

**PROCEEDINGS OF THE REGULAR MEETING OF THE
VILLAGE BOARD OF TRUSTEES**
November 12, 2003

PRESENT:

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

Mayor Corby called the meeting to order at 7 PM.

BUILDING INSPECTOR'S REPORT – EDWARD BAILEY

The Building Inspector submitted a written report since he was on vacation. A discussion regarding **driveway amendments** was postponed until the December meeting. Changes were made to the draft regarding **amendments to the fence Code** as presented by the Building Inspector. In letter E., The second sentence should read “Wire, barbed wire and electrified fences...” Vinyl should be added as another material and agricultural fences should be exempt. In letter F, delete the phrase “exceeding four feet in height”. A third criteria for review by the Zoning Board should be added. It should state that dog runs or other pet enclosures are permitted but they need to be screened from abutting properties. The Board briefly discussed the Monroe Avenue Corridor. Trustee Sherwood will review and report her findings on the number of signs suggested for placement within the Village. Trustees expressed some concerns regarding the costs for these signs.

TREASURER'S REPORT – MARY MAROWSKI

The monthly abstract was reviewed. A **motion** was made by **Trustee Brown, seconded by Mayor Corby** to approve the following vouchers and charge them to the proper account.

General Fund Vouchers	#210-258:	\$55,451.73
Sewer Fund	#224, 235, 246, 255:	<u>1,140.19</u>
Total		\$56,591.92

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

Ms. Marowski reported that the Courtenay Circle project was completed under budget.

Trustee Brown recommended waiting to put money into a CD for eleven months. He said Karen Serinis would notify the Treasurer if good investment opportunities arose.

A discussion regarding the required calendar for retirement reporting purposes took place. Trustee Brown said a standard form that all the Trustees could use would be of benefit.

DPW REPORT – SCOTT SPENCER

Mr. Spencer reported on **routine activities** and **work in progress**. Other issues were discussed. The repair of the frame for the **main door at the Village Hall** was completed. The Trustees asked Mr. Spencer to talk to Rochester Colonial about purchasing a wooden storm door for that entrance. The Village **sick time benefit** for employees was discussed. Trustee Maddox would like to review the policy. He is concerned that the policy as it is currently written in the Employee Handbook may encourage too great a use of sick time (use it or lose it). Mr. Spencer will contact the Town regarding the purchase of the **Christmas tree** for Candlelight Night. The Village will purchase, install and decorate the tree. An easement to allow the Village access to property located at **20 Courtenay Circle** to install drainage control has been written by Attorney Osborn. The next step will be for this easement to be presented to the owners. This drainage control will ease the problem of flooding on this property and others in the Courtenay Circle neighborhood.

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PROCLAMATION FOR LYNN TODD

Mayor Corby presented Lynn Todd with a Proclamation honoring him for his twenty-nine years of service as a school crossing guard in the Village. Mr. Todd retired from his position in September. The Village Board thanked Mr. Todd for his dedication to the Village.

MINUTES

July 19, 2003: A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to approve these minutes as amended.

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

June 29, 2003: A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to approve these minutes as amended including the addition of an invoice from the Pittsford Fire Department Band dated 10/21/03 in the amount of \$800.

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

July 29, 2003: A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to approve these minutes as amended.

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

September 3, 2003: A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to approve these minutes as written.

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

October 14, 2003: A **motion** was made **by Trustee Brown, seconded by Trustee Maddox** to approve these minutes as amended.

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

AMENDED MUNICIPAL COOPERATION AGREEMENT – BURDETT PARKING LOT

Attorney Osborn reviewed the proposed cooperation agreement regarding the Burdett Parking lot lease renewal. He had some question regarding #7 whereby it states that the Finance Director of the Town is the one designated to be responsible for the administration of all finances related to the operation of the parking lot. After discussion with the Town Attorney, Attorney Osborn was assured that because the parking lot is a joint enterprise, the Town and Village would share. He determined the agreement was identical to the one that has been in place for the last ten years and recommended that the Board proceed with this agreement.

A **motion** was made **by Trustee Brown, seconded by Trustee Sherwood** to authorize the Mayor to sign the Municipal Cooperation Agreement for the Burdett's Parking Lot Lease Renewal.

