

**TOWN OF PITTSFORD  
TOWN BOARD  
JANUARY 17, 2012**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, January 17, 2012 at 7:00 P.M. local time in Pittsford Town Hall.

**PRESENT:**

Town Board: Supervisor William A. Carpenter and Councilpersons Sandra F. Zutes, Jared C. Lusk, and Matthew J. O'Connor.

**ABSENT:**

Councilwoman Karen W. Green

**ALSO PRESENT:**

Staff Members: Paul J. Schenkel, Commissioner of Public Works; Gregory J. Duane, Finance Director; Jessie Hollenbeck, Recreation Director; Richard T. Williams II, Town Attorney; Patricia E. Chuhta, Town Clerk.

**ATTENDANCE:**

Five members of the public were in attendance.

Supervisor Carpenter called the meeting to order at 7:00 P.M. and invited everyone to stand for the Pledge of Allegiance.

**PUBLIC COMMENTS**

There were no public comments.

**SUPERVISOR'S COMMENTS**

Supervisor Carpenter noted that the new Design Review and Historic Preservation Board held their first meeting on January 12<sup>th</sup> and indicated that this board will meet on the second and fourth Thursdays of each month at 7:00 P.M. in the Town Hall lower level meeting room.

**MINUTES OF DECEMBER 30, 2011 APPROVED**

A Resolution to approve the draft minutes from the December 30, 2011 meeting was offered by Councilwoman Zutes, and seconded by Councilman Lusk, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the minutes of December 30, 2011 Town Board meeting are approved as written.

**MINUTES OF JANUARY 3, 2012 APPROVED**

A Resolution to approve the draft minutes from the January 3, 2012 meeting was offered by Supervisor Carpenter, and seconded by Councilwoman Zutes, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the minutes of January 3, 2012 Town Board meeting are approved as amended.

**PORT OF PITTSFORD PHASE II CAPITAL PROJECT FUNDING AUTHORIZED**

A Resolution to approve funding of Phase II of the Port of Pittsford Capital Project was offered by Councilman Lusk, and seconded by Councilwoman Zutes, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Pittsford Town Board authorizes the Port of Pittsford Capital Project be increased to \$446,264.00 and that the Director of Finance is authorized to transfer an additional \$121,264.00 to the Capital Project from the Recreational Land Fee account.

### **DISCUSSION: CONCEPT PLAN FOR PARCEL 9 OF THE TOBEY PLANNED UNIT DEVELOPMENT (PUD)**

Chuck Ryan, of Homes by Ryan, reviewed his concept application for Parcel 9 in the Tobey Planned Unit Development (PUD) and answered Town Board questions.

### **SEQRA DETERMINATION FOR THE CONCEPT PLAN FOR PARCEL 9 OF THE TOBEY PLANNED UNIT DEVELOPMENT (PUD) APPROVED**

A Resolution to approve a Negative Declaration for Parcel 9 of the Tobey PUD was offered by Supervisor Carpenter, and seconded by Councilwoman Zutes, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Pittsford Town Board, upon consideration of all written and oral submissions, public comment, comment from appropriate agencies, as well as the Short Form Environmental Assessment Form, and upon having given this matter due deliberation and consideration, finds that the proposed Concept Plan for Phase I of Parcel 9 of the Tobey Planned Unit Development will have no significant adverse impact on the environment, based on the following specific Findings:

- The Concept Plan is consistent with the overall Master Plan for the Tobey Planned Unit development, as previously approved by the Town Board, which such approval included a Negative Declaration of Environmental Significance;
- The location of the access to the development, aligned with the existing Tobey Village Office Park access road, is consistent with the condition imposed by this Board as part of the overall Master Plan for the PUD and will facilitate the overall development of Parcel 9;
- The office building use proposed is consistent with the uses allowed for Parcel 9 and, accordingly, impacts associated with this phase of development are consistent with the impacts anticipated during the Master Plan approval process; and it is further

**RESOLVED**, that the Town Board issues a Negative Declaration of Environmental Significance in this matter.

### **CONCEPT PLAN FOR PARCEL 9 OF THE TOBEY PLANNED UNIT DEVELOPMENT (PUD) APPROVED**

A Resolution to approve a modification of the controlling Resolution for the Tobey PUD was offered by Supervisor Carpenter, and seconded by Councilwoman Zutes, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Pittsford Town Board, hereby finds that the Phase I concept proposal consisting of a 10,000 – 15,000 square foot bank office and drive-thru ATM, with required parking, is consistent with the previously approved uses for Parcel 9 of the Tobey PUD, and will not result in an undue burden with respect to traffic and other environmental considerations; and it is further

**RESOLVED**, that, as part of the development of Phase I, access to the Parcel 9 site shall be established as a signalized entrance aligned with the existing Tobey Village Office Park access; and it is further

**RESOLVED**, that the applicant's development is subject to compliance with the conditions set forth in the Tobey PUD Resolution; Site Plan approval of the Pittsford Planning Board; and all further required approvals; and it is further

**RESOLVED**, that, based on the above findings and conditions the Town Board hereby approves the proposed Phase I Concept Plan for Parcel 9 of the Tobey PUD, as submitted; and it is further

**RESOLVED**, that all future phases of the development of Parcel 9 are subject to further approval of this Board.

**DISCUSSION: ST. JOHN FISHER COLLEGE RE-ZONING OF 1.465 ACRES OF LAND LOCATED IN THE NYS ROUTE 490 RIGHT-OF-WAY ADJACENT TO 3690 EAST AVENUE**

**NOTE:** As his law firm represents St. John Fisher College, Councilman Lusk recused himself from this discussion and any approval actions the Town Board might take.

