addition became necessary.

Trustee Brown stated for the record that an email was received from resident Carl Shook, 53 Monroe Ave. Mr. Shook suggested that parking be prohibited an additional 10 feet on either side of the driveway.

A **motion** was made by **Mayor Corby, seconded by Trustee Brown** to open the Public Hearing.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

Thomas Dannhauser, 16 Locust Street: Mr. Dannhauser expressed his support for the adoption of this local law.

There being no further comments, a **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to close the Public Hearing.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

A **motion** was made by **Trustee Maddox, seconded by Mayor Corby** to approve the adoption of Local Law #4 of 2003 as written.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

PUBLIC HEARING: SPECIAL PERMIT USE – SIMPLY CREPES CAFÉ – 7 SCHOEN PLACE

Present: Karen and Pierre Heroux, business owners

Discussion: Mr. and Mrs. Heroux explained the concept of their proposed business. They intend to have a maximum of fifty seats within the restaurant and also offer take-out crepes. They will not serve alcohol. Proposed hours are 7 AM to 10 PM in the warmer months and 7 AM to 6 PM in the winter. Cooking will take place on the main floor. A ventilation system with fire suppression equipment will be installed. It will exhaust out the back roof. They have signed a five-year lease for the space. They intend to stay within the design of the building and within the Code of the Village. Signage will also be consistent with the Village Code. Mr. Heroux said he has entered an agreement with Towpath Bike shop to share the dumpsters, one for cardboard and one for trash. He will have them emptied more than one time per week if necessary. In addition, they are willing to provide trash baskets for take-out debris.

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Building Inspector Bailey said that parking is adequate for a fifty-seat restaurant. A minimum of 22 parking places is needed for this number of seats and for staff. He said this application would not need Planning Board or APRB approval except for the ventilation system on the roof.

SEQR: The Short Form SEQR was reviewed. The Board determined that this is a Negative Declaration. No further review is necessary.

Proof of the legal notice having been published, a **motion** was made by **Mayor Corby, seconded by Trustee Brown**, to open the Public Hearing.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

Remegia Mitchell, Planning Board Chairperson: Ms. Mitchell said from a Planning Board standpoint, the concept is good and is in keeping with the goals of the Comprehensive Plan.

There being no further comments, a **motion** was made by **Mayor Corby, seconded by Trustee Farlow**, to close the Public Hearing.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

A **motion** was made by **Mayor Corby, seconded by Trustee Brown** to approve this application for a Special Permit Use due to the following Findings of Fact:

- a. access to and size of the site are adequate for proposed use
- b. proposed use won't adversely affect the pattern development in the area
- c. nature, duration and intensity of operations will be in harmony with nearby uses and will not alter the essential character, nor be detrimental to residents in the area
- d. proposed use won't create a hazard to health, safety or general welfare
- e. proposed use won't be detrimental to the flow of traffic
- f. proposed use won't place an excessive burden on public improvements, facilities, services or utilities
- g. while the proposed site is less than 100 feet from a residence, the public entrance to the restaurant will be oriented to Schoen Place so it will not adversely affect the residence to the north
- h. the configuration of proposed use will be will mitigate any noise toward the resident to the north

and with the following conditions:

1. if the application is not subject to Planning Board and APRB Review, the applicant will come back to the Board of Trustees for a review of the mechanics
2. there shall be a maximum of 50 seats based on the required 22 parking places
3. during reasonably warm weather, two trash receptacles will be provided and maintained near the restaurant for potential take-out litter

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

COMMUNITY ARTS PROJECT PROPOSAL

Mr. Craig Curran's company, *Just Cruises*, donated one of 100 animal sculptures to House 4 - 6th, 7th, and 8th graders at the Pittsford Middle School to decorate. From May until the Fall, these 100 sculptures will be on display throughout the city and later auctioned for charity purposes. Mr. Curran would like this particular sculpture to be on display on Schoen Place. The sculpture will be a fish titled "Carpe Diem". It will stand about 6 feet high and will sit on a 2'x3' concrete base. Mr. Curran will provide a waiver of liability if needed.