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

PUBLIC HEARING – SIMPLY CREPES- 7 SCHOEN PLACE – SPECIAL PERMIT EXPANSION

Because of the proximity of his parents' property, Mayor Corby recused himself as a member of the Board of Trustees for this issue. Deputy Mayor Brown acted as chairperson for this hearing.

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

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

Pierre Heroux, owner of Simply Crepes, told the Board he appreciated the support of the Village thus far. His business is exceeding all expectations and he believes the publicity surrounding the business has reflected well on the Village. He would like to continue use of the prep kitchen on the lower level of his building for the Schoen Place business and for his concession at Frontier Field. The other changes he would like to implement, extended evening hours, outside seating and the addition of benches for waiting guests are in response to the requests made by customers.

Robert Corby spoke on behalf of his parents, Charles and Carol Corby, 44 North Main Street: Mr. Corby stated that his family is not opposed to this application but does feel that if approved, conditions should be in place because the residential portion of his family's home and yard is adjacent to the restaurant. His parents suggest that the following reasonable conditions be considered: the hours of operation should remain the same, the dumpster should be moved so that it is more than 100' from the residential property,

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and the burden of maintaining the fence/screening should be that of the business or property owner. Mr. Corby asked the Board to be mindful of the precedent that would be set if this application was approved. Issues to consider are noise, hours, screening, and potential traffic issues. He said the Code guarantees that there will be 100 feet of protection. He said his family is seeking mitigation to preserve their historic property and the use of the residential portion of it. He stated that the impact of the expansion of this Special Permit would be greater than the initial use that was approved.

Trustee Brown said that it appeared that traffic would increase in the nighttime hours but not during the day.

A letter of support was received from **Ted Collins** who owns the building in which Simply Crepes is located. Trustee Brown read the letter.

Trustee Maddox asked if the food prepared in the lower level is shipped elsewhere. Mr. Heroux said in addition to the Schoen Place location, the food is taken to Frontier Field. He said the plan for the business is to have one point to prepare all of the food in order to maintain quality. He reminded the Board that food is prepared for Frontier Field for only six months of the year. He said if the business expanded to include other locations, the commissary would have to move to another space because of clauses in the lease. The current space could support no more than four locations. Included in those four locations would be Schoen Place and Frontier Field. Mr. Heroux said shipments to stock other locations would take place between 8 and 10 AM and vendor deliveries would take place between 8 AM and 12 PM.

Karen Heroux explained that they are going to expand their refrigeration space. This will allow for greater storage but will not increase the number of deliveries per week.

Trustee Maddox pointed out to the applicant that the Board could revoke the permit if conditions of approval are set and if they are not followed. He referred specifically to issues regarding the noise that could be created as people go to their cars in the later hours.

Board members asked Mr. Heroux about moving the dumpster away from the Corby property. He said it would be a hardship on the business if he were required to move the dumpster. Mrs. Heroux said it is in the same place it was before the restaurant was in existence, the pick-up time has not changed and the number of pick-ups has not changed. Mr. Corby said this is an opportunity to consolidate with the Coal Tower and Aladdin's for more effective monitoring. He stated that the dumpsters belonging to those restaurants are remote from the restaurants. This has not seemed to create a hardship for those restaurants.

Remegia Mitchell, speaking as Planning and Zoning Board Chairperson, said that her Board supports this application with a few limitations. She said her Board thinks that the Village should address trash pick-up for the whole Village. She also said that this request adheres to the Comprehensive Plan and supports the community. Her Board would like to see the Trustees find a way to make this work. She stated that the Planning/Zoning Board asked that there be a limitation to the preparation of food in the lower level. Ms. Mitchell added that in regard to the dumpsters, restaurant garbage is very different from bicycle shop trash.

Trustee Sherwood said the dumpster placement is a key issue to this application. She also said she had a concern about setting a precedent if the expansion of this commercial establishment is allowed within 100 feet of a residential property. She stated that when the screening needs to be replaced, the businesses should help with the cost. Mr. Corby added that screening should be the full responsibility of the business or property owner.

