

**PROCEEDINGS OF A JOINT VILLAGE BOARD OF TRUSTEES  
AND  
PITTSFORD TOWN BOARD MEETING  
NOVEMBER 15, 2005**

<b>Present:</b>	
<b>Mayor</b>	Robert C. Corby
<b>Trustees</b>	Paula Sherwood Tim Galli Thomas Farlow Steve Maddox
<b>Attorney</b>	Jeffrey L. Turner
<b>Recording Secretary</b>	Anne Hartsig

Supervisor Carpenter and Mayor Corby called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited.

Supervisor Carpenter explained the purpose for the adoption of the Local Waterfront Revitalization Program (LWRP). Publication of the legal notices having been verified, Supervisor Carpenter declared the public hearing opened. John Behan presented the background and overview of the LWRP and explained the boundaries of the subject areas using a map. He further explained the implementation process of the LWRP. He mentioned several waterfront projects that have already been completed or that are in progress including the new library, Schoen Place canal waterfront improvements and the revitalization of the Flour Mill. He also mentioned that the Village received the 2004 1<sup>st</sup> Place Main Street Award presented by the Conference of Mayors and the Governor's Quality Communities Award of Excellence that has been bestowed upon the Town.

Supervisor Carpenter and Mayor Corby addressed questions or concerns from the following people:  
Malcomb Kirby, 145 Long Meadow Circle  
Mary Menzie, 219 Mendon Center Road  
Ed Kay, 55 Mitchell Road  
Kim Kay, 55 Mitchell Road  
Kevin Kress, 80 East Jefferson Road

There being no one further wishing to speak to this issue, Supervisor Carpenter closed the public hearing from the standpoint of the Town and Mayor Corby closed the public hearing from the standpoint of the Village.

**ADOPTION FINAL ENVIRONMENTAL IMPACT STATEMENT – LWRP  
Resolution # 13 of 2005 – SEQR Findings Statement – LWRP**

**Town of Pittsford and Village of Pittsford Local Waterfront Revitalization Program (LWRP)**

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the **Village of Pittsford Board of Trustees and the Town of Pittsford Town Board**, acting as co-lead agencies, make the following findings:

**Name of Action:**

Adoption of the Town of Pittsford and Village of Pittsford Local Waterfront Revitalization Program (LWRP) pursuant to the NYS Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the NYS Executive Law).

**Description of Action:**

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The Village of Pittsford Board of Trustees and Mayor, and the Town of Pittsford Town Board and Supervisor, intend to adopt a Local Waterfront Revitalization Program (LWRP) for the lands adjacent and/or in close proximity to the canal as it traverses both the Village of Pittsford and the Town of Pittsford (see "LWRP Boundary Map" in the LWRP/Draft Environmental Impact Statement (DGEIS)).

The Draft LWRP has been prepared under guidelines established by the New York State Department of State and includes: (1) delineation of a waterfront revitalization area; (2) an inventory of existing natural and manmade conditions within the waterfront area, as well as an analysis of the opportunities and constraints to future development; (3) policies for use, protection, and development of the waterfront area; (4) recommended land and water uses for the waterfront area and specific projects; (5) a description of local laws, regulations, and other local techniques necessary for implementation of the LWRP; (6) a description of the federal and State programs likely to affect, and necessary to further, implementation of the LWRP; (7) a description of the consultation efforts undertaken with affected federal, State, and local agencies during preparation of the LWRP; and (8) a description of the local commitment for preparation of the LWRP. Upon adoption of the LWRP by the Village of Pittsford and the Town of Pittsford and its subsequent approval by the NYS Secretary of State and incorporation into the State's Coastal Management Program, Village, Town, State, and federal actions are to be undertaken in a manner consistent to the maximum extent practicable with the LWRP.

In conjunction with adopting the LWRP, both the Village of Pittsford and the Town of Pittsford are each adopting two local laws related to the LWRP: 1) a Waterfront Consistency Law and 2) a Local Waterfront Overlay District.

**1) *Waterfront Consistency Law,***

The Waterfront Consistency Law provides a framework for agencies of the Village of Pittsford and the Town of Pittsford to consider the policies and purposes of the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to insure that such actions and direct actions are consistent with the said policies and purposes. The substantive provisions of this law shall apply only while there is in existence a Local Waterfront Revitalization Program-Town and Village of Pittsford, which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

**2) *Establishment of a Local Waterfront Overlay District***

The Local Waterfront Overlay District (LWOD) provides special controls to guide land use and development within the waterfront areas of the Town of Pittsford and Village of Pittsford. The regulations are designed to protect the sensitive waterfront areas, and to maintain land uses that are consistent with those identified in the Town and Village of Pittsford's LWRP. The LWOD regulations are not intended to be substituted for other zoning district provisions. The overlay district is to be superimposed on the principal zoning district provisions and should be considered as additional requirements to be met in establishing a use within the respective principal zoning district.

