

**PROCEEDINGS OF THE REGULAR MEETING OF THE  
VILLAGE BOARD OF TRUSTEES  
May 10, 2005**

**PRESENT:**

<b>Mayor</b>	Robert C. Corby
<b>Trustees</b>	Thomas Farlow Steve Maddox (arrived at 7:45 PM) Tim Galli Paula Sherwood
<b>Attorney</b>	Jeffrey L. Turner
<b>DPW Superintendent</b>	Scott Spencer
<b>Building Inspector</b>	Skip Bailey
<b>Treasurer</b>	Mary Marowski
<b>Recording Secretary</b>	Anne Hartsig

Mayor Corby called the meeting to order at 7:00 PM.

**TREASURER'S REPORT – MARY MAROWSKI**

Ms. Marowski presented vouchers for approval. A **motion** was made **by Trustee Maddox, seconded by Trustee Farlow** to approve the following vouchers and charge them to the proper accounts.

General Fund (#451 -#468, #470 - #505)	\$28,548.08
Sewer Fund (#469)	<u>1,900.00</u>
Total Vouchers for approval:	\$30,448.08

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

**Other Business**

**a. Katolik bench issue**

Two commemorative benches were reserved prior to the price increase. Mrs. Katolik informed the Treasurer that she didn't feel it was fair to charge her the increased price when she had agreed to a lesser price. Trustees agreed to charge her and Ms. Burdick (another person who had reserved a bench at the lesser price) the original price for the bench.

**b. Parking Monitor clothing and equipment**

A \$75.00 boot allowance will be given to the Parking Monitor. In addition, Mr. Spencer will provide a raincoat similar to those that the DPW crew wears. A digital camera, the cost of which shall not exceed \$100.00 will be purchased for use by the Parking Monitor. A key to the Village Hall may be issued following the probationary period of employment.

**c. Oil Tank Removal**

The Village received a quote of \$1000 for the removal of the old oil tank, for the transfer of oil and a quote of \$200 to clean and inspect the furnace and AC units from George Druziako. In addition, Arrow Contracting Inc. provided a quote of \$1600.00 to excavate the outside oil tank and to remove it. A **motion** was made **by Mayor Corby, seconded by Trustee Galli** to approve the expenditure in the amount listed for oil tank removals and the cleaning and inspection of the furnace and AC units. **Vote:** Corby – yes, Galli – yes, Farlow – yes, Sherwood – yes, Maddox – yes. **Motion carried.**

**d. Front steps**

Mayor Corby reported that the front steps of the Village Hall should be repaired by the end of May. Funds for this repair are in the 2004/05 FY budget.

**e. NYCOM Main Street Award**

Mayor Corby informed the Board that as a result of an application he wrote with the help of Remegia Mitchell and as a result of the hard work of many dedicated Village advocates, he had been notified that the Village won the prestigious 2005 NYCOM Main Street Award for the Canal Waterfront Improvement Project. He will travel to Lake Placid to receive the award on May 19<sup>th</sup>. Trustee Galli will attend the Main Street Conference and will also be present to receive this award. The competition is statewide. Mayor Corby thanked all of the people who helped in the development of the waterfront project.

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### DPW REPORT – SCOTT SPENCER

Mr. Spencer reported on **Routine Activities** and **Projects in Progress**. Some of the projects discussed were the planting of 24 **new trees**, the removal of **dead trees, catch basin repair**, the preparation of the **RG&E right of way** for parking and the **change over of equipment** from winter to summer needs. In addition, it was noted that the **Woodcreek pump station** was without power for 8 hours. It had to be pumped out every two hours. Mr. Spencer reported that a pole was hit on **Schoen Place** near the gas station. Mayor Corby suggested that bollards be placed in front of that pole or that the pole be moved to the RG&E right of way for safety reasons. **Summer projects** that are planned are as follows: the repair or replacement of 15 manholes on South Main Street, chip sealing of 8 streets, installation of a sidewalk and curbing at the east end of Schoen Place, and supplementary repairs for Rand Creek. It was suggested that the two electric boxes at each end of Northfield Common be boxed with some kind of planter on the top to make them more attractive to look at.

