

PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
March 10, 2009 – 7:00 PM

Present:

Mayor: Robert Corby

Trustees: Mary Beth Cleary

Tim Galli

Paula Sherwood

Steve Maddox

Attorney: John C. Osborn

DPW Superintendent: John Cufari

Recording Secretary Anne Hartsig

Mayor Corby called the meeting to order at 7:05 PM.

PRESENTATION OF PROCLAMATION TO JOHN LIMBECK

The Board of Trustees presented a proclamation of commendation to John Limbeck to thank him for his years of service to the Village. The complete proclamation is included in the minutes of February 10, 2009.

AMERICAN LEGION SIGN REQUEST

Mr. Bill Rahn, Vice Commander of the American Legion, returned to the Board with a revised design proposal for a permanent sign to identify the location of the meeting home for Post 899. Members discussed the sign options and offered some suggestions. A **motion** was made **by Mayor Corby, seconded by Trustee Galli** to approve the 23" x 25" sign option as shown on the left side of the drawing submitted and dated 2/27/09, with a post not to exceed 5 feet in height and with the suggestion that the finial on the top be painted black to match the rest of the post so it does not distract from the actual sign. The sign shall be installed in the location indicated on the submitted drawing in such a way that it will not hinder the view for vehicles exiting the driveway. This approval is granted with the understanding that APRB approval is also required and it is granted without prejudice to the determination of the APRB.

VOTE: Maddox – yes, Cleary – yes, Corby – yes, Sherwood – yes, Galli – yes. **Motion carried.**

TREASURER'S REPORT – TRUSTEE GALLI

Trustee Galli presented vouchers for approval. Vouchers listed on Abstract #15 were reviewed. A **motion** was made **by Trustee Maddox, seconded by Mayor Corby** to approve payment of vouchers listed in Abstract #15 as presented, and to charge them to the appropriate accounts.

General Fund (#458-#462, #465-#484,):	\$ 23,421.86
Sewer Fund (#463, #464, #479):	\$ 87.69
Total vouchers for approval:	\$ 23,509.55

VOTE: Maddox – yes, Cleary – yes, Corby – yes, Sherwood – yes, Galli – yes. **Motion carried.**

Board members tentatively scheduled a budget meeting for Wednesday, March 11, 2009.

UNITED CHURCH OF CHRIST SIGN REQUEST

The Board of Trustees received a letter from the United Church of Pittsford requesting permission to place temporary signs in the village to advertise a spaghetti supper. A **motion** was made **by Trustee Galli, seconded by Mayor Corby** to approve the signs as follows:

- 2 signs at the Four Corners installed 3/30/09 to 4/4/09

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- 1 sign at the State Street/Northfield Commons intersection installed 3/30/09 and removed 4/4/09
- 1 sign at the South Main St./Jefferson Rd. intersection installed 3/30/09 and removed 4/4/09

VOTE: Maddox – yes, Cleary – yes, Corby – yes, Sherwood – yes, Galli – yes. **Motion carried.**

ALADDIN'S RESTAURANT – 8 SCHOEN PLACE

Mr. John Crawford submitted a request for the installation of curtains with clear plastic windows on both the upper and lower deck of the restaurant. When the Board of Trustees approved a permanent roof for the restaurant on December 9, 2009, the use of curtains was not part of the application. Since curtains were a part of the deck for the last fifteen years, Mr. Crawford made the assumption that another approval was not required. Mayor Corby explained the reason that Mr. Crawford must seek approval from the Board of Trustees. In 1994, the Village entered into a contract with the New York State Canal Corporation for the use of the land between the blue line and the water. This gave the Village a municipal right of way. Therefore, it is the purview of the Board of Trustees 1) to insure that what is approved is in conformance with the LWRP which was approved by the Department of State 2) to insure that what is approved doesn't create a health, safety, or other problem with the recreational uses that occur within the Schoen Place Waterfront Park and 3) to reserve the ability to monitor the situation so that future projects do not cause drainage problems or in some other way, create a hazard.

For the record it is noted that the following conditions of approval for the permanent roof structure as listed in the December 9, 2008 minutes have been met. 1) Mr. Crawford brought the light fixture on the east gable of the restaurant into compliance 2) a smaller, less obtrusive satellite dish has been installed.

Mr. Crawford said the original canopies were on the building when he purchased the business. He didn't know whether or not approvals had been granted by the Village for those original awnings. He also did not know whether or not the property owner had been granted a permit by the canal corporation. (**On March 11, 2009, the Building Inspector researched and confirmed that Certificates of Approval for the canopy were issued by the APRB on 7/1/93 and 6/6/05. The lower patio awning was approved by the APRB on 6/3/02. A canal permit was issued in 1993 for the lower patio, the upper deck, the existing building's encroachment on canal land, and 85 feet of floating dock.**)

The Village Board received an email letter from Andy Hopfinger whose business is located next door at 6 Schoen Place. Mr. Hopfinger expressed concerns about the impact that the permanent roof structure has on 6 Schoen Place. He said he believes the building now extends beyond the property line. Mr. Hopfinger does not believe curtains are needed now that there is a permanent roof. His letter, date stamped 3/6/09, listed various reasons. Mr. Hopfinger's letter is part of the permanent record. The Board of Trustees noted Mr. Hopfinger's concerns.