**Location:** Village of Pittsford and Town of Pittsford, Monroe County

**Date Final EIS Filed:** November 15, 2005

**Facts and Conclusions in the EIS Relied Upon to Support the Decision:**

**WHEREAS,** the Village of Pittsford and the Town of Pittsford entered into a voluntary, cooperative agreement with the State of New York (Department of State) for the preparation of An LWRP pursuant to the provisions of the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the U.S. Coastal Zone Management Act, for the land and waters within the canal corridor as it traverse the Village of Pittsford and the Town of Pittsford; and

**WHEREAS,** in compliance with the New York State Environmental Conservation Law, Article 8 and the rules and regulations promulgated thereunder (6 NYCRR 617) (hereinafter referred to as "SEQRA") the Village of Pittsford Board of Trustees and Town of Pittsford Town Board adopted a Lead Agency Designation and issued a Positive Declaration and circulated the same to appropriate agencies and

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interested parties; and

**WHEREAS**, the Village of Pittsford and Town of Pittsford (hereinafter referred to as the "Lead Agencies") caused to be prepared a Draft Local Waterfront Revitalization Program and a Draft Generic Environmental Impact Statement. The adoption of a Local Waterfront Revitalization Program is considered to be a Type I Action under SEQRA since it is a comprehensive resource management plan which proposes policies to guide future actions affecting the canal area of the Village of Pittsford and the Town of Pittsford and specific actions to implement those policies, including adoption of a local consistency review law to govern Town and Village actions in the canal area; and

**WHEREAS**, the Village of Pittsford and Town of Pittsford, as joint Lead Agencies, accepted the DGEIS as complete and ready for public review and comment, whereupon Notices of Completion were filed and made to appropriate agencies and interested parties; and

**WHEREAS**, a public hearing on the LWRP and DGEIS was jointly held by the Village of Pittsford and Town of Pittsford pursuant to legal notice, providing an opportunity for the general public to comment on the LWRP and DGEIS; and

**WHEREAS**, the Lead Agencies did consider the following items and issues, among others:

- ? The inventory and analysis data identified in the LWRP document;
- ? The New York State Coastal Management Program Policies;
- ? The current and proposed zoning of the land within the coastal area of the Village and Town;
- ? The current and historic uses of the coastal area and the land adjacent thereto, and the relationship of such uses to the vitality and future of the Village and Town;
- ? The importance and significance of the Village's and Town's scenic resources and important viewsheds, historic resources, fish and wildlife habitat resources, agricultural resources, and the desirable economic, social and aesthetic benefits produced for the Village by these resources;
- ? The importance of natural and scenic resource protection for the continuing vitality of the Village and Town and their waterfront environment;
- ? Initiation of various capital projects and regulatory measures associated with adoption and implementation of an LWRP, including the establishment of a Waterfront Overlay District and Waterfront Consistency Law;
- ? The coastal area boundary for the Village and Town; and

**WHEREAS**, the Lead Agencies have identified possible environmental impacts of LWRP implementation upon local natural, institutional, economic, developmental, energy and social resources; and

**WHEREAS**, the Lead Agencies caused to be prepared a Final Generic Environmental Impact Statement (FGEIS) to fully address any concerns raised through the DGEIS review process; and

**WHEREAS**, the Village of Pittsford and Town of Pittsford, as joint Lead Agencies, accepted the FGEIS as complete on October 13, 2005 and October 18, 2005 respectively, whereupon Notices of Completion were filed and properly circulated, along with the FGEIS, to appropriate agencies and interested parties; and

**WHEREAS**, the Lead Agencies held a joint public hearing on November 15, 2005 concerning the matter of the Lead Agencies' intent to adopt a Findings Statement, thereby concluding SEQRA, and to adopt a Local Waterfront Revitalization Program (LWRP) and the related proposed local laws associated with the LWRP, as described herein.

