

PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
August 11, 2009 – 7:00 PM

Present:
Trustees Paula Sherwood
Steve Maddox
Tim Galli

Absent: Trip Pierson
Mayor Corby

Attorney: John C. Osborn

Building Inspector: Skip Bailey

Recording Secretary: Anne Hartsig

Trustee Galli called the meeting to order at 7:00 PM.

NYCOM FALL TRAINING SCHOOL

A **motion** was made by **Trustee Sherwood, seconded by Trustee Maddox**, to authorize the Village Clerk and the Treasurer to attend the 2009 NYCOM fall training school in September.

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

TREASURER’S REPORT – TRUSTEE GALLI

Trustee Galli presented vouchers listed on Abstract #4 for approval. A **motion** was made by **Trustee Galli, seconded by Trustee Sherwood**, to approve payment of vouchers listed in Abstract #4, and to charge them to the appropriate accounts.

General Fund (#69-#89, #91-#100, #102-#109):	\$ 23,736.85
Sewer Fund (#78, #90, #101, #103):	\$ 7,162.00

Total vouchers for approval: \$ 30,898.85

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

Other Business:

- The Monroe County Sales Tax check has been received and is down approximately 5%. Annualized, the Village will receive a projected amount of \$21,000 less than budgeted this fiscal year.
- The amount of taxes and sewer rents billed out and still outstanding was reported.
- Projected revenue and cash flow reports were presented.

BUILDING INSPECTOR’S REPORT – SKIP BAILEY

- A written fire inspection report and a code enforcement report were presented.
- Mr. Bailey reported on the progress of projects at Pittsford Farms Dairy, the Flour Mill Tower, and the remodeling of 21 Schoen Place.
- Shutters at 21 State Street have been reinstalled.
- The owner of the Exxon Station on Monroe Avenue has been asked to apply to the APRB for a new sign.
- An appearance ticket was issued to the person selling orchids on East Jefferson Road.
- The Building Inspector said he will try to monitor A-frame signs that are being used illegally on weekends and after business hours. Appearance tickets may be issued.

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NON-MUNICIPAL USE PERMIT REQUEST – YMCA/PITTSFORD ROTARY

Board members received a request from a YMCA representative to conduct a survey from a Schoen Place/canal towpath location to determine community interest in a walking course within Pittsford Village. The project is titled “The Path to Community Health Through Walking”. Members discussed concerns and possible locations for set-up. A **motion** was made by **Trustee Galli, seconded by Trustee Sherwood** to approve a non-municipal use permit for the purpose of conducting a survey from the Schoen Place canal towpath during the afternoons of Friday August 14th and Saturday August 15th with the following conditions:

1. The survey table will be set up in one of the two pavilions located on Schoen Place in a manner that will not block the walkway;
2. A certificate of insurance naming the Village of Pittsford as additional insured is required. The certificate must reflect a \$1,000,000 single limit of liability for bodily injury and property damage and must be current and on file in the Office of the Village Clerk prior to the event.

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

NON-MUNICIPAL USE PERMIT REQUEST – PITTSFORD SUTHERLAND HIGH SCHOOL HOMECOMING PARADE

The Board of Trustees received a request from the Sutherland High School Student Council Advisors to hold the 2009 Homecoming parade on village streets on September 26, 2009. A **motion** was made by **Trustee Sherwood, seconded by Trustee Galli** to approve the request with the following conditions:

- The applicant will obtain permission from NYSDOT for the use of State roads.
- The applicant will contact the Monroe County Sheriff’s Department, Pittsford Fire Department, Pittsford Ambulance and the media (to suggest that alternate routes be used during the time of the parade).
- A Certificate of Insurance naming the Village of Pittsford as additional insured is required. The certificate must reflect a \$1,000,000 single limit of liability for bodily injury and property damage. The certificate must be current and on file in the Office of the Village Clerk prior to the event.
- All North and South Main Street merchants must be notified. Confirmation that the notification has taken place must be submitted to the Village Clerk’s Office no later than two weeks prior to the event.

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

WAGNER COLLEGE FOUNDERS TREE MARKER REQUEST

Board members received a request to place a marker on the Village right-of-way by a tree that was planted last year to commemorate the founding of Wagner College in 1883. The tree was planted on the northeast corner of Washington and Lincoln Avenue. The request was for a marker measuring 8X10 inches, to be mounted on a steel stake. Members expressed concerns about the installation of a free-standing sign for safety reasons and because the sign could easily be hit by a sidewalk snowplow. The Board’s preference was for a sign that could be installed flush to the ground or mounted on an angled stone slab. They also expressed a preference for the marker to be about half the size of the proposed marker. The Clerk will contact Mr. Manchester with those suggestions and ask that other options be submitted for consideration.

