

**PROCEEDINGS OF A SPECIAL MEETING  
OF THE VILLAGE BOARD OF TRUSTEES**

Tuesday, February 16, 2021 at 7:00 PM

**Present:**

**Mayor:** Robert Corby  
Lili Lanphear  
Frank Galusha  
Renee Stetzer  
Dan Keating

**Village Attorney:** Jeff Turner

**Recording Secretary:** Dorothea M. Ciccarelli

**Deputy Clerk:** Marina Pacheco

**CALL TO ORDER**

**Motion by Trustee Galusha, and seconded by Trustee Lanphear,** to call the meeting to order at 7:00 PM.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

**CONFLICTS OF INTEREST DISCLOSURE**

The Board members indicated that they had no conflicts of interest to report.

Trustee Keating requested that Mayor Corby disclose his relationship with Frog House as it appeared from their website that Mayor Corby is a member of the Board. Mayor Corby clarified that he does not sit on the board for Frog House and that he is a friend of Margot Fass and serves as an advisor to the Board.

Mayor Corby reminds the Board that in compliance with the Open Meetings Law that Board members should refrain from using their cell phones during the course of the meeting.

**PUBLIC HEARING – Proposed Local Law Amending §195-32 and §195-33 of the Zoning Code**

Attorney Turner notes a typo in the Local Law; language should read “4:30 – 6:30 PM Monday Through Friday in addition to 195.32”. Attorney Turner notes that the correction can be made in this meeting session as it would make the statute less restrictive.

Mayor Corby explains the two amended parking requirements; currently on Monroe Avenue there is 15-minute parking and parking is prohibited after 4 PM – 6PM. Proposal is to eliminate 30-minute restriction so that parking receives more use. Business in the area expressed support for the amendment as it would allow patrons to get more use from the parking.

Mayor Corby opened the floor to comments and questions from the Board, there were none.

**Motion by Mayor Corby, seconded by Trustee Stetzer**, to open the Public Hearing on the proposed local law amending section 195-32 and section 195-33 of the zoning of the Village of Pittsford.

**Vote:** Corby – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

*Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees on Tuesday, February 16, 2021 at 7:00 p.m. at 21 North Main Street, Pittsford, New York to consider the adoption of a proposed local law amending section 195-32 and section 195-33 of the zoning code of the Village of Pittsford.*

*Pursuant to Governor Cuomo's recent Executive Orders 202.1 and due to the Coronavirus pandemic, the Village Hall will be closed to the public during the public hearing. The Members of the Board of Trustees will be present at Village Hall or participating from their respective homes for this public hearing. If a Board member is participating from home, that home will be closed to the public as well for the reasons stated above. The Public Hearing will be made available for the public to view and hear thru video conferencing link. The public will be able to participate in the public hearing via comments submitted through the video conferencing link identified on the Village website and Facebook page.*

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

Mayor Corby opened the floor to comments and questions from the Public, there were none.

**Motion by Mayor Corby, seconded by Trustee Galusha**, to close the Public Hearing.

**Vote:** Corby – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

Attorney Turner commented that he had prepared additions to the SEQR that could be adopted tonight along with a negative declaration.

Trustee Keating commented that the Board had discussion about waiving the parking requirements altogether and that they did not finish having that discussion. Trustee Stetzer clarified that this local law was for something different.

Mayor Corby explained that the parking being discussed is on Monroe Ave. Parking turns into a turning lane and has a 30-minute restriction. It was suggested by local business owners that the Village eliminate that.

Attorney Turner explained that each local law has a SEQR.

Mayor Corby asked Attorney Turner if this local law will require two resolutions. Attorney Turner explained that this will require a SEQR resolution with adoption of parts 2 and 3 as proposed and a negative declaration for the project. Second resolution would be to adopt the local law with the changes of 6:00 as 6:00 PM rather than AM.

**Motion by Mayor Corby, seconded by Trustee Lanphear**, to adopt Proposed parts 2 and 3 of the SEQR and a negative declaration.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

**Motion by Mayor Corby, seconded by Trustee Galusha**, to adopt Proposed Local Law Amending §195-32 and §195-33 of the Zoning Code as Local Law #1 of 2021, and incorporating time amendments proposed by Attorney Turner.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

### **PUBLIC HEARING – Proposed Local Law Amending §210-25.2 of the Zoning Code**

Mayor Corby explained that his local law will amend the parking formula for Village restaurants based on study and recommendation of the recently completed Village Comprehensive Plan.

