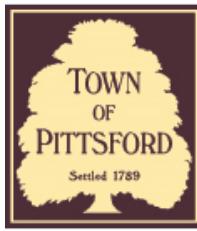


**SUPERVISOR**  
William A. Smith, Jr.



**COUNCIL MEMBERS**  
Kate Bohne Munzinger, Deputy Supervisor  
Kevin Beckford  
Cathy Koshykar  
Stephanie Townsend

## **TOWN BOARD AGENDA**

**Tuesday, July 7, 2020 – 6:00 pm**  
**Meeting by Online Video with Public Access**  
**Page 1 of 2**

**Call to Order**  
**Pledge of Allegiance**

**Public Hearing**  
Kilbourn Place Incentive Zoning  
Board discussion of Kilbourn Place following Public Hearing

**Minutes**  
Public Comment  
Minutes of the Meeting of June 16, 2020

**Legal Matters**  
Public Comment  
Engagement of Barton & Loguidice for Code Update  
Schedule Executive Session for Wednesday July 8 or alternative date

**Financial Matters**  
Public Comment  
Budget Amendment

**Operational Matters**  
Public Comment  
Pittsford Little League Vending Permit

**Other Business**  
**Public Comment**  
**Adjournment**

**Instructions for viewing meeting and offering comments  
on attached page 2**

How to view the meeting:

1. Zoom

- In your web browser, go to

<https://townofpittsford.zoom.us/j/86194805488?pwd=S2w4d0V4cEdJRhpJNEIHS0hITWo1QT09>

You will be connected to the meeting.

2. Telephone

You can access the meeting by phone. Use any of the numbers below, then enter the meeting ID and password when prompted. The Meeting ID is 861 9480 5488. No password is necessary.

(929) 205-6099	(312) 626-6799
(253) 215-8782	(301) 715-8592
(346) 248-7799	(669) 900-6833

3. Comments

a. By E-Mail

- Any Pittsford resident can submit a comment for the meeting by emailing it to [comments@townofpittsford.org](mailto:comments@townofpittsford.org) any time before 2:30pm on the date of the meeting.
- Comments must be accompanied by your name and street address. Comments from residents will be read aloud by the Town Clerk.
- To comment by email on anything that takes place at the meeting, use the email address shown prior to 2:30pm on the next meeting date, July 21. The Clerk will read such comments from residents aloud at that meeting.

b. Using Zoom

- Any Pittsford resident can submit a comment during the meeting. Comments must begin with your name and street address.
- At the points where the Supervisor asks if there are public comments, if you are a resident and wish to comment, click “Raise Hand” in the control panel. (Telephone attendees press \*9).
- Your comment will be taken in the order received. When you receive a message to “Unmute Now” please do so and make your comment. All comments must begin with the name and street address of the commenter.
- Alternatively, residents who don’t have a microphone or who prefer or need to submit a comment in writing can do so by clicking “Chat” in the controls at the bottom of your Zoom window.
- When called upon, beginning with your name and street address please type your message into the chat window, then press “Enter” to send. The Town Clerk will read your message aloud.

# **RIEDMAN**

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## **C O M P A N I E S**

Changing the Way People Live!

# Project Scale Revised

# Significant Changes to 3500 East Avenue (a/k/a Back Nine Grill)

- Building design modified to a **two (2) story** structure
- Finish floor elevation has been **lowered five (5) feet**
- Reduction in # of stories and finish floor elevation results in **lowering eave height 15'**
- Building size has been **reduced by 10 apartments** to 34 from 44.
- Additional garages have been added **increasing the ratio of garages to apartments to 71%**



