

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
April 10, 2018, 7 PM

Present

Mayor: Robert C. Corby
Trustees: Lili Lanphear
Frank Galusha
Margaret Caraberis
Dan Keating
Fire Marshal: Kelly Cline
Superintendent: Zach Bleier
Recording Secretary: Dorothea M. Ciccarelli/Kaitlyn Moranz

CALL TO ORDER

Motion by Mayor Corby seconded by Trustee Galusha called the meeting to order at 7:00 PM.
Vote: Corby – yes, Lanphear – yes, Caraberis – yes, Galusha – yes, Keating – yes. Motion carried.

NEW BOARD MEMBER DAN KEATING

Mayor Corby welcomed Village Board of Trustees new member, Dan Keating, to the Board and to his first public meeting. Trustee Keating also thanked former Trustee, David Ferris, for his service, and Mayor Corby added that David Ferris was an outstanding and dedicated Trustee.

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.

NON-MUNICIPAL PERMIT – VIA GIRASOLE SUMMER PUB CRAWL

The Clerk presented the non-municipal permit request from Via Girasole Wine Bar. The organization is seeking to hold their Summer Pub Crawl on June 16, 2018, from 12:00 PM to 5:00 PM. The crawl will visit Via Girasole Wine Bar, Lock 32 Brewing Company, Simply Crepes, and Label 7. Insurance information has been provided by Via Girasole, but slight form errors existed.

Motion Trustee Caraberis, seconded by Trustee Galusha, to approve the non-municipal use permit for Via Girasole Wine Bar for the Summer Pub Crawl on June 16, 2018, conditional upon the correction to the insurance information.

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

SPECIAL PERMIT – INFORMATION ONLY – SAMI MINA

Sami Mina will be seeking an extension of the special permit for 14 S. Main Street. The intended restaurant, Sinbad's, will most likely not be entering the site. Other options are available, such as numerous farm-to-table daytime restaurants.

Certain aspects of the property will need to be addressed in order for the special permit to be approved, such as repair of the parking lot landscape, dumpster management, and the screening at the eastern end of the lot. Mr. Mina has agreed not to open any business until the property is approved by Kelly Cline or a new building inspector.

Motion Mayor Corby, seconded by Trustee Caraberis, to hold a public hearing regarding a new restaurant to be determined at 14 S. Main Street on May 8, 2018 at 7:30 PM.

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

SPECIAL PERMIT – LOCK 32 BREWING COMPANY

The owners of Lock 32 Brewing Company are requesting an extension of their special use permit. The Board views exterior changes as a violation of the existing special use permit, as exterior changes were ruled out during original hearings.

Interim Building Inspector, Kelly Cline, read the following letter regarding Lock 32 into the record:

April 10, 2018

My job is to interpret the code and enforce the code. Therefore I would like to offer the following statement.

I received an application from Lock 32 for the installation of a window on the canal side of the building. This window was similar to one that had been previously approved by the APRB. As acting building inspector, after review of the application and based on the Code of the Village, it was my determination to refer the application to the Architectural and Preservation Review Board as was done with the original window. Per the Code, it is the APRB's duty to review, approve or disapprove all plans and building permit applications for the construction, reconstruction, removal, restoration, alteration or demolition of any exterior architectural feature within the District.

After referring the application, I was informed by the Mayor that the application was in violation of the Village Boards special permit, that they were prohibited in making exterior changes. In receiving this information, prior to calling the applicant to inform him he was off the agenda, I reviewed the minutes of November 14, 2017 where the special permit was approved. The minutes state: to approve the expansion of Lock 32 microbrewery on the basis that it complies with condition A, adding the condition that in a period of 2 weeks, the Building Inspector receives a signed agreement with Roberts Kitchens, maximum occupancy will not exceed 99, and that the application conforms to criteria 210-74 (A-H) of the Village Code. After reviewing the motion, I did not see that there was a condition prohibiting exterior changes.

