

**PROCEEDINGS OF A REGULAR MEETING  
OF THE VILAGE BOARD OF TRUSTEES  
August 14, 2018, 7 PM**

Present	
Mayor:	Robert C. Corby
Trustees:	Lili Lanphear Frank Galusha Margaret Caraberis Dan Keating
Village Attorney:	Jeffrey Turner
Fire Marshal:	Kelly Cline
Recording Secretary:	Dorothea M. Ciccarelli / Cara R. Farrell

**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, Galusha- yes, Keating – yes, Caraberis – yes. Motion carried.

**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.

**QUARTERLY NEWSLETTER PROGRESS**

Mayor Corby is writing a section to add to the newsletter. Trustee Keating mentioned the newsletter being an end-of-summer newsletter.

**BUILDING INSPECTOR REPORT**

- 44 Sutherland Street construction continues. T.Y. LIN has approved the elevation of the house prior to final grading.
- Ms. Cline has been working with owners of 8 East Jefferson Circle on new construction of a detached garage. This project will have to go to APRB for approval.
- 17 Church Street, the Masonic Temple is on the agenda for the next PZBA meeting. The intention of the new owner of this property is to convert it to a single-family residence. He is proposing an attached garage on the back of the house and a driveway which will connect to the existing curb cut. He has proposed other various ideas regarding air conditioners, a generator and setbacks which will have to go through PZBA and APRB for approval. Trustee Lanphear and Trustee Caraberis plan on attending the PZBA Meeting scheduled for August 21<sup>st</sup>. Ms. Cline has the plans available for Board members to view.
- Ms. Cline discussed the second part of phase I occurring at 23 South Main Street, the exploratory demolition of the building. Since then, they have moved into phase II of the building permit which involves putting the flooring in to the front section of the building and reinforcing the back section of the building. There was discussion of structural issues with the walls. The plan is to divide the building by a firewall. Ms. Cline wants to hold off on posting construction notices due to safety concerns.

- The questions regarding windows for a property on Lincoln Avenue have been resolved. Ms. Cline mentioned they are the original windows that were damaged, removed, repaired and reinstalled.
- Ms. Cline received contact information for the owner of 5 South Main Street regarding the wood structure protecting the air conditioner on the roof. Looking for approval or removal of that structure.
- Ms. Cline has been in contact with the residents of 39 State Street regarding weekly garage sales and debris storage and possibly someone residing in the garage. Kelly has spoken with the property owner and they have a management company that watches that property for them which they will be contacting regarding the property maintenance.
- AP Plumbing in regards to a piece of sidewalk they had removed for a repair to a water main. A portion of the sidewalk has been removed, so Ms. Cline will be working with AP Plumbing and the homeowner in regards to a resolution for getting that sidewalk back. Mayor Corby mentioned his concern for the heavy use and the safety aspect of the sidewalk located on the north side of State Street near the Village line.
- Regarding the numerous complaints about 30 West Jefferson Road, Ms. Cline says there are no code enforcement issues concerning the property. The best she can do is to request that they be a good neighbor and maintain the property.
- Mayor Corby shared with the Board a complaint about a fallen fence behind a home on South Street. Ms. Cline is checking on who owns that fence.
- Ms. Cline thanked the Village staff and Trustee who showed up for the Monroe County training on the use of Nalaxone. The Village now has a kit to be placed with the AED in the Clerk's Office. Trustee Keating mentioned his desire for the training to be offered for Village residents perhaps in partnership with the Pittsford Library.
- In reference to the Grain Silo addition, Ms. Cline said she checked the pictometry from 2015 and 2018 to prove the addition of antennas and additional equipment on the roof without a permit.
- Trustee Lanphear asked Ms. Cline about the refuse collection issue that was brought to the attention of the Village by a State Street resident. This is a noise issue related to dumpster removal occurring early morning hours. Ms. Cline suggested a reminder be sent to the tenants about appropriate collection times. The complainants will have to sign a supporting deposition of the time the collection was being taken, before the hauler company can be held accountable.
- Trustee Galusha brought up an issue of the CSX gas station having cars currently parked in right-of-way. A decision was made to give them the benefit of the doubt in relation to the flooding.