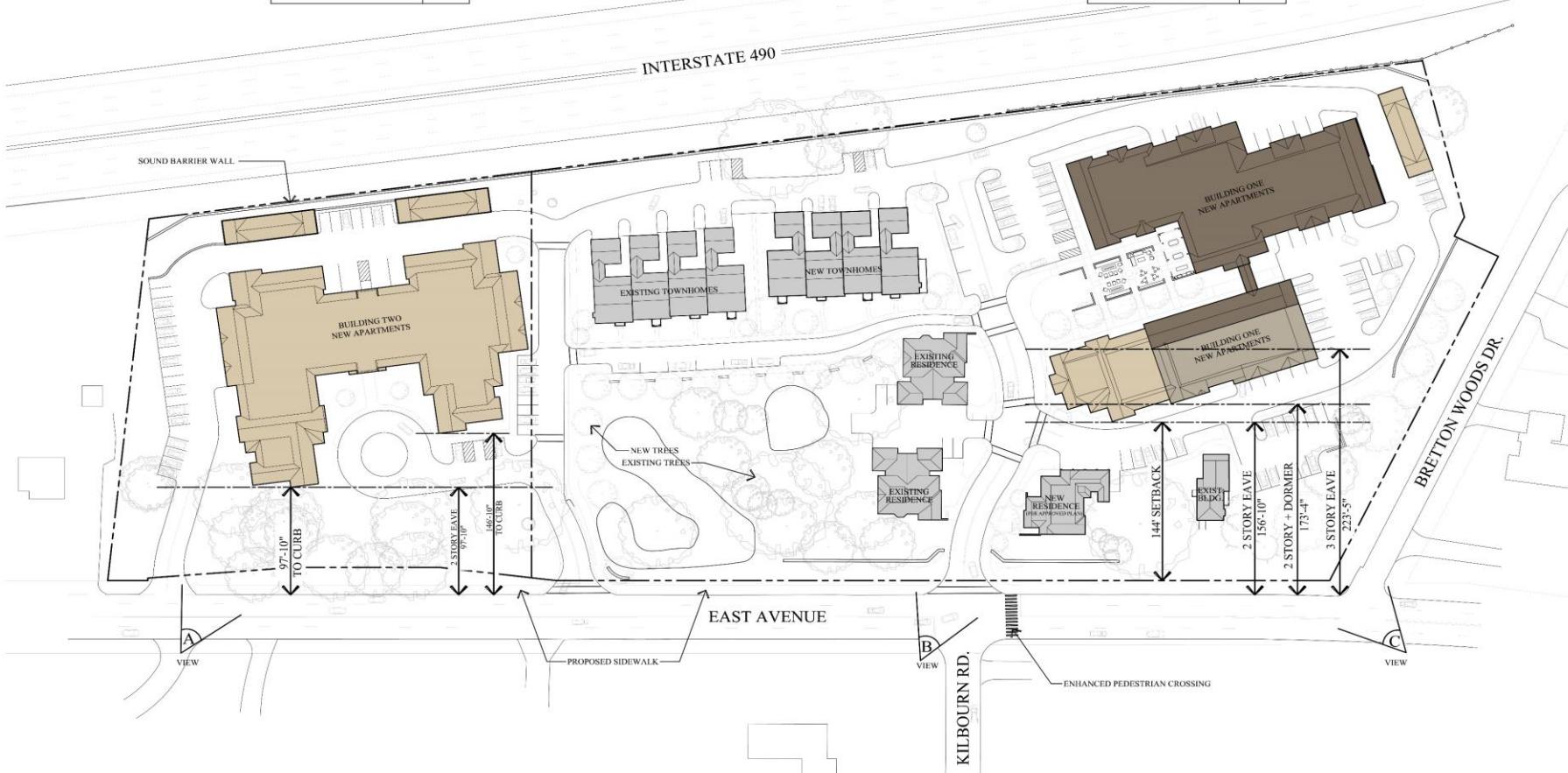
BUILDING 2

	1BD	2BD	TOT.
TOTAL	15	19	34
NO. BEDROOMS	<b>53</b>		

BUILDING 1

	1BD	2BD	TOT.
TOTAL	29	33	62
NO. BEDROOMS	<b>95</b>		

INTERSTATE 490

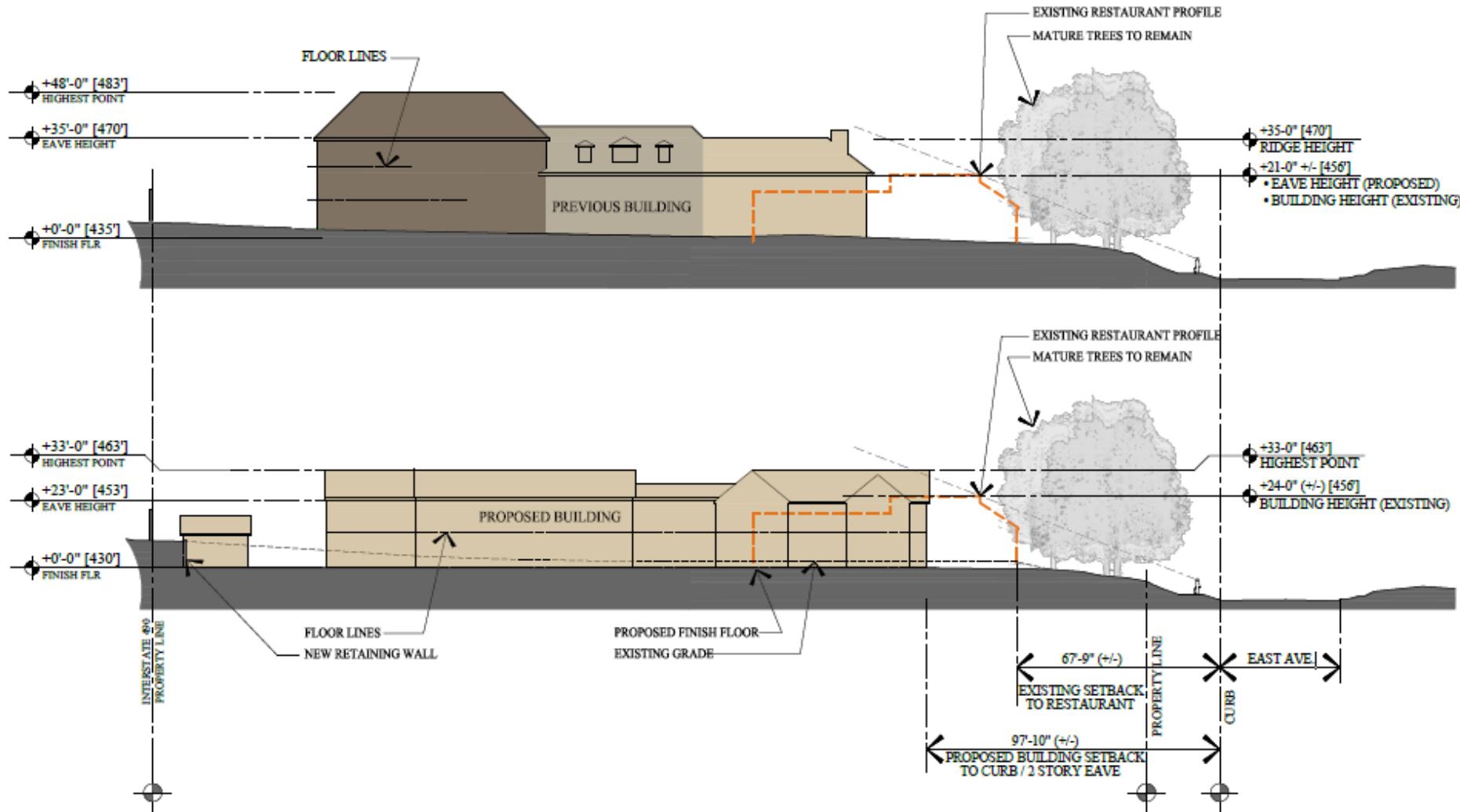


KILBOURN APARTMENTS: BUILDING HEIGHTS PLAN

1"= 40'-0"

JULY 1, 2020





**BUILDING TWO: SITE SECTION**  
KILBOURN APARTMENTS  
JULY 1, 2020  
SCALE: 1" = 30'-0"

# Kilbourn Apartments

Pittsford, NY



**RIEDMAN**  
COMPANIES

Summer Former & Proposed View

# Kilbourn Apartments

Pittsford, NY



**RIEDMAN**  
COMPANIES

Winter Former & Proposed View

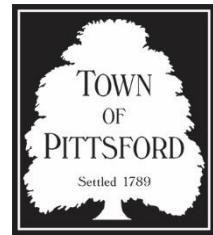
# MEMORANDUM

**To:** Town Board Members

**From:** Robert B. Koegel

**Date:** July 2, 2020

**Regarding:** Kilbourn Place Luxury Apartments  
Incentive Zoning Amendments  
3500 - 3596 East Avenue (Even Numbers)



**For Meeting On:** July 7, 2020

On July 5, 2018, Kilbourn Place Associates, LP, as owner of the Kilbourn Place property on East Avenue, proposed to amend the Incentive Zoning (IZ) classification which allows for the construction of 41 individually-owned townhouses, to expand the IZ zoning to the adjacent Back Nine Grill restaurant property and to build 120 units of rental housing in apartment buildings on the combined properties (including 14 units of town/carriage house facilities which have been or would be built).

On September 4, 2018, the Town Board opened a public hearing on the proposal, and continued the hearing indefinitely as additional information was provided to the Town and changes were made to the proposal. In broad brush, the proposed apartment building on the Back Nine property would be reduced from 3 stories to 2 stories and the total number of rental units would be reduced from 120 to 110.

On July 7, 2020, after notice of the continued public hearing was published and posted on-line and personal letters were mailed to over 400 Town residents in the vicinity of the proposal, the public hearing on the proposal will be continued.

Submitted herewith for your consideration is a proposed, formal SEQRA resolution, which must be approved before any approval of the proposal itself is granted, and a formal adoption resolution of the proposed IZ zoning amendment. Also submitted is an up-to-date Power Point presentation by the applicant.

Should you wish to move forward with this application, you may use the following resolutions:

**RESOLVED**, that a Negative Declaration of environmental significance is hereby made, as set forth in the written SEQRA resolution submitted herewith.

**RESOLVED**, that the proposed amendment of Incentive Zoning Resolution on the East Avenue property, first passed in 1999 and amended in 2008 and 2009, for the Kilbourn Place Luxury Apartments residential development, is approved, as set forth in the proposed written adoption Resolution submitted herewith.

At a Regular Meeting of the Town Board  
of the Town of Pittsford, New York, held  
at the Hall of Justice, 11 South Main  
Street, Pittsford, New York, or by  
electronic conference, on the 7th day of  
July, 2020.

PRESENT: William A. Smith, Jr., Supervisor  
Katherine Bohne Munzinger, Deputy Supervisor  
Kevin S. Beckford, Councilmember  
Cathleen A. Koshykar, Councilmember  
Stephanie M. Townsend, Councilmember

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In the Matter

of

**SEQRA RESOLUTION**

**THE PROPOSED AMENDMENT TO THE INCENTIVE ZONING  
OF 3500-3596 EAST AVENUE (EVEN NUMBERS) –  
KILBOURN PLACE LUXURY APARTMENTS**

---

WHEREAS, in an application dated July 5, 2018, Kilbourn Place Associates, LP, as owner, requested that the Town Board re-zone to Incentive Zoning the former Back Nine Bar and Grill property and amend the existing Incentive Zoning of the Kilbourn Place Townhome project to allow for a 110 unit apartment project; and

WHEREAS, the Back Nine Bar and Grill property, consisting of approximately 2.7 acres located at 3500 East Avenue, Pittsford, New York, Tax Parcel Number 138.14-1-13.1 is proposed to be demolished and replaced by a 34 unit apartment building; and

WHEREAS, the existing Kilbourn Place 41-unit Townhome project is only partially constructed and currently the owner-occupied townhomes are proposed to be converted to 14 rental apartments with the addition of a 62-unit apartment building proposed at the eastern end of the site; and

WHEREAS, the proposed re-zoning is an Unlisted action under SEQRA, and the Applicant submitted a completed Part 1 Short Environmental Assessment Form (EAF); and

WHEREAS, the Town Board has conducted a single agency review; and

WHEREAS, a public hearing was duly advertised and opened on September 4, 2018 to consider the above-proposed amendment, and said public hearing was continued indefinitely to allow the owner to make other changes to the proposed development and incentives and to furnish the Town Board with additional information in support of the proposed amendment; and

WHEREAS, the continued public hearing was duly re-advertised and held on July 7, 2020, and all those wishing to comment on the proposed Incentive Zoning were heard; and

WHEREAS, Parts 2 and 3 of Short EAF have been prepared by the Town Board for the proposed Incentive Zoning and carefully reviewed by the Town Board and attached hereto; and

WHEREAS, the completed Part II Short EAF does not identify any significant adverse environmental impacts associated with the proposed Incentive Zoning;

NOW, THEREFORE, be it

RESOLVED, that the Pittsford Town Board, upon consideration of all written and oral submissions by the Applicant, appropriate agencies and public comment, and following due deliberation and consideration, finds that the proposed Incentive Zoning will have no significant adverse impact on the environment; and, accordingly, issues a Negative Declaration of Environmental Significance.

