

# VILLAGE OF PITTSFORD

SETTLED 1789 • INCORPORATED 1827.



*Village Hall ca 1855 (remodeled 1937)*

## **Village of Pittsford Board of Trustees Meeting May 11, 2021 6:30 PM**

### **Tentative Agenda**

#### **Board Member - Conflict of Interest Disclosure & Open Meeting Compliance Certification**

#### **Department Reports**

1. Building Inspector Report
2. DPW Report
3. Village Attorney
4. Treasurer's / Village Clerk Report
5. Minutes

#### **Meeting Items**

1. Review of Non-Municipal Permit for the Frog House Granted on February 17, 2021
2. Non-Municipal Agreement – Pittsford Art Galleries
3. Application for Short Term Retail Business – Ronald Jurincic
4. Discussion on the Expansion of Outdoor Seating Resolution
5. Approval of Retainer Agreements
  - Osborne & Reed
  - Zoghlin Group
6. Stewardship Committees for Sustainability
7. Auburn Line Park Expansion
8. 1999 Survey of N.W. Quadrant
9. Ethics Board Appointments
10. Developing a Newsletter
11. Boy Scout Project Requirements
12. Village Wide Clean Up Day
13. Village Office Reopening
14. Special Permit Application - Karol Kutter, Salon

#### **Member Items**

#### **Executive Session**

Next Scheduled Meeting – May 25, 2021

\*Subject to Change Without Notice

May 4, 2021, 8:00 AM – 9:00 AM. Erie Grill, Pittsford.

Subject: Notes from breakfast meeting with Chris DiMarzo, PCP, Village Trustee Dan Keating, and Village Mayor Alysa Plummer in attendance.

Mr. DiMarzo indicated he wants a fresh chapter and a new design. He said he understands and “heard loud and clear” that mass and scale need to be reduced and that greenspace was important to the Villagers.

To signal a fresh start for the project, PCP has hired a new architect, Dirk Schneider, who lives in the Village. Currently, Mr. Schneider is Chair of the Town’s Design Review and Historic Preservation Board.

Mayor Plummer discussed the Village Sustainability Initiative and possible role for a developer to create a cutting-edge flagship sustainable design, possibly utilizing Fed and/or State tax credits or funding.

Mr. DiMarzo indicated his company has just completed an apartment building located at S. Goodman and 390 with a solar roof which supplies the power to the building to heat the water.

Mr. DiMarzo brought up the February letter sent to PCP from counsel representing the Trustees, HPB and PZBA indicating possible parameters for the project going forward. He believes some of the guidelines are workable and some are contradictory. He provided no supporting detail.

He expressed concerns about parking, as an underground garage dictates a larger building footprint. He recognizes that underground parking is important, and there is an attainable balance.

The applicant is requesting a negotiated settlement rather than going through the process again before the HPB and PZBA.

He further stated the only Board left to approve his project is the HPB as, according to him, the PZBA already approved the project in 2014. He strongly indicated that a negotiated settlement was the best way to bring about resolution and returning to the process of separate board reviews could prolong the process.

The applicant requested a new committee of two members from each board (Trustees, PZBA, and HPB) to negotiate a settlement, similar to the request Judge Ark made in the past. This would be a structured settlement and, based on a positive outcome, the applicant would drop all appeals and further litigation.

Mr. DiMarzo would like to set up a meeting with his architect as soon as possible. Our response to Mr. DiMarzo was we would bring his request back to our Board and our legal counsel as to how to best proceed.

Mayor Plummer and Trustee Keating made no promises either explicitly or implicitly to the developer regarding any current or future outcomes for the project. The approach taken was to have a cordial meeting and listen.

Trustee Keating and Mayor Plummer each paid their own checks.

Village Board Meeting

Department Reports

Building Inspector Report

Building Inspector report 04/05/2021– 05/07/2021

During period issued 9 permits for \$942.50 in permit fees and \$57,585.00 in improvements

Worked with residents and businesses for 7HPB applications and 1 info only request, 1 S. Main st. – sign, 36 Sutherland – porch addition, 20 Rand place – siding, 31 Courtenay circle – windows (fire restoration), 96 S Main st. – basement windows, 36 Monroe Ave. – porch addition, 5 Monroe Ave – remodeling, and 22 Boughton for possible addition

Attended monthly coalition stormwater meeting for the annual report, received new forms and completed report for 2020 and submitted

Inspections 11 Schoen / pavilion, Alladins – framing for commissary , final for the geotherm heating system at 35 Courtenay, several trips to DPW area for ground disturbance activities, two roofing jobs, 31 Courtenay circle, 36 Monroe, 57 S. Main. Also make rounds through the village almost daily.

Worked with Pittford Panthers for variance applications and site plan reviews

Issued permit for proposed passthrough of Tequilaria new restaurant

I have read and processed over 380 emails during this time period, researching and answering many questions regarding zoning and Historical preservation requirements to new property owners and tenants. I have sent over 150 response emails

Receive on average 10-12 phone calls per day with questions or concerns over village issues

Attended fourth set of classes for my required annual in service training

While touring the village I found three projects this month that were being done without the proper permitting and paperwork and all are now compliant

I have spent more time on the issue of windows within the Historic districts due to the fact that we continually receive applications and questions and complaints from residents in regards to this matter. I have found our policy to be inconsistent with those of the city of Rochester and the Village of Brockports historical districts and have reached out to entities within the state for some guidance

Completed proposed additions/changes to the fee schedule and they were approved at the organizational meeting

I have reached out to the numerous business owners and property managers in regards to the conditions of Schoen place in the back parking lot areas after receiving several complaints from a resident.

Have received numerous requests and emails regarding outdoor seating and Copper Leaf is wondering why they are being left out.

Have worked with the potential new tenant for building K at 50 state street for a special permit and structure changes, public hearing on the 25<sup>th</sup>

I have spent many hours in regards to the land disturbance in the open space near the DPW researching and defending the Villages position on the matter



Village Board Meeting

Department Reports

Village Attorney

# Village Board Meeting

## Department Report

### Treasurers / Village Clerk Report

- Bill Pay
- HSA Funding

# TREASURER'S REPORT

*Submitted by  
Mary Marowski*

**5/11/21**

- **Vouchers for approval – Abstract # 22**

- General Fund (590596, 598-602,604-611):
- Sewer Fund (597, 603, 605):

\$ 13,066.32

\$ 657.46

**Total Vouchers for Approval:**

**\$ 13,723.78**

Health Care 2021  
Health Savings Account Funding

Employee	1-Jun-21
Bleier, Zachary	\$2,500.00
Ciccarelli, Dorothea	\$1,250.00
Pacheco, Marina	\$1,250.00
Rule, Joan	\$1,250.00
Thomas, Brooklyn	\$1,250.00
Yaeger, Douglas	\$2,500.00
Van Bortle, Brad	\$1,250.00
Sum	<u>\$11,250.00</u>

# Village Board Meeting

## Department Reports

## Minutes

- Village Board Special Meeting, April 8, 2021
- Village Board Regular Meeting, April 13, 2021

# Village Board Meeting

Meeting Items

Agenda Item 1

Review of the Non-Municipal Permit for the Frog House  
Granted on February 17, 2021

# A FROG HOUSE

65 STATE STREET, PITTSFORD NY 14534 • (585) 244-6366

Margot@afroghouse.org - [www.facebook.com/afroghouse](http://www.facebook.com/afroghouse)

[www.afroghouse.org](http://www.afroghouse.org) - Instagram: @a.frog.house

Would you like to stop by?

Text "Frog" to (585) 733-0563



## A FROG HOUSE 2021 EVENTS

Events may change as determined by current Covid 19 protocols.

Times and locations vary, see updates on our website <https://afroghouse.org/events/> and Facebook page, <https://www.facebook.com/AFrogHouse>

### THURSDAY, FEBRUARY 25 - FIRST FROGS IN OUR OWN BACKYARD

A Frog House founder Margot Fass will demonstrate how easy it is to incorporate sustainable, chemical-free practices into your gardening and attract frogs - right in your own backyard! A zoom presentation by A Frog House as part of the "Encouraging Nature in Your Backyard" series. Begins at 7 pm.

### SUNDAY, MARCH 28 - FOREST GARDENS IN A NUTSHELL: PLANNING

Join us for an introduction to ecological design (aka permaculture) ethics, principles, and design; a sneak peek at plans for our tiny food forest for the Village of Pittsford. A zoom webinar led by Patty Love, founder of Barefoot Ecological Design. Begins at 1 pm.

### SUNDAY, APRIL 25 - SAVE THE FROGS DAY GUEST SPEAKER

Michael Horton, Conservationist and Board Member of SAVE THE FROGS!

During this event Michael will talk and field questions about the Federal Endangered Species Act, environmental conservation, pesticide use, and of course, frogs. Michael worked for 25 years for the U. S. Fish and Wildlife Service as an endangered species specialist. Since retirement in 2015, Michael has formed his own conservation consulting company, Integrated Planning and Conservation Associates (IPaCA), and now works to facilitate conservation across the U.S.