The Board of Trustees discussed the request with the applicant. One concern that was expressed was that the upper deck and lower patio are visually imposing when enclosed. There was also the question of whether or not a precedent would be set if the canvas curtains were approved. Members discussed ideas to make the curtains seem less obtrusive, including changing the color of the canvas to a darker shade and making sure the curtains were rolled up when not in use. Mayor Corby reviewed the Design Guidelines and Principals on pages 120-123 of the LWRP. He noted that the curtains cannot block the view but that from a design standard, the deck and patio are similar to porches on many village homes. One member pointed out the Board coexisted with the old curtains in place for many years. The porches would be unusable in inclement weather

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without the use of the curtains. The applicant stated that he closes the deck and patio on or about November 1st. At that time, the curtains would be permanently raised for the winter season. Enclosing only one level was considered because it would be less obtrusive. This option would impact the business.

Mayor Corby suggested the following conditions of approval if the Board approves the request:

1. Use of the curtains will be limited to times when food is being served on the two decks during windy, wet and/or cold weather conditions. They will not be used during winter months after November 1st.
2. The curtains shall be designed to extend no further than the west wall of the building on the upper level.
3. The curtains shall be black or charcoal in order to visually recede and to allow the railing and post to stand out.
4. The plastic window portion of the curtains shall be low enough to coincide with the railing.
5. The curtains, when not in use, shall roll up on the inside so that they will be barely visible from the outside.
6. The curtains shall not be installed until it is verified by the Building Inspector that the downspout system has been rerouted to direct storm water underneath the towpath to the canal to prevent ponding or the creation of a hazard in the pedestrian areas adjacent to the canal.
7. All approvals will be subject to NYS Canal Corporation approval and the approval of the APRB, without prejudice to the determinations of the APRB.

A **motion** was made **by Mayor Corby**, seconded by Trustee Maddox, to allow the enclosure of only the lower patio with the above conditions of approval.

Vote: Corby – yes, Cleary – no, Galli – no, Sherwood – no, Maddox – no. **Motion was not carried.**

A **motion** was made **by Trustee Maddox, seconded by Trustee Cleary** to approve the installation of curtains on both the upper and lower levels of Aladdin's Restaurant with the seven conditions previously stated.

Vote: Maddox – yes, Cleary – yes, Galli – yes, Corby – no, Sherwood – no. **Motion carried.**

CHAPTER 210-41 & 42 - DISCUSSION

Mayor Corby suggested that the Board might wish to make amendments to the Code regarding public garages as a result of the closing of Newcomb's gas station at 21 Schoen Place. Attorney Osborn clarified the proposed changes with Board members. A **motion** was made **by Trustee Galli, seconded by Mayor Corby** to hold a public hearing at the April 14, 2009 meeting to consider the adoption of proposed local law #6 of 2009 to amend portions of Chapter 210-41 & 42 as discussed.

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

MEMBER ITEMS

- **Preservation Month Update:** Trustee Sherwood is continuing to work with Historic Pittsford to coordinate Preservation Month activities in May. She said that a preservation award would be bestowed later in the summer months. The award will be named for former village resident, Irving Gaskin.
- **Newsletter:** Trustee Sherwood reminded the Board that newsletter articles were due by the end of the week. It was suggested that photos of the crew and the new equipment be included.

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- **Employee Evaluations:** Evaluations for the Clerk, APRB/PZBA Secretary, and the Building Inspector have not been completed. It was suggested that in future years, all evaluations should be completed no later than the second week in March so that information is available to the Trustees prior to budget discussions regarding wages for the upcoming fiscal year.

TRAINING FOR NEW OFFICIALS

Board members discussed the importance of training for new officials. NYCOM offers the best training opportunities for new officials. However, there are other training sources that offer seminars and workshops throughout the year. A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to adopt Resolution # 6, which would require new officials to obtain municipal government training within one year of taking office.

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

The Village Clerk will include this resolution in the Village's policy notebook for future reference.

SITE PLAN REVISIONS

The Building Inspector drafted legislation to require planning board approval for subdivision actions that include among other applications, new construction of single family homes. Mayor Corby is waiting for comments from the Planning Board before proceeding.

R-5 ZONING UPDATE

Mayor Corby updated Board members on the status of draft legislation for the R-5 district. The Board agreed that the expenditure of funds for two hours of consultation with Roger Brown was a prudent expenditure. Mayor Corby will contact Mr. Brown. The public hearing to consider the adoption of the new zoning will be held on March 24th at 8 PM. The clerk was instructed to submit a legal notice to the newspaper.

COMPREHENSIVE PLAN UPDATE

Members concurred that updating the Comprehensive Plan should be delayed for a year due to budget constraints. Instead, the Board will be working on the development of the 75 Monroe Avenue project and planning for the development of the North West quadrant.

DPW REPORT

DPW Superintendent submitted a written report which consisted of a list of recent department activities.

MINUTES

February 24, 2009: A **motion** was made by **Trustee Maddox, seconded by Trustee Galli** to approve these minutes as presented.

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

December 9, 2008: It was noted that these minutes, although approved as written at a prior meeting, contained errors regarding some of the votes that were taken. Some votes included Trustee Sherwood, who was absent from the meeting, and they did not include Trustee Galli, who did attend the meeting. The Village Clerk will correct these errors in the official minute book and will send a corrected version of the minutes to the webmaster.

ADJOURNMENT

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There being no further business, Mayor Corby adjourned the meeting at 9:00 PM.

Anne Z. Hartsig, Recording Secretary