Board members were in favor of the proposal so long as the sculpture can be secured adequately. Mayor Corby will meet with Mr. Curran and DPW Superintendent Scott Spencer to coordinate a location.

A **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to authorize the use of public property on Schoen Place for placement of the community art sculpture "Carpe Diem" from May until the Fall of the year.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

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JONATHA RAND – 53-55 SOUTH MAIN STREET – TRAFFIC SAFETY ISSUE

Ms. Rand explained to the Board that it is impossible to see oncoming traffic when she exits her driveway due to cars parked on either side of her driveway, especially if those vehicles are trucks or vans. She said it is an unsafe situation. In a discussion with Mr. Spencer, the Board determined that the DPW would stripe on either side of the driveways along South Main Street in the vicinity of the Church in the hopes that people will not park in these places.

REVIEW 2/14/03 RV DRAFT LAW – CONTINUED DISCUSSION

Trustee Maddox reviewed the minor changes that were made to the draft since the February meeting.

Todd Craig, 22 East Jefferson Road: Mr. Craig presented the RV law from the Village of Fairport. He said the proposed law for Pittsford Village is consistent with that of the Village of Fairport. He mentioned that Fairport charges a fee. Mayor Corby said he does not want to charge a fee. **Mrs. Craig** asked what the outstanding issues and obstacles are that would prevent this issue from going forward. Mayor Corby explained that the Board has proceeded cautiously and has tried to provide a fair balance between concerns of neighbors. Trustee Farlow stated that the goal has been to provide an ordinance that is easy to follow for all residents. **Melissa Holahan, 38 Rand Place:** Mrs. Holahan said that because no two lots are alike in the Village, the 10 foot rule in section D. 2 should be eliminated. She said better wording would be to say the vehicle should be stored “as parallel to or as adjacent to the principle structure as is reasonably possible”. Attorney Osborn said the word “reasonably” is not easily enforceable. He said that it would be better to specify the distance required. In those cases where it is not possible to comply, leniency can be sought from the Zoning Board. Mayor Corby asked Mr. Bailey to add a qualifying clause to address practical difficulties when there are circumstances that will not allow for compliance.

A **motion** was made by **Mayor Corby, seconded by Trustee Farlow** to hold a Public Hearing at the April meeting to discuss the adoption of Proposed Local Law #6 of 2003, Recreational and Commercial Vehicles, Parking and Storage of.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

DISCUSSION OF EASEMENT AT 56 AND 60 NORTH MAIN STREET

Present: Mr. Robert Teamerson, Attorney and Mr. Richard Fox

Discussion: Mr. Teamerson explained that Mr. Fox would like to purchase the building at 56 North Main Street, commonly known as Pittsford Pub. A portion of the building extends over a major Village sewer line. At the time the building was built, an easement was granted to the Village allowing the Village to remove that portion of the building in the event of a problem with the sewer line. As long as that easement exists, Mr. Fox will be unable to obtain title insurance. Mr. Teamerson asked the Village to release a portion of the easement. The Village Engineer Bill Van Alst, determined it would cost approximately \$15,000 to shore up the trench if necessary. Mr. Teamerson said that cost would be the same if shoring were required on the line or a foot away from it. Therefore, he suggested that his client deposit \$7700 with the Village to cover the cost of a liner for the sewer pipe if a problem arises in the future. A hold harmless clause would also be in the agreement. Mr. Teamerson asked the Board to consider this proposal.

Mayor Corby said that the encroachment of the building increased the liability of the Village. He said the Board would like to facilitate Mr. Fox’s purchase of the building but it is not appropriate to take on the burden of the additional cost to taxpayers. He said the Board would discuss the proposal in Executive Session.

