

**PROCEEDINGS OF A SPECIAL MEETING
OF THE
VILLAGE BOARD OF TRUSTEES
August 28, 2012 – 7:00 PM**

Present

Mayor: Robert Corby
Trustees: Lorie Boehlert
Tim Galli
Paula Sherwood
Trip Pierson
Attorney: Karl Essler
Recording Secretary: Anne Hartsig

CALL TO ORDER

A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to call the meeting to order at 7:00 PM.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

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

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

“PLEASE TAKE NOTICE that a public hearing will be held before the Village of Pittsford Board of Trustees on August 28, 2012 at 7:00 P.M. at 21 North Main Street, Pittsford, New York, to consider the adoption of proposed Local Law No. 3 of 2012, entitled “Local Law No. 3 of 2012 of the Village of Pittsford Amending Article VA of the Village of Pittsford Code to Permit Waivers of Special Use Permit Requirements Relating to the R-5 Residential District. The complete text follows:

*Local Law No. 3 of 2012 of the Village of Pittsford Amending
Article VA of the Village of Pittsford Code to Permit Waivers of Special Use Permit Requirements
Relating to the R-5 Residential District*

Be it enacted by the Village Board of the Village of Pittsford, New York as follows:

Section 1 - Title

This Local Law shall be referred to as “Local Law No. 3 of 2012 of the Village of Pittsford Amending Article VA of the Village of Pittsford Code to Permit Waivers of Special Use Permit Requirements Relating to the R-5 Residential District.”

Section 2 – Purpose and Intent

The Board of Trustees of the Village of Pittsford, in reviewing a special use permit application under the provisions of Article VA of the Village Code regulating the R-5 Residential District, has determined that some of the requirements and restrictions of Section 210-19.5 – Site Design Standards may, in some circumstances, not be required in order for a proposed project to meet the intent of the R-5 District set forth in Section 210-19.1 of Article VA, and may, in fact, discourage otherwise acceptable development which would benefit the Village while still meeting the intent of the R-5 Residential District set forth in Section 210-19.1 of Article VA.

The Board of Trustees therefore desires to provide greater flexibility in the review of the site design standards under Section 210-19.5 for special use permit applications within the R-5 Residential District, while preserving the intent of such District to ensure development compatible

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with the architectural design and historic character of the Village by granting the Board of Trustees the authority to waive or alter specific site design requirements set forth in Section 210-19.5 upon a finding that such waiver or alteration will not result in a failure to achieve the intent of the R-5 Residential District.

The Board of Trustees further finds that it has the power to enact this waiver/alteration provision both under its general legislative powers under the Village Law and the Municipal Home Rule Law and specifically under Section 7-725-b(5) of the Village Law.

Section 3 – Waiver/Alteration of Site Design Standards for Special Use Permit Applications in the R-5 Residential District

Section 210-19.5 of the Village Code shall be amended to add a new Subsection L which shall read as follows:

(A) A new Section 210-19.6 is hereby added to Article VA if the Village Code regarding the R-5 Residential District as follows:

“Notwithstanding anything in this Section 210-19.5 to the contrary, the Village Board of Trustees, in reviewing special use permit applications hereunder, shall have the authority to waive or alter any site design standards hereunder upon a finding that such waiver or alteration, both individually and cumulatively with other such waivers or alterations, will not impair the aesthetic character or quality of the development or be inconsistent with intent of the R-5 Residential District as set forth in Section 210-19.1. Site plan review by the Planning and Zoning Board and the issuance of a Certificate of Approval by the Architectural and Preservation Review Board shall be subject to all site design standards specified in Section 210-19.5 and in Article XVII of this chapter, except as modified by the Special Use Permit”

Section 4 – Effective Date

This Local Law shall take effect immediately upon its adoption by the Board of Trustees of the Village of Pittsford.

PLEASE TAKE FURTHER NOTICE *that, in the event the Board of Trustees adopts proposed Local Law No. 3 of 2012 following the close of the foregoing public hearing, the Board of Trustees may also discuss and/or adopt waivers requested by the applicant, Pittsford Canalside Properties, LLC, in connection with its special use permit application for 75 Monroe Avenue, Village of Pittsford.”*

Attorney Essler summarized the proposed local law and the reason for it. He said that the law is being considered due to the many detailed site design requirements in the R-5 District which may or may not be necessary requirements for a specific project. If the law is passed, the Board of Trustees could consider a waiver for certain requirements. He noted that there is a provision in the proposed law which states that if the Board decided to grant a waiver, they would have to find that the waiver did not prove detrimental to the aesthetic character or quality of the development nor could it be inconsistent with the intent of the R-5 District. He said the law would give the Board the authority, but does not require the Board to grant a waiver for anything.