RESOLUTION #9 OF 2009

The Town will hold a public hearing regarding their proposed updated Comprehensive Plan at Nazareth College on August 18th. Trustee Sherwood will attend the meeting as a representative

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of the Village Board. A **motion** was made by **Trustee Sherwood, seconded by Trustee Maddox** to adopt the following resolution, which will be presented at the public hearing:

Be It Resolved: that the Village of Pittsford Board of Trustees supports the Town of Pittsford's efforts to update its Comprehensive Plan, as well as the vision and goals embodied in the *2009 Town of Pittsford Comprehensive Plan Update*.

Vote: Sherwood – yes, Maddox – yes, Galli – yes. Motion carried.

PUBLIC HEARING – PROPOSED LOCAL LAW #15 – REMOVE REFERENCES TO MR AND M-2 FROM THE CODE

Because the MR and M-2 Districts were deleted from the Code with the adoption of Local Law #13 of 2009, it is necessary to remove all references to those two districts from the Code. Proof of the legal notice below having been published, a **motion** was made by **Trustee Galli, seconded by Trustee Maddox**, to open the public hearing.

Vote: Sherwood – yes, Maddox – yes, Galli – yes. Motion carried.

*“Please take notice that a public hearing will be held before the Village of Pittsford Board of Trustees, Tuesday, August 11, 2009 at 8:00 PM at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY, to consider a local law to remove all references to the MR and M-2 Districts from the Village Code by amending §173-6. **Dumpsters; permit required.**, by amending § 210-3. **Enumeration of districts.**, deleting § 210-24. **Site plan approval required.**, and by deleting § 210-25. **Delays in commencement of development.** A complete copy of the proposed local law is available for review Monday through Friday during the hours of 8:00 AM to 3:30 PM in the Village Office, 21 North Main Street, Pittsford, NY”*

There being no one present wishing to speak for or against this local law, a **motion** was made by **Trustee Galli, seconded by Trustee Maddox** to close the public hearing.

Vote: Sherwood – yes, Maddox – yes, Galli – yes. Motion carried.

A **motion** was made by **Trustee Galli, seconded by Trustee Maddox** to adopt Local Law #15 as written.

Vote: Sherwood – yes, Maddox – yes, Galli – yes. Motion carried.

PUBLIC HEARING – 75 MONROE AVENUE – SPECIAL PERMITS

Trustee Galli explained that the Village Board had received an application for special permits from the developer of property located at 75 Monroe Avenue. One application is for multiple dwelling buildings in an R-5 district and the other is for the operation of a restaurant. He said that no decisions would be made at this meeting. More information is needed from the developer. In addition, recommendations from the Planning Board will be required and recommendations from the APRB will be considered prior to decisions by the Board of Trustees.

Frank Hagelberg, Attorney for Pittsford Canalside Properties LLC, presented an overview of the proposed project for 75 Monroe Avenue, the former Monoco Oil property. Mr. Hagelberg explained that the applicant was seeking approval for two special permits, one for multiple dwelling buildings and one for a restaurant. He introduced other members of the “team” of applicants and explained how the project is consistent with the R-5 section of the Code.

Proof of the legal notice below having been published, a **motion** was made by **Trustee Galli, seconded by Trustee Maddox** to open the public hearing.

Vote: Sherwood – yes, Maddox – yes, Galli – yes. Motion carried.

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“Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, Tuesday, August 11, 2009 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Pittsford Canalside Properties LLC for Special Permits permitting Multiple Dwelling Buildings and a Restaurant at 75 Monroe Avenue, part of the R-5 Zoning District, pursuant to §210-19.2. B. (2) (a) and (b) of the Code of the Village of Pittsford.”

Trustee Galli told members of the public that if they would like to be notified when this application is on future agendas for the Board of Trustees, PZBA, or APRB, they could provide contact information on a list that was being circulated.

The Clerk noted that correspondence had been received from Philip and Doreen Smethurst, Lynne Merrell, Ron Johnson, David Pettig, Mary Scheuerman, and John Parker. Comments regarding SEQR and the recommendation for an extended traffic study were received from Supervisor Carpenter. All members of the Board of Trustees, as well as the applicant, received copies of the correspondence prior to this hearing. All correspondence is on file and will be a part of the official record.