### SUNDAY, MAY 23 - FOREST GARDENS IN A NUTSHELL: PLANTING

Learn how forests naturally provide food, fuel, fiber, fodder, fertilizer, "farmaceuticals," and fun.

A hands-on planting playshop with Patty Love, founder of Barefoot Ecological Design. Begins at 1 pm.

### SUNDAY, JUNE 27 - WOODLAND SCAVENGER HUNT

Bring the whole family out for some nature-focused fun! Hunt and identify frog related facts in the new Town Erie Canal Nature Preserve and future Village Arboretum. Begins at 1 pm.

### SUNDAY, AUGUST 8 - A FROG HOUSE 3RD ANNUAL BIRTHDAY PARTY

Birthday fare, live music and performances, green ice cream, prizes and surprises!

Winning entries from the Art and Poetry Contest showcased. Begins at 1pm.

### SUNDAY, OCTOBER 10 - A SPECIAL THANK YOU SURPRISE

For all of our advisors, board members, donors, friends, sponsors and volunteers.

Details to be announced.

### ONGOING - GROUP PRESENTATIONS BY REQUEST

Delightful private events that explore the ways frogs are central to the planet's survival.

Contact us to arrange a presentation for your class or group!

**From:** [Jeffrey Turner \(jlt@orblaw.com\)](mailto:Jeffrey.Turner@orblaw.com)  
**To:** [Village Clerk](#)  
**Subject:** FW: Village land use regulations and Municipal permit agenda item  
**Date:** Tuesday, April 20, 2021 3:09:58 PM  
**Attachments:** [image002.png](#)  
[image001.png](#)

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Here you go.

Jeffrey L. Turner, Esq.  
Osborn, Reed & Burke, LLP  
45 Exchange Blvd., 4<sup>th</sup> Fl.  
Rochester, NY 14614  
**(585) 263-9510 (DIRECT LINE)**  
(585) 454-6480 Ext. 510  
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**From:** Jeffrey Turner  
**Sent:** Tuesday, April 20, 2021 3:06 PM  
**To:** Building Inspector <buildinginspector@villageofpittsford.com>; 'Alysa Plummer' <mayorplummer@villageofpittsford.com>  
**Cc:** 'Justin Leitgeb' <trusteejleitgeb@villageofpittsford.com>; 'Renee Stetzer' <trusteerstetzer@villageofpittsford.com>; 'Dan Keating' <trusteedkeating@villageofpittsford.com>; Lili Lanphear <trusteellanphear@villageofpittsford.com>  
**Subject:** RE: Village land use regulations and Municipal permit agenda item

I would add to that list a Local Waterfront Consistency review. The Village could, but not must, take the position that since this is a governmental activity, local zoning should not apply. I point out that the Village took the position, but not aggressively, that Village Zoning should apply to the Town's reconstruction of the Rec Center.

In addition, even if the Village were to take the position that local zoning does not apply, this would still be a Type I SEQR action. This is the case not because of the Village code section cited by Steve, but because the work done and the anticipated improvement is an unlisted action adjacent to an Historic resource – the canal.

Jeff

Jeff

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**From:** Building Inspector <[buildinginspector@villageofpittsford.com](mailto:buildinginspector@villageofpittsford.com)>  
**Sent:** Tuesday, April 20, 2021 2:42 PM  
**To:** 'Alysa Plummer' <[mayorplummer@villageofpittsford.com](mailto:mayorplummer@villageofpittsford.com)>  
**Cc:** Jeffrey Turner <[jlt@orblaw.com](mailto:jlt@orblaw.com)>; 'Justin Leitgeb' <[trusteejleitgeb@villageofpittsford.com](mailto:trusteejleitgeb@villageofpittsford.com)>; 'Renee Stetzer' <[trusteerstetzer@villageofpittsford.com](mailto:trusteerstetzer@villageofpittsford.com)>; 'Dan Keating' <[trusteedkeating@villageofpittsford.com](mailto:trusteedkeating@villageofpittsford.com)>; Lynn Ianphear <[bahalan23@yahoo.com](mailto:bahalan23@yahoo.com)>  
**Subject:** Village land use regulations and Municipal permit agenda item

Trustees: I have conducted research regarding activities that recently had been initiated on the 10-acre parcel currently designated as Open Space behind the DPW and abutting the Auburn Trail. The disturbance of the site was associated with a proposed arboretum/nature preserve and what was intended to be a permanent installation of two 12ft x 25ft gardens. At this juncture activity has been halted on the site. According to our Village codes these projects require the following reviews and approvals:

1. Minor site plan review and approval per 210-34.2 (5) Siting, planting, erecting, or reconfiguring landscaping, fencing, screening, or walkways in association with a nonresidential use or multifamily dwelling.
2. SEQR, as a Type 1 action, per 210-30.8 as our Village regulation cites a quarter-acre threshold. Well over 23,000 sq. ft of area has been cleared which is over ½ of an acre

of disturbance.

3. A Stormwater Pollution Prevention Plan per chapter 175 of the Village Code also citing  $\frac{1}{4}$  acre as being a threshold for review.

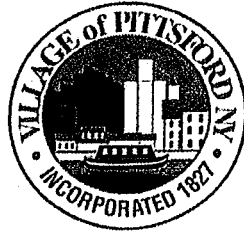
Steven Lauth  
Building Inspector/CEO/Fire Marshall  
Village of Pittsford – (585) 586-4332

# Village Board Meeting

Meeting Items  
Agenda Item 2

Non-Municipal Agreement – Pittsford Art Galleries

VILLAGE OF PITTSFORD  
MAY 6 '21 AM 11:57



Village of Pittsford Non-Municipal Use Permit Application

Organization: PITTSFORD ART GALLERIES

Event and Description: "PITTSFORD ART WALK" WILL INVITE THE PUBLIC TO VISIT ALL 3 GALLERIES IN THE VILLAGE ON THE SAME EVENING (MAY 20) AND TO STOP IN TO NEIGHBORING FOOD ESTABLISHMENTS

Event Date(s): 5/20/21

Event Location: PITTSFORD FINE ART, JEWETT, SYLVAN STREET

Parking Location: MUNICIPAL

Estimated Guest Count: 50 - 100

Organization Contact: CHRIS MANAGER

Telephone: [REDACTED]

E-mail: [REDACTED]