Amendments will change the formula to reflect a model more reminiscent of traditional neighborhood design standards to encourage walkability and minimize parking lots.

Mayor Corby opened the floor to comments and questions from the Board.

Trustee Keating commented that this was the situation where eliminating parking minimums had been discussed. Mayor Corby explained that this local law is an interim step. Further explained that the issue with Schoen Place is that if parking requirements are completely eliminated there may be a future issue. Mayor Corby recounted that the discussion was to attempt this amendment in the interim and determine how to move forward. Trustee Lanphear agreed.

**Motion by Mayor Corby, seconded by Trustee Stetzer**, to open the Public Hearing to consider adoption of proposed local law amending section 210-23.2C of the zoning code of the Village of Pittsford.

**Vote:** Corby – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

*Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees on Tuesday, February 16, 2021 at 7:00 p.m. at 21 North Main Street, Pittsford, New York to consider the adoption of a proposed local law amending section 210-25.2 C of the Zoning Code of the Village of Pittsford.*

*Pursuant to Governor Cuomo's recent Executive Orders 202.1 and due to the Coronavirus pandemic, the Village Hall will be closed to the public during the public hearing. The Members of the Board of Trustees will be present at Village Hall or participating from their respective homes for this public hearing. If a Board member is participating from home, that home will be closed to the public as well for the reasons stated above. The Public Hearing will be made available for the public to view and hear thru video conferencing link. The public will be able to participate in the public hearing via comments submitted through the video conferencing link identified on the Village website and Facebook page.*

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

Mayor Corby opened the floor to comments and questions from the Public.

Trustee Keating provided clarification to the public that this section of the code was amended in order to allow the Pavilion project to move forward. Mayor Corby also explained that research into this was conducted and that the findings supported the amendment as well.

### **Public Comment**

Alysa Plummer – 66 South Main Street: Supports the Board’s review of the Village parking formula. Commented on what impact removing all parking minimums may have on the Village. Ms. Plummer explained that Schoen Place already has “built-out” parking and it is crucial to review areas where parking is needed and in excess.

Mayor Corby explained that in discussions with business owners in the affected area, they are not in favor of completely discarding the requirements but believe that they would benefit from lessening them.

Jenny Collins – 7-10 Schoen Place: Very much applauds the Trustees for addressing this issue. In favor of this decision at this point in time as it will allow the Pavilion project to move forward. Ms. Collins stated that as a property owner she is not concerned about removing parking minimums.

The Village Clerk read a comment from chat by Peggy Caraberis-Brizee: “In collecting information from our businesses during preparation of our Comp Plan especially on Schoen Place a major concern was the availability of parking for their customers. We must remember that this is not an urban setting that we need to be aware of how decisions will affect our businesses. Removing the parking formulas would be a mistake.”

Trustee Keating commented that that Mayor had stated he spoke with several local businesses who were against removing parking regulations. Suggested bringing these owners in for an educational session so that the Board could hear their concerns and help explain why removal of minimums may prove beneficial to them. Mayor Corby agreed. Described situation as a “changing target” and believes that more feedback will be necessary moving forward.

Trustee Stetzer commented that she is in favor of furthering the conversation about removing parking minimums. Agrees that as a Board, they are not there yet, but would like to see more public engagement about it and hopes that the conversations will continue.

**Motion by Mayor Corby, seconded by Trustee Galusha, to close the Public Hearing.**

**Vote:** Corby – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

Mayor Corby explained that SEQR and a negative declaration is also necessary for adoption of this changed. Attorney Turner has prepared SEQR parts 2 and 3 and a negative declaration. Mayor Corby stated that he supports those conclusions as there are no physical changes to be

made and the formula for which has been proven. Explained that there are no environmental impacts from the change.

