

**PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES  
May 26, 2015 – 7:00 PM**

**Present**

<b>Mayor:</b>	Robert C. Corby
<b>Trustees:</b>	Lili Lanphear Frank Galusha Alysa Plummer Margaret Caraberis
<b>Town Fire Marshal:</b>	Kelly Cline
<b>Recording Secretary:</b>	Dorothea M. Ciccarelli

**CALL TO ORDER**

Motion Mayor Corby and seconded by Trustee Lanphear called the meeting to order at 7:00 PM.

**BOARD MEMBER – CONFLICTS OF INTEREST DISCLOSURE**

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

**SEQR DECLARATION**

Mayor Corby presented the following resolution and duly moved that it be adopted and was seconded by Trustee Lanphear:

WHEREAS, on May 26, 2015, the Board of Trustees of the Village of Pittsford, New York (the "Village") shall consider a bond resolution authorizing general obligation bonds (and bond anticipation notes in anticipation thereof) to finance the acquisition of various highway vehicles, machinery and apparatus, road improvements and improvements at the Village Hall, and other incidental improvements that may be required in connection therewith for such Village use; and

WHEREAS, the Village is primarily responsible for assuring compliance with the procedural and substantive requirements of the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation of the State of New York (6 NYCRR Part 617, as amended) promulgated thereunder ("SEQRA").

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PITTSFORD AS FOLLOWS:

1. Based upon the review by the Board of Trustees of the proposed actions under SEQRA, the Board hereby declares itself lead agency to the extent necessary, if any, for this purpose and hereby finds that each of the proposed actions does not cross the "type I action" threshold as such quoted term is defined in SEQRA and hereby finds that each of the proposed actions constitutes a "type II action" as such quoted term is defined in SEQRA and, therefore, is not subject to any further review by the Village under SEQRA. A listing of such type I and type II actions is attached hereto. The actions consist of the acquisition of equipment, replacement, rehabilitation or reconstruction of a structure or facility in kind, on the same site and repaving of existing highways not involving the addition of new travel lanes.

2. A copy of this resolution shall be placed on file in the office of the Village Clerk where the same shall be available for public inspection during business hours.

This resolution shall take effect immediately.

The motion having been duly seconded, it was adopted and the following votes were cast:

**Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

## **BOND RESOLUTION**

Mayor Corby presented the following resolution and duly moved that it be adopted and was seconded by Trustee Galusha:

BOND RESOLUTION DATED MAY 26, 2015 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PITTSFORD, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, on May 26, 2015 the Village Board of Trustees has heretofore duly determined that the purpose hereinafter described constitutes a “type II” action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder (“SEQRA”) which will not result in any significant adverse environmental impacts and such purpose is not subject to any further environmental review under SEQRA; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PITTSFORD, NEW YORK (hereinafter referred to as the “Village”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Pittsford shall undertake the acquisition of various highway vehicles, machinery and apparatus, various road improvements and equipment, improvements, reconstruction and equipping at the Village Hall, and other incidental improvements that may be required in connection therewith for such Village use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$425,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose and said amount is hereby appropriated therefor.

Section 2. The estimated maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be (a) \$40,000 for such Village Hall improvements, (b) \$210,000 for such road improvements, and (c) \$175,000 for such highway vehicles, machinery and apparatus acquisition, for a total estimated aggregate maximum cost of \$425,000. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivisions 12, 20, 28 and 90 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is hereby restricted to ten (10) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance

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Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the authority to determine whether to accept bids electronically to the extent allowed by Section 58.00 of the Local Finance Law, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Pittsford.

Section 7. The faith and credit of the Village of Pittsford, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on certain real property or other charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any, sufficient to pay the principal of and interest on such bonds and notes becoming due and payable in such year. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Pittsford together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Pittsford, pursuant to Section 36.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

**Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

Mayor Corby requested the Board make the determination of lead agency per the request of the Jeff Turner for the proposed local law amending the Special Permit code. All the involved parties were notified and no concerns were expressed.

**Motion Mayor Corby, Second Trustee Galusha** that the Village of Pittsford Board of Trustees will be lead agency for the proposed local amendments according to SEQR for code section 210-74 Special Permits.

**Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried**

#### **TREASURER’S REPORT / VILLAGE CLERK**

**Village Clerk, Dorothea M. Ciccarelli**, presented vouchers listed on Abstract #21 of 2014/2015 fiscal year for approval. A **motion** was made **by Trustee Plummer, seconded by Trustee Galusha**, to approve payment of the vouchers listed on Abstract #21 in the amounts stated below and to charge them to the appropriate accounts.