Frank Galusha, Boughton Avenue: Mr. Galusha asked to verify his understanding that this law, if passed, would not commit the Board to granting any waivers. Rather, it gives them the flexibility to grant a waiver if they want to, so long as it is not detrimental to the R-5 District.

Mayor Corby responded that Mr. Galusha’s understanding was correct. He said it is important to state that the purpose of the proposed law is to get the best project possible. He said the purpose is not to

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circumvent or remove discretionary authority of the Planning Board or the APRB and the subsequent site plan approval and the Certificate of Appropriateness reviews that will occur if the Board of Trustees approves a special permit.

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

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

SEQR REVIEW FOR PROPOSED LOCAL LAW #3 OF 2012

Part I of the Short Environmental Assessment Form regarding project information was completed. The questions on Part II of the form regarding impact assessment have been reviewed and an addendum to the environmental assessment has been written and included in Part II. The Board of Trustees determined that adopting this local law would not have any environmental impact. A **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to approve the findings on Part II, Impact Assessment, of the short environmental assessment form.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

RESOLUTION #14 OF 2012 – ADOPTING ENVIRONMENTAL SIGNIFICANCE DETERMINATION FOR THE ENVIRONMENTAL ASSESSMENT FOR PROPOSED LOCAL LAW #3 OF 2012

A **motion** was made by **Trustee Galli, seconded by Trustee Boehlert**, to adopt Resolution #14 of 2012 as follows:

Whereas, the review and approval of the amendment to Village Code Section 210-19.5 is an action subject to the New York State Environmental Quality Review Act (SEQRA); and,

Whereas, the proposed action is an Unlisted Action pursuant to SEQRA; and,

Whereas, the Board of Trustees of the Village of Pittsford is the (only) Lead Agency for the environmental review of the action; and,

Whereas, the Project proposal has been accompanied by an environmental assessment form (EAF) which has been reviewed by the Lead Agency; and,

Whereas, the Village Board of the Village of Pittsford has completed the Part II EAF; and

Accordingly, be it resolved that the Village Board of Trustees of the Village of Pittsford, as Lead Agency, and in accordance with 6NYCRR Part 617 and based on the information and analysis cited above, resolves to adopt a Negative Declaration, indicating that the proposed action will have no significant impact on the environment.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

RESOLUTION #15 ADOPTING LOCAL LAW NO. 3 OF 2012

Trustee Galli moved the adoption of Local Law No. 3 of 2012 known as “Local Law No. 3 of 2012 of the Village of Pittsford Amending Article VA of the Village of Pittsford Code to Permit Waivers of Special Use Permit Requirements Relating to the R-5 Residential District.”; **Trustee Pierson seconded** the motion:

WHEREAS, the Village Board of Trustees has determined that it would be advisable to amend the provisions of the Village’s R-5 Zoning District so as to permit the Board of Trustees, in reviewing special use permit applications, to waive or alter requirements or restrictions that are not necessary to achieve the intent of the R-5 Residential District and may be overly burdensome; it is therefore

RESOLVED, that Village of Pittsford Local Law No. 3 of 2012 known as “Local Law No. 3 of 2012 of the Village of Pittsford Amending Article VA of the Village of Pittsford Code to Permit Waivers of Special Use Permit Requirements Relating to the R-5 Residential District” is hereby adopted as set forth below:

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Local Law No. 3 of 2012 of the Village of Pittsford Amending Article VA
of the Village of Pittsford Code to Permit Waivers of Special Use
Permit Requirements Relating to the R-5 Residential District.

Be it enacted by the Village Board of the Village of Pittsford, New York as follows:

Section 1 - Title

This Local Law shall be referred to as “Local Law No. 3 of 2012 of the Village of Pittsford Amending Article VA of the Village of Pittsford Code to Permit Waivers of Special Use Permit Requirements Relating to the R-5 Residential District.”