**Motion by Mayor Corby, seconded by Trustee Stetzer**, to adopt Proposed parts 2 and 3 of the SEQR and a negative declaration.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

**Motion by Mayor Corby, seconded by Trustee Lanphear**, to adopt Proposed Local Law Amending §210-25.2 of the Zoning Code as Local Law #2 of 2021.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

### **PUBLIC HEARING – Proposed Amendment to Current Zoning Map**

Mayor Corby explained that the proposed amendment of the Zoning Map would change the boundary of the Tavern Overlay District to include Lock 32 and the new proposed plaza area between Lock 32 and Aladdin's.

Mayor Corby opened the floor to comments and questions from the Board.

Trustee Lanphear asked more specific boundary information had been received. Mayor Corby explained that there are maps in the packet that are drawn to scale and adequate for the Board's purposes. Mayor Corby asked Attorney Turner if there was a way that the Board could make sure in their motion to be specific about where the boundary changes fall. Attorney Turner asked if it would follow lot lines. Mayor Corby explained that it does not and that the proposed boundary follows the center line of Schoen Place from the East end of the Lock 32/Jembetat building and continues to the edge of Aladdin's restaurant, then goes from that corner, southward, to the boundary with the Canal Corp property and returning eastward along Canal Corp line to the existing district by the Flour Mill. Attorney Turner stated that that descriptive language is sufficient.

Trustee Stetzer asked if there are no changes on the North side. Mayor Corby confirms that there are none at this time.

Trustee Stetzer asked if there are any concerns regarding the North side. Suggests that the amendments can be less restrictive if it is deemed appropriate. Mayor Corby cited that his only concern about the North side is that it comes close to residential properties. Trustee Stetzer recalls previous discussion where the Board had split opinions regarding the North side. Stated that she would be open to expanding the Northern boundary as well to include the Wine Bar.

Trustee Lanphear commented that she believes that Trustee Stetzer would be talking about the entire section, not just the Wine Bar. Suggests tabling for another time. Trustee Stetzer responded that she would like to have it decided at this time as it is an important change. Does not want to have to do it twice. Trustee Stetzer explained that if expansion of the Northern

boundary is of no concern to the other Board members then she will vote in favor of the map presented.

Trustee Lanphear stated that given what Trustee Stetzer is proposing, she would be more comfortable conducting research into the matter and having discussion about it. Recalls that there were reasons why the Board did not include the North side at the time and suggests re-visiting. Suggests tabling changes to the Northern side for another meeting to provide time to look into how changes will affect the area. Mayor Corby agrees that it should be considered, but it beyond the scope of the goals of this meeting. Stated that further changes can be made in the future.

Building Inspector Lauth made comment that the Board cannot simply “change a few words” in this proposed amendment. Amendment went through Monroe County Planning and would be subject to that review again before any language changes could be made. Would require a new application, map, and set of plans. Building Inspector Lauth agreed that we should move forward with what is proposed at this time.

Mayor Corby also made note that changing the boundary along the Northern side would change a zoning district that is adjacent to a Nationally Registered District and would automatically trigger a Type 1 Action which includes a 30-day waiting period which would slow the process.

**Motion by Mayor Corby, seconded by Trustee Stetzer**, to open the Public Hearing to consider a proposed local law amending the current zoning map of the Village of Pittsford.

**Vote:** Corby – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

*Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees on Tuesday, February 16, 2021 at 7:00 p.m. at 21 North Main Street, Pittsford, New York to consider the adoption of a proposed local law amending the current zoning map of the Village of Pittsford.*

*Pursuant to Governor Cuomo’s recent Executive Orders 202.1 and due to the Coronavirus pandemic, the Village Hall will be closed to the public during the public hearing. The Members of the Board of Trustees will be present at Village Hall or participating from their respective homes for this public hearing. If a Board member is participating from home, that home will be closed to the public as well for the reasons stated above. The Public Hearing will be made available for the public to view and hear thru video conferencing link. The public will be able to participate in the public hearing via comments submitted through the video conferencing link identified on the Village website and Facebook page.*

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

Mayor Corby opened the floor to comments and questions from the Public, there were none.