### BUILDING INSPECTOR'S REPORT – SKIP BAILEY

Mr. Bailey reported that demolition has been completed on the **Flour Mill**. Some blocks from that structure have been reused for the construction of a front porch at 49 Monroe Avenue. Interior renovations are in progress at **St. Paul's Lutheran Church, Breathe Yoga** is applying to the ZBA for a Special Exception Use to move the yoga instruction to the second floor of the Burdett Building, Del Monte Lodge is applying for a freestanding sign to replace the Erie Grill sign and the lettering on the brick wall, and the Flour Mill has applied for variances to the parking and landscaping requirements of the Code. They have also applied to the Planning Board for site plan approval. As a requirement for our **stormwater permit**, a public meeting was held in Penfield. Unauthorized **parking at Bob Ford Field** has been discontinued. Mr. Bailey met with the landscaper for **Talbots**. They may have to appear before the Zoning Board for modifications to the landscaping plan. If **Jojo's** has not provided the necessary submission to complete their site plan approval by May 15<sup>th</sup>, they will be issued an appearance ticket on May 16<sup>th</sup>. Trustee Galli commended Mr. Bailey on identifying the problem with the **pump-out station construction**.

### MINUTES

**April 20, 2005 – Organizational Meeting:** A motion was made by Mayor Corby, seconded by Trustee Maddox to approve these minutes as amended.

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

**April 20, 2005 – Special Meeting:** A motion was made by Trustee Maddox, seconded by Trustee Sherwood to approve the minutes of this meeting as written.

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

**April 12, 2005 – Regular Meeting:** A motion was made by Trustee Maddox, seconded by Trustee Farlow to approve these minutes as amended.

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

### PUBLIC HEARING - LOCAL LAW #2 OF 2005 – AMEND PORTIONS OF B1, B1A, B2, B3, B4, M1 & M2

Mayor Corby explained that it a goal set forth by the Comprehensive Plan is to have entrances to businesses in front of the establishments leading to the main street. Therefore, the Board had recommended changing the Code to stipulate main street entrances for commercial businesses in all sections of the Code. Board members were in agreement regarding this change. Proof of the legal notice having been published, a motion was made by Mayor Corby, seconded by Trustee Farlow to open the Public Hearing.

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

There being no one present to speak for or against the adoption of Local Law #2 of 2005, a motion was made by Mayor Corby, seconded by Trustee Farlow to close the Public Hearing.

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

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A **motion** was made **by Trustee Maddox, seconded by Trustee Farlow** to approve the adoption of Local Law #2 of 2005 as written.

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

### **PUBLIC HEARING – BRUEGGER’S BAGELS – SPECIAL PERMIT FOR OPERATION OF A RESTAURANT**

Mr. Jared Lusk, Attorney for the Town of Pittsford, presented the plans for Bruegger’s Bagels to operate in the new community library building. Mr. Craig Bright, a representative of Bruegger’s, was present to answer the questions of the Board. Regarding the concern about trash, the two gentlemen noted that china tableware would be used on site. Paper products would be used only for travelers. The patio area will have trash receptacles and will be treated in the same manner as the inside dining room. There will be a newly enclosed area for dumpsters. Mr. Lusk told the Board that the Town is working with the MRB Group to finalize the parking plan for the public lot. He noted that there would be long and short-term parking and possibly permit parking for employees that would be enforced. Ingress and egress will be in several places rather than onto State Street only. This will be a traffic flow improvement. Peak hours of operation for Bruegger’s are 7 to 10 AM. The Library will open at 10 AM. Mr. Lusk told the Board that Bruegger’s would be treated like a condo and will pay property taxes to the Village like any other resident in the Village.

Proof of the legal notice having been published, a **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to open the public hearing.

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

The concerns received from the Planning Board were addressed. Outdoor seating: The Trustees noted that outdoor seating encourages business on the street and that the peak hours of operation for Bruegger’s will be over before the library opens for business. Trustee Sherwood said seating requirements should be consistent with others such as Pontillo’s, Great Northern Pizza and Aladdin’s. Required parking spaces: Mr. Bailey stated that without outdoor seating, 27 spaces are required. With outdoor seating, 40 spaces are required. Screening of the patio: The total height of the planters and the shrubs should not be more than three feet as per Code. Signage: The applicants will meet with the Building Inspector regarding sign requirements.

The Board determined that regarding SEQR, this project is an unlisted action and will require a coordinated review. Trustees will request “Lead Agency” status. Due to the thirty day time period required for SEQR, the public hearing will remain open. The application will be on the July agenda for determination of the Lead Agency.