It was determined that in order for the dumpster to be 100 feet from residentially zoned and used property, it would have to be located almost to the end of Ted Collins' barn

Mr. Heroux asked if screening around the dumpster would suffice rather than moving the dumpster, which would be a hardship on the business. Mr. Corby said odors, sanitary issues, loading and unloading of the dumpsters are issues that aren't addressed by screening or enclosing the dumpster.

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Trustee Brown said that the Board needed to protect the residential area. He added that the proposed addition of a liquor license would open the door to more activity at night and possibly increase noise to the residential property. Mr. Heroux said if parking is creating a concern about noise, at night most patrons park across Schoen Place in parking spaces that are not available in the day. The reason for this is because parking behind the building, adjacent to the residential property is not well lighted and therefore, not safe. He said this fact would help mitigate the noise problem.

There being no one further to speak for or against this application, a **motion** was made by **Trustee Maddox, seconded by Trustee Brown** to close the public hearing.

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

A **motion** was made by **Trustee Farlow, seconded by Trustee Brown** to approve this application for an expansion of the Special Permit approved on March 11, 2003 with the following conditions that address the issues raised in Chapter 210-74 g & h of the standards for the Special Permit;

1. Hours of operation can be extended to 11 PM for both summer and winter hours.
2. The employees of this establishment shall be made aware that a residential property is located adjacent to the restaurant.
3. The owner of the property or the lessee shall maintain or increase the screening that abuts the residential property (vegetation or fencing) when the existing screening reaches the end of its useful life.
4. Deliveries and trash pick up shall comply with the hours that have been established in the Village Code.
5. This permit does not include a bar or seating exclusively for the use of the consumption of alcoholic beverages.
6. Outdoor seating will be allowed but must not impede access to the building and will be subject to the review of the Building Inspector. The total number of seats including indoors and outdoors shall remain at 50.
7. Benches for waiting diners will be permitted but will not be counted as part of the 50 seats.
8. The dumpster shall be enclosed and relocated to the east towards the Coal Tower to maximize the distance from the adjacent residential property. The proposed relocation shall be aligned approximately with the east end of the Coal Tower so that it is a minimum of 100 feet from the current mowed area of the residential property as prescribed by the Code. The exact location shall be measured and determined by the Building Inspector by December 1, 2003. This is in conformance with the Village Code requirements.

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

PUBLIC HEARING – COMMUNITY LIBRARY PROJECT

Mayor Corby told the Board that the APRB and the Planning/Zoning Board heard presentations from the Town regarding the library project. Planning and Zoning had the following issues they consider critical. They are 1) moving the small house behind Montana Mills, 2) the safety issue regarding the location of the book drop, 3) height of the brick wall against Plum Lane, 4) streetscape from Montana Mills east – concerns are the elimination of green space and landscaping down to Plum Lane. Mayor Corby said the concerns of the APRB are regarding the treatment of the large windows.

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

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

Peggy Brizee, ITF Co-chair: Ms. Brizee said the library is a positive project for the Village and an opportunity for mutual cooperation. She stated that the library and the Schoen Place project greatly affect and impact the Village. Therefore, she requested that the Planning and Zoning Board and the APRB retain oversight and input into the development and that they work with the Town through a process of mutual cooperation.

At a meeting attended by Bill Carpenter, John Higgins, Steve Maddox, Tom Farlow and Bob Corby, the issues of concern to the Boards were discussed. The Village is seeking a process to continue to have input in this project. The suggestion was made that the Village form a library project committee to work with the

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Town. The committee would have one member from the Board of Trustees, the P/Z Board, the APRB and the ITF. Town representatives have indicated that they while they hope their schedule would not be impacted, they would welcome input from this committee. The committee would be formed in lieu of the Village boards having oversight into this project.

Remegia Mitchell stated that she has had the sense that there is little flexibility with the library plans and that it is too late to make any changes. She is concerned that this committee might not have opportunities for change. Trustee Farlow said the Town is willing to work with the Village and will make changes that can be made. Trustee Maddox said that changes were made in the wall between the library and Plum Lane as a result of discussions of the 10/23/03 joint board meeting. This change signals a willingness to work with the Village.