Said matter having been put to a vote, the following votes were recorded:

William A. Smith, Jr.	VOTING
Katherine Bohne Munzinger	VOTING
Kevin S. Beckford	VOTING
Cathleen A. Koshykar	VOTING
Stephanie M. Townsend	VOTING

The resolution was thereupon declared duly adopted.

DATED: July 7, 2020

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Linda M. Dillon, Town Clerk

I, LINDA M. DILLON, Town Clerk of the Town of Pittsford, New York, DO HEREBY CERTIFY that I have compared a copy of the resolution as herein specified with the original in the minutes of the meeting of the Town Board of the Town of Pittsford and that the same is a correct transcript thereof and the whole of the said original.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of July, 2020.

---

Linda M. Dillon, Town Clerk

# ***Short Environmental Assessment Form***

## ***Part 1 - Project Information***

### **Instructions for Completing**

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

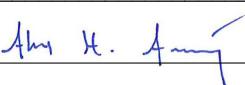
### **Part 1 – Project and Sponsor Information**

Name of Action or Project: Kilbourn Apartments					
Project Location (describe, and attach a location map): Located at the northwest corner of Bretton Woods Drive and East Avenue (NYS Rt 96), in the Town of Pittsford - County of Monroe, New York					
Brief Description of Proposed Action: <p>Modification to the previously approved development of the 'Kilbourn Place' project. The proposal will now include the redevelopment of the commercial property at 3500 East Ave with TA#138.140-01-013.100. The 8 units built to date at the Kilbourn Place property (TA#138.140-01-013.2) will remain (Town Home 3, Carriage Home 3 and Carriage Home 2). An additional 6 units will be constructed per the original approval (Town Home 4 and Carriage Home 1). The two-story white house at 3524 will be preserved and refurbished. A new 62 unit 1 and 2 bedroom apartment building will replace Manor Home 1, Manor Home 2, and Town Home 1. Town Home 2 will be eliminated to provide parking for the apartment units. Manor Home 3 will be eliminated to provide an expansion to the existing stormwater management facility to accommodate runoff from the property at 3500 East Ave. The former commercial property at 3500 East Ave will be redeveloped as a 34 unit 1 and 2 bedroom apartment building. Associated improvements will include parking accommodations (including accessible spaces), pedestrian and vehicle circulation, lighting, landscape, utilities and stormwater management.</p>					
Name of Applicant or Sponsor: Kilbourn Place LLC		Telephone: (585) 232-2600 E-Mail: jwatkins@riedman.com			
Address: 45 East Avenue					
City/PO: Rochester		State: NY	Zip Code: 14604		
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.				NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYSDOT (Highway Work Permits), MCDPH (Water, Sewer, Backflow Prevention Approvals), MCWA (Water Approvals), NYSDEC (SPDES Permit), Town of Pittsford Planning Board (Site Plan Approval), Town of Pittsford Design Review & Historic Preservation Board (Design Approval)				NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 10.1 +/- acres b. Total acreage to be physically disturbed? _____ 5.6 +/- acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 10.1 +/- acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:					
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture)		<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)	
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture		<input type="checkbox"/> Aquatic	<input checked="" type="checkbox"/> Other(Specify):	Education & Skilled Nursing	
<input type="checkbox"/> Parkland					

5. Is the proposed action,	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. A permitted use under the zoning regulations? (Upon Approval from the Town Board)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation services available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:  _____  _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____  _____  _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____  _____  _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  3524 East Ave -'Wright House'(Tuscan mode Italian Villa) b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? 3500 East Ave is comprised of previously developed land, and NYS roads on both sides, and the remaining site has already completed a Phase I study.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____  _____  _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

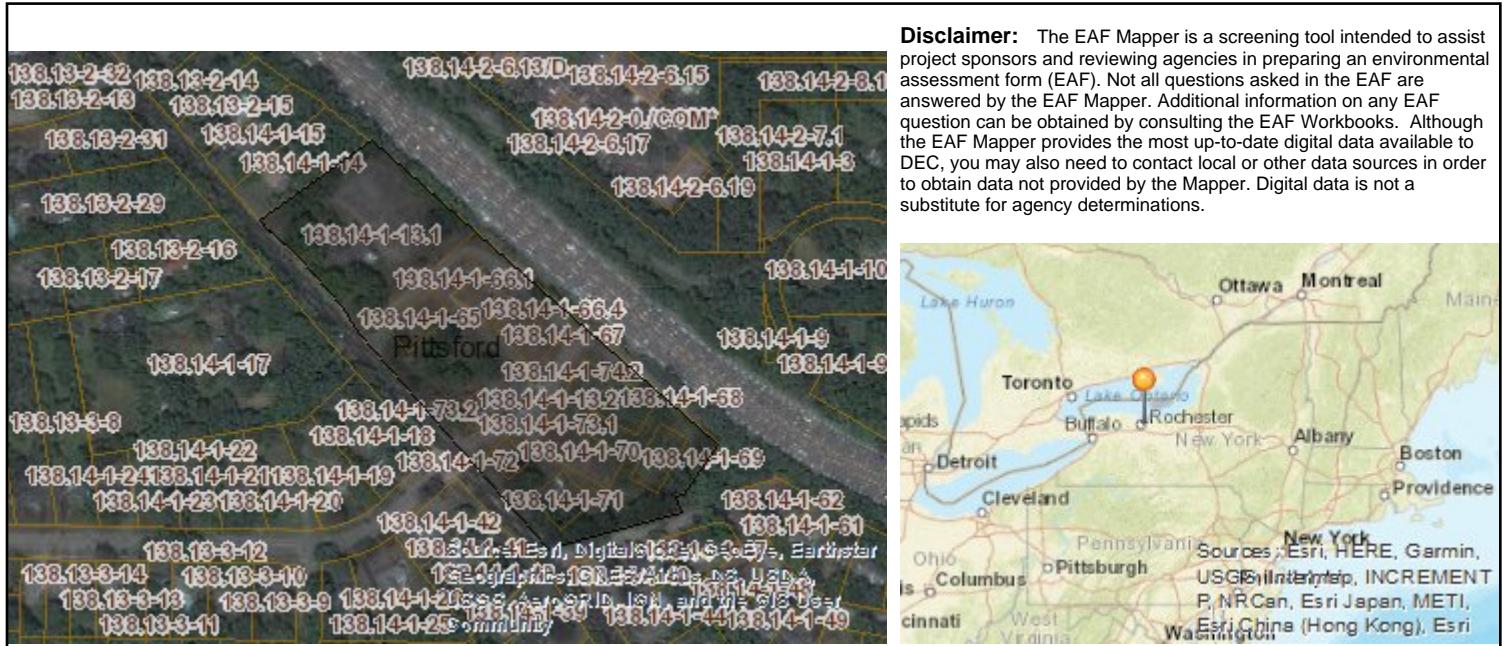
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- Shoreline Forest Agricultural/grasslands Early mid-successional  
Wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:  Stormwater management will be provided in accordance with NYSDEC Phase II requirements, and will utilize similar practices to original phases of the project – including infiltration, for RRV, WQv and peak flow attenuation components.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:  Temporary impoundment may occur during rainfall events, in stormwater management areas. Due to the favorable infiltration rates on site, stormwater management areas will remain dry in between rainfall events.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:  _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:  _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: Alexander H. Amering, PE - Costich Engineering, DPC	Date: 06/11/2020	
Signature: 	Title: Agent for Applicant	

# EAF Mapper Summary Report

Wednesday, June 10, 2020 1:40 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Project:

Date:

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies?  b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

***Short Environmental Assessment Form***  
***Part 3 Determination of Significance***

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

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Name of Lead Agency

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Date

---

Print or Type Name of Responsible Officer in Lead Agency

---

Title of Responsible Officer

---

Signature of Responsible Officer in Lead Agency

---

Signature of Preparer (if different from Responsible Officer)

At a Regular Meeting of the Town Board  
of the Town of Pittsford, New York, held  
by electronic conference, on the 7th day  
of July, 2020.