Date Request Received: 5/6/21

Date Reviewed: \_\_\_\_\_ Approved  Denied

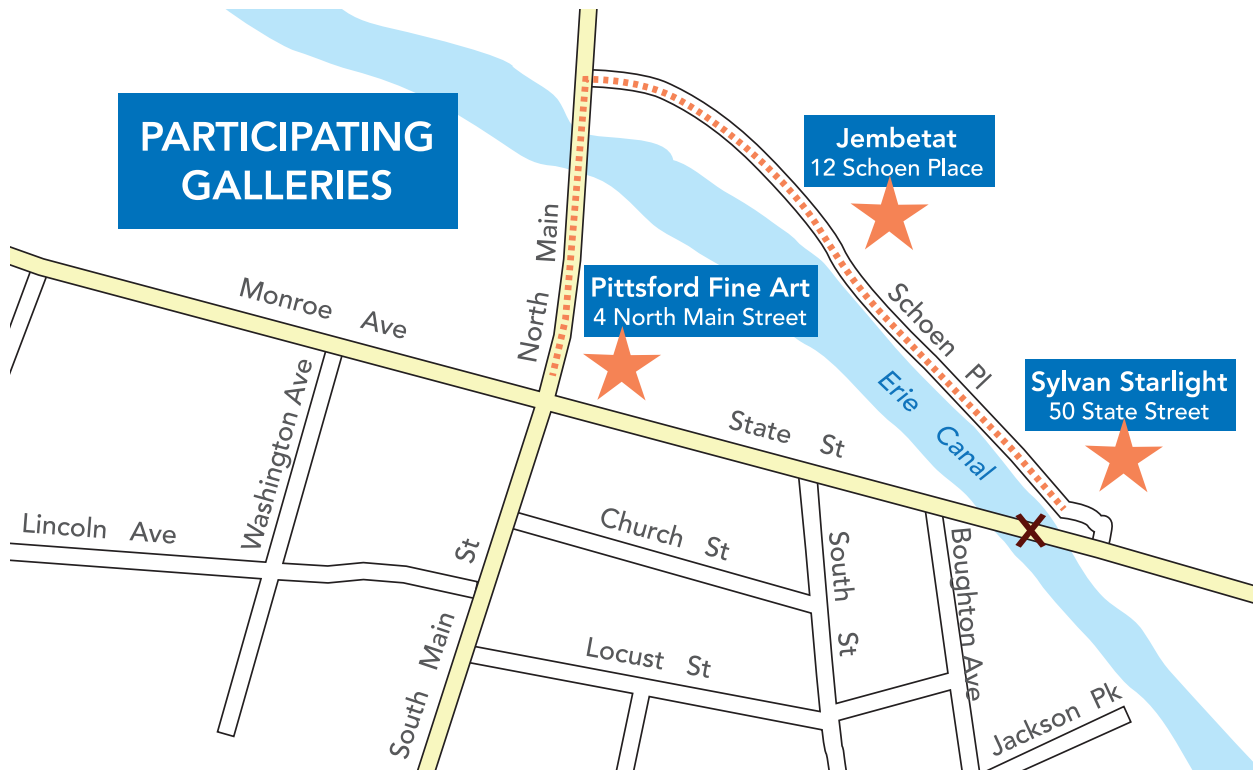
**Standard Conditions**

- 1) If the request for the Non-municipal Permit was received without the required 45-day notice, the Board of Trustees will need to vote to waive the requirement for the permit.
- 2) The applicant will provide the Village of Pittsford with a certificate of liability insurance, naming the Village of Pittsford as additionally insured, on a primary and non-contributory basis. The certificate must reflect a single limit of liability for personal injury and property damage in the amount of \$1,000,000.00. The certificate must also name the event being covered.
- 3) The applicant will notify, in writing, the Monroe County Sheriff's Office, the Pittsford Volunteer Fire Department, the Pittsford Volunteer Ambulance and the Town of Pittsford Fire Marshal to notify them of the event and all of the details.



# PITTSFORD ART WALK

THURSDAY, MAY 20 FROM 4 – 8 PM



## THIS IS YOUR PASSPORT to the 2021 Pittsford Art Walk

Fill out your contact information on the back of this form. Then have this passport stamped by each of the three Pittsford art galleries, turning it in to the last gallery to be entered into a drawing for one of THREE prizes (one donated by each gallery). Have fun!

JEMBETAT

PITTSFORD FINE ART

SYLVAN STARLIGHT CREATIONS

# Take the Spring 2021 Pittsford Art Walk May 20, from 4–8 pm to discover the Village's three art galleries. Submit your passport stamped by all three galleries to be entered into a drawing for one of three prizes (one donated by each gallery).



Please provide your contact information in order to be eligible for the door prizes offered by the galleries. Leave your fully stamped passport at your final gallery stop of the evening to enter the prize drawing. You don't need to be present to win.

*PLEASE PRINT LEGIBLY.*

NAME

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EMAIL

---

ADDRESS

---

---

PHONE

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**Jembetat Gallery** was founded in 1991 by a Peace Corps volunteer who served in West Africa. Owner Robert Ament travels the world to find unique handcrafted jewelry. Sterling silver Balinese jewelry with semiprecious stones and several designs have 18k gold accents. An extensive collection of rings are intricately designed with Topaz, Peridot, Opal, Moonstone and Lolite. There is a large selection of handmade sterling silver rings with exotic Balinese influence. The new Amber jewelry collection was designed by young, modern artists from Poland. The gallery offers Tribal Art from West and Central Africa which Robert has collected on his many journeys to the remote interior of Sub Saharan Africa over the last thirty years. [jembetatcafe.com](http://jembetatcafe.com)

**Pittsford Fine Art** is a co-operative gallery in which thirteen regional artists share exhibition space. Gallery members include Kathy Armstrong, Kathleen Bolin, Steve BonDurant, Chris Kolupski, Lawrence Keefe, Nancy Lane, Valerie Larsen, Chris Manaseri, Rebecca Maynard, Robin McCondichie, Bill Mowson, Chip Stevens, and Suzi Zefting-Kuhn each of whom has a different exhibition space each month. In addition, a Guest Artist is featured each month, allowing some of Rochester and Western New York's most talented artists a venue for showing and sales. The gallery features only original paintings, and sculpture. Subscribe to their free monthly e-newsletter to keep track of special events and upcoming guest artists. [pittsfordfineart.com](http://pittsfordfineart.com)

**Sylvan Starlight Creations**, Pittsford's largest artisan gallery and fine art shop is located in Northfield Common at the south end of Schoen Place. The gallery features the work and fine craftsmanship of more than 100 of the area's top local artists—everything from fine art and paintings to jewelry, metal art, glass, wood working and so much more! Look no further for that perfectly handcrafted, one-of-a-kind statement piece or gift that nobody else has! They also offer fun creative classes (currently held online), art supplies & kits and featured artist events! [sylvanstarlightcreations.com](http://sylvanstarlightcreations.com)

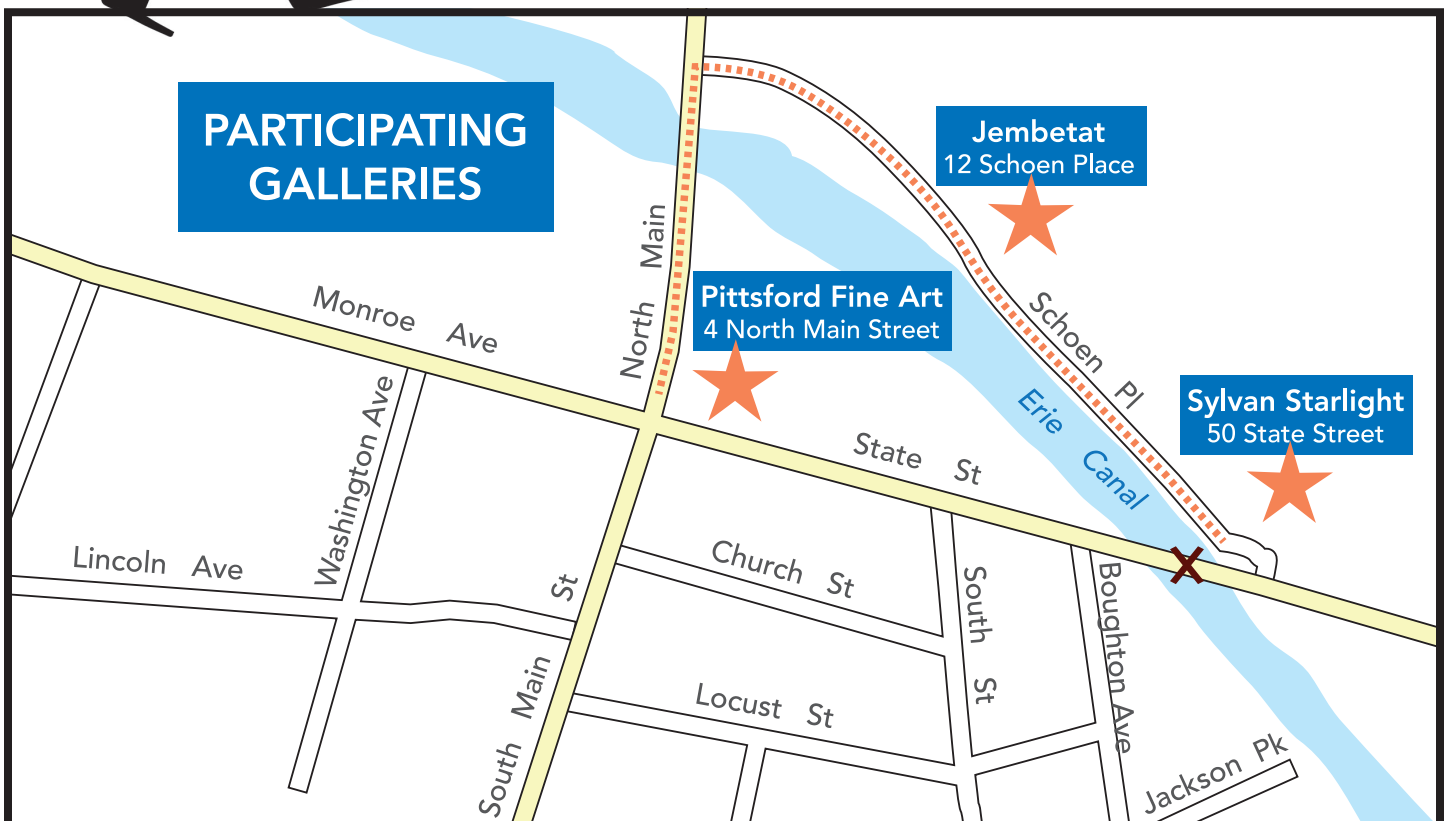
# SPRING 2021

## PITTSFORD ART WALK

After a long winter, and frankly a long year, it's time to get out on the town and take in all the fine art at Pittsford's three art galleries: Jembetat, Pittsford Fine Art and Sylvan Starlight Creations. Pick up an Art Walk Passport at one of the galleries and stroll from one to the next. Drop off your completed passport at your last stop and you may win a prize!