After reviewing the minutes and the Code regarding Special permits, as the acting building inspector, I made the determination that I could not support the fact that an exterior change of a window was a condition of the special permit or violated the code for Special Permits. The applicant was proposing the installation of a window, not an expansion of use or change of use.

After making the determination, I was contacted by the Village Attorney and informed that the application could not be heard by APRB, that it had to be referred to the Trustees for an amendment to the application, as it was a change from the original application. He stated that the applicant had commented that there would be no exterior changes and that it was in violation of some of the standards for review. I carefully reviewed the Standards and it was my interpretation that they did not apply to the installation of a window. However, being the covering official, I followed the direction of the attorney. I notified the applicant and the APRB that he would be taken off the agenda and referred to the Trustees. The applicant requested that he remain on the agenda as he wanted clarification as to what had changed procedurally since his original window was approved by APRB and not the trustees. I agreed to allow him to come to the APRB and advised him the decision was up to the Board as to if they would entertain his questions.

After doing this, I was contacted by the Mayor that the applicant could not appear at the meeting of the APRB because he had outstanding violations. It was my opinion that he could appear but that action could not be taking until the alleged violations were addressed.

During the APRB after comments by the Mayor, Attorney and the applicant, the applicant was informed that he would have to apply for an amendment to his special permit from the Trustees.

With no disrespect to the Mayor, Trustees or Attorney, it is my opinion that this applicant should not have to seek an amendment to his special permit and that the application should be returned to the APRB for consideration. It is my opinion based on the codes, that the Standards for a Special Permit are not applicable. The applicant has already demonstrated that his use complies with the standards of a special permit and is not proposing an expansion.

The code addresses expansion of special permit use, per the code, the nature, duration and intensity of the operations which are involved in or conducted in connection with any use for which a special permit has been granted shall not be increased or expanded without the approval of the Village Board of Trustees.

The applicant wishes to install a window, this is not an increase or expansion of the nature, duration or intensity of the operations.

It was my opinion that an architectural change is not a change in the use or a condition governed by the special permit. The requirements for an application for a special permit specifically does not require documentation of the exterior architecture features.

Based on my experience and review of the Code I made an interpretation and cannot support the decision that this application requires an amendment to the applicant's special permit.

As this process moves forward, I will be addressing noted violations. There seems to be some discrepancy regarding the violations. I was informed that the violations consisted of two air conditioners that were not approved and screened appropriately, a condensation pipe installed on the canal side of the property and that the sliding barn door was removed on the front of the building.

I acknowledge that per the Mayor, the AC units may be on leased land by the Village. If this is a violation it should be addressed by the Trustees. In regards to the other violations, the AC unit closest to Aladdin's was existing prior to the applicant taking over the space. It was however replaced with a functioning unit by the applicant which would have been a replacement permitted by code and at the direction of the previous building inspector screened to match the other AC unit, but due to weather has yet to be painted. Screening is required per the code therefore this will have to be addressed by APRB. The other AC unit was installed with the approval of the building permit for renovations with the original application for renovation. The screening, as required by village code was approved by APRB. Therefore, other than the location it is my opinion that it is not a violation. The condensation pipe was additionally installed and approved by a previous building inspector with the original renovation. The pipe will have to be addressed by the APRB. Finally, I was informed that the Barn Door was removed by the owner of the property not the applicant to facilitate the extermination of a bee infestation. The Barn door issue will have to be addressed with the owner of the property.

Thank you for your time.

Mayor Corby stated that the air conditioners located on park land which pose a safety issue are violations. The sliding barn doors and condensation pipe are also in violation. The Mayor also noted the mechanicals for the building were an issue as well.

The applicants explained that they came before the Board for the original permit and received tremendous support from the community. The original plans did not include the window due to lack of funds during

planning. They mentioned that most customers have requested the re-installation of the window for a better view of the canal. The window will be the same make as the previous version and will have the same installer. The applicants wish to pay homage to the beautiful village that houses them. The business has drawn in a lot of new people from outside the Village, especially from beer trail maps that feature the bar. They have also built a community with various groups meeting at the Brewery, and they attribute a lot of the success of their business to the location.