Resident Harold Danko, 25 Monroe Avenue, asked what other businesses were considered for this location. Mr. Lusk said that between 10 –15 potential tenants were interviewed by the Town. Those tenants were narrowed down to three for the Town Board to review. He noted that approval from the Village is needed for this lease. He also noted that it is documented in the lease that Bruegger’s will be required to pay taxes as any other Village tenant.

Mayor Corby stated that the Public Hearing would reconvene at the regular meeting of the Village Board of Trustees on July 12, 2005.

### **INFORMATION REQUEST – RON JOHNSON, SUTHERLAND STREET**

Mr. Johnson stated that he had read the Village Comprehensive Plan. He asked if the commentary presented in the Town Board minutes of April 5, 2005 regarding plans for the Northwest Quadrant accurately reflects the intent of the Village Board. Mayor Corby responded that after the Town purchased the Veconi property, language was added to the Plan at the request of the Town because it was the intent of the Town to use this property for a recreational center. Mr. Johnson asked if the need for a community center has been established and if the Village Board agrees that the Veconi and McGuire lands should become a park. Mayor Corby said that the Village Board wouldn’t have jurisdiction over land owned by the Town. He said he has talked with Supervisor

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Carpenter about developing this quadrant in a neo-traditional design that would be appropriate to the Village. He said the Town has pledged that they will work with the Village to coordinate plans for their property with plans for the Village's DPW site as they are developed in the future. Mayor Corby said that comprehensive plans are typically updated every five years. The Village Comprehensive Plan is due to be updated in 2007. Trustee Farlow added that if the Town places a park within the Village, he foresees the Village Board working with the Town on a cooperative agreement. Mayor Corby said the primary concern of the Village Board is that any development is designed to enhance the Village and that it should be scaled and designed appropriately for this canal side Village location.

Shirley Joseph, a Village merchant, asked if the concept of appropriate scale came into play during the development of the library. Mayor Corby responded that the Village did have input on how the Town's library plan was developed. He said that the library is no taller than the three-story hotel that was once on that site. He said the key recommendation of the Village was to keep the library in the Village center as noted on page 37 of the Comprehensive Plan.

Mr. Johnson said that the future land use chart in the Comprehensive Plan shows a traditional neighborhood for the Northwest Quadrant and that it appears that the Village makes plans and the Town overrules those plans. Mayor Corby said the Village does not have jurisdiction over what lands the Town purchases. He said any land the Town purchases must be used for public purpose. He said that he has spoken to Town officials about developing this quadrant in a traditional design that is appropriate to the Village.

### **CORN HILL NAVIGATION/SCHOEN PLACE MERCHANTS**

Ms. Judy Kaplan represented Corn Hill Navigation in their request to seek a permit to allow dockage in the Village for the 2005 season. Mayor Corby said that Corn Hill has limited use of an area that is leased from RG&E for parking. He explained that the Village is going to fix up another portion of the RG&E right of way that the Village has leased for additional parking. It was noted that the challenge is to get Sam Patch patrons to park in those areas. Ms. Kaplan said signs have been posted to indicate parking areas. She said they would attempt to put something on their website regarding parking. She told the Board that chartered cruises are receiving written confirmation that includes parking instructions.

John Crawford, representing Schoen Place merchants, said that the merchants welcome the Sam Patch during the summer months. He stated that the concern is the amount of parking spaces that Sam Patch patrons use. The boat business takes parking away from patrons of all the other businesses on Schoen Place. He asked if the boat could be moved to the new dock at the east end of the waterfront. Ms. Kaplan responded that she would have to ask the Corn Hill Board of Directors about that possibility. She said that the organization likes the dock space that it currently has and feels that the boat adds to the ambience of the Village. Trustees noted that the boat would add ambience at the other dock as well.

A letter of support for the Sam Patch was received from Daniel Buccieri, owner of Pittsford Wine and Spirits, a shop on Schoen Place.

Board members said that there should be dialog between property owners Ted Collins, Roger Powers, Schoen Place merchants and Sam Patch personnel to attempt to find a permanent solution to this yearly problem. For the record, the Village Board stated that the request for dockage in the Village is expected in February or March, prior to the boat arriving at the dock. They also reminded Ms. Kaplan that Corn Hill Navigation agreed to maintain the ticket gazebo and the landscaping surrounding it. That has not been done.

Regarding the issuance of a docking permit, a **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to grant a one month conditional permit until June 14, 2005 to allow the Sam Patch to dock at the present location in front of the Village pavilion, at which time, the situation will be reviewed.