Put a little spring in your step  
**Thursday, May 20**  
from 4 pm to 8 pm



# Village Board Meeting

Meeting Items  
Agenda Item 3

Application for Short Term Retail Business – Ronald Jurincie

APPLICATION TO THE BOARD OF TRUSTEES  
SHORT TERM RETAIL BUSINESS

VILLAGE OF PITTSFORD  
21 NORTH MAIN STREET, PITTSFORD, NEW YORK 14534

Date: 5/7/2021

Fee: \$ 50

Property Address: ~~10 N. Main Street~~ 10 N. Main Street, Pittsford N.Y. 14534

Tax Account Number: ~~85-20704010~~ 151,1803-31 Zoning District: L.O.R

Owners Address: 2 Grove Street, Pittsford NY Telephone: [REDACTED]

Owner's Email: [REDACTED]

Applicant: Ronald Jurincie Telephone: [REDACTED]

Applicant's Email: ron@bukuFoodTruck.com

Applicant's Address: 2 Grove St. Pittsford NY 14534

Applicant is:  Owner  Lessee/Tenant  Agent  Other

If "Other" Please Explain:

1. Provide a description of the activity that is planned for this location: "Buku Food Truck"  
Plan is to sell Asian Fusion Cusine from my Buku Food Truck  
from approximately 7:30 PM - 8:15 PM (including prep and cleanup) 5 days/wk.

2. Describe how the proposed activity will affect existing parking:  
The guests will use public parking behind. We anticipate around 70-80  
guests per shift. should be spread out and have minimal effect  
on parking.

3. Describe how trash/refuse will be handled for the proposed activity:  
We will provide trash and recycling recepticals which we will maintain  
and police the grounds.

4. Proposed Hours of Operation:  
13:30 - 4:30 prep / 4:30 - 7:30 selling / 7:30 - 8:15 cleaning /

# Village Board Meeting

Meeting Items  
Agenda Item 4

Discussion on the Expansion of Outdoor Seating Resolution

# Village Board Meeting

## Meeting Items Agenda Item 5

### Approval of Retainer Agreements

- Osborne & Reed
- Zoghlin Group

JEFFREY L. TURNER  
CHRISTIAN C. CASINI  
AIMEE LAFEVER KOCH  
JEFFREY P. DIPALMA (NY-MA)  
L. DAMIEN COSTANZA  
RICHARD C. BRISTER  
MICHAEL A. REDDY  
WALTER R. CAPELL  
KEVIN D. WALSH  
VINCENT M. FERRERO  
MARK J. HALPIN

**OSBORN, REED & BURKE, LLP**  
ATTORNEYS AND COUNSELORS AT LAW  
45 EXCHANGE BLVD., SUITE 400  
ROCHESTER, NEW YORK 14614

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(585) 454-6480  
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502 Court Street, Suite 405  
Utica, NY 13502  
(315) 922-7162

5500 Main Street, Suite 302  
Williamsville, NY 14221  
(716) 204-1087

MICHAEL C. PRETSCH  
BRIDGET M. TALERICO  
DIANE E. OROSZ  
JAYLA R. LOMBARDO (OF-COUNSEL)

THOMAS C. BURKE (1939-2017)  
JOHN C. OSBORN (1923-2013)  
JAMES A. REED, JR. (1930-2008)

EMAIL: JLT@ORBLAW.COM  
DIRECT DIAL: 585-263-9510

March 19, 2021

Board of Trustees  
Village of Pittsford  
21 N. Main Street  
Pittsford, New York 14534

Dear Board of Trustees:

Re: Legal Representation

Pursuant to the estimate for legal services for the 2021-2022 fiscal year that I previously provided to the Board of Trustees for budgetary purposes, this letter sets out the proposal for the legal representation of the Board of Trustees of the Village of Pittsford and the Historic Preservation Board of the Village of Pittsford by Osborn, Reed & Burke, LLP, Jeffrey L. Turner, Esq. of counsel.

I will have the primary responsibility for the matters coming before each Board but may utilize other firm lawyers and legal assistants as I believe appropriate in the circumstances. I will continue to communicate fully with the members of the Board of Trustees and members of the HPB, the Village staff and as otherwise directed by the Board of Trustees and the HPB.

My services to the Board of Trustees and the HPB will be billed on a monthly or quarterly basis as directed by the Board of Trustees, pursuant to the terms and conditions as more fully set forth below. The statements for services rendered will be paid within 30 days of receipt. In the unlikely event that a dispute arises between us relating to the law firm's fees, you may have the right to arbitration of that dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided to you upon your request.

**Fees. Board of Trustees:** The law firm proposes to provide routine representation of the Board of Trustees at an annual fixed fee of \$80,000. The flat fee as established by this paragraph will be the maximum annual amount billed for routine Board of Trustee matters and the actual amount will be established by the following paragraph.

As set forth above, an annual amount of \$80,000 will be the maximum amount billed to the Board of Trustees by Osborn, Reed & Burke, LLP for the 2021-2022 fiscal year. The actual amount of monthly or quarterly fees billed by the law firm to the Board of Trustees shall be at the rate of \$165 per hour for partners working on routine Board of Trustee matters and \$150 per hour for associates working on routine Board of Trustee matters. Again, in no event shall bills from Osborn, Reed & Burke, LLP to the Village of Pittsford for representation on routine Board of Trustee matters exceed \$80,000 annually with the actual amount due and owing being reflected by the hours by each attorney at the hourly rate as set forth previously provided that such amount is less than \$80,000 annually.

Routine matters are defined to include all matters with the exception of civil or criminal proceedings in any court of competent jurisdiction in the State of New York. Any such matters will be billed at the rate of \$205 per hour for partners, and \$165 per hour for associates.

**HPB Matters:** The law firm proposes to provide routine representation of the HPB at an annual fixed fee of \$20,000. The flat fee as established by this paragraph will be the maximum annual amount billed for routine HPB matters and the actual amount will be established by the following paragraph.

As set forth above, an annual amount of \$20,000 will be the maximum amount billed to the HPB by Osborn, Reed & Burke, LLP for the 2021-2022 fiscal year. The actual amount of monthly or quarterly fees billed by the law firm to the HPB shall be at the rate of \$165 per hour for partners working on routine HPB matters and \$150 per hour for associates working on routine HPB matters. Again, in no event shall bills from Osborn, Reed & Burke, LLP to the HPB for representation on routine HPB matters exceed \$20,000 annually with the actual amount due and owing being reflected by the hours worked by each attorney at the hourly rate as set forth previously provided that such amount is less than \$20,000 annually.

Routine matters are defined to include all matters with the exception of civil or criminal proceedings in any court of competent jurisdiction in the State of New York, together with any matters involving 75 Monroe Avenue. Any such matters will be billed at the rate of \$205 per hour for partners, and \$165 per hour for associates.

**Litigation Hold.** We are required to advise you concerning your obligation to identify and preserve information potentially relevant to this matter. The duty to preserve potentially relevant information is broad and courts have become increasingly exacting in applying existing and new standards that require the preservation of both paper documents and electronically-stored information ("ESI"). The obligation applies not only to paper documents, but also to ESI, including but not limited to, e-mail, word processing documents, spreadsheets, databases, calendars, voicemail, Internet usage files, and network access information. Please contact me with any questions or concerns about this obligation or if you need assistance in complying with the obligation.

**Costs.** The firm typically incurs costs in connection with legal representation. These costs may include such matters as long-distance telephone charges, special postage, delivery charges, telecopy and photocopy charges and related expenses, travel expenses, meals and use of other service providers, such as printers or experts. In litigation matters, such expenses may also include filing fees, deposition costs, process servers, court reporters and witness fees. Any such costs incurred on behalf of the Board of Trustees or HPB will be added to the normal routine bills rendered to the Village and such fees will be over and above the flat fee arrangement and hourly fee arrangement contained in this proposal.

You may terminate our representation at any time by notifying us. Your termination of our services will not affect your responsibility for payment of outstanding statements and accrued fees and expenses incurred prior to such termination.

The law firm may withdraw from representation if the Village fails to fulfill its obligations under this agreement or as permitted or required under the applicable standards of professional conduct rules of court, or upon our reasonable notice to you. The law firm will take such steps as are reasonably practicable to protect the Village's interest during any transition.

**Governing Law.** This engagement letter, and all matters arising in connection with it, shall be governed by the law of the State of New York without regard to conflict of law principles.

If the proposal contained in this letter meets with your approval, please sign the enclosed copy of this letter and return it to me. Obviously, please give me a call if you have any questions.