Trustee Lanphear noted that a main issue is in regard to the statement made by the applicants during the original permit hearing that no exterior changes would be made to the building. Trustee Lanphear claimed that this made the Board more inclined to approve the project, and that the change in plans gives her pause.

Applicant Casey Dunlavey noted that the project has been self-funded and expensive, so the window was not originally planned and was not intended to mislead the Board.

Mayor Corby recognized that the business is great and is in a great location, but that the technical issues need to be resolved properly. The current condition of the air conditioners has been deemed unsafe due to the sheet metal located on top. Mayor Corby suggested the removal of the sheet and the painting of the air conditioners to reduce the space and the hazard while also allowing them to blend in with the building. The issues are also of concern due to the placement of the air conditioners on Village land. The Board will require additional seating plans based on the new window area. The applicants claimed to be very willing to work with the Board.

Village Attorney Jeff Turner noted that while the occupancy may not change, it is still a change to the community and alters the interactions between the public and the business, which is the purpose of a special use permit.

Board Comments

- Mayor Corby commented that there is a compelling benefit to engaging the building with the waterfront, as it has made Lock 32 a unique spot.
- Trustee Keating expressed his support for the project.
- Trustee Galusha agreed that the window would add to the space.
- Trustee Lanphear expressed concerns over the building envelope, not the business.
- Trustee Caraberis noted that Kelly Cline was correct that the November 14, 2017 meeting did not mention a stipulation regarding exterior changes, but the applicants had expressly stated there would be no exterior changes during the October 24, 2017 meeting.

Motion Mayor Corby, seconded by Trustee Keating, to set a public hearing to consider the extension of a special use permit for Lock 32 Brewing Company which includes a coordinated review with the APRB for May 8, 2018 at 7:30 PM.

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

2018-2019 BUDGET HEARING

Additional budget meetings will be held on April 12, 2018 at 5:00 PM and April 17, 2018 at 5:00 PM.

Motion Mayor Corby, seconded by Trustee Galusha, to open the public meeting regarding the 2018-2019 Village budget.

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

Public Comments

Lisa Cove – 44 S. Main Street – Plea to the Village Board to consider looking into the concept of having few trash haulers in the Village.

Len Parker – 46 Rand Place – Requesting consideration be made for the Village to participate in the extension of a sidewalk to King’s Bend Park from the end of the current sidewalk around Sunset Boulevard.

Justin Vlietstra – 19 Boughton Ave – Questioning the budget of the Board of Trustees. He would also like to eliminate the legal and engineering lines from the budget and add them to each specific board.

Mike Reynolds – 35 Church Street – The curbing on Rand Place should take precedence over the paving of South Street.

The Board adjourned the public hearing to April 24, 2018.

VEHICLE USE POLICY

The Superintendent of Public Works is often required to make calls in the evening to constituents. A vehicle use policy would allow Superintendent Bleier to take the Village truck home in the evening strictly for use in Village matters. This allows him to remove the step of driving to get the truck from the DPW when responding to a call. The Village insurance covers the driver, and the Village would be in line with numerous other villages in the county that have this arrangement.

Trustee Keating suggested the addition of legal responsibility for the driver in case of any accident occurring during unauthorized use of the vehicle.

A form will be created by the Village Office for approval by the Board to be submitted with a copy of the applicant’s driver’s license before approval of use of a Village vehicle.

Motion Trustee Galusha, seconded by Trustee Caraberis, to adopt the revisions to the vehicle use policy with the additional corrections.

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

TRAFFIC CALMING PLAN

Mayor Corby met with David Kruse and Steve Ferranti regarding the transportation plans, and they will be amending their drawings to address the concerns of emergency services. Issues regarding the exact turning radius required on Church Street and Main Street arose, so a test with the fire trucks will be needed. A meeting will be set up soon with emergency services and the engineers.