Section 2 – Purpose and Intent

The Board of Trustees of the Village of Pittsford, in reviewing a special use permit application under the provisions of Article VA of the Village Code regulating the R-5 Residential District, has determined that some of the requirements and restrictions of Section 210-19.5 – Site Design Standards may, in some circumstances, not be required in order for a proposed project to meet the intent of the R-5 District set forth in Section 210-19.1 of Article VA, and may, in fact, discourage otherwise acceptable development which would benefit the Village while still meeting the intent of the R-5 Residential District set forth in Section 210-19.1 of Article VA.

The Board of Trustees therefore desires to provide greater flexibility in the review of the site design standards under Section 210-19.5 for special use permit applications within the R-5 Residential District, while preserving the intent of such District to ensure development compatible with the architectural design and historic character of the Village by granting the Board of Trustees the authority to waive or alter specific site design requirements set forth in Section 210-19.5 upon a finding that such waiver or alteration will not result in a failure to achieve the intent of the R-5 Residential District.

The Board of Trustees further finds that it has the power to enact this waiver/alteration provision both under its general legislative powers under the Village Law and the Municipal Home Rule Law and specifically under Section 7-725-b(5) of the Village Law.

Section 3 – Waiver/Alteration of Site Design Standards for Special Use Permit Applications in the R-5 Residential District

Section 210-19.5 of the Village Code shall be amended to add a new Subsection L which shall read as follows:

“Notwithstanding anything in this Section 210-19.5 to the contrary, the Village Board of Trustees, in reviewing special use permit applications hereunder, shall have the authority to waive or alter any site design standards hereunder upon a finding that such waiver or alteration, both individually and cumulatively with other such waivers or alterations, will not impair the aesthetic character or quality of the development or be inconsistent with intent of the R-5 Residential District as set forth in Section 210-19.1. Site plan review by the Planning and Zoning Board and the issuance of a Certificate of Approval by the Architectural and Preservation Review Board shall be subject to all site design standards specified in Section 210-19.5 and in Article XVII of this chapter, except as modified by the Special Use Permit”

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Section 4 – Effective Date

This Local Law shall take effect immediately upon its adoption by the Board of Trustees of the Village of Pittsford.

The foregoing Resolution having been put to a vote, the following votes were recorded:
Corby – yes, Galli - yes, Pierson – yes, Sherwood – no, Boehlert – yes

and upon such vote, Local Law No. 3 of 2012 was declared duly adopted.

COMMENTS REGARDING 75 MONROE AVENUE

Attorney Essler noted that the continuation of the public hearing regarding a special permit for the 75 Monroe Avenue project would be held on September 11th. He asked Board members to review a draft list of special permit conditions and to send him their suggestions as soon as possible. He would like to get a draft finalized. He said in fairness, the applicant should have the opportunity to see the draft and to make comments.

TREASURER’S REPORT – TRUSTEE GALLI

Trustee Galli presented vouchers listed on Abstract #005 of 2012/13 fiscal year for approval. A **motion** was made **by Trustee Galli, seconded by Mayor Corby**, to approve payment of vouchers listed on Abstract #005 and to charge them to the appropriate accounts.

Abstract #005 – 2012/13

General Fund (#153-#164, #167-#181):	\$16, 047.98
Sewer Fund (#162, #166):	<u>\$ 2, 713.30</u>
Total vouchers for approval:	\$18, 761.28

Vote: Corby – yes, Sherwood - yes, Pierson – yes, Boehlert – yes, Pierson - yes. **Motion carried.**

Other business:

- The Monroe County Sales Tax check was received in the amount of \$129,657.88.
- The Village received a lengthy protest letter regarding a parking ticket that was issued. A **motion** was made **by Trustee Galli, seconded by Trustee Pierson**, to authorize Mayor Corby to determine the validity of the ticket and if valid, to authorize Attorney Turner to represent the Village in court.

Vote: Corby – yes, Sherwood - yes, Pierson – yes, Boehlert – yes, Pierson - yes. **Motion carried.**

EXECUTIVE SESSION

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

Vote: Corby – yes, Sherwood - yes, Pierson – yes, Boehlert – yes, Pierson - yes. **Motion carried.**

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

Vote: Corby – yes, Sherwood - yes, Pierson – yes, Boehlert – yes, Pierson - yes. **Motion carried.**

ADJOURNMENT

There being no further business, a motion was made by Mayor Corby, seconded by Trustee Boehlert, to adjourn the meeting at 8:00 PM.

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Anne Z. Hartsig, Recording Secretary