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

### **MERCHANT CONCERN**

Shirley Joseph, president of the Pittsford Chamber of Commerce and a Village merchant approached the Board and read a violation letter she received for the outside display of merchandise. She asked the Board why she received this letter now when she has displayed merchandise outside for a number of years. She asked if the rules were the same for all merchants. It was explained that different rules apply depending on which district the business is located in. Ms. Joseph said the Board should focus on safety issues, building structure issues, issues such as icicles, ice on the sidewalks, fire code issues etc. and that building owners, not merchants should be cited for violations. She asked the Board to be considerate of what the merchants need. She said a ban on the outside display of merchandise is too restrictive.

Board members reminded the merchants that there are many things the Village government does to assist them such as beautifying the Village with plants and trees so that it will be an attractive place to which people will visit and shop.

Other merchants spoke to the Board about the outside display of merchandise. Mary Ann Hendricks, owner of the Country Gallery, said that in Boston and other parts of New England, outside merchandise is allowed and looks beautiful. Clare Fox, owner of an antique store on South Main Street said that there is a serious problem and that the Village is losing pedestrians. She maintained that outside display of merchandise would draw people to shop in Main Street businesses.

It was decided that a meeting between Shirley Joseph, Trustees Sherwood, and Farlow and Mayor Corby should take place to discuss this issue further. In the meantime, the Village Board agreed to allow the outside display of merchandise until the June 14<sup>th</sup> meeting. Trustee Sherwood stated for the record that she is not in favor of suspending enforcement of the Code until June 14<sup>th</sup>.

### **COMMENDATION FOR CITIZEN OF THE YEAR**

The Board of Trustees determined that a letter of congratulations should be sent to Father James Schwartz of St. Louis Church. He was named Pittsford Citizen of the Year for his many contributions to the community. Trustee Sherwood will write a congratulatory letter to be presented at a celebration on May 21<sup>st</sup>.

### **ENFORCEMENT DISCUSSION**

The Board of Trustees received a memo from an APRB member regarding the replacement of garage doors on a barn on South Street. The memo provided a summary of events. The Board decided that this was a matter for the joint board meeting to be held on June 13<sup>th</sup>. In the meantime, Mayor Corby will discuss the issue with APRB Chairman, Steve Melnyk. Mr. Bailey suggested that a dialog between the owner and a Trustee would be appropriate.

### **PZBA ISSUES – OUTDOOR DISPLAY OF MERCHANDISE**

The Board of Trustees received a memo from the PZBA Chairperson regarding issues that arise due to the outdoor display of merchandise in the Canal Waterfront District. Suggestions for solutions to problems that arise such as the elimination of parking spaces and creating narrow pedestrian passages were suggested. The Chairperson asked that dialogue among the Trustees begin on this issue. Mr. Bailey said he sent violation letters last week and has sent previous letters as well. He has had no response to the letters. He said wording could be changed in the Code. He suggested that a committee be set up to come up with appropriate rules.

### **RESOLUTION #7 OF 2005-REAFFIRMATION OF URBAN FORESTRY GRANT**

**Resolution #7 of 2005  
Urban Forestry Program**

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**Whereas,** The Village Board reaffirms its commitment to developing a Village Forestry Management Plan based on the recommendations of the June 2004 report and inventory prepared by Urban Forestry LLC; and

**Whereas,** these recommendations include a five-year tree pruning rotation plan and regular updating of the newly completed database of tree and inventory maintenance; and

**Whereas,** the Village Board agrees to enlist the help of a forestry specialist who will provide training in proper tree planting, pruning and general maintenance of new and existing trees; and

**Whereas,** the Village Board agrees to create a separate line item in the Village Budget for ongoing tree purchases, maintenance and training of the DPW in tree care; and

**Whereas,** the Village Board agrees to encourage the active support of the Comprehensive Plan Implementation Committee Task Force for gaining community and neighborhood support of a forestry management plan; and

**Whereas,** the Village Board commits to developing a community-based urban forestry plan which will help to provide information and education on the goals and benefits of tree planting, care and management; and

**Whereas,** this plan will include such items as a public awareness campaign through the Village website, newsletter and business owner's information packets, the inclusion of the Village tree inventory in the Public Library and Historian's records and the availability of printed materials about proper tree care in the Village Office;

**Now therefore be it resolved,** on a motion made by Mayor Corby, seconded by Trustee Farlow that the Village Board of Trustees has reaffirmed its commitment to the development of an on going Urban Forestry Program and to go forth with the implementation of the Urban Forestry Grant as submitted.