### **7:30 PM – PUBLIC HEARING – NORTHFIELD COMMON LLC, FOR ADMINISTRATIVE RELIEF FROM THE MORATORIUM**

Donald Young, representing Northfield Common, summarized the application for Northfield Common's request for administrative relief from the moratorium. Mr. Young submitted a letter outlining the reasoning for the application for administrative relief from the moratorium. He discussed the reasoning behind each of the four factors needed to be satisfied in order for this relief to be granted. Mr. Young continued on to discuss the lease information about buildings k and g. He stated that he believes these vacancies are having a domino effect on the rest of the plaza. Mr. Young points out that the Canal Waterfront Business District wouldn't change and the character of the area will remain the same by using the existing buildings for a breakfast concept and brewery. Mr. Young respectfully asks the Board to grant the waiver for those two buildings, and to allow Northfield Common to move forward with the special use permits for the breakfast concept and brewery concept.

Trustee Keating asked Mr. Young if they have any data on the number of applicants who have inquired about the buildings (k and g) available for lease. Mr. Young replied with his experiences with meeting candidates regarding the available buildings.

Trustee Galusha asks about further competent evidence regarding the application. Mr. Young restates the current use of eighty percent of the parcel being used as it is now. Mr. Young adds Northfield Common has made substantial financial evidence such as investments of the property by repaving of the parking lot and installation of the lights and landscaping.

Mayor Corby went over the four criteria the Village Board will be looking at for the waiver application.

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

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

John Limbeck, of 62 State Street, submitted his objection for the request of Northfield Common Holdings, LLC. Mr. Limbeck provided the Board with a letter supporting his opinion.

Bonnie Miguel, owner of 50 State Street, building J, Miguel Creative, shared the impact she has felt from the vacancies alongside her business. She believes these two vacancies are hurting all businesses.

Betsy Powers, of the Town of Pittsford, asked the Board if they want nice businesses to move to the Village.

Ann Binstock, of 3 Stonegate Lane, came to support the administrative relief Northfield Common is requesting from the Village Board. She thinks the proposed sites would fit well with the current environment of Schoen Place.

Renee Stetzer, of 34 Monroe Avenue, supports the administrative relief. Ms. Stetzer is part of the Comprehensive Plan Committee, which holds empty storefronts as a primary concern and wants the Board to support a vibrant community.

Arthur Pires, of 70 State Street, concerned about setting a bad precedent by granting relief from the moratorium.

Donald Young addressed the merits of the moratorium and the rent rates of Northfield Common being consistent with market prices. Mr. Young talked about the order of applications being reviewed after the relief from the moratorium. He clarified that this would be nothing like the former Wilmorite application, as it's existing structures, not new construction.

John Limbeck stated that he objects to the idea of a 24-hour operation being so close to his place of residency.

Matt Lennarz, of 27 Lincoln Avenue, stated his opinion that there are more vacancies than when he moved to the Village. He supports growth in the Village and thinks this is a great opportunity for that.

Mayor Corby provided some history about the Village's code and related it to the Board gauging the market and future desires of residents. He mentioned the restructuring of the code in combination with the Comprehensive Plan Committee

Trustee Lanphear points out the job of the Board is to create a sense of community and environment that welcomes new ideas.

Ms. Powers shared her frustration about getting a meeting with Mayor Corby and doing business in the Village, though Mayor Corby is recused from meeting, as they are related.

Mayor Corby addressed the State Environmental Quality Review Act because Northfield Common is close in proximity to and is adjacent to the Erie Canal. As a Type I action, the Village must declare itself to be the lead agency. It is also within a national register listed historic district. Because of this, Northfield Common is required to submit to the Village Clerk, Part I of the long form of the EAF.

**Motion by Mayor Corby, seconded by Trustee Lanphear,** authorizes the Clerk's Office, upon receipt of the application to forward to all involved and interested agencies and request the Village Board as the lead agency on this project.

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

**Motion by Mayor Corby, seconded by Trustee Lanphear,** to forward the application to the Planning Board to complete a consistency review because the project falls within the LWRP.

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

Justin Vlietstra, of the Planning and Zoning Board, mentions the order of Board approval and the necessity of a SEQR.

**Motion by Mayor Corby, seconded by Trustee Caraberis,** to authorize the Clerk to send the application to County Planning.

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

Mr. Vlietstra commented the Planning Board will meet on Monday August 20<sup>th</sup> though they have already discussed SEQR. They decided they will defer to the Board of Trustees as the lead agency.