Very truly yours,

Jeffrey L. Turner, Esq.  
Email: [jlt@orblaw.com](mailto:jlt@orblaw.com)  
Direct Dial: (585) 263-9510

Agreed and accepted: Village of Pittsford, New York.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_



**The Zoghlin Group PLLC**  
Attorneys at Law  
300 State Street, Suite 502  
Rochester, New York 14614  
Tel: 585-434-0790  
Fax: 585-563-7432  
<http://www.ZogLaw.com>

**BY EMAIL TO [MAYORCORBY@VILLAGEOFPITTSFORD.COM](mailto:MAYORCORBY@VILLAGEOFPITTSFORD.COM)**  
**AND [VILLAGECLERK@VILLAGEOFPITTSFORD.COM](mailto:VILLAGECLERK@VILLAGEOFPITTSFORD.COM)**

March 21, 2021

Mayor Robert C. Corby  
Village of Pittsford  
21 North Main Street  
Pittsford, New York 14534

***RE: VILLAGE OF PITTSFORD PLANNING & ZONING BOARD OF APPEALS***

Dear Mayor Corby,

I write in response to your request for a proposal to render legal services to the Village of Pittsford Planning and Zoning Board of Appeals. Our current contract expires on May 31, 2021.

2020 was a difficult year for everybody, especially municipalities. In recognition of the impacts associated with the COVID 19 pandemic, The Zoghlin Group gave the Village of Pittsford PZBA a \$1600 courtesy discount for the month of May 2020, and reduced the June 2020 invoice from \$1600 to \$286. We also wrote off another \$600 of legal fees billed on an hourly basis for the Westport Crossing matter. Consequently, our legal services came in well under budget. For the 2020 calendar year, we billed the Village only \$38,045. For the 2020-2021 fiscal year to date, we billed the Village only \$21,215. Assuming the next four months bring no surprises, this will bring us \$1886 I under budget for the General PZBA matter, \$50,000 under budget for the LWRP appeal that did not materialize, and \$6248 under budget for other PCP matters.

The Zoghlin Group proposes to perform Routine PZBA services (as described below) on a flat fee basis and all other legal services under our Discounted Municipal Hourly Rates. We propose to bill the Village \$1600/ month for the Routine PZBA Services. Our Discounted Municipal Hourly Rates are as follows:

Partner:	\$260/hour
Senior Associate:	\$250/hour
Contract Attorney:	\$245/hour
Associate Attorney:	\$225 /hour
Staff Attorney:	\$150/hour
Law Clerk:	\$115/hour
Legal Assistant:	\$115/hour

Our Standard Terms and Conditions are attached to this letter.

**Scope of Work for Routine PZBA Services**

The scope of work for Routine PZBA Services will include advising the PZBA regarding applications submitted to it, attending monthly PZBA meetings, assisting the PZBA in conducting its municipal business in accordance with procedural and substantive legal requirements, and rendering legal advice in matters related to the PZBA’s official capacity.

The following chart provides examples of tasks that will be within and outside of the scope of services for Routine PZBA Work:

<b><u>Routine PZBA Work</u></b>	<b><u>Non-Routine PZBA Work</u></b>
Attend PZBA monthly meetings and (if necessary) one special PZBA meeting per month.	Train PZBA.
Draft potentially sensitive correspondence from PZBA to applicants.	Draft routine correspondence from PZBA to applicants.
Draft potentially sensitive Resolutions regarding applications.	Draft routine Resolutions regarding applications.
Counsel the PZBA with respect to its obligations under SEQRA, Village Code and New York Law.	Assist other Boards with their obligations under SEQRA, Village Code or New York Law.
Review and comment on draft meeting minutes prepared by PZBA Chair.	Draft routine meeting minutes.
Answer Recording Secretary questions about FOIL requests related to PZBA matters.	Create checklists and forms for PZBA and/or Village staff, including the Recording Secretary.
Counsel PZBA with respect to its obligations under New York Open Meetings Law.	Draft, comment on or revise proposed legislation and/or zoning amendments for content, legality and consistency with other local, state or federal laws.
Answer PZBA questions about applications submitted to it.	Evaluate the extent to which proposed zoning amendments may affect issues within the jurisdiction of the PZBA.
Answer PZBA questions about requests and referrals it receives from the Board of Trustees	Attend attorney-client meeting(s) with PZBA to develop a strategy to address legal issues related to

<b>Routine PZBA Work</b>	<b>Non-Routine PZBA Work</b>
and APRB.	applications that may be contested.
Short telephone conferences with the PZBA Chair regarding specific applications and scheduling matters.	Extended telephone conferences with the PZBA Chair and/or Board members (more than 2 hours per month).

The goals of representation shall be to:

1. Support delivery of PZBA decisions that are unlikely to be challenged successfully in an Article 78 proceeding and, if challenged, defend them effectively, efficiently, and economically.
2. Support PZBA work so that applications are efficiently, consistently and properly processed so that members of the public (including the applicant) understand the process, have an opportunity to be heard and are treated fairly.
3. Attend PZBA meetings at which applications with substantive legal issues are considered.
4. Cooperate with Village Board of Trustees, APRB, staff and professional consultants to advance common objectives.

Routine PZBA Work Assumptions:

1. The Building Inspector or PZBA Chair will draft and the PZBA will adopt form checklists, procedures and resolutions for commonly recurring applications.
2. The building inspector/ code enforcement officer will provide substantial capable support with respect to processing applications.
3. All prior zoning amendments were done in accordance with all procedural and substantive requirements, including SEQRA, GML 239-m, and LWRP provisions.
4. Based on past application data, it is expected that the PZBA will hear an average of 24 applications per year.

Routine PZBA Work Constraints:

1. The PZBA cannot change the manner in which prior applications were handled.
2. The PZBA cannot control whether other Village Boards comply with the procedural and substantive requirements of local and state laws.
3. The PZBA cannot control the possibility that some project proponents and objectors may have unreasonable expectations and make unreasonable demands on the PZBA.

Routine PZBA Work Fee Proposal:

The Zoghlin Group will bill the Village a flat fee of \$1600/month to handle Routine PZBA Work.

**Scope of Work for Westport Crossing**

On December 24, 2020 Judge Ark dismissed PCP's challenge to the PZBA's LWRP determinations. PCP filed a Notice of Appeal from this determination on January 21, 2021. Its time to perfect the appeal expires on July 21, 2021.

We expect PCP to either perfect the appeal or use the appeal as leverage to attempt to negotiate an approvable Project. Either way, we anticipate a budget for Westport Crossing matters to be \$35,000. The estimate is not a "not-to-exceed" figure. We will bill the Village monthly for legal services with respect to the Westport Crossing Project at the discounted Municipal Hourly Rates.

**Non-Routine PZBA Work and Contested Applications**

An unsuccessful applicant or project opponent may commence an Article 78 proceeding to challenge the PZBA's determination with respect to an application. If that were to occur, we would bill the Village at the discounted Municipal Hourly Rates.

Other than the Westport Crossing litigation, only one Article 78 proceeding was commenced against the ZBA since this firm undertook its representation in 2015. We do not anticipate any legal challenge to the PZBA determinations in the upcoming fiscal year. If a ZBA decision is challenged in an Article 78 proceeding, the estimate will increase by about \$35,000.

**Attorney Fee Estimate for 2020-2021 Fiscal Year**

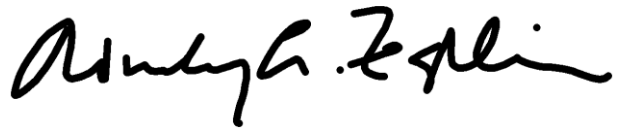
You asked for an estimate of attorneys' fees that may be incurred for the 2021 fiscal year based on past experience. The estimate is as follows:

PZBA general work:	\$19,200
Westport Crossing matter:	<u>\$35,000</u>
	\$54,200

The fees may be more or less than the estimated amount. The estimate is not a "not-to-exceed" figure. Please call me if you have any questions about this. If the foregoing terms are acceptable to the Village, please sign and return a copy of this letter at your earliest convenience.

I have greatly enjoyed the work we have done together so far and look forward to our continued relationship.

Sincerely,

A handwritten signature in black ink, appearing to read "Mindy L. Zoghlin". The signature is fluid and cursive, with a large initial "M" and a distinct "Z" at the end.

Mindy L. Zoghlin

The Village of Pittsford agrees to these terms.

---

Village of Pittsford  
By Mayor Robert C. Corby

## **The Zoghlin Group's Standard Terms and Conditions**

Payment will be due within thirty (30) days of receipt of the bill. A rebilling charge of fifteen (\$15.00) dollars will be applied to any fee not paid within thirty days. In addition, interest at the rate of nine percent (9%) per year will be applied to any amount not paid after thirty days.

The time for which we are to be paid includes not only office conferences, research, analysis, travel and advice, but also the time involved in telephone calls, faxes, e-mail, and other forms of communication.

The Village will be responsible for all reasonable and necessary expenses associated with this matter. For example, expenses may be incurred for court filing fees, court and other governmental agency fees for certificates, long distance telephone calls, duplicating charges, telecopy charges, travel, postage and printing costs. The law firm may advance money to pay for these expenses but it is not obligated to do so.

Pursuant to Title 22 of the Official Compilations of Codes, Rules and Regulations of the State of New York ("NYCRR"), Part 1215, you are hereby informed that in the event you dispute the legal fee charged to you by this firm, you may, with certain exceptions, have the right to arbitration of fee disputes under Title 22 NYCRR, Part 137 of the Rules of the Chief Administrator.