PRESENT: William A. Smith, Jr., Supervisor  
Katherine Bohne Munzinger, Deputy Supervisor  
Kevin S. Beckford, Councilmember  
Cathleen A. Koshykar, Councilmember  
Stephanie M. Townsend, Councilmember

ABSENT: NONE

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In the Matter

Of

**Resolution Approving  
Incentive Zoning**

THE PROPOSED AMENDMENT TO THE INCENTIVE ZONING  
OF 3500 - 3596 EAST AVENUE (EVEN NUMBERS) -  
KILBOURN PLACE LUXURY APARTMENTS.

---

WHEREAS, in an application dated July 5, 2018, Kilbourn Place Associates, LP, as owner ("applicant"), requested that the Town Board consider amending the Incentive Zoning resolution, initially granted in 1999 and revised in 2008 and 2009, relating to property known as and located at 3500 – 3596 East Avenue (even numbers), to accommodate certain changes to the proposed development and to re-zone to Incentive Zoning the adjacent, former Back Nine Bar and Grill Property, to allow for a 110-unit rental apartment project to be known as Kilbourn Place Luxury Apartments; and

WHEREAS, the Back Nine Bar and Grill, consisting of approximately 2.7 acres located at 3500 East Avenue, Pittsford, New York, Tax Parcel Number 138.14-1-13.1, is proposed to be demolished and replaced by a 34-unit apartment building; and

WHEREAS, the existing, approved Kilbourn Place 41-unit Townhome project is only partially constructed and currently the owner-occupied townhomes are proposed to be converted to 14 rental apartments with the addition of a 62-unit apartment building proposed at the eastern end of the site; and

WHEREAS, the application was referred to the Pittsford Planning Board for review and non-binding advisory comment, and in accordance with 6 NYCRR Part 617 (b), the Town Board has conducted a single agency SEQRA review, and in accordance with Section 239-m of the New York State General Municipal Law, the Town Board has referred this matter to the Monroe County Planning Department for its review and comment; and

WHEREAS, a public hearing was duly advertised and opened on September 4, 2018 to consider the above-proposed amendment, and said public hearing was continued indefinitely to allow the owner to make other changes to the proposed development and incentives and to furnish the Town Board with additional information in support of the proposed amendment; and

WHEREAS, the continued public hearing was duly re-advertised and held on July 7, 2020, and all those wishing to comment on the proposed Incentive Zoning were heard; and

WHEREAS, after receiving comments from Monroe County Planning Department, the Town Board issued a Negative Declaration of Environmental Significance, pursuant to SEQRA, on July 7, 2020;

NOW, on motion duly made and seconded, it was

RESOLVED, that the Town Board of the Town of Pittsford makes specific Findings in this matter, as follows:

1. SEQRA. All requirements of SEQRA have been met, including a Part 1 Short Form EAF submitted by the applicant, a Part 2 and Part 3 Short Form EAFs being completed by the Town Board, and with a subsequent Negative Declaration granted by the Town Board on July 7, 2020.
2. Development Capacity: Back Nine parcel. This application requests approval of Incentive Zoning for 3500 East Avenue, 2.7 acres, formerly the Back Nine Bar and Grill currently zoned Residential Neighborhood. The proposed Incentive Zoning will allow for the development of a 34-unit apartment building with a total of 68 parking spaces including garages spaces.
3. Development Capacity: Townhomes property. This application also requests to amend the existing Incentive Zoning for Kilbourn Place “Townhomes” to reconfigure the site and convert the site to apartments to include a maximum of a 76 units with a total of 140 parking spaces including in garage spaces, but not spaces in front of garages.
4. Tax implications. The applicant has explained that continuing the development of the existing Townhome project as approved is not financially feasible. The Town Board has reviewed projections of the potential real property tax revenues from the existing zoning and the proposed zoning. The existing zoning allows for 41 townhouse units on

the Kilbourn Place project site. The existing Back Nine Bar and Grill (restaurant use) parcel is currently assessed for \$ 567,500. The existing townhome project has sold very slowly and will likely sell only if prices are substantially reduced, thus reducing its gross value. The existing restaurant use has also had only marginal success over the last 20 years, and the property has limited development potential under its current zoning. Re-development of the restaurant use property into residential lots is unlikely to happen since the property will yield only 4 building lots, and it has substantial upfront costs, including the cost of the land and the demolition of the existing building. Long-term tax revenue for the properties in their existing state of use and development is difficult to predict.

The proposed use will theoretically solve several problems, including 1) the slow development and current low value of the existing project, 2) the elimination of the continuing, non-conforming use of the restaurant parcel, and 3) the transformation of both of these challenging properties to values greater than their current values. Real property tax revenue projections for the rental project have shown that in the first 10 to 15 years, the overall site will have a higher value than the projections show for the existing project as it is expected to develop. The potential long-term tax revenue of the proposed rental apartment project is lower than the revenue from a complete build-out of the existing townhomes project, including the restaurant parcel, but the completion of townhomes is not an option the applicant is willing to pursue.

The Town Board agrees with the following statements provided by the applicant:

- Diversification of housing stock will allow Pittsford residents, who wish to downsize and stay in the community, to obtain affordable, low-maintenance housing.
- If this project were to be developed under the *current* Incentive Zoning, the buildout of this site would likely take 10 years or more, while the development under the Incentive Zoning contemplated is to be constructed over the next 2-3 years, creating substantial tax revenue to the Town on an accelerated basis. Furthermore, given the target market of this development, there would be minimal (if any) impact on the school district, with attendant revenues resulting from the project.

5. Incentive requested. The current zoning on the Townhomes property is Incentive Zoning (IZ), allowing the construction of 41 residential townhouse units. The current zoning on the Back Nine parcel is Residential Neighborhood (RN), allowing about four single-family homes to be built. The applicant is requesting that both parcels be zoned IZ to allow multifamily “110-unit apartment use,” with associated adjustments to allowed height restrictions and setbacks.
6. Amenities proposed and rejected. The applicant has proposed several community benefits or amenities to the Town in exchange for the incentive provided. These include further extension of the sound barrier which was constructed as part of the initial Kilbourn Place development to include the Back Nine parcel and installation of about 1,000 feet of sidewalk along the East Avenue frontage of the project site. The

Town Board rejects the first amenity, valued at \$90,000, because it benefits the project residents instead of Town neighboring residents and it would likely be required as a part of the normal site plan approval process. The Town Board also rejects the second amenity, valued at \$67,000, because it will be required in a 2020 site plan application for a 110-unit luxury apartment complex such as this proposal. The Town Board emphasizes that these two project features are positive and are included in the approval of this project, but they are not community benefits or amenities for purposes of the Town's Incentive Zoning statute.

7. Amenities accepted. The applicant has proposed the rehabilitation and maintenance of the Wright House at 3524 East Avenue (at the southeast corner of the site, near Bretton Woods Drive), with an amenity cash value of \$287,000. This amenity furthers the Town's goals of retaining Town historic assets and is accepted by the Town Board. The applicant has also proposed the preservation of a large green area along East Avenue and the preservation of significant trees of the site. While the applicant assigned no amenity cash value to this benefit, the Town Board accepts it as an amenity, and it becomes part of the project. The applicant has also proposed an enhancement of the cash amenity to the senior citizens' fund from \$100,000 to \$200,000, to be paid at the granting of the first certificate of occupancy for the apartment use. (A cash amenity of \$100,000 was required by an earlier IZ approval, and \$20,000 of that condition has already been paid for the constructed townhome units). The Town Board accepts this benefit as an amenity. Accordingly, project amenities equal \$387,000, plus the remaining balance of \$80,000 on the earlier approval.

