

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
November 19, 2013 – 6:30 PM

Present

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

CALL TO ORDER

A **motion** was made by **Deputy Mayor Lanphear, seconded by Trustee Boehlert**, to call the meeting to order at 6:30 PM.

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

EXECUTIVE SESSION

A **motion** was made by **Deputy Mayor Lanphear, seconded by Trustee Boehlert**, to enter executive session to discuss a matter leading to the dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension of a particular person.

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

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

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

Mayor Corby arrived at 6:40 PM

RESOLUTION 7 OF 2013

A **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to offer Dorothea Ciccarelli the position of Village Clerk of the Village of Pittsford contingent upon approval of the Public Officials and Indemnity Agreement by our insurance carrier and with the following terms:

- the salary is \$60,000 per year;
- there will be four weeks' vacation allotted each year;
- the work week will consist of forty hours;
- all other benefits will be as noted in the employee handbook.

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

SCOTT HARTER – VILLAGE ENGINEER

Scott Harter addressed the Village Board regarding a stormwater ordinance, sanitary sewers, general infrastructure needs of the village, and design standards.

Mr. Harter researched **stormwater regulations**. He noted that these regulations are applicable to the new development at 75 Monroe Avenue. He said the Village should have a Stormwater ordinance to be accountable to the regulations. A Stormwater Enforcement Officer position should be included in the ordinance. Mayor Corby asked Mr. Harter to email examples of stormwater ordinances and to highlight

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the most significant issues. The Board will rely on his guidance. Trustee Galusha and Mayor Corby will work with Mr. Harter.

Mr. Harter discussed **sanitary sewer** hook-ups on Rand Place. He said there is one line that is being used by three quarters of the residents but it is not a dedicated line. There is a new home being built at 43B Rand Place. He recommends that the new house hook in and that the line be dedicated as part of the Village sewer system. DPW Superintendent Doug Yaeger will camera “the main” to see if it is up to Code. Mayor Corby noted it would be a way to tell how many homes on Rand place are connected. He said a survey is needed to show exactly when the sewer and water lines are. He said further that the property owners would have to bring the sewer line up to code standards before the Village takes it as dedicated. Trustee Galli said there are springs in the area that may cause issues. It was suggested that it would be beneficial to all if the line was a dedicated Village line. Mr. Harter will submit a complete recommendation.

Regarding the project at **75 Monroe Avenue**, Mr. Harter recommends that the Village take dedication of the pump station which will be above ground. That is also a recommendation from the DEC. Mr. Harter said the Village needs to be able to work on the siphon and control the pump station in case of an emergency. Mayor Corby said this would require an easement. The developer would build to Village Code specifications, the Village would review and then take dedication. The Village would need an official proposal from the applicant which Mr. Harter would evaluate. Mayor Corby said this scenario would be similar to Wood Creek. The Village owns the Wood Creek pump station. Mr. Harter will work with the applicant to get a proposal that the Board can review.

Trustee Galli explained that as a result of the accountant’s recommendations, revised reserve accounts will be implemented. He said he would like to have a meeting with Trustee Galusha, Mr. Harter, and Mr. Yaeger to discuss these reserve accounts.

Mr. Harter discussed other **village infrastructures** that need an extra look. He said many of the village streets have had too many successive overlays and are in need of major repair. In general, he recommended an update of infrastructure needs so that priorities can be set, especially for streets and sidewalks.

The Board discussed updating the **Design Standards** that were originally written by Larsen Engineers. Mr. Harter said they were well done but that updates are needed after all these years. He will write a draft to circulate to the Board of Trustees.

HISTORIC PITTSFORD PRESENTATION

Peggy Caraberis addressed the Board as a representative of Historic Pittsford. She read the following letter from the Historic Pittsford Board of Directors.

*To: Village of Pittsford Board of Trustees
From: Historic Pittsford Board of Directors
Re: Project at 75 Monroe Avenue*

Date: November 14, 2013

The Board of Directors of Historic Pittsford respectfully submits the following request concerning the apartment project at 75 Monroe and the approval process it entails. We urgently request that the Village Board of Trustees, as Lead Agency under the State Environmental Quality Review Act (SEQRA), rescind the Negative Declaration issued in August 2012 because of ‘new’ information concerning the project.