The parties hope and expect that this will be a long-term relationship. Nonetheless, the Village may terminate this engagement at any time by notice in writing to us. Upon receipt of such notice, subject to such court approval as may be necessary in the context of the situation, we will promptly cease providing any service to you. The Village will be responsible for paying for our services rendered up to the time we receive such notice and for such reasonable services that we provide thereafter in connection with the transfer of responsibility for the matters we are handling at that time to your new counsel.

We may terminate this engagement by giving you 30 days prior written notice. Upon termination of our representation, the Village will be responsible for paying for our services rendered up to the time we terminate our engagement and for such reasonable services that we provide thereafter in connection with the transfer of responsibility for the matters we are handling at that time to your new counsel.

We will diligently and faithfully represent you and look forward to working with you on this matter. However, we cannot guarantee the outcome of any claim.

Please understand that any file that will be created by our firm in connection with this representation will belong to the Village. During the course of this engagement, the Village will be furnished copies of all documents and of all significant correspondence. When a matter is completed, we will deliver the originals of all documents to the Village. We will retain physical and/or electronic copies of all of the documents, all correspondence, and, to the extent we deem appropriate, all notes made in connection with this engagement in our file. You as our client may

direct us to turn over our file to you or to anyone else that the client designates, at any time. In such case, we will retain in our possession all internal communications and notes prepared by our firm and, at the expense of our client, make, retain, and store physical and/or electronic copies of all other matters in our file to be delivered to our client or at its request. It is the policy of our firm that client files that are no longer needed by our lawyers and other professionals on a recurring basis are closed and placed in storage in a location away from our offices. The off-site storage of closed files helps us to reduce our operating expenses, and consequently our fees. Because the Village will have been furnished with the originals and/or copies of all relevant materials contained in our files during the course of the active phase of our representation, in the event that we are asked by you to recover materials contained in a file that has been closed and placed in off-site storage, you agree that we shall be entitled to be paid by the requesting party a reasonable charge for the cost of the recovery of the file and the identification, reproduction, and delivery of the requested materials. Unless our firm is engaged to provide on-going representation in connection with this matter, it is our firm's policy to destroy all copies of correspondence, notes, and documents retained in our file created in connection with the representation six (6) years after the completion of the engagement.

We are enclosing an extra copy of this letter to be signed and returned to us consenting to the conditions of the representation as described in this letter. The return of a copy of this letter signed by you will serve as authorization for us to proceed. If you have any questions about anything discussed in this letter, please call me. You should also feel free to contact an attorney in another firm to discuss the effect of agreeing to the terms of the representation as outlined in this letter.

# Village Board Meeting

Meeting Items  
Agenda Item 6

Stewardship Committees for Sustainability

# Village Board Meeting

Meeting Items  
Agenda Item 7

Auburn Line Park Expansion

# Village Board Meeting

Meeting Items  
Agenda Item 8

1999 Survey of N.W. Quadrant

Ecological  
Study of  
Village of Pittsford  
1999

**ECOLOGICAL STUDY**  
**OF**  
**PITTSFORD VILLAGE PROPERTY**

**Patricia Martin**

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## METHODS

The survey site consists of 11.3 acres owned by the Village of Pittsford in the Town of Pittsford, Monroe County, New York, parcel number 151.18-1-1.1. The site is roughly trapezoidal in shape. It is bordered by the New York State Barge Canal to the south, three parcels of private property to the west (tax parcel numbers 151.18-1-52, 54 and 55) and a trail that follows an old trolley line running roughly northwest to southeast. The trail is owned by Rochester Gas and Electric Company and is part of the Pittsford Trail Network.

Botanical surveys of the site were done on June 9th, July 1st, August 3rd and September 9th of 1999. Birds were identified on the above dates as well as on June 4th. Ecological communities were named according to the conventions in Ecological Communities of New York State. The scientific names of trees, shrubs, vines and wildflowers are given as in the Revised Checklist of New York State. If necessary, identities were confirmed using Newcomb's Wildflower Guide and other botanical references.

## ECOLOGICAL COMMUNITIES

Three ecological communities are present on the site: A spruce plantation, a successional old field and a community best described as a composite of successional shrubland and successional northern hardwoods. There are also numerous paths and roadways used by the Town of Pittsford Highway Department.

The Norway spruce plantation is the least diverse plant community on the site because the ground under which the spruce is growing gets very little sunlight. The spruce trees are joined by a few box elder and black locust in the sub-canopy; shade tolerant vines such as poison ivy, virginia creeper and swallow wort grow lower still. On the sunniest edges, garlic mustard and dame's rocket are established. Other shade tolerant species include herb robert, white snakeroot, yellow wood sorrel, daisy fleabane and jumpseed.

The area adjacent to the pathway on the northeast side of the property is home to a shrubby woods best described as a mosaic of successional shrubland and successional northern hardwoods. Canopy species in this community include black locust, black walnut, tree of heaven and cottonwood. Box elder appears in the sub-canopy. The understory is thick with shrubs such as staghorn sumac, black raspberry, gray dogwood and common buckthorn. Virginia creeper winds its way around their trunks and branches. Cleavers and swallow wort are abundant and can make walking difficult.

On this site, plant diversity is greatest where the amount of sunlight received per day is maximized. This happens in areas that border the pathways used by the town's highway department and which can best be described as successional old fields. There, the abundance of wildflowers that can survive in such poor soil and in such hot, dry growing conditions is truly astounding. Native asters and goldenrods grow side by side with colorful introduced species such as chicory, queen anne's lace, butter and eggs, catnip, tansy, perennial pea, velvet leaf, hoary alyssum, spotted knapweed, bird's foot trefoil and moth mullein. Interesting graminoids include foxtail grass, barnyard grass, yellow nut grass, foxtail sedge and bulrush. Garden escapes include lupine, day lilies, cleome and lamb's ears.

The most significant ecological communities adjacent to the site are a shallow emergent marsh and more successional shrubland/successional northern hardwoods. These are located on the privately owned parcels to the west of this site.

## NOTES FOR THE PLANT LISTS

Species lists have been prepared for each of the plant communities on the site. A plant may grow in more than one of the communities; if this is the case, it is listed in the community in which it grows most abundantly. For trees and shrubs this generally means a listing in the successional shrubland/successional northern hardwoods mosaic; wildflower species are listed in the successional old field community. A specie's status as native (N) or introduced (I) is also given; a "?" means that its native status is unknown, generally because identification to species was doubtful. Common names are the ones with which this author is most familiar; often these are the ones used in Newcomb's Wildflower Guide. Species are listed alphabetically by genus within one of four growth forms: trees, shrubs, woody vines or herbaceous plants. The latter category includes wildflowers, ferns, grasses, sedges and rushes.

## SUCCESSIONAL OLD FIELD

SCIENTIFIC NAME	COMMON NAME	STATUS	TREE	SHRUB	VINE	HERB
Lonicera sp.	Honeysuckle	I		X		
Rosa multiflora	Multiflora rose	I		X		
Salix sp.	Willow	?		X		
Ipomoea purpurea	Common morning glory	I			X	
Lathyrus latifolius	Perennial pea	I			X	
Abutilon theophrasti	Velvet leaf	I				X
Ambrosia artemisiifolia	Ragweed	I				X
Apocynum cannabinum	Indian hemp	N				X
Arctium minus	Common burdock	I				X
Artemisia biennis	Biennial wormwood	I				X
Artemisia vulgaris	Common mugwort	I				X
Aster lateriflorus	Calico aster	N				X
Berteroa incana	Hoary alyssum	I				X
Brassica nigra	Black mustard	I				X
Bromus sp.	Chess	?				X
Carex vulpinoidea	Foxtail sedge	N				X
Centaurea maculosa	Spotted knapweed	I				X
Cichoria intybus	Chicory	I				X
Cirsium vulgare	Bull thistle	I				X
Conyza canadensis	Horseweed	N				X
Cyperus esculentus	Yellow nut grass	I				X
Dactylis glomerata	Old orchard grass	I				X
Daucus carota	Queen Anne's lace	I				X
Digitaria sp.	Crabgrass	I				X
Dipsacus fullonum	Teasel	I				X
Echinochloa sp.	Barnyard grass	?				X
Epilobium cf. hirsutum	Hairy willow herb	I				X
Equisetum arvense	Field horsetail	N				X
Erysimum cheiranthoides	Wormseed mustard	I				X
Eupatorium maculatum	Joe pye weed	N				X
Eupatorium perfoliatum	Boneset	N				X
Euthamia graminifolia	Grass leaved goldenrod	N				X
Fagopyrum esculentum	Buckwheat	I				X
Geum aleppicum	Yellow avens	N				X
Hemerocallis fulva	Day lilies	I				X
Impatiens cf. capensis	Jewelweed	N				X
Juncus tenuis	Pathrush	N				X
Lapsana communis	Nipplewort	I				X
Leonurus cardiaca	Motherwort	I				X
Linaria vulgaris	Butter and eggs	I				X
Lotus corniculatus	Bird's foot trefoil	I				X
Lupinus polyphyllus	Garden lupine	I				X
Malva neglecta	Common mullein	I				X
Medicago lupulina	Black medic	I				X
Medicago sativa	Alfalfa	I				X
Melilotus alba	White sweet clover	I				X
Melilotus officinalis	Yellow sweet clover	I				X
Nepeta cataria	Catnip	I				X
Oenothera biennis	Evening primrose	N				X
Phytolacca americana	Pokeweed	N				X

