

**PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES**  
**October 22, 2013 – 7:00 PM**

**Present**

**Mayor:** Robert C. Corby  
**Trustees:** Lili Lanphear  
Lorie Boehlert  
Frank Galusha  
Tim Galli  
**Attorney:** Jeffrey Turner  
**Treasurer:** Mary Marowski  
**Building Inspector:** John Limbeck  
**Recording Secretary:** Anne Hartsig

**CALL TO ORDER**

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

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha – yes. **Motion carried.**

**TREASURER’S REPORT – MARY MAROWSKI**

Ms. Marowski presented vouchers listed on Abstract #008 of 2013/14 fiscal year for approval. A **motion** was made by **Trustee Galli, seconded by Trustee Galusha**, to approve payment of vouchers listed on Abstract #008 in the amounts stated below and to charge them to the appropriate accounts.

**Abstract #008 – 2013/14**

General Fund (#251-#275): \$ 21,681.18

**Total vouchers for approval:** **\$ 21,681.18**

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

**Other Business**

- Bank balances were presented.
- A quote was received from Integrated Systems for a 1 year extended service warranty for the server to include on-site maintenance, parts & labor and physical service. The current warranty expires on 11/17/13. The amount is \$199.00 for a one-year extension. A **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to approve the purchase of a one-year service warranty for the server to include on-site maintenance, parts & labor and physical service.  
**Vote:** Corby – yes, Galusha – yes. Lanphear – yes, Galli – yes, Boehlert – yes. **Motion carried.**
- The Village should be reimbursed for the Stormwater and the 2009 CDBG grant during the first week in November.
- Taxes in the amount of \$6,507.11 remain unpaid. Sewer rents in the amount of \$12,000 remain unpaid.
- The Treasurer reported the financial status of the Village as of 9/30/13.
- Board members discussed the purchase of a Bobcat. With the Board’s approval, Trustee Galusha will negotiate the 2013 purchase of this piece of equipment.

**BUILDING INSPECTOR’S REPORT – JOHN LIMBECK**

- Mr. Limbeck will be out of town for a period of time. Kelly Cline will cover for him.
- Mayor Corby said the issue of temporary sandwich board signs will be addressed when Mr. Limbeck returns to work in November. There are a number of signs currently at the Four Corners. Mr. Limbeck will take care of those signs on Wednesday morning.

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- Mr. Limbeck and Records Clerk Terry Robins facilitated the completion of a FOIL request involving site plan approval drawings for Pittsford Village Green.
- Chase Bank lost funding for exterior work this year and asked to be removed from the 10/28/13 PZBA meeting. They will appear before the PZBA in 2014 for exterior work and landscaping.
- As-built drawings for 73 South Main have been submitted. The owner has a revised fencing plan and will appear before the PZBA on 10/28.
- Mayor Corby noted the following:
  - There are illegal lights at the First Presbyterian Church.
  - DPW will be asked to move political signs off of the right-of-way.
  - Sutherland Auto has an agreement with the Town to allow the visiting Motor Vehicle Department staff to park when they are at the Town Hall.
  - There are illegal signs at 56 North Main Street.
  - Salvatore's, 20 S. Main Street, has numerous signs in their windows.
  - The wine shop on Schoen Place has an A-frame sign in the middle of the sidewalk.
  - There is a broken planter at the bike shop on Schoen Place, which is a safety hazard to pedestrians.
  - There are still many issues at Label 7 Restaurant at 50 State Street.
  - The Village Bakery, 5 State Street, has not complied with required landscaping.
  - The lease for the Great Northern Pizza building at 14 South Main ends at the end of October.

**75 MONROE AVENUE – KCI REPORT – JOHN LIMBECK**

Mr. Limbeck presented a matrix he developed to determine which State and County agency permits will be required for the Westport Crossing project. He said this is part of his review of the final site plan submission. Once he has completed his review, Mr. Limbeck will be certifying the submission as complete. At that time, he said he would notify Mark IV, the Village Board and the Village PZBA. He will also compile a handout chronicling his complete review process. Mr. Limbeck noted that his review of the site plan is non-discretionary. He said the Monroe County Water Authority and portions of the Monroe County Department of Health cannot issue permits until the Village has approved a site plan. Monroe County Pure Waters, the NYS Department of Transportation, the NYS Canal Authority and the NYS Department of Environmental Conservation permits are not contingent upon a village issued site plan approval.