Trustee Sherwood expressed concern that a precedent for future projects might be set by forming a committee in lieu of the Village boards having oversight. Mayor Corby said the issues are common sense issues and not deal breakers. He said having this committee work with Town planners would demonstrate good will.

Attorney Osborn suggested that the Board could proceed by setting up this committee but at the same time, by leaving the Public Hearing open. If the committee is not informed and involved as it is hoped, the Village would still have the right as host community to have the project subject to Village zoning and APRB regulations.

It was decided that Mayor Corby will send the following statement to the Town of Pittsford: The Village of Pittsford Board of Trustees thanks the Town of Pittsford for the project presentations to the Village of Pittsford Architectural Preservation Review Board (APRB) and the Planning Board. We have received comments describing issues of concerns from both boards. Recognizing the importance of these concerns as well as the extent of the public interest to be served by the improvements, the Board of Trustees proposes waving Village Zoning Review on the property subject to the following condition.

The Village will establish a Library Project Committee consisting of one (1) member from each of the Village Boards to include the following: Village of Pittsford Board of Trustees, Village of Pittsford Planning Board, Village of Pittsford APRB, Village of Pittsford Implementation Task Force.

The purpose of the committee will be to continue the productive communication that has occurred between the Town of Pittsford and Village of Pittsford on this project. This committee will work to resolve issues of concern as they relate to the development of the proposed Library project.

Board members concurred that this is a compromise and a way to begin the Library project. The Public Hearing remained open.

SCHOEN PLACE IMPROVEMENT PROJECT - CONTRACTS

Upon review of the Trowbridge and Wolf contract and the contract with the Department of State, Attorney Osborn had some concerns regarding the liability of the Village as stated in both contracts. He will be meeting with the Village insurance agent, Gary Wilkins, to obtain Gary's opinion and advice.

A **motion** was made by **Trustee Maddox, seconded by Trustee Farlow** to authorize Mayor Corby to sign the Department of State Contract and the Trowbridge and Wolf contract after a review of the contracts has been conducted by Attorney Osborn and Gary Wilkins and after a recommendation has been given by Attorney Osborn to proceed with the signing of the contracts.

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

SCHOEN PLACE IMPROVEMENT PROJECT UPDATE – MAYOR CORBY

Mayor Corby gave an overview of the changes that were made by Trowbridge and Wolf from the original design plan. He said the object of the project is to make changes that will have the biggest impact for the smallest amount of money. Some of the changes to take place are to eliminate the guardrail and narrow the

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road to calm traffic. There will be a six-inch curb installed on the south side of the road from the ticket booth to the State Street Bridge. The existing pavement on the towpath will be maintained at this time. There will be planting of street trees of substantial size, planting of low maintenance shrubs and the addition of lights. A pavilion will be built at the east-end near the State Street Bridge. It has not been determined whether or not benches will be included. Money is the issue. The dock length has been reduced and the dock will run next to the pedestrian plaza. The project cost is \$300,000.

Trustee Maddox expressed interest in increasing the cost of the project and restoring the dock as it was originally drawn. He stated that he is not sure a good job was done collecting ideas for the scope of the project. He suggested that an alternative to moving forward could be to pause and rework the scope. He did acknowledge that the current design would not close the doors for changes at a later time.

Trustee Farlow asked about including Fire Department access to the towpath near the North Main Street Bridge. That access was not included in this project.

LEAD AGENCY INTENTION – SCHOEN PLACE IMPROVEMENT PROJECT

A **motion** was made by **Mayor Corby**, seconded by **Trustee Maddox** to approve the following resolution #9 of 2003:

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Village Board of the Village of Pittsford hereby announces its intent to serve as lead agency to conduct an environmental review of a project that will include the installation of curbing and street trees on the south side of Schoen Place with the goal of improving safety and aesthetics on the existing Canalway Trail. Other improvements include docking for approximately 3 boats, drainage improvements, a pavilion structure, lighting and landscaping.