SOCIAL MEDIA POLICY

Additional comments to the first draft of the social media policy were generated by Christian Casini of Osborn, Reed & Burke, LLP. The Board will be addressing the policy in the next public meeting.

Trustee Keating inquired about the requirement of no more than two Board members commenting on any particular post. New York State Open Meeting Law constitutes the convening of more than two Board members to discuss a Village matter as a public meeting, which requires public notice and documentation.

Trustee Keating also requested an addition to the policy prohibiting the endorsement or disapproval of political candidates.

A resident informed the Board that parameters can and should be set on Facebook to require screening before posts can appear.

Kendra Evans volunteered to work on the Village social media accounts to try to ensure Village events are portrayed in a positive light.

MEMBER ITEMS

Mayor Corby reported on the proposed public ceremony for the farewell to the Copper Beech Tree. A current proposal for April 23rd has been discussed.

Trustee Caraberis will be performing the proclamation for the Village of Pittsford Arbor Day event on April 28th.

DPW REPORT

- Brush pickup has begun in the Village as of April 1st.
- Village benches have been brought into the shop and refinished. The last of the group will be finished on Thursday, with only the benches on the canal left to finish.
- The canal path lighting issue was found to be caused by a break in the wiring.
- A clean-up effort will begin as soon as the weather improves. This will include repairs for any plow damage.
- The drinking fountains for Schoen Place have been repaired and will be installed in better weather conditions.
- DPW employee Richard Hook is no longer employed with the DPW, but a new employee will be hired as soon as possible.
- Mayor Corby will be surveying the Village trees with DPW employee Brad VanBortel during better weather.

Trustee Lanphear requested an update on the timeline for the donated tree planting. The Superintendent noted that trees from Northern Nursery are going to be planted near the DPW shop where diseased trees will be removed. A third tree will be coming from Oriental Garden Supply and may be planted near the Village Hall.

BUILDING INSPECTOR REPORT

44 Sutherland Street – The house has been demolished. Photos were taken prior to the demolition. The Superintendent also inspected the sewer line disconnection. The status of the mulch was found not sufficient. A depth of 12 inches is required. The building permit for the new structure has not been approved yet. Updated drawings are expected in the next week.

Little Library guidelines – No exact rules will be set regarding Little Libraries, since a permit is not required for installation. The following are guidelines for installation:

- Must be located on private property and not in a right-of-way
- Shall be located 18 inches behind the sidewalk or 18 feet from the roadway if no sidewalk exists
- Must be located 10 feet away from fire hydrants
- Dimensions should be approximately 20 inches wide, 22 inches high, and 16 inches deep and it should be mounted on a sturdy post
- Size should not allow any person, adult or child, to enter it

Motion Mayor Corby, seconded by Trustee Caraberis, to adopt the guidelines for Little Libraries put forth by Fire Marshal Kelly Cline.

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

APRB determinations –

- The skylight requested at 85 S. Main Street was denied.
- 17 Washington Road inquired about use as a double rental property and was informed that the area above the garage can be used by residents as a home office, a recreation room, or by family members not paying rent.
- Only minor damage has been reported from the recent storm, and DPW employee Doug Yaeger was able to address all issues quickly.
- A massage and wellness business has been requested at 6 S. Main Street. Neither a massage nor wellness use has been found for B1 or B1-A zoning. A clearer definition of massage and wellness is required before a determination on appropriate use can be made.

TREASURER’S REPORT

Village Treasurer, Mary Marowski, presented vouchers listed on Abstract #23 of 2017/2018 fiscal year for approval. **A motion was made by Trustee Caraberis, seconded by Trustee Galusha**, to approve payment of the vouchers listed on Abstract #23, in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #23

• General Fund (#631-#637, #639-#653, #655-#661):	\$ 12,231.61
• Sewer Fund (#640, #654-#655):	<u>\$ 411.44</u>
Total Vouchers for Approval:	\$ 12,643.05

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

A tax cap audit was conducted by the NY State Comptroller’s office. The Village of Pittsford successfully passed the audit.