#### **Vouchers for approval – Abstract #21**

• General Fund (#616-#659, #661-#682):	\$70,806.40
• Sewer Fund (#637, #659, #660)	<u>\$ 4,323.13</u>
<b>Total Vouchers for Approval:</b>	<b>\$75,129.53</b>

**Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

#### **VILLAGE CLERK**

- The Board requested that the Clerk put a Village Newsletter signup sheet at the front counter for the public.

#### **BUILDING INSPECTOR REPORT – FIRE MARSHAL, KELLY CLINE**

- The Fire Marshal informed the Board that she had been out of the office on mandatory training and meetings for the last two weeks.
- The applicant for 34 Monroe Avenue submitted additional changes to their plans, which will require them to return to the APRB. Additionally, they have submitted plans for sprinklers to allow for third-floor construction.
- The owner of Northfield Common has been consulting with Scott Harter regarding the proposed paving at Northfield Common. He will be comparing the recently submitted plan for fire access with the previously approved plan for fire access.
- Mrs. Cline received a call from the Village Clerk regarding requirements for handicap ramps. The decision was made at a previous meeting of the Trustees that the Village

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would not require residents to get APRB approval. However, she did say that a permit should be issued to assure that the ramp is compliant with Village Code requirements. . She informed the Board that the decision to charge a fee should be evaluated on a case-by-case basis, depending on need.

- Mrs. Cline stated that she had received several calls on roof replacement. All calls involved reroofing with no change in color.
- Mrs. Cline reviewed the various issues with the application for 22 Boughton Avenue. She reported that they have worked through the process, and all issues have been resolved. There will be no delay in the construction schedule.
- The owners of 10 Eastview Terrace inquired about changing the siding on their house. This house currently has a permit for construction. Mrs. Cline advised them since it was a change in material that they would have to go to APRB.
- 15 West Jefferson Road: The Village has received several inquiries from attorneys about this house. The property is up for sale and these are routine questions.
- A letter was sent to the owner of the Canal Lamp Inn, Mr. Keith Miller, regarding the issues and complaints. Mrs. Cline has spoken with Mr. Miller regarding the letter and his options. He will be contacting the Village Clerk to appear in front of the Board to review his special permit. Discussions were also held regarding his option to try and get a variance from New York State.
- Mrs. Cline reported that she attended training at the Monroe County Emergency Management center in regards to the process for declaration of a State of Emergency. She will be providing notes and assessing the Village's documentation to ensure that it is current. She is in the process of the five-year renewal for the Pre-Disaster Mitigation Plan.
- Mrs. Cline also attended Zoning Training and obtained information regarding Solar Panels. She will be putting together the information regarding developing codes and permitting processes.
- Mrs. Cline reported that she received a town/village request for filming a commercial. The Town of Pittsford will be issuing a permit. The Little League field has also been requested. Mrs. Cline stated that she did not see the need to issue a permit, as the filming will only last four hours. She will respond affirmatively to the request, which has been accepted by the Little League, who has the lease for the property.
- Mrs. Cline spoke with the owner of Hungry's, who reported that he is getting the building repainted, and is considering getting the siding repaired and repainted the same color. He is currently working with contractors and is moving forward with making the repairs.

## **DISCUSSION ON APRB CODE CHANGES**

Mayor Corby informed the Board that Attorney Jeff Turner forwarded a definition of public space that seemed to meet the criteria needed. Mayor Corby requested the attorney also review the definition of walls. The Mayor also requested the change of having the Clerk's designee sign off on the completeness of the applications for the Board, since the position will answer to the Clerk.

The Board discussed time required for receiving an application, and for modifications to be submitted a week prior to the meeting. Also discussed was the need to clarify the number of copies required to be submitted for the meeting. Trustee Caraberis suggested that it would be helpful to the Board to see all the requested changes presented in a document. The Board discussed the option of submitting applications digitally, but proposed making this optional and not mandatory. Mayor Corby indicated he would forward on to Mr. Turner additional information on the requested changes.

## **CONTINUED PUBLIC HEARING ON VILLAGE CODE SECTION 210-74—SPECIAL PERMITS USES**

Proof of the legal notice below having been published, **Mayor Corby made a motion, seconded by Trustee Galusha**, to open the public hearing to consider the adoption of a local law to amend village code Chapter 210-74—Special Permits Uses.

**Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

*Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, on Tuesday, March 26, 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 210-74 Special Permits Uses.*

*A copy of the proposed local law is on file in the Office of the Village Clerk, where interested parties may inspect between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday or on the Village website [www.villageofpittsford.org](http://www.villageofpittsford.org).*

The Board discussed issues of wording and consistency throughout the document, as well as the definition of “restaurant” as concerns application to Section 210-74.