NOW, THEREFORE, based on the above, this Board finds that the proposed Incentive Zoning is a well-balanced exchange of incentive for amenities and will appropriately and reasonably benefit both the Town as well as the applicant; and be it further;

RESOLVED, that the proposed Incentive Zoning, relating to property known as the Back Nine Bar and Grill consisting of approximately 2.7 acres located on East Avenue, Tax Parcel Number 138.14-1-13.1 and the properties of Kilbourn Place Townhomes, to allow for development of apartments; is hereby approved, in accordance with the provisions of "Article XXXVIII – Incentive Zoning" of the Pittsford Municipal Code; and be it further

RESOLVED, that the Incentive Zoning approved herein is subject to the following conditions:

1. Subject to providing the amenities as described by the applicant or as described in the following conditions of approval.

2. The Development is subject to all required Site Plan approvals by the Town's Planning Board, in accordance with the provisions of a Commercial development.
3. The proposed entrance and conceptual layout shall be generally be consistent with submitted plans, excepting adjustments made to meet zoning restrictions contained herein and adjustments made as part of the Planning Board Site Plan approval process, including adjustments to meet Building and Fire Codes.
4. The allowed uses are limited to multifamily apartment units, not to exceed a total of 110 units. A maximum of 34 units to be located on the Back Nine Parcel and 76 units located on the former Kilbourn Place Townhouse properties, with 14 of those being consistent with the Townhome layout as presented to the Town Board.
5. The proposed development is limited to:
  - Building and parking area locations and setbacks to property lines must be reasonably consistent with plans provided to the Town Board at its July 7, 2020 meeting, with any adjustments subject to Planning Board approval as part of its Site Plan review and approval process.
  - Maximum building height for lot 1 is 35 feet.
  - Maximum building height for lot 2 is 50 feet
  - Minimum total parking ratio for the site is 1.89 spaces per unit, not including parking spaces in front of garages (as proposed 208 spaces for 110 units).
  - Maximum impervious coverage will be determined by the Planning Board as part of the Site Plan review process.
  - Fencing heights and locations as well as signage size and location are subject to Planning Board Site Plan review.
6. Parking by apartment residents, visitors, or employees is prohibited on East Avenue, Bretton Woods Drive and Kilbourn Road.
7. The Town Board requires as part the Site Plan review process that the Planning Board provide reasonable buffering of residential properties from the proposed roadways, parking and buildings. This can include, but is not limited to, berming, plantings, and/or fencing.

Said matter having been put to a vote, the following votes were recorded:

William A. Smith, Jr.	VOTING
Katherine Bohne Munzinger	VOTING
Kevin S. Beckford	VOTING
Cathleen A. Koshykar	VOTING
Stephanie M. Townsend	VOTING

The resolution was thereupon declared duly adopted.

DATED: July 7, 2020

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Linda M. Dillon, Town Clerk

I, LINDA M. DILLON, Town Clerk of the Town of Pittsford, New York, DO HEREBY CERTIFY that I have compared a copy of the resolution as herein specified with the original in the minutes of the meeting of the Town Board of the Town of Pittsford and that the same is a correct transcript thereof and the whole of the said original.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of July, 2020.

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Linda M. Dillon, Town Clerk

Minutes of the Town Board for June 16, 2020

**DRAFT  
TOWN OF PITTSFORD  
TOWN BOARD  
JUNE 16, 2020**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, June 16, 2020 at 6:00 P.M. local time. The meeting took place with Board members participating remotely using Zoom.

**PRESENT:** Supervisor William A. Smith, Jr.; Councilmembers Kevin Beckford, Cathy Koshykar, Katherine B. Munzinger and Stephanie M. Townsend.

**ABSENT:** None.

**ALSO PRESENT:** Staff Members: Joy Brown, Technology Director; Jessie Hollenbeck, Recreation Director; Paul Schenkel, Commissioner of Public Works; Greg Duane, Finance Director; Robert Koegel, Town Attorney; and Linda M. Dillon, Town Clerk.

**ATTENDANCE:** Also in attendance was a sign language interpreter.

Supervisor Smith called the Town Board meeting to order at 6:00 P.M. and led members in the Pledge of Allegiance. The Town Clerk noted all Town Board members present.

**PUBLIC HEARING LOCAL LAW NO. 4 OF 2020 – AMENDING CHAPTER 8 OF THE TOWN OF PITTSFORD MUNICIPAL CODE ENTITLED COMPUTER SYSTEM SECURITY BREACH NOTIFICATION POLICY**

Supervisor Smith declared the Public Hearing open to comment on this proposed Local Law No. 4 of 2020. No members of the public offered comments and the Supervisor declared the public hearing closed.

**LOCAL LAW NO. 4 OF 2020 – AMENDING CHAPTER 8 OF THE TOWN OF PITTSFORD MUNICIPAL CODE ENTITLED COMPUTER SYSTEM SECURITY BREACH NOTIFICATION POLICY APPROVED**

Supervisor Smith offered a motion to adopt Local Law No. 4 of 2020, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: None.

The following Resolution was declared carried as follows:

WHEREAS, true and correct copies of proposed Local Law No. 4 of 2020: Amending Chapter 8 of The Town of Pittsford Municipal Code Entitled "Computer System Security Breach Notification Policy" were placed upon the desks of all members of the Town Board of the Town Board, New York, more than seven (7) calendar days, exclusive of Sunday, prior to the 16th day of June, 2020; and

WHEREAS, there was duly published in a newspaper previously designated as an official newspaper for publication of public notices, and posted upon the bulletin board maintained by the Town Clerk pursuant to § 40(6) of the Town Law, a notice of public hearing to the effect that the Town Board would hold a public hearing on the 16th day of June, 2020, at 6:00 P.M., Local Time, at the Town Hall, 11 South Main Street, Pittsford, New York, or by electronic conference or meeting as permitted by law, on said Local Law No. 4 of 2020; and

WHEREAS, the said public hearing was duly held on the 16th day of June, 2020, at 6:00 P.M., Local Time, by electronic conference, and all persons present were given an opportunity to be heard, whether speaking in favor of or against the adoption of said Local Law No. 4 of 2020; and

WHEREAS, subsequent to the closing of said public hearing, and after all persons interested had been heard, the Town Board considered the adoption of said Local Law No. 4 of 2020; and

# Minutes of the Town Board for June 16, 2020

WHEREAS, it was the decision of the Town Board that said Local Law No. 4 of 2020 should be adopted.

NOW, on a motion duly made and seconded, it was

**RESOLVED**, that Local Law No. 4 of 2020: Amending Chapter 8 of The Town of Pittsford Municipal Code Entitled "Computer System Security Breach Notification Policy" be adopted by the Town Board of the Town of Pittsford, New York, to read as annexed hereto; and it was further

**RESOLVED**, that within twenty (20) days subsequent to the 16th day of June, 2020, there shall be filed with the Secretary of State one certified copy of said Local Law No. 4 of 2020.

*Local Law No. 4 of 2020 – Amending Computer System Security Breach Notification Policy*

**BE IT ENACTED BY THE  
TOWN BOARD OF THE  
TOWN OF PITTSFORD  
NEW YORK  
AS FOLLOWS:**

**LOCAL LAW NO. 4 OF 2020:  
THE ADOPTION OF PROPOSED LOCAL LAW  
NO. 4 of 2020: AMENDING CHAPTER 8  
OF THE TOWN OF PITTSFORD MUNICIPAL CODE  
ENTITLED "COMPUTER SYSTEM SECURITY  
BREACH NOTIFICATION POLICY"**

**SEC. 1            TITLE**

This Local Law shall be known as "Local Law No.4 of 2020: Amending Chapter 8 of The Town of Pittsford Municipal Code Entitled "Computer System Security Breach Notification Policy."

**SEC. 2            AMENDMENT TO EXISTING LAW**

The Pittsford Town Code, Chapter 8, shall be amended to revise §§ 8-3, 8-4, and 8-8 to read, as follows:

**§ 8-3. Authority.**

This chapter is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law § 10, General Business Law §§ 899-aa and 899-bb, and New York State Technology Law § 208, and may be amended from time to time by Town Board resolution or local law.