The following people spoke at the public hearing:

Joseph Barrera, 44 Brook Road: Mr. Barrera stated that his main concern is the number of rental units proposed for the project. He stated that it is difficult to get in and out of Long Meadow now due to traffic back-ups. He said that the proposal will triple the population of that area. He questioned why the units will be rental units. He also stated that in his opinion, Mark IV’s Corn Hill project is not a good analogy. He stated that the Monroe Avenue project must be scaled back to fit the Village of Pittsford. Mr. Barrera asked what will happen to the property if the developer decides not to go forward with the project. Mr. Hagelberg responded that Mark IV Developers owns the property with no strings attached. They are looking to the Village of Pittsford and the DEC and other pertinent agencies for approvals.

Leonard Shaw, 127 Woodland Road: Mr. Shaw stated that the developer is giving the impression that he is doing a favor for the Village. He asked if the developer has any ideas of receiving tax credits or breaks from the Village. The Board of Trustees answered “no”.

Randi Winterman, 160 Woodland Road: Ms. Winterman stated that she is apprehensive about the size of the project and is concerned about traffic and resulting pollution, sound, light pollution, and displacement of wildlife. She requested an impact statement that addresses these issues. She asked Board members if the Village is considering annexing enough property to add another lane on which traffic would enter the village. Board members responded “no”. Ms. Winterman asked how the area will handle the increase in traffic that will result from more housing, restaurant patrons and staff, and the Town’s commercialization plans for the area from French Road to the Village line, including development of offices at the Veramark site. She stated that she feels totally invaded. Ms. Winterman said the development picture must be looked at in “full focus” and not in pieces. She asked what kind of market study had taken place to determine that there is a lack of rental availability in the village. She asked what the underlying need is for a project of this nature. She stated that the Monoco site could be turned back into woods rather than housing.

Mr. Hagelberg said an extended traffic study will look at the conditions and the current capacity. It will indicate what this project will add to the current conditions and capacity, and it will determine if there are mitigation processes that can be implemented if the study shows that conditions will worsen. He said the project will increase the amount of traffic but that is not the issue. He said the issue for the Village boards is the land use. Their job will be to weigh and

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balance the facts. Mr. Hagelberg said the area is 7.4 acres, and the proposed density is not out of bounds for that size of a parcel.

Regarding a market study, Mr. Hagelberg said that the viability of the project is not a concern of the Board of Trustees or the PZBA. He said the developer has done this type of project before. They believe the project will attract people and that the units will be used. He said a market study has been conducted. He assured the public that if the results of the study were unfavorable, the developer would not be able to obtain financing. Mr. Hagelberg said it is the hope and expectation that the project would be a “home run” for the developer and for the Village of Pittsford.

Hersch and Carolyn Bornstein, 232 Long Meadow Circle: Mr. and Mrs. Bornstein expressed concern about breathing exhaust fumes and concerns about the air quality from the mayhem of traffic. Mr. Bornstein said recently the traffic in the area was backed up for 45 minutes. Mrs. Bornstein said that Woodcreek has more units but is less intense than this proposed development would be.

George Muller, 96 Brook Road: Mr. Muller expressed concern about cooking odors from the proposed restaurant, as well as the danger for walkers and bicyclists who must cross the train tracks to get to the Village and those that must cross Monroe Avenue to get to the sidewalk on the north side.

Mr. Muller asked if the buildings will have basements. He was concerned about flooding. Mr. Hagelberg explained that the garages will be underground, but that the basement garages would be a higher elevation than the high water mark of the canal.

Genevieve Walsh, 65 East Park Road: Ms. Walsh expressed concerns about the large number of strangers that will live in the 180 rental units. She suggested that it may not be a safe environment for students who walk to Sutherland High School.

Brian Powers, Mark IV Developers: Mr. Powers noted that the docks shown in the plans will not be for resident mooring, but rather, for boaters on the canal. Hook-up facilities are planned. Approvals and permits will be required from the New York State Canal Corporation.

Edward Walsh, 65 East Park Road: Mr. Walsh said there is a DEC warning sign posted on the site. He asked what the nature of the hazard is and how will it be remediated.

Mr. Hagelberg explained that the site is a brownfield that has been subjected to contamination. He said the developer has entered into an agreement with the NYSDEC. He said the basis of the plan is to get together to assess and agree on a strategy to remove toxic materials. He said the developer will have to satisfy the DEC before that agency will sign off and allow the site to be used for residential purposes.