David Young, attorney representing Northfield Common—stated that proposed code relies on subjective terminology that does not provide applicants with usable standards or helpful guidance. He requested that the Board take into consideration the views of the restaurant community, and what they will realistically need to survive as businesses in the Village. Mr. Young mentioned the purpose of the statements and discussed the need to prove that the restaurant would not be detrimental to the value of nearby residential properties. He questioned how this standard would be enforced, and suggested that such a standard may not be reasonable or even lawful. Mr. Young further stated that the vagueness of the standards would make it difficult for new applicants to conform to the proposed guidelines. He stated that the real concern is that restaurants may not be treated equally, and that one restaurant may be held in higher or lower esteem based on the nature of its business. He stated that the idea of a nuisance is not defined in the Village Code, making it impossible for applicants to conform to proposed guidelines and similarly difficult for Code enforcers to enforce. Mr. Young then discussed the definition of a restaurant, stating that the notable difference is that it previously included bars, party houses, taverns, etc., He suggested that what one refers to as a restaurant is a matter of semantics, noting the exception of an establishment that only serves alcohol and no food. In summary, he stated that the language as presented is unusable and would be difficult for both new and existing restaurant owners to comply with.

Mayor Corby responded that historically restaurants weren’t permitted in the Village, but that the Special Permit section of the code was developed to allow for a business community. He cites the proximity of residential communities to these businesses as a reason to balance the needs of these two property uses, so that both residential and commercial properties will hold value. He stated that the Board does not believe there is any substantive change to the code.

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Richard Fox, 1171 Fulton Street—asked for clarification of Mayor Corby's statement that prior to 1990, restaurants were not permitted in the Village. He pointed out that a number of restaurants were present in the Village prior to 1990. Mayor Corby clarified, stating that restaurants were permitted in one zoning district, B2, and that some restaurants in other districts were grandfathered in, but weren't permitted by the code, which was amended in 1990.

David Young then asked to what extent the restaurant community was invited to provide feedback on these changes, to which Mayor Corby responded that this was the second public hearing held on this topic.

Jay Birnbaum, 57 Knollwood Drive, compared Pittsford Dairy to Thirsty's, and asked, as regards a proposed zoning change, how these two establishments differ. He stated that if this local law passes, and noted that he is speaking against it, he wanted to be certain that it is enforced fairly. He added that as a property investor in Pittsford, he is of the opinion that the Village Board is not facilitating retail investment in the Village, specifying that they do not permit retail uses on the first floor of any main street building, that there is no parking for these uses, and that previous public parking has been converted to private parking. The Board stated that this was incorrect, that the lot in question was still municipal parking. Mr. Birnbaum expressed that, despite this, there is still very little parking. He stated that this policy would decrease valuations and use of restaurants, and that both commercial and residential uses contribute to the quality of life in the Village. He concluded by asking that the Board reconsider adopting these proposed Code changes.

Trustee Lanphear asked what specifically Mr. Birnbaum finds concerning about the proposed changes. Mr. Birnbaum asked whether or not his Special Permit could apply to a new tenant, and stated that he would have to reapply for a permit. Mayor Corby clarified that this is not a change, but is rather already reflected in the Code. Mr. Birnbaum again asked the Board to reconsider these changes and their policy toward commercial businesses.

Janet Reynolds, 35 Church Street—stated that one of the things that she likes about the proposed changes is the effort to insure that residents retain their quality of life, and that her comments have to do with qualitative language. She stated that without more specificity, the Village will have difficulty enforcing these changes. She continued that, based on the number of commercial establishments in the Village, it is clear that these businesses are not only for Village residents, and stated that she supports anything that helps to maintain the residential nature of the Village. She further stated that she contests the definition of restaurant, stating that there are several establishments that do not cook their food, and therefore do not meet this definition. She requested that the Board consider, when evaluating applications, whether or not residents want the establishment in their neighborhood. Mrs. Reynolds reiterated her concerns about enforcement, and suggested that penalties be included in the code. She also suggested adding residential notification. She commented that carryout restaurants add considerable impact to the surrounding areas.

Bob Fox, 1 Sylvania Road—compared the Village of Pittsford to his hometown in a village near Cleveland, and commented that there are no vacancies in this thriving village because of restaurants and businesses. He said that he found that village to be more business-friendly than Pittsford.

Richard Fox commented that he agreed with the comments of his brother (Bob Fox) and said that he thought the proposal placed an undue burden on the landlords of businesses. He said that this is a deterrent in the value of real estate, because it makes the future uncertain. He stated that he

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was worried about the vague language in the proposal and wondered how it would apply to businesses like food trucks and pizza places.