**Motion by Mayor Corby, seconded by Trustee Keating,** to hold the Public Hearing open until September 11.

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

**Motion by Mayor Corby, seconded by Trustee Lanphear,** to take a brief adjournment.

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

## **REVIEW OF NORTHFIELD COMMON SITE PLAN COMPLIANCE**

Donald Young, representing Charlie Fox of Northfield Common, described the retail climate and the 5-year vacancy on the property. Mr. Young noted the moratorium and provided two reasons this site does not fall into the category of the current moratorium, which are: not permitted by moratorium in need of special use permits, and if an applicant can show a hardship. Mr. Young continued on to discuss the lease information about buildings k and g. He stated that he believes these vacancies are having a domino effect on the rest of the plaza. If the Board were to grant succession, the Canal District wouldn't change and the character will remain the same.

**Motion Mayor Corby, seconded by Trustee Keating,** to set a public hearing to consider the application from Northfield Common LLC, for administrative relief from the moratorium implemented via Local Law No. 5 of 2017.

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

## MEMBER ITEMS

- Trustee Caraberis requested a resolution to appeal to RTS regarding their plan on stopping services to and from Pittsford in compliance with the finding of the members of the Active Transportation Plan Committee. The Board indicated it would like a copy of the resolution to be sent to Genesee Transportation as well. Village resident, Sue Emmel, commented by adding her concerns about RTS eliminating their routes through Pittsford.

Motion: Mayor Corby made a motion, seconded by Trustee Lanphear, to make the following resolution.

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

*In compliance with the findings of the Village members of the Active Transportation Plan (ATP), to further the enhancement of the Village's walkable atmosphere and accessibility for residents of all ages and means, to request the Rochester Transit Authority (RTS) maintain both the Monroe Avenue and East Avenue bus routes through the Village to allow access for Village residents, to other parts of the metropolitan area, and for workers, employees, of Village businesses that currently use that line to access the Village of Pittsford.*

- Trustee Lanphear brought up zombie houses, and stated that the fence at Pittsford Pub and Pittsford Dairy is falling. She mentioned an email regarding the Canal Corporation signs that are in the Village of Fairport. The Clerk's Office was asked to be in touch with the Canal Corporation concerning this issue and put in a request with them about new signage for the Village.
- Trustee Keating announced he will resend the draft of his newsletter and press release. Mayor Corby has a press release from NYSDOT on Jefferson Road paving project and a DPW article to incorporate as his piece. Trustee Keating said he will resend the current copy to the rest of the Board and the Clerk.
- Trustee Keating and the Clerk talked about meeting with Integrated Systems after requesting an update on their proposal.
- Trustee Keating discussed with the Board having CCA conduct a presentation focused only on the Village. He suggested having it in the fall. The Board would need to discuss which consultants to have present. Mayor Corby suggested having both the local CCA people and the commercial consultants. Trustee Keating took this as an action item to propose dates and get the session on the calendar for the fall.

## DEPARTMENT REPORTS

### DPW REPORT

- DPW Superintendent Zack Bleier discussed LED assessment for lighting district as a capital expense for maintenance. He suggested that the Village contact RG&E looking for more information on what's involved for fixtures and dark-sky compliant warm lights.
- He said South Street residents want speed humps installed due to speeding traffic. The Board discussed the speed humps and the impact they would have on the project. Trustee Galusha

discussed having the traffic engineer review the area for the speed humps and drainage. Mr. Bleier requested the project be tabled until next year to allow for the review and meeting with the neighborhood before they proceed. The Board agreed.

- The Department of Transportation project for Jefferson Road includes the milling and paving. The Department of Transportation is requesting the Village cover the cost of the manhole covers and grates. The cost will be around \$25,000.

**Motion Mayor Corby, seconded by Trustee Galusha,** to make the following resolution for the funding of the necessary items for the Jefferson Road project.

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

*Resolved that the Village of Pittsford Board of Trustees approves the expansion of the 2018-2019 sewer budget by \$25,000 from fund balance.*

*Whereas these funds will be allocated to the necessary budgetary lines for the Jefferson Road project for Skanex and EJI.*

- Mr. Bleier has received calls complaining about sewers backing up and overflowing behind Northfield Common which is ending up in the Village’s system creating more problems. He stated he is hoping for T.Y. Lin’s help with inspecting those sewer lines.

**Motion Mayor Corby, seconded by Trustee Lanphear,** to ask T.Y. Lin to look at the outstanding enforcement issues including the ticket booth and the status of the drainage pond at 50 State Street, as well as the grease trap location maintenance issues identified by the Village’s DPW Superintendent, Zack Bleier.