DELMONTE LODGE CONNECTION – 6 MONTH EXTENSION OF BUILDING PERMIT

The Board received a request from the Del Monte Corporation for a six-month extension of the building permit to complete the connection between the railroad buildings at 41 North Main Street because they are undecided about the final use of the buildings. Board members said that Del Monte did not build that section as approved by APRB. If an extension is granted, there will need to be some assurance as to how it will be resolved. In order to be consistent, the Board agreed that the project should be completed according to what was approved or the application should be amended to include whatever will be taking place in the connection of the two buildings. A representative from Del Monte Corporation will attend the April meeting to continue the discussion regarding this request.

MONROE COUNTY PRE-DISASTER MITIGATION PLANNING EFFORT

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The Village has to appoint a representative to attend the meetings for the Pre-Disaster Mitigation Planning Effort. Board members decided that Scott Spencer, DPW Superintendent, is the most logical employee to attend these meetings. Trustee Farlow offered to attend the meetings as well. The Clerk will notify the County that Mr. Spencer will be our representative.

FOUNDER'S DAY UPDATE – TRUSTEE FARLOW

Trustee Farlow said the committee established a budget of \$2500 for this celebration. He said the committee asked for help from the office staff and the DPW on the day of the celebration. Mayor Corby said Dorothy Meusburger would take the place of the office staff on that day. Permission to close North Main Street from Monroe Avenue to Schoen Place between the hours of 12 to 8 PM. A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to authorize closure of North Main Street on June 29th for the Founder's Day celebration from 12 to 8 PM.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

Superintendent Spencer will notify the DOT, Pittsford Ambulance, the Regional Transit Authority and the Fire Department about the road closing.

Trustee Maddox mentioned Greyhound Planet Day. The group would like to hold a greyhound parade but would try to join in on another event day.

DISCUSSION: RE-ZONING OF PLUMB LANE

Remegia Mitchell, Zoning Board Chairperson, on behalf of the Zoning Board recommended to the Board of Trustees that the zoning of Plumb Lane be changed from B-1Retail Business District to B-4 Canal Waterfront Business District. Plumb Lane is not on the same level as the rest of State Street and it is not very visible from State Street. Frontage on State Street is minimal compared to the amount of frontage on the canal. The Zoning Board said the change in zoning would allow for a broader number of uses of those buildings on Plumb Lane and it would be in keeping with the principles of the Comprehensive Plan. To insure that the Plumb Lane buildings remain viable, a change to B-4 Canal Waterfront District would allow them to be retail and still allow for other uses as well. **Robert Michaels, owner of properties on Plumb Lane:** Mr. Michaels stated that this is a logical conclusion and would be in favor of the change in zoning.

A **motion** was made **by Trustee Brown, seconded by Trustee Farlow** to hold a Public Hearing at the April meeting to discuss proposed Local Law #7, to change the zoning district of Plumb Lane from B-1 Retail Business District to B-4 Canal Waterfront Business District.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

VILLAGE VOLUNTEER CLEAN-UP DAY STATUS REPORT

Trustee Farlow asked the Board to determine a date for the clean-up event. It was decided that Sunday, June 22nd would be the optimum date because it is one week before Founder's Day and a month and a half before the PGA event. Trustee Farlow said he will not need the DPW to work on that day but they will have to schedule to pick up debris on the following Monday, Tuesday and Wednesday.

Trustee Farlow will contact Steve Melnyk who works for Fleet Bank. He may be able to help organize a group from the bank to help on this community project. The scout troops in Pittsford should also be contacted for help on this event.

Board members decided that serving refreshments would be a good idea. It was suggested that a follow-up thank you letter be published in the BP Post and in the newsletter listing all groups and organizations that helped with the event. Trustee Farlow asked that Board Members email him with ideas pertaining to the event.

LIBRARY MEETING UPDATE

Mayor Corby reported to the Board on a discussion regarding the library renovations. At a recent meeting it was decided that the interior plan would be developed based on input from a citizens group. 100 people will be invited to participate including the entire Village Board and the Chairpersons from the Planning and Zoning Board and the APRB.

