

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
February 10, 2015 – 7:00 PM

Present

Mayor: Robert C. Corby – 7:30 PM

Trustees: Lili Lanphear
Lorie Boehlert
Tim Galli
Frank Galusha

Recording Secretary: Dorothea M. Ciccarelli

CALL TO ORDER

Motion Trustee Lanphear and seconded by Trustee Galusha called the meeting to order at 7:10 PM.

BOARD MEMBER – CONFLICTS OF INTEREST DISCLOSURE

Trustee Lanphear asked if any of the Board members had a conflict of interest or had accepted gifts associated with any of the meeting agenda items. All Board members indicated that they had no conflicts of interest to report.

PUBLIC COMMENT

No public comment was made.

DISCUSSION ON STOREFRONT ZONING

John Limbeck reviewed the proposed changes to the code with the Board. He informed the Board that the intent of the code changes is to encourage successful open and inviting storefronts. Mr. Limbeck also informed the Board that the changes he is proposing are a draft, and that he is looking for input from the Board.

The Board discussed how different types of businesses would be affected by the change in the code. For establishments such as a realtor's office, it is beneficial to display properties for sale in the window. Yet, blocking a restaurant window is not appealing. The Board requested that the word "equipment," as used in the proposed changes, have a clear definition, because they were concerned with the subjective wording. There was also a discussion on how enforcement of these changes should be handled. The Board requested the topic be placed on the next Board meeting agenda for further discussion.

DISCUSSION ON SPECIAL PERMIT

The Board discussed additional proposed changes to the section. Trustee Galusha stated that he had forwarded changes to John Limbeck. Trustee Lanphear stated that Mayor Corby had additional changes to the section that would need to be reviewed. The Board requested that the item be placed on the next Board agenda for discussion.

PRE-DISASTER MITIGATION PLANNING

Trustee Galusha discussed correspondence received from the Fire Marshal, Kelly Kline, regarding the updating of the pre-disaster mitigation plan. Ms. Kline recommended that the Village, as in the past, participate with the County in the process, rather than create their own. The Board agreed with Ms. Kline's advice to work with the County.

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Motion Trustee Galli, and seconded by Trustee Lanphear, to work with the Monroe County Pre-Disaster Mitigation Plan.

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

PUBLIC HEARING ON LOCAL LAW AMENDING CHAPTER 69 - ANIMALS

Proof of the legal notice below having been published, **Mayor Corby made a motion, seconded by Trustee Lanphear**, to open the public hearing to consider the adoption of a local law to amend Village Code section 69 – Animals.

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

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, on Tuesday, February 10, 2015 at 7:30 p.m. at 21 North Main Street, Pittsford, New York to consider the adoption of a local law to amend Village Code section 69 – Animals.

A copy of the proposed local law is on file in the Office of the Village Clerk, where interested parties between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday may inspect it.

John Limbeck informed the Board that the Town Attorney had informed the Village that the animal code section has become outdated and needs to be updated. Mr. Limbeck also discussed a conversation he had with Village Resident, Janet Reynolds, who was concerned that cats would be excluded within the law. Mr. Limbeck informed the Board and the resident that cats were not considered domestic animals. Ms. Reynolds also voiced a concern regarding the nuisance barking and questioned the definition of service dogs. Mr. Limbeck informed her that the code had the ability to assist with the barking issue, and that he would discuss the definition concern with the Village Attorney.

There being no one present wishing to speak for or against this application, a **motion** was made **by Mayor Corby, seconded by Trustee Lanphear**, to close the public hearing.

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

Motion Mayor Corby, seconded by Trustee Galli, to approve the adoption of the amended code section 69-Animals.

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

PUBLIC HEARING FOR PITTSFORD PUB, 60 NORTH MAIN STREET FOR SPECIAL PERMIT

Scott Thyroff reviewed with the Board the current work being completed on the Pittsford Pub. The Board discussed the occupancy requirements for this location. The Board was informed by Mr. Thyroff that he was proposing to maintain the existing occupancy requirements. The Board discussed with the applicant the need to have drawings indicating the previous occupancy load in comparison to the expected occupancy after the remodeling.

Motion Mayor Corby, seconded by Trustee Lanphear, to adjourn the public hearing until February 24, 2015 at 7:30 pm to allow the applicant to provide overall occupancy comparison plans, parking, and site plans.

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

MEMBER ITEMS

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Trustee Lanphear questioned if the ethics committee has met to review the current complaint. Mayor Corby informed her that they had not met as of this date. The Board requested that the Village Clerk coordinate with the members and assist them with setting up a meeting.

DPW REPORT

- Mr. Yaeger informed the Board that there had been a sewer collapse in front of 19 Sutherland Street on January 20. The Village called in contractor Mason Trenching to assist the DPW Department with the repairs. Mr. Yaeger informed the Board that there had been no danger to the public from the collapse.
- The streetlights on the State Street Bridge have been replaced. One of the lights that was replaced is not working properly and is being scheduled for repair.
- Mr. Yaeger informed the Board that the department had received delivery of the new truck that was ordered. The new truck is being scheduled to have the village lettering completed.
- Mr. Yaeger reviewed with the Board issues the DPW Department had with the February 2nd snowstorm. The department had been capable of keeping up with the streets, but had issues because the sidewalk plows were not functioning. The equipment experienced problems with the hydraulic lines and blower. Repairs are being made to the equipment. Mr. Yaeger expressed concern that the sidewalk plow removal equipment was having difficulty handling the snow load. He discussed the option with the Board of renting a heavier duty sidewalk plow if needed to avoid additional issues with the sidewalk. He reported that the crew will be working on removing snow from Main Street the following day.. Trustee Galusha discussed the issues and the need for the sidewalks to be cleared to assure that young people who currently walk to school have a safe walkway.