**SPECIAL PERMIT – INFORMATION ONLY – 21 STATE STREET**

Jim Whitmore, Ed Quinn and Jaclyn Mellone addressed the Board to discuss opening a high-end pub at 21 State Street. The pub would feature craft beers, wine and cocktails with light fare food. Board members had several concerns. The first was the proposed location which adjoins a residential area. The Code states that there must be a 100' minimum separation between a residential neighbor and a business of this sort. Mayor Corby explained that the noise of car doors slamming shut, the sounds of trash and bottles being emptied into dumpsters, patrons talking loudly while going to or from their cars all would be a challenge to this type of business in that location. Trustee Lanphear agreed with Mayor Corby and suggested that there are other vacant properties within the village that might offer a more suitable location.

The applicant said the business would not cater to college age kids. The broker asked about a sound barrier type of fence at the back of the property. Members agreed that the sound would carry over the top of any type of fence. Trustees also agreed that the hours of operation for this type of business just would not fit this close to a residential neighborhood. Mayor Corby noted that other food business applications for State Street locations have been denied because of noise, odors and other nuisances to residents. He suggested the Tess and Carlos location at 5 South Main Street, the 14 South Main Street location of the

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former Great Northern Pizza, or a location in Northfield Common as alternatives that might be more likely to be granted approval.

Mayor Corby said if the applicant wishes to move forward, the next step would be to make a formal application and then proceed to the Planning Board to seek comments from that Board.

**PUBLIC HEARING – LOCAL LAW #5 AMEND §180-4 SWIMMING POOLS**

Proof of the legal notice below having been published in the Brighton-Pittsford Post on September 5, 2013, a **motion** was made **by Mayor Corby, seconded by Trustee Lanphear**, to open the public hearing.

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

**NOTICE OF PUBLIC HEARING  
VILLAGE OF PITTSFORD**

**“PLEASE TAKE NOTICE** that a public hearing will be held before the Village of Pittsford Board of Trustees on October 22, 2013 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, New York, to consider the adoption of proposed local law #5 of 2013, a local law which will amend portions of §180 Swimming Pools of the Village Code as follows:

**Proposed Local Law #5 of 2013**

**Amend §180-4 Permit required; Fee as follows:**

*No swimming pool shall be constructed or maintained in the Village unless a permit therefor has been issued by the Village.*

**Amend §180-5 Conditions for Permit Issuance as follows:**

- A. *No permit shall be granted for the construction or maintenance of any swimming pool in the Village unless the provisions of this chapter are complied with.*
- B. *No permit shall be granted for the construction or maintenance of any swimming pool in the Village unless and until the construction plans therefor, together with the plumbing and electrical plans and location map in conformity with the provisions of this Chapter, have been filed with the Village Building Inspector’s office.*

**Amend §180-8 Drainage as follows:**

*The proposed drainage of any swimming pool to be constructed or maintained in the Village shall be adequate and shall not interfere with the public water supply system, with existing sewage and drainage facilities, with the property of others or with public waterways.*

**Amend §180-10 as follows:**

**§180-10 Electric Lighting and Service**

- A. *No electric lights shall be erected, operated or maintained upon the premises upon which a swimming pool is situated in such a manner as to cause glare or reflection that may cause a nuisance to adjoining properties.*
- B. *The electrical service to supply power to any pumps, filters, lights or other appurtenances shall be installed in accordance with the latest version of the National Electric Code and inspected and approved by an approved independent electrical inspection agency. Certificates from the independent electrical agency must be forwarded to the Village Building Inspector, prior to a permit being issued. “*

Mr. Limbeck explained the reasoning behind the proposed amendments. There being no one wishing to speak for or against the adoption of this local law, a **motion** was made **by Mayor Corby, seconded by Trustee Lanphear**, to close the public hearing.

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A **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to approve proposed Local Law #5 of 2013 as presented.

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

**JUNIOR LEAGUE HOME TOUR FUNDRAISER – LISA COVE**

Ms. Cove explained that the Junior League home tour, a signature fundraising event, will be held in the Village of Pittsford on May 10<sup>th</sup>, 2014. She shared the status of the plans for the event thus far. Mayor Corby said the Board of Trustees is happy to have the event taking place in the Village of Pittsford.

**BURDETT PARKING LOT LEASE**

For the last several years, the Town and Village shared a lease granted by the Burdett family, former owners of the parking lot at 19 South Main. That lease will expire at the end of October. There is a verbal agreement by and among the new owner, the Village and the Town to extend the lease until November 29, 2013. A **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to approve the extension of the current lease until November 29, 2013 and to authorize Mayor Corby to sign the agreement to extend the lease.