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Board members agreed that an article about the library should be included in the newsletter. They decided to ask Supervisor Carpenter to write this article. Members felt the school renovation issue should also be in the newsletter.

NYSDOT MEETING FOLLOW-UP – TRUSTEE FARLOW

Trustee Farlow reported that a meeting was held with Dave Gerrig and Steve Hudon from the State DOT. Also in attendance were Ed Maybeck, from the Comprehensive Plan Task Force, Scott Spencer, DPW Superintendent, Mayor Corby and Trustee Farlow. Fifteen issues were discussed. Among them were repainting the bridges using historic colors, pedestrian crossing signs guidelines, creating a school zone at the crosswalk on Jefferson Road by Sutherland Street using a lime green pentagonal sign or a sign with flashing warning lights. Mayor Corby contacted George Kisha from the School Board to discuss this further. Other issues were improving the median at Washington Road and North Main Street – the DOT will check the guidelines, the reconstruction of the Washington Road/Golf Avenue intersection in 3 to 5 years (Trustee Farlow said a letter should be sent now to Chuck Moynihan of the DOT including a summary of Village concerns), slowing traffic on the North Main Street bridge, extending the 30 mph zone on Jefferson Road and high visibility striping on Village crosswalks.

Trustee Farlow also reported that he left a message for Larry Jones regarding the RG&E lights but his call has not been returned as of this meeting.

BURDETT LOT LEASE AGREEMENT

Attorney Osborn explained that there are two pieces to the proposed updated lease. The first is the agreement between the Town, Village and the Burdett family, which has remained virtually the same as the original one of 10 years ago. The second is the intermunicipal agreement. Number 6 of the intermunicipal agreement states that all expenses not specified that are associated with the lease of the parking lot be shared equally by the Town and Village. Number 7 states that the Finance Director of the Town will be responsible for all finances related to the operation of the parking lot. Attorney Osborn said these items need to be reviewed by the Board.

Town Attorney Lusk faxed a draft agreement to Attorney Osborn this afternoon. The Clerk will provide copies to the Board members for their review. The discussion will continue at the April meeting.

GRANT DISCUSSION – TRUSTEE MADDOX

Trustee Maddox informed the Board that the Village had been given \$100,000 through the LWRP of the Department of State. He, Mayor Corby, Stu Brown and a representative from the State will be meeting to discuss this grant.

Board members were given a proposal from Stu Brown for Brown Associates to serve as the project coordinator for the implementation of the Schoen Place Improvement Project. Trustee Maddox said he hoped the project could be started this fall when the water goes out of the canal and that it would be completed by January 2004. He would like to have input from the Task Force sub-committees by April.

Four things were listed as items the engineer of the project should do. They are design development, engineering services, project bidding and negotiation/contract administration. Trustee Farlow said he would attempt to write a Request for Proposal for this project. It was decided that Trustee Farlow and the Building Inspector could work together to coordinate the project.

DISCUSSION: ROTARY PROJECT

The Village received notification from Peter Crooker, a Pittsford Rotarian that as a part of Rotary International they would like to start a project within the Village. They are willing to commit to approximately \$5000 towards a project and would like the Village to submit a list of ideas. Some of the ideas were help with the Village Clean-up Day, the Beautification Task Force Committee, painting of the rail road overpass, landscaping of the North Main Street bridge abutments. Remegia Mitchell, Chairperson of the Beautification Task Force, will consult her committee for other ideas. She will report to Mayor Corby who will then contact Mr. Crooker.

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DEL MONTE LODGE REQUEST FOR USE OF BROCHURE PHOTOS

Danielle Dockstader from the Del Monte Lodge called to ask for permission to use photos of the canal that are found on the Village Brochure. Board members were agreeable, however, the Mayor will contact Kim Corby who took the photos. He will ask her to contact Danielle directly.