**Motion by Mayor Corby, seconded by Trustee Lanphear**, to close the Public Hearing.

**Vote:** Corby – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

**Motion by Mayor Corby, seconded by Trustee Galusha**, to adopt Proposed parts 2 and 3 of the SEQR and a negative declaration.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

**Motion by Mayor Corby, seconded by Trustee Stetzer,** to adopt Proposed Local Law Amending the current Zoning Map as Local Law #3 of 2021.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

## **PUBLIC HEARING – Special Permit Application, Lock 32**

Mr. DunLavey addressed the Board to thank all of the Boards for their due diligence in this process. Believes that the conversations that have come about because of this process have been helpful and that he looks forward to continuing to add to the village. Sees this approval as a big step.

Mayor Corby opened the floor to comments and questions from the Board, there were none.

**Motion by Mayor Corby, seconded by Trustee Galusha,** to open the Public Hearing.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

*Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, February 16, 2021 at 7:15 PM at Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Lock 32 Brewing Company LLC. for a Special Permit application for a micro-brewery taproom in the building located at 10 Schoen Place, Pittsford, NY.*

*Pursuant to Governor Cuomo's recent Executive Orders 202.1 and due to the Coronavirus pandemic, the Village Hall will be closed to the public during the public hearing. The Members of the Board of Trustees will be present at Village Hall or participating from their respective homes for this public hearing. If a Board member is participating from home, that home will be closed to the public as well for the reasons stated above. The Public Hearing will be made available for the public to view and hear thru video conferencing link. The public will be able to participate in the public hearing via comments submitted through the video conferencing link identified on the Village website and Facebook page.*

Mayor Corby opened the floor to comments and questions from the Public, there were none.

## **Public Comment**

Alysa Plummer – 66 South Main Street: Expressed strong support for the expansion of the permit. Applauds Ms. Collins and Mr. DunLavey for thinking creatively and for creating such a positive project for the Village.

Jenny Collins – 7-10 Schoen Place: Expressed strong support as the property owner. Stated that Mr. DunLavey as a tenant has been a leader in the initiation of this project. Ms. Collins views the project as a continuation of a vision that began in the 90s and applauds Mr. DunLavey for his efforts.

Mayor Corby made the comment that in 1993 when the first grant was received, the vision was to better utilize the waterfront space as a communal area rather than a parking area. Mayor Corby

believes that the plan is a fantastic partnership between the Village and local businesses. Further stated that the refinements made along the way have only made the project better. Thanks Jeff Turner and Steve Lauth for their research and efforts. Thanks Ms. Collins and Mr. DunLavey for reaching out early in order to help come up with solutions that meet everybody's needs.

Mr. DunLavey also mentioned that the late Ted Collins served as a posthumous mentor in guiding this project. Finds the project to be incredibly special and personal to himself and Ms. Collins.

Trustee Galusha commented that the last time the project was discussed the Board was in full support but cited that he has concerns that the public use aspect. Trustee Galusha stated that he would like the record to reflect that he supports the concept but also supports the public use of the area as originally intended.

Mr. DunLavey stated that it is his intention to continue the use as it has been so far. Explained that he does not display any signage suggesting that the area is private, does not take in any seating when the business is closed, and does not lock off any portions of the area to the public when the business is closed.

Trustee Stetzer stated that many of the local laws' tonight were inspired to facilitate the transformation of that area. Commented that to make use of it over the summer as a response to COVID-19 was fantastic and that the winter adaption was very popular as well.

Ms. Collins further re-assured Trustee Galusha that the model for public use and accessibility will not change.

**Motion by Mayor Corby, seconded by Trustee Lanphear**, to close the Public Hearing.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

Mayor Corby stated that per Attorney Turner, SEQR is not needed for this special permit. Attorney Turner confirmed that it is a type 2 action and that no further SEQR action is necessary.

**Motion by Mayor Corby, seconded by Trustee Lanphear**, to approve the Special Use Permit of Lock 32. Mayor Corby stated that there is a public benefit, and the project will further highlight the area for public use.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

#### **NON-MUNICIPAL USE PERMIT – Frog House**

The Village Clerk reviewed the application with the Board. Margot Fass seeking approval to hold 3 events: March 28<sup>th</sup> initial event, May 23<sup>rd</sup> to begin plantings and June 27<sup>th</sup> to hold a scavenger hunt. Two events will be held near the DPW.