**§ 8-4. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BREACH OF SECURITY OF THE SYSTEM** — unauthorized access to or acquisition of, or access to or acquisition without valid authorization, of computerized data that compromises the security, confidentiality, or integrity of private information maintained by the Town. Good faith access to, or acquisition of, private information by an employee or agent of the Town for the purposes of the employee or agent is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

In determining whether information has been accessed, or is reasonably believed to have been accessed, by an unauthorized person or a person without valid authorization, the Town may consider, among other

## Minutes of the Town Board for June 16, 2020

factors, indications that the information was viewed, communicated with, used, or altered by a person without valid authorization or by an unauthorized person.

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the Town may consider the following factors, among others:

- A. Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- B. Indications that the information has been downloaded or copied; or
- C. Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

**CONSUMER REPORTING AGENCY** — Any person or entity which, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies may be obtained upon request to the State Attorney General.

**DEPARTMENT** — Any board, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the Town.

**PERSONAL INFORMATION** — Any information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify that person.

### **PRIVATE INFORMATION** —

- A. Private Information means either:

- (i.) Personal information consisting of any information in combination with any one or more of the following data elements, when either the data element or the combination of personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
  1. social security number;
  2. driver's license number or non-driver identification card number;
  3. account number, credit or debit card number, in combination with any required security code, access code, password or other information which would permit access to an individual's financial account;
  4. account number, or credit or debit card number, if circumstances exist wherein such number could be used to access to an individual's financial account without additional identifying information, security code, access code, or password;
  5. biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as fingerprint, voice print, or retina or iris image, or other unique physical representation or digital representation which are used to authenticate or ascertain the individual's identity; or
- (ii.) a user name or e-mail address in combination with a password or security question and answer that would permit access to an online account.

## Minutes of the Town Board for June 16, 2020

- B. "Private information" does not include publicly available information that is lawfully made available to the general public from Town records.

TOWN — The Town of Pittsford, County of Monroe.

### **§ 8-8. Method of notification.**

The required notice must be directly provided to the affected individuals by one of the following methods:

- A. Written notice;
- B. Electronic notice, provided that the person to whom notice is required to be provided has expressly consented to receiving notice in electronic form and a log of each electronic notification is kept by the Town; and provided further that no person or business may require a person to consent to accepting notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- C. Telephone notification, provided that a log of each telephone notification is kept by the Town; or
- D. Substitute notice, if the Town demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000 or that the number of individuals to be notified exceeds 500,000, or the Town does not have sufficient contact information. Substitute notice must include all of the following:
  - (1) E-mail notice when the Town has an e-mail address for the subject persons, except if the breached information includes an e-mail address in combination with a password or security question and answer that would permit access to the online account, in which case the Town shall instead provide clear and conspicuous notice delivered to the consumer online when the consumer is connected to the online account from an internet protocol address or from an online location which the Town knows the consumer customarily uses to access the online account;
  - (2) Conspicuous posting of the notice on the Town's website page, if the Town maintains one; and
  - (3) Notification to major state-wide media.

### **SEC. 3 SEVERABILITY**

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

### **SEC. 4 EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State.

## Minutes of the Town Board for June 16, 2020

### **MINUTES OF MAY 26, 2020 TOWN BOARD MEETING APPROVED**

Deputy Supervisor Munzinger made a motion to approve the Minutes of the May 26, 2020 Town Board meeting, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Minutes of the May 26, 2020 Town Board meeting are approved.

### **MINUTES OF THE JUNE 2, 2020 TOWN BOARD MEETING APPROVED AS AMENDED**

Councilmember Townsend requested three (3) amendments to the June 2, 2020 meeting as follows:

- Page 2 – placement of three paragraphs, beginning with “Councilmember Koshykar approved of this statement...” through the paragraph beginning “Councilmember Townsend confirmed that she wrote...”. Councilmember Townsend requested that these three paragraphs be moved to the discussion of Local Law No. 3 – to be placed at the top of Page 3, preceding the paragraph that begins “Councilmember Townsend noted that overall she agrees...”.
- Page 3 – originally the paragraph at the top of the page (9 lines down): following SSRA zone, remove parenthesis around Commercial and Mixed Use and add the words “and a” before.
- Page 7 – last sentence following Public Comment regarding Demolition Law discussion to read: “At the conclusion of the public comments, the Board agreed to form a committee to develop a form of legislation for final approval, to include the Town Attorney, staff from the Planning Department, Councilmember Townsend, Deputy Supervisor Munzinger and representatives from the Planning Board and Design Review and Historic Preservation Boards.”

Thereafter, Councilmember Townsend offered a motion to approve the June 2, 2020 Minutes as amended, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Minutes of the June 2, 2020 Town Board meeting are approved as amended.

### **LEGAL MATTERS**

### **PUBLIC COMMENTS**

No public comments were offered regarding Kilbourn Place or the CCA Agreement.

### **CONTINUATION OF PUBLIC HEARING FOR KILBOURN PLACE INCENTIVE ZONING SET FOR JULY 7, 2020 AT 6:00 P.M.**

Supervisor Smith indicated that following the review and discussion at the last meeting of the revised proposal by the developer of Kilbourn Place, it was agreed that members were ready to hear from the public regarding the new proposal and would like to have a public hearing. Although a continuation of a public hearing opened in 2018, it should be re-noticed by formal public notice. The Supervisor noted that, in addition, notice of the hearing by direct mail will be sent to all residents in the vicinity of this project.

Thereafter, Councilmember Townsend offered a motion to continue the Public Hearing on the proposed Incentive Zoning Application for Kilbourn Place on July 7, 2020 at 6PM, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, in an application dated July 5, 2018, Kilbourn Place Associates, LP, as owner, requested that the Town Board consider amending the Incentive Zoning Resolution, initially granted in 1999 and revised in 2008 and 2009, relating to property known as and located at 3500 – 3596 East Avenue (even numbers) to accommodate the addition of certain land to the proposed development and other changes to the proposed development and the incentives; and

## Minutes of the Town Board for June 16, 2020

WHEREAS, the above request was submitted to the Town Board for consideration at the Board's regularly scheduled meeting on August 7, 2018; and

WHEREAS, after giving due consideration to the request, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on September 4, 2018, at the Town Hall, 11 South Main Street, Pittsford, New York, to consider the above proposed amendment; and

WHEREAS, a public hearing was duly opened on September 4, 2018 to consider the above-proposed amendment, and said public hearing was continued indefinitely to allow the owner to make other changes to the proposed development and incentives and to furnish the Town Board with additional information in support of the proposed amendment; and

WHEREAS, the above request was submitted to the Town Board for its consideration at the Board's regularly scheduled meeting held on June 16, 2020; and

WHEREAS, after giving due consideration to the request, it was the considered opinion of all members of the Town Board that the public hearing should be continued on July 7, 2020, at Town Hall, 11 South Main Street, Pittsford, New York, or by electronic conference or meeting as permitted by law, to consider the above proposed amendment;

NOW, on motion duly made and seconded, it was

**RESOLVED**, that the public hearing be continued on July 7, 2020, at 6:00 P.M., Local Time, at the Town Hall, 11 South Main Street, Pittsford, New York, or by electronic conference or meeting as permitted by law, on the proposed amendment to the Incentive Zoning Resolution for 3500 – 3596 East Avenue; and it was further

**RESOLVED**, that a Notice of Continued 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 Town website [www.townofpittsford.org](http://www.townofpittsford.org) and 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.

### **AUTHORIZATION/AGREEMENT FOR COMMUNITY CHOICE AGGREGATION ADMINISTRATOR TO SOLICIT BIDS APPROVED**

Supervisor Smith explained the need for the Town Board to authorize an Agreement with the CCA Administrator, Joule Assets, to permit Joule to solicit bids for electricity and also to approve a form of the Electricity Supply Agreement to be used once a bid conforming to specifications is received. He reiterated the Board's stated position that the purpose of Pittsford's CCA effort, and therefore the specifications required of the bid, is to obtain electricity qualifying as coming from 100% renewable sources, at a cost lower than the average RG&E rate.