**NOW, THEREFORE, BE IT RESOLVED**, that the Lead Agencies find that the Town of Pittsford and Village of Pittsford Local Waterfront Revitalization Program will have a beneficial impact on the natural and man-made environment, and social and economic conditions of the Village of Pittsford and Town of Pittsford; and

**BE IT FURTHER RESOLVED**, that the Lead Agencies find and determine, based on the entire record of the environmental review process, including all relevant State, Village and Town Laws and records of Village and Town bodies, as well as all correspondence received regarding the local coastal management planning process, that the Town of Pittsford and Village of Pittsford Local Waterfront Revitalization Program, and all of the related proposed local laws associated with the LWRP, are necessary to:

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- ? Ensure that a comprehensive local coastal program and consistent set of policies is adopted to guide use and development in the coastal area and to protect the quality of the Village's and Town's coastal environment;
- ? Ensure the existing character of the Village and Town and the economic vitality of the Village and Town are maintained and enhanced as appropriate;
- ? Provide a comprehensive planning vision and sound basis for waterfront revitalization, development, promotion of certain uses, and protection of social, economic, natural, and scenic resources;
- ? Establish the basis to obtain funding for further coastal planning from federal, State, and other sources and to assure these federal, State, and other resources that the Town of Pittsford and Village of Pittsford LWRP is consistent with State and federal programs; and
- ? Guarantee that local residents, through local government, will continue to have control over actions in their community; and

**BE IT FURTHER RESOLVED**, that the Village of Pittsford Board of Trustees and Town of Pittsford Town Board, serving as co-Lead Agencies for SEQRA purposes, determine and decide that the adoption of the Local Waterfront Revitalization Program, and all of the related proposed local laws associated with the LWRP, as described herein, will have a significantly beneficial impact upon the coastal environment and generally upon the Village of Pittsford and Town of Pittsford and will enhance and protect the health and welfare of the residents of the Village and Town and thus should be adopted; and

**BE IT FURTHER RESOLVED**, that the Lead Agencies, having considered the Draft and Final Generic EISs, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, make the following certification of findings:

- ? The requirements of 6 NYCRR Part 617 have been met;
- ? Consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
- ? Consistent with social and economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and
- ? Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

A **motion** was made by **Trustee Farlow**, seconded by **Trustee Maddox** to approve Resolution 13 of 2005, the State Environmental Quality Review findings Statement for the LWRP.

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

**ADOPTION OF THE LWRP**

**Resolution #14 of 2005 – Adoption of the LWRP**

**RESOLUTION OF  
THE TOWN OF PITTSFORD TOWN BOARD  
and  
THE VILLAGE OF PITTSFORD BOARD OF TRUSTEES**

**Adoption of the Town of Pittsford and Village of Pittsford Local Waterfront Revitalization Program  
(LWRP)**

**WHEREAS**, the Town of Pittsford and the Village of Pittsford caused to be prepared a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

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**WHEREAS**, a Draft Generic Environmental Impact Statement (DGEIS) was prepared for the draft LWRP in accordance with the requirements of Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law; and

**WHEREAS**, the draft LWRP, including all proposed local laws and zoning amendments, and the DGEIS, were circulated by the Department of State to appropriate local, county, state and federal agencies in accordance with the requirements of Executive Law, Article 42 and Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law; and

**WHEREAS**, the Village of Pittsford and Town of Pittsford (the "Lead Agencies") accepted the DGEIS as complete and ready for public review and comment, whereupon Notices of Completion was filed and made to appropriate agencies and interested parties; and

**WHEREAS**, a public hearing on the LWRP and DGEIS was jointly held by the Village of Pittsford and Town of Pittsford pursuant to legal notice, providing an opportunity for the general public to comment on the LWRP and DGEIS; and

**WHEREAS**, the Lead Agencies caused to be prepared a Final Generic Environmental Impact Statement (FGEIS) to fully address any concerns raised through the DGEIS review process; and

**WHEREAS**, in some instances, responses to comments also involved revising the draft LWRP document itself; and

**WHEREAS**, Village of Pittsford and Town of Pittsford, as joint Lead Agencies, accepted the FGEIS as complete on October 13, 2005 and October 18, 2005 respectively, whereupon Notices of Completion were filed and properly circulated, along with the FGEIS and revised draft LWRP pages, to appropriate agencies and interested parties; and

**WHEREAS**, the Lead Agencies held a joint public hearing on November 15, 2005 concerning the matter of the Lead Agencies' intent to adopt a Findings Statement, thereby concluding SEQR, adoption of the Local Waterfront Revitalization Program (LWRP), as revised in the FGEIS, and the related proposed local laws associated with the LWRP, as described herein.