Trustee Keating commented that the Board did not receive an application from Ms. Fass for this use. The Village Clerk explained that information regarding this application was provided in the packet on Friday. The Board decided that further information was needed and tabled the application for another date.

## **APPOINTMENT OF MICHAEL REYNOLDS TO THE PLANNING & ZONING BOARD OF APPEALS**

Mayor Corby explained that the Board had received a letter of interest from Mike Reynolds. Further stated that Mr. Reynolds is a well-qualified applicant and has been an active attendee at Village Board meetings for many years.

Trustee Keating commented while Mayor Corby is within his right to appoint members to the Boards, a transparent candidate selection was promised and had not been fulfilled.

Mayor Corby called for a five-minute recess.

**Motion by Mayor Corby, seconded by Trustee Lanphear**, to resume session.

**Vote:** Corby – yes; Galusha – yes; Lanphear – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

Mayor Corby opened the floor to comments and questions from the Board.

Trustee Lanphear commented that Mike Reynolds has been an active resident since he moved to the Village. Further stated that Mr. Reynolds' spot on observations and unwavering support for the Village make him a strong candidate for this appointment. Trustee Lanphear expressed that she did not know of anyone else in the Village with the qualifications and interest that Mr. Reynolds has and is unsure why his appointment would be contested.

Trustee Keating stated that he identified two issues with the appointment; the first being the lack of notification about the appointment, and the second being that Justin Leitgeb is an important resource to the PZBA in regard to his technical savvy and administrative support roles. Trustee Keating suggested reviewing Mr. Reynold's resume to ensure that he has the skillset to accommodate this aspect. Trustee Keating also commented that he does not understand why the appointment was being made at a special meeting. Trustee Keating further clarified that he is not objecting to Mr. Reynold's appointment, but does object to the process by which he is being appointed.

Mayor Corby responded that the request was put on the agenda Friday and a letter of interest from Mr. Reynolds was received last week. Information may not have been properly disseminated due to Village e-mail issues. Further clarifies that it is a Board decision, public input is not applicable in this circumstance and the timing of when the appointment is made is not of relevance.

Trustee Lanphear agreed that Mr. Leitgeb's technical skills are widely utilized by the PZBA but stated that technical savvy has never been one of the criteria for appointment. Trustee Lanphear suggested that if there are specific skillsets that the Board is seeking in appointees that it would be appropriate for Mayor Corby and Chairperson Vlietstra to review appointee's resumes to determine if they have applicable skillsets.

Mayor Corby explained that he has a list of people who have expressed interest in joining the Board and that it will be referred to when the next Board vacancy arises.

Trustee Stetzer stated that she would be in favor of tabling the matter in order to allow the position to be advertised to the public. Further explained that she does not have any doubts about Mr. Reynold's qualifications but agreed that the appointment process should be changed.

Trustee Galusha commented that he agreed that Mr. Reynolds is a good candidate for PZBA appointment. Explained that it would be nice to "find another Justin Leitgeb" but realizes that that is unrealistic. Trustee Galusha stated that he supports the appointment of Mr. Reynolds to the PZBA but also agreed with Trustee Keating that the process should be more transparent. Trustee Galusha stated that at this point, Mr. Reynolds is a very good choice.

Mayor Corby commented that as there is another upcoming vacancy on the Historical Preservation Board and that the position will be publicized in the Village Newsletter.

Trustee Keating asked Chairperson Vlietstra if any Board members had spoken to him about the appointment of Mr. Reynolds. Chairperson Vlietstra stated that he did not receive any emails or phone calls from the Trustees. He explained that he was alerted to it by a third party and then contacted Mayor Corby to find out more information. Chairperson Vlietstra agreed that the appointment process should be changed and stated that it would be preferred if the PZBA were given the opportunity to have say in the matter.

**Motion by Mayor Corby, seconded by Trustee Galusha,** to appoint Mike Reynolds as an alternate member of the Planning and Zoning Board of Appeals.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – nay; Stetzer – nay. *Motion Carries.*

**Motion by Mayor Corby, seconded by Trustee Lanphear,** to adjourn the meeting.

**Vote:** Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

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Recording Secretary, Dorothea M. Ciccarelli