FURTHER RESOLVED, the Village Board has determined that, as the project is located along the Erie Canal and will increase the use and public access to the Canal, a resource with national and regional historic significance, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, that the Village Board hereby accepts the Environmental Assessment of this project, prepared by Trowbridge and Wolf, the Village's landscape and design consultant for this project; and, be it

FURTHER RESOLVED, the Village Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the Full Environmental Assessment Form. The Village Board further declares that, based on the Environmental Assessment with has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Village Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Village Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

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

CHAPTER 210-6 NONCONFORMING BUILDINGS, STRUCTURES, LOTS OR USES

Attorney Osborn suggested that the Board identify non-conforming uses in paragraph one of this chapter of the Code and possibly include an amortization schedule. This will be discussed with the Building Inspector and placed on the agenda for the December meeting.

PUMP OUT STATION PROPOSAL

Remegia Mitchell presented a proposal from Scott Harter, (Professional Engineering Group) for the construction of a wastewater pump station on the canal. She asked the Board to review and consider the proposal.

CANDELIGHT NIGHT- DECEMBER 2, 2003

Trustee Farlow reported on a meeting he attended with Supervisor Carpenter, Greg Messner (PVBA) and Shirley Joseph (Pittsford Chamber of Commerce). He said the following decisions were made. There will be a community Christmas tree in front of the Phoenix Building. The Village will be responsible for purchasing, installing and decorating the tree. Mayor Corby will ask permission from the building owner. Mayor Corby and Supervisor Carpenter will light the tree together in a joint ceremony.

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The PVBA has requested a non-municipal use permit for this event. A **motion** was made **by Trustee Brown, seconded by Mayor Corby** to grant a non-municipal use permit to the PVBA for Candlelight Night, 2003 with the stipulation that a certificate of insurance naming the Village of Pittsford as additional insured is on file at the Village Office prior to the event.

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

PVBA asked the Village to fund the security for Candlelight Night as has been done in the past. Some discussion took place regarding financial contributions that the merchants and the Town are making. The Board would like to see a breakdown of the income to cover the expenses incurred for this event. A **motion** was made **by Trustee Farlow, seconded by Mayor Corby** to enter into a contract with Intercept Security for Candlelight Night, 2003 for an amount not to exceed \$500.00.

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

Board members discussed the Village open house. It was decided not to hold an open house this year.

Addendum to the minutes: Mayor Corby asked and received permission from Mike Newcomb, property owner, to place the community Christmas tree on his property in front of the Phoenix Building at the Four Corners.

VILLAGE TAX SURRENDER

After reviewing the account of unpaid taxes including interest through October 31, 2003, and finding them to be correct, a **motion** was made **by Mayor Corby, seconded by Trustee Brown** to surrender the unpaid Village taxes in the amount of \$5,243.62 to the Monroe County Treasury for collection.

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

APPROVAL FOR TRAINING PROGRAM FOR LAND USE DECISION MAKING

Trustee Farlow asked for authorization to attend a total of five planning seminars on Wednesday evenings during the winter of 2004 at a cost of \$25.00 per seminar. The seminars are offered by the Monroe County Department of Planning and Development.

A **motion** was made **by Mayor Corby, seconded by Trustee Brown** to authorize Trustee Farlow to attend the series of seminars on Land Use Decision-Making at a total cost of \$125.00.

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

TRAFFIC ISSUES

Letter from DOT regarding Schoen Place/North Main Street intersection: After receiving a complaint about this intersection, the Clerk wrote a letter to the DOT asking for their assistance in making the intersection safer. A reply was received from Larry Sherman at the DOT. He stated that the NY State Police had been contacted and that they would monitor the area. The Board asked the Clerk to forward a copy of this letter to Captain Letteney at the Monroe County Sheriff's Office.

Washington Road/North Main Street project: Trustee Farlow reported that construction for that intersection is slated to begin in 2006. He said he would contact the DOT about the project.

Adjournment

Because of the lateness of the hour, it was decided that a special meeting would be held to continue the agenda items for the November meeting. That special meeting will be held on November 24, 2003 at 7 PM in the conference room.

There being no further business to discuss at this time, Mayor Corby adjourned the meeting at 11:40 PM with the understanding that the meeting agenda would be continued at the scheduled special meeting.

Anne Z. Hartsig, Recording Secretary

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