Town Attorney Koegel clarified the length of the term of the Agreement, in response to inquiry from Councilmember Koshykar, and clarified the terms the "adder" or "subtracter" in Exhibit A, in response to a question from Councilmember Townsend. Thereafter, a Resolution to authorize the Agreement with Joule Assets, Inc. was offered by Supervisor Smith, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, effective April 21, 2016, the New York State Public Service Commission ("Commission") issued an "Order Authorizing Framework for Community Choice Aggregation Opt-Out Program" in Case #14-M-0224, which authorized the establishment of Community Choice Aggregation programs by municipalities statewide; and

WHEREAS, effective March 16, 2018, the Commission issued an "Order Approving Joule Assets' Community Choice Aggregation Program with Modifications" in Case #14-M-0224 that authorized Joule Assets, Inc. ("Joule"

## Minutes of the Town Board for June 16, 2020

or "Program Administrator") to serve as a Community Choice Aggregation Program Administrator on behalf of cities, towns, and villages in New York State; and

WHEREAS, by Local Law No. 4 of 2018 adopted September 17, 2018, the Town Board of the Town of Pittsford enacted a Community Choice Aggregation ("CCA") Program Enabling Law pursuant to § 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law and consistent with State of New York Public Service Commission Case No. 14-M-0224; and

WHEREAS, on March 6, 2020, the Town, Joule, and Roctricity LLC entered into an agreement to have Joule and Roctricity furnish Town residents with 100% renewable energy through CCA with a net savings to Town residents as defined in such agreement (the "CCA Administrator Agreement"); and

WHEREAS, the Town seeks to obtain competitive bids from electricity suppliers (each a "Supplier") pursuant to a request for proposal that shall include provision of a 100% renewable supply of electricity at a net savings, compared to the 12-month historic average measured from the bid issuance date, of the Rochester Gas & Electric residential rate for electricity charged to residential customers (the "Supply RFP"), that is intended to result in a three-party Electricity Supply Agreement between the selected Supplier, the Town and the Program Administrator that, among other things, will govern the terms of provision of the electricity supply by Supplier for the Program; and

WHEREAS, the Program Administrator has prequalified prospective bidders based on creditworthiness and competence; has executed the public outreach campaign in the Town as required by the New York State Department of Public Service, and has obtained or will be obtaining utility data from the local distribution utility, all of which is necessary to solicit bids through the Supply RFP; and

WHEREAS, the "Electricity Supply Agreement" (in the form attached hereto), has been reviewed and approved for form by the Town Attorney, and has been deemed to provide benefits, adequate protections, and minimize risk to the Town.

NOW, THEREFORE, BE IT

**RESOLVED**, that the Town Board authorizes the Program Manager to issue a Supply RFP consistent with the provisions of this Resolution, with bids to be evaluated based upon compliance with the specifications of the Supply RFP including, without limitation, price and tenor parameters, and Supplier's acceptance of all material terms of the Electricity Supply Agreement; and, therefore, be it further

**RESOLVED**, that the Town Board approves the Electricity Supply Agreement in substantially the form attached to this Resolution as Exhibit A, such form to be included in the Supply RFP; and, therefore, be it further

**RESOLVED**, that Joule in its role as Program Administrator for the Program shall, among other things, manage the energy procurement process, prepare and issue the Supply RFP, and make recommendations for award to the Town; provided however, that the Town will, through the Supervisor, make the final award decision; and, therefore, be it further

**RESOLVED**, that subject to the conditions that the awarded Supplier has been prequalified as required by the Program Administrator and that the awarded bid meets the specifications established in the Supply RFP, the Town Supervisor is authorized to execute an Electricity Supply Agreement on behalf of Town in substantially the form attached hereto with the awarded Supplier and Program Administrator in a timely fashion; provided, however, that the Town is under no obligation to award the Supply RFP for any bid that fails to provide both (a) a 100% renewable supply of electricity at a net savings, compared to the 12-month historic average measured from the bid issuance date, of the Rochester Gas & Electric residential rate for electricity charged to residential customers; and (b) a term for supplying electricity of at least twenty-four months. In addition, the Town is under no obligation to award the Supply RFP if any of the conditions of the CCA Administration Agreement shall not be met.

## Minutes of the Town Board for June 16, 2020

### **FINANCIAL MATTERS PUBLIC COMMENT**

Supervisor Smith asked if any Pittsford resident wished to comment. No comments were offered.

### **JUNE VOUCHERS APPROVED**

Following inquiry from Councilmember Koshykar, Commissioner Schenkel clarified the cost of asphalt. Upon further inquiry from Councilmember Koshykar, Finance Director confirmed that the Town has previously explored and discussed, many times, other options for housing the Town Court over the past three decades. Supervisor Smith added that in 1999, the Town had a referendum vote that included a new court, together with a Library and Recreation Center, and the proposal was defeated. He noted that the Town also explored using the temporary Recreation Center building on Pittsford-Palmyra Road for the Court, after the Spiegel Center re-opened following renovation, but that it was not suitable without expensive and extensive renovation for such use, for reasons including requirements set by the State Office of Court Administration. Whereupon a Resolution to approve the June vouchers for payment as submitted was offered by Deputy Supervisor Munzinger, seconded by Councilmember Beckford, and voted on by the members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

**RESOLVED**, that the June 2020 vouchers No. 146436 through No. 147336 for \$670,817.80 are approved for payment.

### **OPERATIONAL MATTERS**

#### **PUBLIC COMMENTS**

Upon inquiry by the Supervisor, no public comments were offered with regard to setting the public hearings for the three (3) proposed Refuse Districts.

### **PUBLIC HEARINGS SET FOR REFUSE DISTRICTS: COUNTRY CLUB ESTATES, HERITAGE WOODS AND WALNUT HILL**

Supervisor Smith explained the process for obtaining signed petitions for the refuse districts and the extension offered in doing so due to the pandemic. He further offered an opportunity for further discussion. Upon a correction noted by Town Attorney Koegel and offered as amended to each of the proposed Resolutions, Supervisor Smith moved to set the Public Hearings for the refuse districts as amended, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The following Resolutions were declared carried as follows:

#### **COUNTRY CLUB ESTATES REFUSE DISTRICT**

WHEREAS, Petitions, signed by the required percentage of owners of taxable real property situated in the proposed "Country Club Estates Refuse District" have been presented to the Town Board of Pittsford, Monroe County, New York, for the proposed creation of the aforesaid Refuse District to be located in the Country Club Subdivision, the said proposed District being located in general terms on the streets of Country Club Drive and North Country Club Drive, situated off of East Avenue, comprising of 80 parcels, all as is more particularly set forth in the Petitions and map as described herein; and

WHEREAS, no public monies are proposed to be expended for the creation of the Refuse District; and

WHEREAS, the anticipated Refuse Collection Fees to be paid annually by the owner of each home within the District, is in the amount of \$217.87;

NOW, ON MOTION duly made and seconded, it is

## Minutes of the Town Board for June 16, 2020

**RESOLVED AND ORDERED**, that a public hearing be held before the Town Board of the Town of Pittsford, at the Town of Pittsford Town Hall, or by electronic conference or meeting as permitted by law, on the 21<sup>st</sup> day of July, 2020 at 6:00 o'clock P.M., Local Time, to consider the said Petitions and to hear all persons interested therein, and for such other and further action on the part of the Town Board with relation to the said Petitions as may be required by law or proper in the premises; and it is further

**RESOLVED AND ORDERED**, that a copy of the within Order be duly published in the Brighton-Pittsford Post, which paper is designated as the official paper for such publication, and a copy of the said Order be posted on the bulletin board of the Town Clerk of the Town of Pittsford, New York, maintained pursuant to Section 30 of the Town Law, not less than ten (10) nor more than twenty (20) days prior to the date of the said hearing.