BUILDING INSPECTOR'S REPORT

Residential:

- Mr. Limbeck reviewed a telephone conversation he had with a potential builder for the new home at 43-B Rand Place. He will continue to monitor this, as there are several utility issues that the owner's engineer has been trying to resolve with Scott Harter.

Commercial:

- The Chabad at 21 Lincoln Avenue has received an administrative variance from the State of New York to waive the requirement for a Type I or Type II exhaust hood that they are installing for the kitchen. Their plan is to be able to cook meals for up to 30 people at any one time. In lieu of the hood, several fire prevention features will be installed.
- Mr. Limbeck has issued a building permit to the representatives of AT&T so that the cell arrays can be installed on top of the grain tower at 11 Schoen Place.
- Mr. Limbeck has issued a building permit for the installation of the dumpster enclosure within the Weis lot. He has coordinated this with the Parking Monitor, Steve Weinstein, as the allowable parking will be impacted during construction.
- The new corporate signage has been installed on the Chase Bank at 31 State Street.
- Mr. Limbeck informed the Board that he had a meeting on-site at the DelMonte Lodge to review their renovation plans. He discussed with the Board their intention to renovate all of the guest rooms.

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- Mr. Limbeck discussed concerns regarding patrons of the Saha Med Grill exiting the restaurant parking lot through the adjacent alley, directly onto South Main Street. He has directed Mr. Mina to work with Mr. Newcomb to come up with a way to stop this from happening.
- Mr. Limbeck informed the Board that the owner of Messner Carpet has inquired as to approvals that would be required if they installed solar panels on the rear of the building. Mayor Corby indicated that since it would be visible from the public way, they would need to seek APRB approval.

General:

- Mr. Limbeck indicated that the checklists for the APRB, PB, and ZBA have been finalized and he will begin using them for any new applications to those Boards.
- Mr. Limbeck questioned the Board as to the reason that St. Louis Church is not required to apply for a Nonmunicipal Use Permit for their Saint's Place Sale that is held annually. He indicated that this event generates quite a bit of pedestrian and vehicle traffic for several days and seems to meet the criteria for obtaining a permit that is placed on other organizations. The Board indicated that the event might need a temporary zoning permit.

Code Issues:

- Mr. Limbeck reviewed with the Board Village Code Section 176-30, Fees, which states that, "The fee to be charged for such Nonmunicipal use permit shall be as set forth from time to time by resolution of the Board of Trustees." After discussion among the Board, it was decided that no fee will be charged at this time.
- Mr. Limbeck discussed with the Board Village Code Section 210, Article XIX, Ponds. He suggested that before the Village contacts current pond owners, that the Code Section needs further edits. Additionally, at their recent MS4 meeting, Scott Harter, Doug Yaeger, and he discussed the path forward for updating the current pond matrix.
- Mr. Limbeck informed the Board that in order to address several concerns regarding storefronts, he has attached a potential addition to the current Village Code Section 168-Signs. Under this proposal, the title would change to Chapter 168-Signs and Storefronts, and the sections could be edited to include this language.
- Mr. Limbeck discussed with the Board the initial draft of a new Village Code Section 145-Garage Sales. He stated that the attached version includes the initial edits suggested by the Village Attorney. He requested that the Board review it and provide direction.
- The "Zombie House" code language is still on hold, and Mr. Limbeck explained that he is waiting to see how a new New York State mandate on "Order-to-Remedy" requirement might impact the language.

Enforcement:

- Mr. Limbeck reviewed with the Board the enforcement of the Powers' Schoen Place Five-Year-Plan. Mr. Powers contacted him over a week ago and asked if he would resend the Restrictive Covenant to him, which he did. He has not yet received the signed and notarized document.

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- Mr. Limbeck reported that the enforcement of the Pittsford Farms Dairy site plan modification has also lapsed. Their re-submission of their site plan, addressing drainage and lighting, did not provide the information required in 2013 and reiterated at the 17 November Planning Board meeting. Despite several e-mails from Mr. Limbeck and Scott Harter, the Dairy's representative and their engineer still disagree with the Village Engineer and him as to what needs to be done and what needs to be shown. He stated that because they do not have an updated plan, he will remove them from the February 16, 2015 Planning Board agenda.

VILLAGE ATTORNEY

Jeff Turner discussed the current moratorium in place. Mr. Turner informed the Board that they are able to disallow some of the uses. The Board discussed the possible locations for the uses subject to the moratorium, and indicated that the B-3 zoning in the office park might be an acceptable location.

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TREASURER'S REPORT / VILLAGE CLERK

Village Clerk, Dorothea M. Ciccarelli, presented vouchers listed on Abstract #15 of 2014/2015 fiscal year for approval. A **motion** was made by **Trustee Galli, seconded by Mayor Corby**, to approve payment of the vouchers listed on Abstract #15 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #15

• General Fund (#434-#440,#442-#453,#455, #457-#468):	\$ 86,992.23
• Sewer Fund (#441,#454-#455):	<u>\$ 837.41</u>
Total Vouchers for Approval:	\$ 87,829.64

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

Executive Session

Motion Trustee Galli, seconded by Mayor Corby, to enter into executive session to discuss a specific employee issue.

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

Having taken no action, a **motion** was made by **Mayor Corby, seconded by Trustee Lanphear**, to leave executive session at 10:02 PM and reenter the regular session of the meeting.

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

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Boehlert, to adjourn the meeting at 10:10 PM.

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

Dorothea M. Ciccarelli, Recording Secretary