N = native species

I = introduced species

? = status unknown

## SUCCESSIONAL OLD FIELD

SCIENTIFIC NAME	COMMON NAME	STATUS	TREE	SHRUB	VINE	HERB
<i>Plantago lanceolata</i>	English plantain	I				X
<i>Plantago major</i>	Common plantain	I				X
<i>Poa</i> sp.	grass	?				X
<i>Polygonum arifolium</i>	Halberd-leaved tearthumb	N				X
<i>Polygonum aviculare</i>	Doorweed	I				X
<i>Polygonum cuspidatum</i>	Japanese bamboo	I				X
<i>Polygonum persicaria</i>	Lady's tearthumb	I				X
<i>Portulaca oleracea</i>	Purslane	I				X
<i>Potentilla perforatum</i>	St. John's wort	I				X
<i>Potentilla recta</i>	Sulfur cinquefoil	I				X
<i>Ranunculus</i> sp.	Buttercup	?				X
<i>Rudbeckia hirta</i>	Black-eyed susan	I				X
<i>Scirpus atrovirens</i>	Bulrush	N				X
<i>Setaria</i> sp.	Foxtail grass	?				X
<i>Solanum dulcamara</i>	Bittersweet nightshade	I				X
<i>Solanum nigrum</i>	Black nightshade	I				X
<i>Solidago canadensis</i>	Canada goldenrod	N				X
<i>Solidago juncea</i>	Early goldenrod	N				X
<i>Stacys byzantina</i>	Lamb's ears	I				X
<i>Tanacetum vulgare</i>	Tansy	I				X
<i>Trifolium repens</i>	White garden clover	I				X
<i>Verbascum blattaria</i>	Moth mullein	I				X
<i>Verbascum thapsus</i>	Common mullein	I				X
<i>Verbena urticifolia</i>	White vervain	N				X
?	Cleome	?				X

N = native species  
 I = introduced species  
 ? = status unknown

## SUCCESSIONAL SHRUBLAND/SUCCESSIONAL NORTHERN HARDWOODS

SCIENTIFIC NAME	COMMON NAME	STATUS	TREE	SHRUB	VINE	HERB
<i>Acer negundo</i>	Box elder	I	X			
<i>Ailanthus altissima</i>	Tree of heaven	I	X			
<i>Juglans nigra</i>	Black walnut	N	X			
<i>Populus deltoides</i>	Cottonwood	N	X			
<i>Prunus serotina</i>	Black cherry	N	X			
<i>Robinia pseudo-acacia</i>	Black locust	I	X			
<i>Salix sp.</i>	Willow	?	X			
<i>Ulmus americana</i>	American elm	N	X			
<i>Cornus foemina ssp. racemosa</i>	Gray dogwood	N		X		
<i>Rhamnus cathartica</i>	Common buckthorn	I		X		
<i>Rhus hirta</i>	Staghorn sumac	N		X		
<i>Rubus occidentalis</i>	Black raspberry	N		X		
<i>Cynanchum louiseae</i>	Black swallow wort	I			X	
<i>Parthenocissus quinquefolia</i>	Virginia creeper	N			X	
<i>Alliaria petiolata</i>	Garlic mustard	I				X
<i>Dianthus armeria</i>	Deptford pink	I				X
<i>Galium aparine</i>	Cleavers	N				X
<i>Geranium robertianum</i>	Herb robert	I				X
<i>Glechoma hederacea</i>	Ground ivy	I				X
<i>Leucanthemum vulgare</i>	Oxeye daisy	I				X
<i>Onoclea sensibilis</i>	Sensitive fern	N				X
<i>Ranunculus cf. acris</i>	Common buttercup	I				X
<i>Rumex acetosella</i>	Field sorrel	I				X
<i>Rumex crispus</i>	Curly dock	I				X
<i>Silene vulgaris</i>	Bladder campion	I				X
<i>Sisyrinchium sp.</i>	Blue-eyed grass	N				X

N = native species  
 I = introduced species  
 ? = status unknown

## NORWAY SPRUCE PLANTATION

SCIENTIFIC NAME	COMMON NAME	STATUS	TREE	SHRUB	VINE	HERB
<i>Acer negundo</i>	Box elder	I	X			
<i>Picea abies</i>	Norway Spruce	I	X			
<i>Populus deltoides</i>	Cottonwood	N	X			
<i>Populus tremuloides</i>	Quaking aspen	N	X			
<i>Quercus rubra</i>	Red oak	N	X			
<i>Robinia pseudo-acacia</i>	Black locust	I	X			
<i>Lonicera morrowii/tatarica</i>	Honeysuckle	I		X		
<i>Cynanchum louiseae</i>	Black swallow wort	I			X	
<i>Parthenocissus quinquefolia</i>	Virginia creeper	N			X	
<i>Toxicodendron radicans</i>	Poison ivy	N			X	
<i>Vitis riparia</i>	Riverbank grape	N			X	
<i>Alliaria petiolata</i>	Garlic mustard	I				X
<i>Apocynum cannabinum</i>	Indian hemp	N				X
<i>Arctium minus</i>	Burdock	I				X
<i>Artemisia vulgaris</i>	Mugwort	I				X
<i>Athyrium filix-femina</i>	Lady fern	N				X
<i>Berteroa incana</i>	Hoary alyssum	I				X
<i>Chelidonium majus</i>	Celandine	I				X
<i>Equisetum arvense</i>	Field horsetail	N				X
<i>Erigeron philadelphicus</i>	Daisy fleabane	N				X
<i>Eupatorium rugosum</i>	White snake root	N				X
<i>Geranium robertianum</i>	Herb robert	I				X
<i>Geum canadense</i>	White avens	N				X
<i>Hesperis matronalis</i>	Dame's rocket	I				X
<i>Leonurus cardiaca</i>	Motherwort	I				X
<i>Maianthemum racemosum</i>	False Solomon's seal	N				X
<i>Nepeta cataria</i>	Catnip	I				X
<i>Oxalis cf. stricta</i>	Yellow wood sorrel	N				X
<i>Polygonum virginianum</i>	Jumpseed	N				X

N = native species  
I = introduced species

## WILDLIFE

The site is surprisingly rich in wildlife, despite its small size and proximity to development. Twenty-nine bird species were seen and/or heard on five visits to the site. See the annotated checklist that follows. Ten species are year-round residents in Monroe County whereas nineteen species are migrants, flying south during the winter. It should be noted that individuals of several species considered to be migratory may be seen in the winter in Monroe and/or surrounding counties. It is not known if any of these individuals survive to the following spring. These "half-hardy" species, as they are known in the birding community, include killdeer, belted kingfisher, Carolina wren, American robin, gray catbird, cedar waxwing, yellow warbler, common yellowthroat, song sparrow, swamp sparrow and red-winged blackbird. A short discussion of the most noteworthy species follows.

Green heron and killdeer were seen flying over the property. The green heron might be nesting on the site or nearby, whereas the killdeer was probably just visiting from some of the town's farmland. A kingfisher was observed several times using the power lines over the cattail marsh as a perch; it probably fishes in the barge canal. Three warbler species were to be expected because of the ecological communities that are present. Yellow warblers, blue-winged warblers and common yellowthroats were all seen and/or heard. Finally, a Carolina wren was heard in a thicket near the old trolley line in June.

Besides birds, the site contains numerous gray squirrels. There are probably rabbit and raccoon as well, although this observer didn't see any. There is evidence of deer, woodchuck and an active fox den.

## BIRDS OF PITTSFORD VILLAGE

SPECIES NAME	MIGRATORY STATUS	6/4/99	6/9/99	7/1/99	8/3/99	9/1/99
Green heron	M				X	
Killdeer	M		X			
Belted kingfisher	M	X	X			
Red-bellied woodpecker	R		X			
Willow flycatcher	M	X				
Great-crested flycatcher	M		X			
Warbling vireo	M	X				
Bluejay	R		X			
American crow	R	X				
Northern rough-winged swallow	M	X				
Black-capped chickadee	R		X			
Tufted titmouse	R		X			
Carolina wren	M		X			
House wren	M		X			
American robin	M	X				
Gray catbird	M	X	X			
European starling	R		X			
Cedar waxwing	M	X	X			
Blue-winged warbler	M		X			
Yellow warbler	M	X	X			
Common yellowthroat	M	X	X			
Song sparrow	M	X	X			
Swamp sparrow?	M		X			
Northern cardinal	R		X			
Indigo bunting	M				X	
Red-winged blackbird	M	X				
Common grackle	M		X			
Baltimore oriole	M	X	X			
American goldfinch	R	X	X			

R = resident  
M = migrant

## MANAGEMENT RECOMMENDATIONS

These management recommendations are written for the 11.3-acre village-owned parcel that was surveyed but are extendable to the three privately owned undeveloped parcels to the west.