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

The Village Board has been informed that in addition to the maintenance and patrol that the Village takes care of in the lot, there will likely be a significant cost to renew the lease with the new owner. Members discussed the cost. Trustee Boehlert and Trustee Galusha will meet to discuss options and will offer recommendations to Board members at a future meeting.

**PROCLAMATION – 5<sup>TH</sup> ANNIVERSARY-CHABAD OF PITTSFORD**

A **motion** was made by **Trustee Boehlert, seconded by Mayor Corby** to approve the following proclamation.

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

***WHEREAS**, Chabad of Pittsford, an affiliate of Chabad-Lubavitch of Rochester, is celebrating its 5<sup>th</sup> Anniversary, and*

***WHEREAS**, this organization is Pittsford's first religious community representing members of the Jewish faith and whose mission statement is to make Jewish knowledge and meaningful Jewish living more accessible to each individual, regardless of religious background and observance, and*

***WHEREAS**, Chabad of Pittsford has contributed to Pittsford's cultural life and sense of community by sponsoring programs open to all residents including the annual Chanukah celebration and the Holiday Canned Food Drive,*

***NOW, THEREFORE, BE IT RESOLVED**, that we, the members of the Board of Trustees of the Village of Pittsford, do hereby welcome Chabad of Pittsford to our community, and call upon all residents of Pittsford to join us in this 5<sup>th</sup> Anniversary Tribute on this 22nd day of October, 2013.*

The proclamation was signed by all members of the Board of Trustees.

**RESIDENT QUESTION AND COMMENTS**

Resident **Justin Vlietstra, 19 Boughton Avenue**, asked for an explanation of why the 75 Monroe Avenue site plan can be deemed complete when it is not compatible with the approved Regulating Plan. Mayor Corby responded that the Building Inspector is looking at administrative aspects of the plan to make sure they are all included on the plan. For example, one of the conditions of Preliminary Site Plan approval was the inclusion of drainage remediation on the final site plan. Mr. Limbeck's job is to verify

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that drainage remediation is shown on the site plan. The Planning Board, along with the Village engineer, would decide whether or not the drainage solution is acceptable. As an aside, Mayor Corby noted that a "SWPP" (Storm Water Prevention Plan) will need to be completed.

Resident **Alysa Plummer, 66 South Main Street** asked what the mechanism is for the Planning Board to sign off on the 5 conditions of preliminary site plan approval. Mayor Corby said that process would happen at the time of final site plan approval.

#### **MEMBER ITEMS**

- Trustee Lanphear discussed the quote from Bristol's for holiday decorations. According to the Procurement Policy, two written quotes are required.
- Trustee Galli asked for an explanation of the "finding of facts" process. Attorney Turner explained that the timing for writing Findings of Fact can be as late as the return of an Article 78 proceeding. He said the content of the "Findings" has to be supported in the record. Any and all documentation available may be used when compiling the "Findings". The involved Board must read and approve the Findings of Fact at a subsequent meeting.
- Members discussed the failed restoration of a door at 30 Locust Street. The Board agreed that APRB acted appropriately in its decision regarding the front entrance door. Attorney Turner will draft an appropriate response and Mayor Corby will review the letter.
- Because the village is an historic district, Trustee Galli will contact Time Warner regarding their request to use orange riser guards on poles within the village.
- Cleaning of the Village Hall by an employee was discussed. Attorney Turner will check with Attorney Lippett regarding union and civil service questions. It was noted that the Village would have to purchase equipment and supplies for cleaning if this was to be handled from within the Village organization.

#### **§210-19.4. A.**

A code change to the Building design standards section of the Code was suggested to define an administrative process. The Board of Trustees created the regulating plan and should be in the position to decide if there is compliance with the regulating plan. This Code change would specify that the Board of Trustees will be the compliance decision maker. Attorney Turner read proposed language for an amendment to §210-19.4.A. A **motion** was made **by Mayor Corby, seconded by Trustee Lanphear**, to hold a public hearing on November 19, 2013 at 7 PM to consider amending §210-19.4.A of the Village Code.

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

#### **MINUTES**

October 8, 2013: A **motion** was made **by Trustee Galli, seconded by Trustee Boehlert**, to approve these minutes as presented.

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– 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, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

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

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

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**ADJOURNMENT**

There being no further business, a **motion** was made **by Mayor Corby, seconded by Trustee Galusha,** to adjourn the meeting at 9:35 PM.

**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

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Anne Z. Hartsig, Recording Secretary