Robert Burgdorf Esq., St. John Fisher College counsel, reviewed a 2009 re-zoning application for 1.465 acres made by St. John Fisher College that would allow the college to construct a maintenance facility on land that was acquired from the NYS DOT and answered Town Board regarding this application.

**ST. JOHN FISHER COLLEGE RE-ZONING OF 1.465 ACRES OF LAND LOCATED IN THE NYS ROUTE 490 RIGHT-OF-WAY ADJACENT TO 3690 EAST AVENUE APPROVED**

A written Resolution to approve the St. John Fisher College re-zoning application was offered by Councilwoman Zutes, and seconded by Councilman O'Connor, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the proposed re-zoning of the aforesaid parcel of real property, consisting of approximately 1.465 acres, and as is more particularly described in "Exhibit A", attached hereto, is hereby approved, thereby amending and changing the zoning of said parcel from "A Residential" to "SRAA"; and be it further

**RESOLVED**, that the Official Zoning Map of the Town of Pittsford be amended to reflect this re-zoning.

**Note:** Exhibit "A" noted above is available for review in the Town Clerk's office.

**DISCUSSION: WILMOT PROPERTY INCENTIVE ZONING APPLICATION**

Peter Vars of BME Associates discussed an incentive zoning application on behalf of Spall Homes for the Wilmot properties on Mendon Center Road. Mr. Vars requested that the Town Board set a public hearing and he and Ted Spall answered Town Board questions regarding this application.

**PUBLIC HEARING SET: WILMOT PROPERTY INCENTIVE ZONING**

A written Resolution to set a public hearing to hear comments regarding the proposed Wilmot Properties Incentive Zoning application for Mendon Center Road was offered by Supervisor Carpenter, and seconded by Councilwoman Zutes, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that a public hearing be held on February 21, 2012, at 7:00 P.M., Local Time, at the Town Hall, 11 South Main Street, Pittsford, New York, on the proposed Incentive Zoning Resolution; and it was further

**RESOLVED**, that a Notice of Hearing be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) nor more than twenty (20) days prior to said hearing; and be it further

**RESOLVED**, that the Town Clerk shall post a certified copy of this resolution or a summary thereof, on the bulletin board, maintained by the Town Clerk pursuant to § 30(6) of the Town Law, for a period of not less than five (5) nor more than twenty (20) days prior to said public hearing.

## **GAP MANGIONE CONTRACT AUTHORIZED**

A Resolution to authorize a contract with Gap Mangione for the 2012 Summer Concert Series was offered by Supervisor Carpenter, and seconded by Councilman O'Connor, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Town of Pittsford Town Board authorizes the Town Supervisor to sign a contract with Gap Mangione for \$2,800.00 to perform on June 8, 2012 as part of the 2012 Summer Concert Series.

## **2012 CONTRACTED GROUNDS MAINTENANCE CONTRACT EXTENSION AUTHORIZED**

A Resolution to authorize a one-year extension of the Grounds Maintenance contract with Town & Country Enterprises Inc. was offered by Councilwoman Zutes, and seconded by Councilman O'Connor, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Town of Pittsford Town Board authorizes a one-year extension of the Contracted Ground Maintenance contract with Town & Country Enterprises for one (1) additional year (2012).

## **HARLADAY INC. FOOD VENDING PERMIT AUTHORIZED**

A Resolution to authorize a Food Vending Permit to Harladay Inc. was offered by Councilman Lusk, and seconded by Councilman O'Connor, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Pittsford Town Board authorizes the Town Supervisor to issue a food vending permit to Harladay Inc. for a food vending unit on the Town of Pittsford land located at 10 North Main Street, on the old Tillis lot, from May 1, 2012 through December 31 2012, Monday through Saturday, from 10:00 A.M. to 3:00 P.M.

## **J.M.Z. ASSOCIATES FOOD VENDING PERMIT AUTHORIZED**

A Resolution to authorize a Food Vending Permit to J.M.Z. Associates was offered by Councilwoman Zutes, and seconded by Councilman Lusk, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Pittsford Town Board authorizes the Town Supervisor to issue a food vending permit to J.M.Z. Associates for a food vending unit on the Town of Pittsford Thornell Farm Park parking lot from May 1, 2012 through October 31 2012, Monday through Sunday, from 3:30 P.M. to 9:00 P.M.

## **SEMINAR ATTENDANCE AUTHORIZED**

A Resolution to authorize employee conference attendance was moved by Supervisor Carpenter, and seconded by Councilwoman Zutes, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the following individual is approved for the following conference attendance:

- Finance Director Greg Duane to the 33<sup>rd</sup> Annual NYS GFOA Conference in Albany from April 3 to April 5, 2012 at a cost of \$195.00.

## **JANUARY VOUCHERS APPROVED**

A Resolution to approve January, 2012 vouchers was moved by Councilwoman Zutes, and seconded by Councilman O'Connor, and voted on by the members as follows: Ayes: : Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that January, 2012 vouchers No. 102057 through No. 102277 in the amount of \$758,296.83 are approved for payment.

## **JANUARY 2012 BUDGET TRANSFER APPROVED**

A Resolution to approve January, 2012 transfers was moved by Supervisor Carpenter, and seconded by Councilman Lusk, and voted on by the members as follows: Ayes: Zutes, Lusk, O'Connor and Carpenter. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the following January 2012 Budget Transfer is approved:

- That \$500.00 be transferred from 1.1990.4000.1.1 (Contingency – Expense) to 1.1950.4000.1.1 (Taxes on Town Property) to cover property taxes.

As there was no further business, the Supervisor adjourned the meeting at 7:40 P.M.

Respectfully submitted,

Patricia E. Chuhta  
Town Clerk

**OFFICIAL BOARD MINUTES ARE ON FILE IN THE OFFICE OF THE TOWN CLERK**