Trustee Maddox suggested that it would be helpful to talk about something tangible. Brian Powers stated that anything bad would be hauled away. He said the sign that is in place is a result of a spill that occurred on the site. He said ground water is not migrating to other parts of the site or into the canal.

Mr. Walsh stated that on Google, the site is “fuzzed” out. He thinks this is strange. Mr. Hagelberg said he did not know why that was the case. He said the map photo comes from the NYS GIS system.

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A **motion** was made by **Trustee Galli, seconded by Trustee Maddox** to refer the application for a special permit for multiple dwelling buildings and a special permit for a restaurant to the Planning Board for recommendations.

Vote: Sherwood – yes, Maddox – yes, Galli – yes. Motion carried.

Trustee Galli asked if there were any further comments from the public at this time. Hearing none, he said that the public hearing will be left open until the conclusion of the SEQR process and until the Board of Trustees receives recommendations from the Planning Board and the APRB. Trustee Galli said that the application will be scheduled on a PZBA and APRB meeting agenda when the required additional information has been submitted by the developer. He thanked everyone for coming and said that the Board of Trustees appreciates all of the comments.

RESOLUTION #10 OF 2009 – LANDMARK SOCIETY GRANT APPLICATION PARTNERSHIP

Some of the area governments have received the designation of Certified Local Government from the NYS Office of Parks, Recreation and Historic Preservation. This designation allows the government to apply for grant funding for educational and organizational purposes. The area communities are proposing that a sub-grant application be submitted to hold a collaborative training session through the services of the Landmark Society of Western New York. A resolution to approve the grant application partnership is needed. No action was taken at this meeting pending further information.

PZBA APPOINTMENT

After interviewing candidates with Board Chairwoman Remegia Mitchell for the purpose of filling an unexpired term of a PZBA member, Mayor Corby appointed resident George Wallace to the Board. A **motion** was made by **Trustee Galli, seconded by Trustee Maddox** to ratify the action taken by Mayor Corby in his appointment of George Wallace as a member of the PZBA.

Vote: Sherwood – yes, Maddox – yes, Galli – yes. Motion carried.

MEMBER ITEMS

Directory sign for the Burdett Parking Lot: Trustee Sherwood consulted a sign maker about this sign. It was recommended that a new sign be erected. Budget constraints will prohibit this action. Trustee Sherwood will talk to Mayor Corby about sharing the cost for a Town/Village “public parking” sign to possibly replace the existing Town “public parking” sign.

Burdett lot dumpsters: It was reported that Mayor Corby and the DPW Superintendent will move the dumpsters to a location behind the barn. Trustee Galli suggested moving them as soon as possible. Heberle Disposal’s permit may be at risk. Trustee Sherwood will discuss this with Mayor Corby. Trustee Maddox is in favor of giving three warnings to all dumpster owners. If the dumpsters are not brought into compliance, he suggests having them removed. Members noted that the Code Enforcement Officer sent a violation letter to the owner of the Hicks and McCarthy dumpster. Trustees and Village staff members have noticed that the violations are on-going.

Computel Audits: Regarding the investigation of possible overcharges by Time Warner Cable company, Trustee Galli contacted the Town of Clarkson to ask their opinion of the audits that Computel has done for them. Clarkson representatives said they have worked with Computel for about ten years and have found them to be conscientious people to work with. Computel has found about \$3,000 in overcharges for Clarkson. Trustee Sherwood would like information from the Town of Henrietta, who has also worked with Computel, and she would also like to know if Computel has worked with other local villages. Trustee Galli will pursue this.

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PZBA & APRB Meetings: Trustee Galli suggested that two Trustees attend the APRB and PZBA meetings when 75 Monroe Avenue is on the agenda to better understand all of the issues and to foster the spirit of teamwork for this important project.

EXECUTIVE SESSION

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

Vote: Sherwood – yes, Maddox – yes, Galli – yes. Motion carried.

Having taken no action, a **motion** was made by **Trustee Galli, seconded by Trustee Sherwood** to leave executive session and reenter the regular session of the meeting.

Vote: Sherwood – yes, Maddox – yes, Galli – yes. Motion carried.

MINUTES

July 14, 2009: A **motion** was made by **Trustee Maddox, seconded by Trustee Sherwood**, to approve these minutes as presented.

Vote: Sherwood – yes, Maddox – yes, Galli – yes. Motion carried.

ADJOURNMENT

There being no further business, Trustee Galli adjourned the meeting at 10:20 PM.

Anne Z. Hartsig, Recording Secretary