MINUTES

Motion Mayor Corby, seconded by Trustee Galusha, to approve the Village Board of Trustees meeting minutes from February 27, 2018.

Vote: Corby – yes, Lanphear – yes, Caraberis – yes, Galusha – yes, Keating – abstain. Motion carried.

Motion Mayor Corby, seconded by Trustee Lanphear, to approve the Village Board of Trustees meeting minutes from March 14, 2018.

Vote: Corby – yes, Lanphear – yes, Caraberis – yes, Galusha – yes, Keating – abstain. Motion carried.

MEMBER ITEMS

MAYOR CORBY

The sewer issue regarding the Town was discussed. The Town has been charged for the Port of Pittsford park in error, since they have no sewer usage. The Board would like to issue a refund for the \$85 fee that had been charged.

Motion Mayor Corby, seconded by Trustee Lanphear, to approve a refund of \$85 to the Town of Pittsford and prevent future charges regarding sewer rent.

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

TRUSTEE GALUSHA

The procurement policy was discussed. The policy will not apply when the applicants are paying. The policy should be the same as when consultants are hired for the Village. Each consultant will have a file including a statement of purpose and a description of the circumstances surrounding the hire. When hired by the applicant, the Board still requires a comment noting the process to seek the best options. The Board will likely be appointing consultants at organizational meetings for use by the PZBA. The Board will need to revisit the contracts every two years.

MAYOR CORBY

Mayor Corby discussed with PZBA Chairperson Justin Vlietstra the possibility of allocating funds for PZBA use. The funds are utilized for training or small-scale consultant use.

The High Street sewer fees were discussed. The Town suggested \$10 per house on High Street that is connected to the Village sewer line. The formula for Monroe County water usage will be used to calculate the cost to High Street residents, as \$10 per house would require the Village to subsidize usages outside of the Village. The rate will increase according to adjustments of the Village annual sewer rate.

Suggestions for residents to join the Comprehensive Plan Committee were discussed. Names included Carrie Degenhardt, Kendra Evans, and Diana Casselli.

TRUSTEE KEATING

The Village Speaker Series was commended. Trustee Keating would like to pursue a presentation on the opioid crisis. Mayor Corby suggested partnering with Pittsford Youth Services. Trustee Lanphear would like to consider having a broader addiction speaker group.

Trustee Keating suggested a survey of residents to create a benchmark and learn more regarding concerns and interests of the public. The Comprehensive Plan Committee has also been considering a survey to gauge public concerns.

A concern for Trustee Keating was the communication regarding 75 Monroe Avenue. Misinformation has not been fully addressed and more information is a priority for Trustee Keating.

Trustee Keating stated that he respected that the concerns regarding Lock 32 require proper handling and that codes need to be honored, but believes there should be a balance between being hasty with decisions and causing undue stress on applicants. Mayor Corby noted that numerous hours have been spent

attempting to fix issues, but procedural shortcuts cannot be taken due to the possibility of unintended outcomes.

Trustee Keating questioned whether any Village attorney time spent commenting on Village campaigns was billable to the Village. The Village attorney confirmed that it was not him that commented.

MAYOR CORBY

Mayor Corby discussed the alteration of the Architectural Preservation and Review Board name. The removal of the word “Review” was discussed, changing the title to Architectural Preservation Board. The Board views this as a proper alignment with the functions of the group.

PUBLIC COMMENT

Justin Vlietstra – 19 Boughton. As chairperson of the PZBA, Justin Vlietstra advocated for a change in the time requirements for public hearings. He also suggested a change in the newspaper provider used to publish the public hearings, since time delays can really hurt applicants.

EXECUTIVE SESSION

Motion Mayor Corby, seconded by Trustee Galusha, to enter executive session at 9:45 PM to discuss an employee matter and negotiate a contract.

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

Motion Mayor Corby, seconded by Trustee Lanphear, to exit executive session at 10:20 PM.

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

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Galusha, to adjourn the meeting at 10:24 PM.

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

Dorothea M. Ciccarelli, Recording Secretary