It is recommended that the site be kept as undeveloped as possible for both extrinsic and intrinsic reasons. Examination of the relevant topographic map, Pittsford Quadrangle, 7.5 minute series, indicates that the site drains into a tributary of Allens Creek, which is itself a tributary of Irondequoit Creek, which flows into Lake Ontario at Irondequoit Bay. If maintaining the water quality of Lake Ontario is a priority (and it should be since many of us drink it!) then the Village of Pittsford would be doing the Rochester metropolitan area a favor by keeping the site undeveloped. Drainage from the site is least likely to be polluted if the plant communities on the site remain intact.

From a narrower perspective, i.e. as purely a village resource, the site is rich enough in wildlife species and has high enough potential for recreational and educational use that attempts should be made to keep the plant communities on it and on the adjacent undeveloped parcels as intact as possible. The presence of a fox den within the village limits came as quite a surprise to this observer and indicates that a supply of prey species is nearby. The shrubland and shrubby woodland that are common here provide excellent nesting sites for a variety of bird species, especially since these plant communities are near several sources of water. Species most likely to nest here include Red-bellied woodpecker, Great-crested and Willow flycatchers, Warbling vireo, Tufted titmouse, House and Carolina wrens, Bluejay, Robin, Catbird, Blue-winged and Yellow warblers, Common yellowthroat, Song sparrow, Cardinal, Indigo bunting and Baltimore oriole. Indeed, virtually any of the species recorded in June are candidates for nesting, since June is the month that most bird species in Western New York are producing families.

The site has recreational potential. Trails through the property linking the pathways that currently exist along the barge canal and old trolley line would create nice loop(s) that could allow users a short stroll within the village boundaries. Bird watching, general nature appreciation, walking, running, hiking and cross-country skiing would be appropriate uses for these loop trails. It should be noted that loop trails are probably only feasible if the three parcels to the west are included in the site plan.

The site has educational potential, especially if loop trails are established as mentioned above. Field trips for observing nesting bird species could be rewarding. From a botanical perspective, the site could be used to teach about summer and fall wildflowers, shrubs and trees, including the invasive species that can become troublesome backyard threats. These invasive species include garlic mustard, swallow wort, honeysuckle, multiflora rose, yellow and white sweet clovers, spotted knapweed, common buckthorn and Japanese knotweed.

The site and the three properties to the west are currently zoned M-2, special mixed-use district. It is to be hoped that any zoning change would eliminate warehousing, office use and light manufacturing.

## ON A PERSONAL NOTE

Much of the joy of doing ecological survey work is derived from the surprises and/or favorite species that one encounters. Among the bird species observed, certainly Carolina wren and Belted kingfisher stand out as somewhat unexpected. Baltimore orioles and Indigo buntings were enjoyed for their voices and for their bright plumage. Warbler species are also favorites, if only for the challenge of catching glimpses of their colorful bodies while they move about searching for prey.

Many of the delightful botanical surprises at a site such as this one are directly related to how disturbed it is. The activities of the town's highway department keep a certain percentage of the site cleared and open to the sun. Hardy, opportunistic weeds take advantage of the bare soil and seek to cover it as quickly as possible, even during the hot, dry summer of 1999. It was in these areas that I found myself lingering, finding numerous tiny species hugging the ground. Species composition varied with the season and with the amount of disturbance, so every time I returned there was something new to see.

A favorite tree is Ailanthus altissima, or Tree of Heaven, famous for being The Tree that Grows in Brooklyn. Besides its literary connection, Ailanthus is a wonderful species to use to teach about twigs and woody plants in general, since many woody plant features are giant sized on Ailanthus but visible only by using a hand lens on other species.

Among the wildflowers encountered, moth mullein and deptford pink are old favorites, the latter for its knock-your-socks-off color, the former for its white or yellow purple-tinged flowers on a long spike. Velvetleaf is a big, furry favorite of mine, named for the texture of its leaves. Yellow flowers adorn it in the summer; its fruit capsules have a wonderful, interesting shape. They are sturdy, lasting well into the winter and are a nice addition to dried flower arrangements.

The biggest surprise was to encounter, on such a disturbed site, a plant that I had never seen before. Stachys byzantina, woolly hedge-nettle or lamb's ears, had me scrambling for the botanical references. It is in the mint family, a native of the Mediterranean, cultivated ornamentally and occasionally "escaped". This one escaped probably by virtue of its being dumped by the Town of Pittsford as someone's yard waste. There was only one plant, but it was at least three feet tall, with big, thick leaves densely covered with long woolly hairs, the better to protect it from desiccation in Mediterranean climes, or, for that matter, from Rochester's hot, dry summer of 1999. It was intensely fragrant; the local bee population seemed particularly enchanted. Next summer, keep your noses open and look for a tall stalk of tiny flowers attached to "lamb's ears". You can't miss it.

And while you're out there, be sure to look for the fox den.

## BIBLIOGRAPHY

Mitchell, Richard S. and Gordon C. Tucker, Revised Checklist of New York State Plants, Bulletin N. 490, New York State Museum, The University of the State of New York, The State Education Department, Albany, New York 12230, 1997.

Newcomb, Lawrence, Newcomb's Wildflower Guide, Little Brown and Company, Boston, 1977.

Reschke, Carol, Ecological Communities of New York State, New York Natural Heritage Program, NYS Department of Environmental Conservation, 700 Troy-Schenectady Road, Latham, NY 12110-2400, 1990.

# Village Board Meeting

Meeting Items  
Agenda Item 9

Ethics Board Appointments

# Village Board Meeting

Meeting Items  
Agenda Item 10

Developing a Newsletter

# Village Board Meeting

Meeting Items  
Agenda Item 11

Boy Scout Project Requirements

# Village Board Meeting

Meeting Items  
Agenda Item 12

Village Wide Clean Up Day

# Village Board Meeting

Meeting Items  
Agenda Item 13

Village Office Reopening

# Village Board Meeting

Meeting Items  
Agenda Item 14

Special Permit Application – Karol Kutter, Salon

**APPLICATION TO THE BOARD OF TRUSTEES**

**SPECIAL PERMIT**

**VILLAGE OF PITTSFORD**

**21 NORTH MAIN STREET PITTSFORD, N.Y. 14534**

Date: 5/9/21

Fee: \$250.00

Property Address: 50 State St. Building A

Tax Account Number: [REDACTED] Zoning District: MU-EC

Owner's Address: [REDACTED] Telephone: [REDACTED]

Applicant: Karol A Kuter Telephone: [REDACTED]

Applicant's Address: 20 Lockwood St. Rochester, NY 14609

Applicant is:  Owner  Lessee/Tenant  Agent  Other

If Other, Explain: \_\_\_\_\_

1. Provide a description of the activity that is planned for this location:  
Hair salon and retail. Maximum number of employees will  
be 5. Proposed retail store will be within the salon. Nothing will  
be used outside.

2. Describe how the proposed activity will affect existing parking:  
Customers will use designated parking in lot.

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3. Describe how trash/refuse will be handled for the proposed activity:


We will use designated garbage dumpsters provided by the  
landlord.

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4. Proposed Hours of Operation: Tues-Sat 9<sup>am</sup> 8<sup>pm</sup>

**Owner's Statement:** I am the owner of the above property and I have read and approve this application. If the applicant is other than the owner, I authorize the applicant to proceed as agent.

Applicant's Name-Printed: Karol A Kuter

Signature:  Date: 5/9/21

**Applicant's Statement:** I hereby certify that the information submitted is, to the best of my knowledge, true and correct.

Signature:  Date: 5/9/21

NOTE: If any additional information is required by the Board, during the meeting, it is the responsibility of the applicant to provide such information, prior to the deadline of the subsequent meeting, or it will not be heard.

**SEQUENCE:**

1. This application will place you on the next available Board of Trustee meeting agenda.
2. The application will be forwarded to the Planning Board and that Board will provide formal recommendations back to the Board of Trustees.
3. The applicant will be notified by the Village Clerk as to the date that the application will be placed on the Board of Trustee's meeting agenda for final disposition. The date is dependent upon providing the required notification for a Public Hearing.
4. The \$250.00 fee will be required with the filing of this application.
5. The applicant is encouraged to attach any additional information (drawings, layouts, seating plans, etc.) that will supplement this application.