Cindy Weiss, 19 & 23 South Main Street, Breathe Yoga—explained the personal investment of a small business owner as regards to finances and time, and suggested that there may be other ways to keep the nuisance issue under control. She categorized this as changing the rules, which caused Mayor Corby to clarify that the proposed code was not more restrictive than the code the Village had. He explained that it was not the Board's intent to stop any current restaurant from continuing in the future. Mrs. Weiss asked about change of ownership. Mayor Corby mentioned that there had been some issues in the past in which businesses were taken over by new ownership who stated they would remain the same before changing the establishment significantly. He stated that there has not been a single instance in the twenty years of the code in which an existing business was not permitted to continue. He continued to state that the Board supports restaurants and recognizes that they are a draw to the Village. Mrs. Weiss asked about approval of menus, to which Trustee Plummer stated that this was in the proposed changes. Mayor Corby confirmed that an applicant need not submit a menu to be approved. Mrs. Weiss concluded that she felt support for businesses was important.

Doug Weines, 1 Sylvania Road—asked if the Board had reached out to any other business owners or restaurateurs for guidance, and he suggested that they do so, expressing that he felt the language in the proposed changes was vague. He commented that it was difficult to fill commercial space in the Village, and that there are many vacancies.

Russ Mueller, Label 7, 50 State Street—commented that, as a business owner, he wants only want good things for the community. He stated that building changes enable owners to better serve the community and expand staff, a quarter of which are Pittsford residents. He concluded by stating that he wishes to meet the Board in the middle, but needs some help to do so.

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

**Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

**Motion Mayor Corby, seconded by Trustee Galusha**, to table the public hearing to consider the adoption of a local law to amend village code Chapter 210-74—Special Permits Uses.

**Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

## **MEMBER ITEMS**

Trustee Lanphear discussed setting a date for the meeting of the joint boards. She proposed a Monday evening, which would coincide with the current board meetings. Mr. Turner proposed getting a qualified instructor to do part of the four-hour training required for board members to forestall the costs of attending a seminar. The Village Clerk asked if the training could be in-house, to which Mayor Corby responded that the code does not specify.

Trustee Lanphear reported that she researched about the clock painting, and has a call into Bud Crane, since there was nothing on file about a previous painter.

Trustee Lanphear discussed the park across from the Del Monte Lodge, including the need for a name, to which Mayor Corby suggested Auburn Line Park. Trustee Lanphear stated that the Village Scout Troop Leader, Bud Frame, working with scout members for a contributions.

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Trustee Lanphear asked the amount of money spent on the landscaping across from the wine bar on Schoen Place, and stated that she wished to speak with Doug Yaeger on this topic. She expressed her disappointment with the work done on the section, particularly given her estimated cost of \$4000. Mayor Corby agreed that he felt further work should be done, and added that he wished to add tree gators to trees at this and other locations, in order to ensure the survival of the trees. He stated that he would correspond with Mr. Yaeger on this topic.

Trustee Lanphear asked about sign placement in the right-of-way near Ford Field, to which Mayor Corby replied that they had found a location, although it was not in the right-of-way. He confirmed that the location was on Village land. Trustee Lanphear confirmed that she would go to the site with Mr. Yaeger.

Trustee Lanphear discussed the trashcans on Main Street. The Board discussed the prices and sizes of various models before deciding to further consider options.

Mayor Corby reported the noncompliance of Pittsford Pub with their Special Use Permit, which allows for 56 seats on the patio, as opposed to the 70 seats currently existing. Trustee Plummer commented that this was an issue of enforcement.

**Motion Mayor Corby, and seconded by Trustee Plummer**, to enter attorney-client privilege.  
**Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

**Motion Mayor Corby, and seconded by Trustee Galusha**, to exit attorney-client privilege, with no action being made.  
**Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

Trustee Plummer inquired about the number of restrooms available at a festival and regatta, and commented that the fee for additional restrooms for the event should return to the Town of Pittsford. Trustee Galusha reported receiving a complaint from one of the Village residents that the restrooms were not being sufficiently cleaned on the Sunday of the event. Trustee Caraberis commented that perhaps in the future, such events should be held on public property. Mayor Corby commented that there should have been a Temporary Use Permit issued. Trustee Galusha said that he felt the event was good, but that the Town needed to do more organizing.

## **ADJOURNMENT**

**Motion Mayor Corby, and seconded by Trustee Plummer**, to adjourn the meeting at 10:03 PM.  
**Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

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Dorothea M. Ciccarelli, Recording Secretary