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For the past ten months, the planning and architectural review boards have been reviewing a project that was not approved by the Village Board of Trustees Special Use Permit (SUP), Regulating Plan (RP) and R-5 zoning.

Since the Village Board of Trustees approved a Regulating Plan for a Special Use Permit for the Westport Crossing project at the end of 2012, the following items have occurred:

- *Concerned citizens have filed an Article 78 appeal on that public decision.*
- *In February 2013, the developer of Westport Crossing submitted a preliminary site plan and design significantly different from the one approved by the Village Board of Trustees.*
- *A March 2013 village election illuminated residents' concerns.*
- *On March 24, Historic Pittsford submitted to the PZBA a statement requesting the re-examination of SEQR and the Special Use Permit in light of the significant differences in the project. (See Attachment 1)*
- *In April 2013 the PZBA found 9 criteria in the site plan that represented major deviations from the Regulating Plan including residential building location and size, location of the restaurant, and public realm features along the canal.*
- *In August 2013, three members of the five-member PZBA approved the preliminary site plan for the project despite the major deviations they had identified and non-conformity with the SUP.*
- *Two concerned citizens have filed an appeal on the PZBA decision to approve the preliminary plan*

In addition to the deviations noted in Historic Pittsford's March letter, we now include additional items of new information that more than justify rescission of the 2012 Negative Declaration and arguably re-evaluation of the Special Use Permit, the R-5 code and canal development plan (LDRP). Listed below are a number of significant reasons for rescission of the SEQR Negative Declaration:

1. *The project under final site plan review is significantly different from the one approved under SEQR and the SUP.*
 - a. *Reduction in the number of buildings (5 vs 7) with each building now dimensionally taller, longer and deeper.*
 - b. *Relocation of the 125-seat restaurant to the Monroe Ave entrance and inadequate parking to serve this use.*
 - c. *Relocation of the swimming pool to the canal edge.*
 - d. *Lack of "canal commercial" design elements which should include one large central structure surrounded by smaller, lower buildings, with fewer opportunities to vary the size, height, and location*
2. *Changes in the buildings' design and height will adversely affect the viewshed from Sutherland Street, one of the most important historic streets in the Village.*
3. *Removal of vegetation and mature trees along the canal. This was the single SEQR item which the State Historic Preservation Office (SHPO) said should be avoided.*
4. *Damage to a storm drainage pipe during the site remediation phase has not been addressed by the developer to date. Failure on the part of the developer to repair this damage may significantly undermine the integrity of the railroad tracks and affect storm water drainage from Sutherland High School and the Village Green offices at the SE corner of the property.*

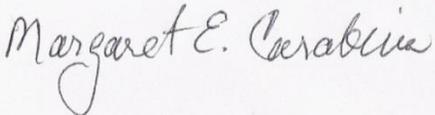
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5. *Plans for public water supply to Westport Crossing are significantly different from those proposed in the Environmental Review. The developer was to 'improve or replace' the water main on Sutherland Street. Rather, the plan now is to install a tandem line in the right of way, necessitating the removal of trees and possibly damaging existing root systems. This will do nothing to improve the system for current village residents.*
6. *New information concerning future development by the owners of 3750 Monroe Avenue must be considered. A large new office park is being considered by the Town of Pittsford, thus creating much more traffic through the Village.*

In conclusion, Historic Pittsford reiterates the statement made in our March 2013 letter: "Due to the significant deviation from the Regulating Plan and as submitted to the Lead Agency and Involved Agencies under the State Environmental Quality Review Act, the Board of Directors of Historic Pittsford strongly urges a re-examination of the altered site plans under both of these rules."

We respectfully ask the Village Board of Trustees to act now.

Respectfully Submitted,



Margaret Caraberis, President Historic Pittsford

Mayor Corby noted that stormwater drainage will be included in the site plan.