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

### **RESOLUTION #8 OF 2005 – URBAN FORESTRY GRANT ADMINISTRATION**

**Be It Resolved,** on a motion made by Mayor Corby, seconded by Trustee Farlow that Remegia Mitchell, as clerk assistant, is hereby authorized and directed to administer the Urban Forestry Grant awarded by the DEC on May 4, 2005, and further, that the Mayor be authorized to enter into and execute the project agreement with the New York State Department of Environmental Conservation for such financial assistance to the Village of Pittsford for this Urban and Community Forestry Grant with the understanding that matching funds from the Village will be in the amount of \$10,375.

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

### **NON MUNICIPAL USE PERMIT – PITTSFORD YOUTH SERVICES**

A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to approve a request from Pittsford Youth Services for a non municipal use permit to hold the 7<sup>th</sup> Annual Duck Drop Fund raiser on Friday, July 22, 2005 on the North Main Street Bridge with the condition that the Village be named as additional insured for this event.

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

### **TRAFFIC CALMING PLAN UPDATE – TRUSTEE FARLOW**

Trustee Farlow gave a brief synopsis of recent events. On April 21, 2005, he met with the Board of Fire Commissioners. The Commissioners mentioned the following concerns: raised curbed islands in roadways and designated parking spaces across from the Fire Hall on Monroe Avenue.

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In addition, the Fire Commissioners commented that they would like the Village to set up cones designating areas for planter boxes so that they can be involved in deciding the locations of these boxes.

On April 26, 2005, Trustees Farlow and Galli met with representatives from the Town of Pittsford, Pittsford Ambulance, the DOT, Scott Spencer and Steve Ferranti. Both the Town and the DOT provided written comments. Trustee Farlow stated that the Traffic Calming Plan, once adopted, would take place over a number of years. Some of the less costly suggestions will be implemented this spring.

Regarding other traffic issues, Mayor Corby was asked to obtain a tally of the number of speeding tickets given out in the Village for a specific period of time. He was told that residents would like to know. Mayor Corby will contact Captain Nyhan from the Sheriff's office for this information. More "children at play" signs for Washington Avenue were requested. The proposed widening of Clover Street and the effect it would have on the Village was discussed.

Trustee Farlow said that a Public Hearing to adopt the Traffic Calming Plan would most likely take place at the July Board of Trustees meeting.

### TRUSTEE SHERWOOD

Trustee Sherwood discussed the publication date of the spring newsletter. Mayor Corby said he would send his submission to Nancy Bolger. Nancy will be asked to contact Trustee Farlow for details for an article about the Traffic Calming Plan.

The new Parking Monitor, Robert Ploof, will work on providing a map showing available parking locations within the Village. The maps will be distributed to merchants.

### TRUSTEE FARLOW

Trustee Farlow reported that the zoning map and the Village map that Steve Ferranti was developing are complete. The historic map is not complete. He will ask Mr. Ferranti to provide the two maps that are complete. Mayor Corby will continue to work on data for the historic map.

### RESOLUTION #9 OF 2005 – COUNTY TO CONDUCT ELECTIONS

The following resolution was offered and passed:

**Whereas:** The Village of Pittsford conducts its elections in the month of March and,

**Whereas:** the Monroe County Board of Elections has the expertise to effectively conduct Village Elections and,

**Whereas:** the Village of Pittsford would not incur added cost if the County conducts Village Elections, now therefore be it

**Resolved** on a **motion** made **by Mayor Corby, seconded by Trustee Farlow** that the Village Board, subject to a permissive referendum, authorizes the Monroe County Board of Elections to conduct all future Village Elections.

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

### JOINT MEETING OF THE VILLAGE BOARDS

Trustee Galli and Mayor Corby met to discuss agenda items for the upcoming joint meeting of the Village Boards. Trustee Galli emailed possible agenda items to the Board of Trustees for review. Trustees mentioned the following items for possible inclusion at the joint meeting - charging the applicant the postage costs for mailing SEQR documents, re-writing screening requirements for site plans, and guidelines for the APRB and PZBA.

### EXECUTIVE SESSION

A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to enter executive session to discuss the employment history of specific employees.

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

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No action having been taken, a **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to leave executive session and reenter the regular session of the meeting.

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

**ADJOURNMENT**

There being no further business, Mayor Corby adjourned the meeting at 11:45 PM.

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Anne Z. Hartsig, Recording Secretary