EVENTS COMMITTEE UPDATE – TRUSTEE FARLOW

Trustee Farlow said the Founder's Day will be included on the "Events" card published by the Town. Trustee Brown would like to include the "Events" schedule in the Village Newsletter.

Trustee Farlow reported that the Fire Department is willing to put on a pig roast or barbecue for the Founder's Day celebration.

Trustee Farlow also reported that the Town Events Committee plans to take a bigger organizational roll in Candlelight Night this year. Board members hoped that PVBA would continue to be active in the planning of this event.

COMP TIME

A **motion** was made by **Trustee Farlow, seconded by Mayor Corby** to authorize comp time for the Village Clerk and the Village Treasurer.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

TREASURER'S MEMO

The Board of Trustees was notified by memo that the Treasurer would delete voucher #382 to Internet Services Listing regarding the website. This voucher is on Abstract #10. The expense was not necessary because the Village was already registered to many of the search engines.

BUILDING INSPECTOR'S REPORT – SKIP BAILEY

Mr. Bailey reported that a health food store might use the space formerly occupied by Top Drawer. Mayor Corby inquired about the fan light at the Phoenix building and when it would be replaced. Mr. Bailey said he had written a letter to the building owner. He said he would re-send the letter. Other issues that were mentioned were the landscaping for St. Louis Church, which has not been completed. The playground renovations will begin after school is out in the spring. Talbot's representatives have not been before the APRB yet for plans for the store addition. Mayor Corby notified Mr. Bailey that the area near the mini storage is cluttered with junk and that the gutter is falling off. He asked him to walk along the trail at that location and make notes on what is back there.

Mr. Bailey told the Board about the Code Enforcement Disaster Assistance Response (CEDAR) program. He will apply for the program. If accepted, he will find out what the training requirements are and report to the Board.

DPW REPORT – SCOTT SPENCER

Mr. Spencer reported on **routine activities** and **completed projects**. **Work in progress** discussions included sidewalk grinding, ordering bases and faces for the pedestrian crossing signs, quotations for lighting the Village entrance signs, progress of installation of heat tape on the Village Hall, cleanup of the shop and the Village Hall. More research is needed about the cost of adding extra electricity to the light poles on South Main Street. **Informational items** that were discussed were extra help for the summer months, the sale of the mini packer and the chipper, new street signs as they pertain to State regulations, and use of the DPW truck by the Village Parking monitor.

Trustee Maddox complimented Mr. Spencer on the job he is doing managing the crew and reducing the costs at the DPW. He told the Board that development of a back-up supervisor is still needed to take over when Mr. Spencer is not there.

EXECUTIVE SESSION

A **motion** was made by **Mayor Corby, seconded by Trustee Brown** to enter executive session to discuss a matter of possible litigation.

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Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

A **motion** was made **by Mayor Corby, seconded by Trustee Brown** to leave executive session and reenter the regular session of the meeting.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

MINUTES

February 10, 2003: A **motion** was made **by Mayor Corby, seconded by Trustee Brown** to approve these minutes as amended.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

February 11, 2003: A **motion** was made **by Trustee Maddox, seconded by Mayor Corby** to approve these minutes as amended.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

BUDGET ISSUES

Increases in health care costs, road reconstruction project costs, worker's compensation insurance and disability insurance as well as other general cost increases prompted a discussion on the effect that raising the sewer rates would have on the budget for 2003/04. The Board decided to increase the sewer rates an average of 25% per unit and an average of 10% for the Wood Creek accounts. A **motion** was made **by Trustee Farlow, seconded by Mayor Corby** to hold a public hearing in April to change the Code to allow for sewer rate increases as follows: from \$6.00 to \$8.50 for the first 4000 gallons and from \$.80 to \$.98 for every 1000 gallons over that. For Wood Creek, rates would be raised from \$1.95 to \$2.15 per thousand gallons.

Vote: Corby – yes, Brown – yes, Farlow – yes, Maddox – yes. **Motion carried.**

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 11:05 PM.

Anne Z. Hartsig, Recording Secretary