BUILDING INSPECTOR'S REPORT – JOHN LIMBECK

- Mr. Limbeck sent a letter to all of the restaurants in the village asking them to provide the name of the firm that services their grease traps and the maintenance schedule. He requested this information to make sure the requirements of the Board of Health and the Department of Pure Waters are being followed.
- Insurance is forthcoming for Candlelight Night and the Pittsford Chamber will be reminded of the filing date for a non-municipal use permit for future activities. A **motion** was made **by Mayor Corby, seconded by Trustee Galli** to approve a non-municipal use permit for Pittsford Chamber of Commerce to hold Candlelight Night 2013 on December 3, 2013 with the following conditions:
 - 1) Prior to December 3rd, you agree to contact **in writing** the Monroe County Sheriff's Department, the Pittsford Volunteer Fire Department, the Pittsford Volunteer Ambulance, and the Pittsford Fire Marshal, Kelly Cline, to notify them that the event will be taking place.
 - 2) The Pittsford Chamber of Commerce, as the lead agency for this event will provide the required insurance documents. The requirements are as follows:
 - A copy of a Certificate of Liability Insurance naming **the Village of Pittsford as additional insured on a primary and noncontributory basis**. It must reflect a \$1,000,000 single limit of liability for bodily injury and property damage.
 - A copy of the actual endorsement of the insurance policy. **The endorsement document must list the policy number and set forth the Village of Pittsford as additional named insured.**
 - Both insurance documents must be worded exactly as noted and both must refer to Candlelight Night 2013.

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- These certificates must be current and on file in the Office of the Village code Enforcement Officer prior to December 3, 2013.
- A resident on West Jefferson Road is objecting to clutter in the yard and yearly installation of plastic on the porch of a Green Hill Lane property. The Village code does not prohibit installation of plastic. The size of the lot and zoning requirements would prohibit placement of a shed. The Board of Trustees is in favor of having Mr. Limbeck work with the PZBA for a set-back variance to allow a storage shed to eliminate the clutter in the yard. Regarding the plastic, Trustee Boehlert suggested a code change.
- Asbestos abatement and demolition was completed at the old dairy building at Pittsford Farms Dairy.
- Pittsford Village Bakery is planning to expand. The Fire Marshal will be consulted. An expansion will require Planning Board approval and possibly APRB approval.
- The former Constable Hair Salon at 19 South Main Street will be renovated into a prep kitchen for Breathe Yoga.
- There is a situation at the Westport Crossing Project at 75 Monroe Avenue where there is a question if the Preliminary and Final Site Plans conform to the Restaurant Special Permit issued for the project. The specific issue is:
 - Resolution 20-Page 2 addresses the submission of a Concept Plan, dated 5 March 2012.
 - Resolution 20-Page 12 makes the Restaurant Special Permit subject to the determinations, findings and variations of Resolution #20.
 - Resolution #20-Page 13, Item #8 states that the Restaurant Special Permit is subject to Village Code Section 210-74.
 - Village Code Section 210-74. E. provides for the revocation of a Restaurant Special Permit where the terms of the Special Permit have been violated.
 - Resolution #20-Page 6 allows for the final design to vary to a reasonable extent in footprint, façade appearance and mix of building and building sections from the Concept Plan.Mayor Corby said the Board would take this under consideration and it will be discussed at the next meeting.

RAND CREEK EROSION

Mayor Corby received a request from a village resident to repair a section of Rand Creek that is eroding his property. The Board discussed the issue. Improvements have been made to the gabions in the past to protect our storm sewers and keep the water running during natural events. Mayor Corby said the Village has intervened on more than three occasions. He said the Village has limited responsibility because storm sewers dump into the creek. However, private improvements that cause a problem are a different issue. Trustee Galusha said the Village has to protect our storm sewers. Trustee Galli mentioned that water flowing in the creek has increased due to the development of the watershed in the Town of Pittsford. He said surge flows have increased substantially. Mayor Corby said the village needs a coherent policy. He will ask Scott Harter to walk along the creek with him.

NEWSLETTER DISCUSSION

The Board of Trustees agreed that the next newsletter will be mailed by US Mail. It should contain a notification to readers that henceforth, in an attempt to “go green” the Village will not be mailing paper copies of the newsletter. Readers should send an email address to Stacey Freed if they would like to receive the newsletter electronically. A few printed copies will be in the Village Office.