- Mr. Bleier asked about donated trees. The Clerk suggested he reach out to Sophie Bennett for information.
- Mr. Bleier requested Board approval for an inexpensive phone for the DPW for emergency calls.

**Motion Mayor Corby, seconded by Trustee Galusha,** to approve the purchase of a phone for the department.

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

## **ATTORNEY-CLIENT SESSION**

**Motion Mayor Corby, seconded by Trustee Galusha,** to enter attorney client session at 8:15 PM.

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

**Motion Trustee Galusha, seconded by Trustee Lanphear,** to return to regular session at 8:30 PM.

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

## **PLAN TO UTILIZE THE PEDESTRIAN SAFETY GRANT**

Mayor Corby and Ryan Ferber discussed Church Street and the turning radii for fire apparatus. Trustee Keating mentions the Active Transportation Plan and where the monies would come from to cover the grant funds regarding the Pedestrian Safety Plan. Trustee Keating suggests various ideas including a bond, saving over time and a BAN or a loan from the Town.

Mayor Corby suggested a BAN and mentioned the issue with requesting the Town to front the money is that an outside municipality is not lawfully able to spend money on Village desires.

For cash flow purposes, Trustee Keating is eager to be proactive with Senator Rich Funke with an answer for the quickest response for replacement funding and ensuring our ducks are in a row.

Mayor Corby updated the Board of Matt Ingalls latest revision to the Active Transportation Plan. He continued to discuss the Pedestrian Safety Plan's coordination with the ATP on holding the importance of fire district equipment mobility around the Village.

Ryan Furber requests final plans from the Mayor to share with the Fire Department.

Mayor Corby suggested determining the time table for the ATP. Assuming a BAN is the best option, Mayor Corby listed the steps required before determining the required cash flow.

Trustees Caraberis and Galusha are concerned about budgeting this project due to other financial commitments.

Mr. Furber is worried about a timeframe of getting the final drawings from SRF and whether they meet the Town's Fire Code.

## **ATTORNEY'S REPORT**

Village Attorney, Jeff Turner, discussed availability for a meeting with Town Supervisor, Bill Smith, Town Attorney, and the Mayor to discuss the written contract between the Town and the Village for sewer contracts. He scheduled an attorney-client appointment with the Mayor.

## **TREASURER'S REPORT**

Village Clerk, Dorothea M. Ciccarelli, presented vouchers listed on Abstract #3 of 2018/2019 fiscal year for approval. **A motion was made by Mayor Corby, seconded by Trustee Galusha**, to approve payment of the vouchers listed on Abstract #3 in the amounts stated below and to charge them to the appropriate accounts.

### **Vouchers for approval – Abstract #3**

• General Fund (#79, #128):	\$ 55,563.05
• Sewer Fund (#114):	<u>\$ 100.56</u>
Total Vouchers for Approval:	\$ 55,663.61

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

## **MINUTES**

**Motion Mayor Corby, seconded by Trustee Lanphear**, to approve the Village Board of Trustees organizational meeting minutes from May 15, 2018.

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

**Motion Mayor Corby, seconded by Trustee Lanphear**, to approve the Village Board of Trustees meeting minutes from May 22, 2018.

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

**Motion Mayor Corby, seconded by Trustee Galusha,** to approve the Village Board of Trustees special meeting minutes from May 22, 2018.

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

**Motion Mayor Corby, seconded by Trustee Keating,** to approve the Village Board of Trustees meeting minutes from June 12, 2018 with corrections.

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

**Motion Trustee Galusha, seconded by Trustee Lanphear,** to approve the Village Board of Trustees meeting minutes from June 19, 2018.

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

#### **MEMBER ITEMS – CONTINUED**

- Trustee Galusha requested approval from the Board to contact Mindy Zoghlin, of the Zoghlin Group, to seek her assistance to resolve the right-of-way problem with RG&E and the Village's lease. Trustee Galusha and the Mayor think it's the course of least resistance. Trustee Caraberis suggested discussing the situation with Chuck Malcomb.
- Mayor Corby suggested an action item to get an appointment with Deborah Wegman regarding the right-of-way and an exploratory call with Trustee Galusha.

#### **ADJOURNMENT**

**Motion Mayor Corby, and seconded by Trustee Lanphear,** to adjourn the meeting at 9:35 PM.

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

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Dorothea M. Ciccarelli, Recording Secretary