**NOW, THEREFORE, BE IT RESOLVED**, that the Lead Agencies find that the Town of Pittsford and Village of Pittsford Local Waterfront Revitalization Program will have a beneficial impact on the natural and man-made environment, and social and economic conditions of the Village of Pittsford and Town of Pittsford; and

**BE IT FURTHER RESOLVED**, that the Lead Agencies find and determine, based on the entire record of the environmental review process, including all relevant State, Village and Town Laws and records of Village and Town bodies, as well as all correspondence received regarding the local coastal management planning process, that the Town of Pittsford and Village of Pittsford Local Waterfront Revitalization Program, and all of the related proposed local laws associated with the LWRP, are necessary to:

- ? Ensure that a comprehensive local coastal program and consistent set of policies is adopted to guide use and development in the canal area and to protect the quality of the Village's and Town's canal environment;
- ? Ensure the existing character of the Village and Town and the economic vitality of the Village and Town are maintained and enhanced as appropriate;
- ? Provide a comprehensive planning vision and sound basis for waterfront revitalization, development, promotion of certain uses, and protection of social, economic, natural, and scenic resources;
- ? Establish the basis to obtain funding for further coastal planning from federal, State, and other sources and to assure these federal, State, and other resources that the Town of Pittsford and Village of Pittsford LWRP is consistent with State and federal programs; and
- ? Guarantee that local residents, through local government, will continue to have control over actions in their community; and

**BE IT FURTHER RESOLVED**, that the Village of Pittsford Board of Trustees and Town of Pittsford Town Board, serving as co-Lead Agencies for SEQRA purposes, determine and decide that the adoption of the Local Waterfront Revitalization Program, and all of the related proposed local laws associated with the LWRP, as described herein, will have a significantly beneficial impact upon the coastal environment and generally upon the Village of Pittsford and Town of Pittsford and will enhance and protect the health and welfare of the residents of the Village and Town and thus should be adopted; and

**BE IT FURTHER RESOLVED**, that the Lead Agencies, having considered the Draft and Final Generic EISs, and having considered the preceding written facts and conclusions relied upon to meet the

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requirements of 6 NYCRR 617.11, make the following certification of findings:

- ? The requirements of 6 NYCRR Part 617 have been met;
- ? Consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
- ? Consistent with social and economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and
- ? Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

A **motion** was made by **Trustee Galli**, seconded by **Trustee Maddox** to accept Resolution 14 of 2005, the adoption of the LWRP.

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

**ADOPTION OF PROPOSED LOCAL LAW #7 OF 2005 – LWRP OVERLAY DISTRICT**

A **motion** was made by **Mayor Corby**, seconded by **Trustee Farlow** to adopt proposed local law #7 of 2005 which law would amend the Code of the Village of Pittsford as follows:

**ADD:**

**ARTICLE XI A  
LOCAL WATERFRONT OVERLAY DISTRICT**

**§ 210-45.1. Establishment of District**

- A.** The purpose of the Local Waterfront Overlay District (LWOD) is to provide special controls to guide land use and development within the waterfront areas of the Village of Pittsford. The regulations are designed to protect the sensitive waterfront areas, and to maintain consistent land use of the Town and Village of Pittsford's Local waterfront Revitalization Program (LWRP). The LWOD regulations are not intended to be substituted for other zoning district provisions. The overlay is to be superimposed on the principal zoning district provisions and should be considered as additional requirements to be met in establishing a use within the respective principal zoning district.
- B.** Pursuant to §210-4. the Zoning Map of the Village of Pittsford is amended and revised to establish and include the Local Waterfront Overlay District as described in the LWRP as adopted by the Village of Pittsford.

**§ 210-45.2. Permitted Uses**

- A.** Those uses otherwise permitted in the underlying districts shall be permitted in accordance with the regulations applicable thereto.
- B.** In addition to any other provisions of this chapter applying to them, lots, lands and structures in the Local Waterfront Overlay District shall be subject to the policy standards, conditions and design guidelines contained in the Village of Pittsford's Local Waterfront Revitalization Program as such document may be amended from time to time, as well as the Village of Pittsford Chapter 121, Local Waterfront Consistency.

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

**\*\*NOTE\*\***

**Following the conclusion of all of the joint Town/Village LWRP business, the Board of Trustees left the joint meeting and immediately reconvened at the Village Hall.**

**EXECUTIVE SESSION**

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A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to enter executive session to discuss a matter of litigation and the employment history of a specific employee.

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

Having taken no action during executive session, 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 8:45 PM.

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Anne Z. Hartsig, Recording Secretary