2014 MEETING SCHEDULE

The Village Clerk presented a draft schedule for Board of Trustees meetings for the year 2014. A **motion** was made **by Mayor Corby, seconded by Trustee Galli**, to approve this schedule as written.

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

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MEMBER ITEMS

- A suggestion was made to approach the Chabad about possibly leasing their parking lot on Lincoln Avenue. It was also suggested as a possible site for a Farmers' Market in the village.
- Trustee Galusha will craft a letter to the merchants explaining the reason that the Burdett parking lot will become private at the end of November. He will explain that the cost to lease increased significantly and the Village Board was unable to spend tax payer dollars for the benefit of a few select merchants.
- Trustee Galusha mentioned there were still leaves on the ground to be collected. He said the crew had been very busy getting ready for Candlelight Night in addition to the sewer problems that took time during the past week. Board members agreed that they would like the crew to work on the leaves on Saturday.
- Trustee Galli presented a plan for modifying the reserve accounts. He reported that our accountant said the Board may need attorney involvement in regards to making modifications. He said the cash flow forecast is needed before changes can be made. The discussion for changes to the general fund and sewer fund reserves will be on-going.
- Members discussed container options to hold the crossing flags. After much consideration, it was decided that 3 inch PVC painted pipe with a cap on the bottom would work the best.

RESIDENT ALYSA PLUMMER – 66 SOUTH MAIN STREET

Ms. Plummer addressed the Board as an individual and as a follow-up to the Historic Pittsford letter that Ms. Caraberis read into the record. She said she is not opposed to the project at 75 Monroe Avenue but she said the project should comply. She read the following letter:

*75 Monroe Ave. Project
Concerns Regarding Non-compliance
November 19, 2013 presented at Village Trustee Meeting*

The current Pittsford Canalside properties apartment/restaurant application, incorporating a revised layout is not complete because it does not meet the requirements set forth by the Code of the Village of Pittsford, the Village Board approved R-5 Regulating Plan or the Special Use permit issued by the Village Board:

- A. No landscaping plan for the Monroe Ave. median has been submitted by the applicant, as required, to the Village Board (citation: Special Use Permit P. 11 item 1)*
- B. While the original plan had seven buildings varying in size, now there are six buildings of uniform width and bulk. The width has been increased by 50%. The changes do not comply with the conditions established in the Special Use permit (citation: Special Use Permit p. 4).*
- C. The newly submitted plan differs significantly from the regulating plan. The changes include altered and relocated buildings, a relocated restaurant use, reconfigured streets and sidewalks and the loss of public space and amenities. These variations are not allowed under the Special Use Permit (citation: Special Use Permit p. 6, Item 8).*
- D. The current plan does not meet any of the 13 design requirements as set forth in the Regulating Plan (citation: Special Use Permit P.7, Items 1-13).*
- E. Pittsford Canalside Properties' new plan also violates the regulating guidelines set forth by the Village Trustees (Special Use permit p. 8 a-c).*

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- F. *The plan violates street design requirements, specifically regarding dead end streets (citation: R-5 Code sect. 210-19.5 E (4), Special Use Permit p.10 Item5)*
- G. *The new plan violates the site design standards pertaining to street trees and parking locations (citation: R5 code Sect. 210- 19.5 E (6)H(1)(3).*
- H. *The relocation of the restaurant is in violation of the Special Use Permit and the Regulating Plan. The restaurant special permit granted permission for a restaurant to be located at the center of the site adjacent to the water's edge to create a public amenity directly on the historic canal. (Special Use Permit p. 2 par. 5, schematic for Concept Site Plan for Westport, March 5, 2012)*

Although the Special Use permit allows for a 'reasonable and limited deviation' from the original plan (citation: Special Use Permit P.1 par 3), the applicant's new plan has significant deviations from the original plan (citation: Special Use Permit p. 6 item 8). On April 13, 2013 the Village Planning & Zoning board concluded the new plan differed significantly from the Regulating Plan. This board identified nine major deviations from the Regulating Plan in its checklist (citation: Special Use Permit p. 2 par. 5.) These deviations include:

1. *The number of buildings*
2. *the arrangement of buildings*
3. *the shape of the buildings*
4. *relocation of the restaurant*
5. *the size of the building footprints*
6. *the length of individual buildings*
7. *the use of the areas between buildings*
8. *location of the public realm features along the canal*
9. *relocation of active recreation areas.*

Because the plan currently proposed no longer resembles the plan approved by the Village Board the applicant has vacated its regulating plan approval. The applicant acknowledged this legal fact in May 2013 and submitted a revised regulating plan application to the village. The fact that the applicant withdrew its application does not mean that regulating plan approval is not required. The Village Board is the only entity that grants Regulating Plan approval and must provide a Regulating Plan that matches with an applicant's project. (citation: Village Code, Sect 210-19.2 (3) a-c).

The long form Environmental Assessment Form (EAF), completed by the Village as part of the SEQRA process was based on the previous design which has been determined to differ significantly from the current project proposed by Pittsford Canalside LLC. The EAF used to evaluate the impacts under SEQRA contains many inaccuracies in many categories including the following:

The EAF failed to identify the need for Spec Use permits for the restaurant and multi-family complex.

The EAF describes 324 parking spaces instead of the 337 spaces in the current project. The EAF indicates the largest proposed structure will be 40' tall instead of the more than 50' tall structure currently proposed.

The EAF indicates the maximum width of buildings as 75' instead of the 90' as described in the current project.

The EAF fails to identify the required approval by the U.S. Army Corps of Engineers.

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The EAF fails to address the storm sewer that was severed by the developer and in fact was not described anywhere in the original assessment.

Throughout the EAF it fails to answer whether project impacts can be mitigated by project change.(reference: p.11-21)

The impact on aesthetic, historic and architectural resources is no longer valid because the expanded bulk, width and mass of the new project differ significantly.

In assessing the impact of open space and recreation is no longer valid as now a sewage pump station is to be located in what was to be one of the open public spaces of the project

The EAF analysis of impact on transportation is no longer valid because of the redesign of the entrance are to the project and the widening of project streets no longer reflects the regulating plan or the traffic calming principles required by the R-5 code.

The EAF analyses of noise and odor impacts are no longer valid because the restaurant has now been relocated closer to the street and existing single family homes.

The impact on growth and character of the community is no longer valid because the EAF assessment neither identified nor investigated the impact of a new water line to be installed along Sutherland Street.

The intent of SEQRA is to accurately assess all of the impacts of the project and to identify potential solutions that will reduce or eliminate those impacts. Because the information used to assess impacts for 75 Monroe was inaccurate the basic purpose of SEQRA was not achieved and the existing SEQRA report is no longer valid.

*Respectfully Submitted,
Alysa Plummer
66 S Main Street*

PRIVATE ATTORNEY/CLIENT MEETING

A **motion** was made by **Trustee Galli**, seconded by **Trustee Boehlert**, to enter into a private meeting to seek the advice of legal counsel which is a matter made confidential by Public Officers Law §108 (3).

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

A **motion** was made by **Mayor Corby**, seconded by **Trustee Boehlert**, to leave the private meeting with legal counsel and resume the regular meeting.

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

TREASURER’S SEMINAR REQUEST

A **motion** was made by **Trustee Boehlert**, seconded by **Mayor Corby**, to approve the Treasurer’s request to attend a webinar hosted by the NYS Government Finance Officers Association entitled “The Federal Single Audit Act: When, Why, and How to Prepare” for a fee of \$55.00.

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

MINUTES

11/13/13: A **motion** was made by **Mayor Corby**, seconded by **Trustee Lanphear** to approve these minutes as written.

Vote: Corby - yes, Galli - abstain, Galusha – yes, Boehlert - abstain, Lanphear - yes. **Motion Carried.**

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ADJOURNMENT

A **motion** was made **by Mayor Corby, seconded by Trustee Lanphear**, to adjourn the meeting at 9:35 PM.

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

Anne Z. Hartsig, Recording Secretary