### **HERITAGE WOODS REFUSE DISTRICT**

WHEREAS, Petitions, signed by the required percentage of owners of taxable real property situated in the proposed "Heritage Woods Refuse District" have been presented to the Town Board of Pittsford, Monroe County, New York, for the proposed creation of the aforesaid Refuse District to be located in the Heritage Woods Subdivision, the said proposed District being located in general terms on the streets of Deer Creek Road, Railroad Mills Road, Old Brick Circle, Old Forge Lane, Wandering Trail and Whispering Meadow situated off of Railroad Mills Road, comprising of 175 parcels, all as is more particularly set forth in the Petitions and map as described herein; and

WHEREAS, no public monies are proposed to be expended for the creation of the Refuse District; and

WHEREAS, the anticipated Refuse Collection Fees to be paid annually by the owner of each home within the District, is in the amount of \$217.87;

NOW, ON MOTION duly made and seconded, it is

**RESOLVED AND ORDERED**, that a public hearing be held before the Town Board of the Town of Pittsford, at the Town of Pittsford Town Hall, or by electronic conference or meeting as permitted by law, on the 21<sup>st</sup> day of July, 2020 at 6:00 o'clock P.M., Local Time, to consider the said Petitions and to hear all persons interested therein, and for such other and further action on the part of the Town Board with relation to the said Petitions as may be required by law or proper in the premises; and it is further

**RESOLVED AND ORDERED**, that a copy of the within Order be duly published in the Brighton-Pittsford Post, which paper is designated as the official paper for such publication, and a copy of the said Order be posted on the bulletin board of the Town Clerk of the Town of Pittsford, New York, maintained pursuant to Section 30 of the Town Law, not less than ten (10) nor more than twenty (20) days prior to the date of the said hearing.

### **WALNUT HILL REFUSE DISTRICT**

WHEREAS, Petitions, signed by the required percentage of owners of taxable real property situated in the proposed "Walnut Hill Refuse District" have been presented to the Town Board of Pittsford, Monroe County, New York, for the proposed creation of the aforesaid Refuse District to be located in the Walnut Hill Subdivision, the said proposed District being located in general terms on the streets of Coach Side Lane and Post Side Lane, situated off of West Bloomfield Road, comprising of 48 parcels, all as is more particularly set forth in the Petitions and map as described herein; and

WHEREAS, no public monies are proposed to be expended for the creation of the Refuse District; and

WHEREAS, the anticipated Refuse Collection Fees to be paid annually by the owner of each home within the District, is in the amount of \$217.87;

NOW, ON MOTION duly made and seconded, it is

**RESOLVED AND ORDERED**, that a public hearing be held before the Town Board of the Town of Pittsford, at the Town of Pittsford Town Hall, or by electronic conference or meeting as permitted by law, on the 21<sup>st</sup> day of July, 2020 at 6:00 o'clock P.M., Local Time, to consider the said Petitions and to hear all persons interested

## Minutes of the Town Board for June 16, 2020

therein, and for such other and further action on the part of the Town Board with relation to the said Petitions as may be required by law or proper in the premises; and it is further

**RESOLVED AND ORDERED**, that a copy of the within Order be duly published in the Brighton-Pittsford Post, which paper is designated as the official paper for such publication, and a copy of the said Order be posted on the bulletin board of the Town Clerk of the Town of Pittsford, New York, maintained pursuant to Section 30 of the Town Law, not less than ten (10) nor more than twenty (20) days prior to the date of the said hearing.

### PERSONNEL MATTERS

#### PUBLIC COMMENT

No public comments were offered regarding Personnel Matters.

### HIRING RECOMMENDATIONS APPROVED

A Resolution to approve the hiring recommendations and salary/status/additional position changes was offered by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, and voted on by members as follows:  
Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The following Resolutions were declared carried as follows:

**RESOLVED**, that the Town Board approves the recommended new hire for the following employees:

Name	Dept	Position	Rate	Date of Hire
Tyler Love	Hwy	Seasonal Laborer (Rehire)	\$13.00	06/15/2020
Morgan Pink	Rec	Summer Recreation Assistant III	\$13.43	06/22/2020

And be it further

**RESOLVED**, that the Town Board approves the status change and/or additional position, as indicated, for the following employees:

Name	Position	Reason for Change	Salary	Effective Date
Robyn Avery	Librarian I	NYS Librarian Certification	\$23.12	06/04/2020
Justin Schmitt	Laborer	CDL – Class B	\$18.63	06/08/2020
Nicole Marra	Smmr Rec Asst III	Additional position	\$14.50	06/22/2020
Rachel Lintz	Smmr Rec Asst III	Additional position	\$13.43	06/22/2020
Madeline Haywood	Smmr Rec Asst III	Additional position	\$13.43	06/22/2020
Christopher Downey	Smmr Rec Asst II	Additional position	\$12.60	06/22/2020
Tori Gutzmer	Smmr Rec Asst II	Additional position	\$12.60	06/22/2020

### OTHER MATTERS

Board members noted the placement of the Pride Flag at the Town Library in recognition of Pride Month. Councilmember Koshykar said it should be at Town Hall. The Supervisor noted that when he and the Village Mayor discussed joint recognition of Pride Month they chose the Library as the most prominent Town building, and the most frequently-visited of all Town buildings, in the heart of the Village and on its busiest street. He noted Pride Month displays at the Library. He continued that he and the Mayor wished to display the flag as a gesture of respect for so many of our friends, neighbors and residents. Councilmember Beckford also wanted the Rainbow flag at Town Hall. Upon inquiry from Councilmember Beckford, Councilmember Townsend considered Town Hall appropriate for the display as the seat of government. Deputy Supervisor Munzinger observed that, as has been mentioned in the past, the Town receives numerous requests for placement of flags and banners signifying different purposes. She believes that, for Town Hall, the American flag appropriate as representing everyone and is the flag that should be flown there. She supports the Town's and Village's display of the Pride Flag at the Library for the reasons previously stated. Commissioner Schenkel indicated that the flagpole at Town Hall is not configured for more than one flag. Councilmember Beckford said that in addition to the Pride Flag at the Library, the Town should have a second one at Town Hall. Deputy Supervisor Munzinger reiterated that she

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fully supports the cause represented by Pride Month and our display of the Rainbow Flag, and cautioned the Town Board on setting a policy for requests for flags at Town Hall, noting that this could result in the Town being forced to display any flag demanded by any group or member of the public.

Upon inquiry by Councilmember Koshykar, Supervisor Smith confirmed that Town Hall had re-opened as of June 8, that all Town staff at that location are working in the building, and that the building is open to the public by appointment.

Councilmember Koshykar asked about next steps in updating the Zoning Code on the basis of the Town's new Comprehensive Plan. Supervisor Smith noted previous Board discussion about engaging John Steinmetz of Barton and Loguidice, who recently guided the Village through this process, and that now that COVID restrictions were being relaxed, permitting public workshops, it is appropriate to proceed. As for steps in the process, Supervisor Smith outlined anticipated steps as follows:

- 1) Project kickoff meeting with Town representatives to review project scope schedule and deliverables
- 2) Public zoning workshop – holding stakeholder interviews by the consultant
- 3) Consultant would provide for Town Board to review – an Assessment Memorandum (information collected and suggested opportunities); this would include a District Zoning framework and a zoning map
- 4) Review of development regulations would be reviewed and modifications may be made to applications, reviews and procedures, as needed
- 5) New development regulations created
- 6) Zoning update would be recommended based on successful open houses and input
- 7) SEQRA and County referral completed
- 8) Final Public Hearing prior to adoption

Supervisor Smith indicated that the Town would seek full public engagement in this process through direct mailings, citizen groups, public workshops and public meetings, as it has done for the Comprehensive Plan, the Active Transportation Plan and other town-wide initiatives and as the Village did in updating its Comprehensive Plan and its Code. He continued that he would present to the Board for approval the proposal from Mr. Steinmetz of Barton and Loguidice.

Councilmember Townsend asked about the status of the Active Transportation Plan. Supervisor Smith indicated that the Town and Village will need to hold a joint public hearing when the Village is ready, before adopting this plan. The Mayor and Supervisor have made a commitment for a joint meeting in the near future. The Supervisor discussed the possibility of setting a hearing at the next Town Board meeting. Councilmember Townsend suggested that the hearing should be held once in-person attendance by members of the public, rather than just Zoom access, becomes possible; the Supervisor agreed and said this should be the case with public meetings for updating the Zoning Code as well.

Councilmember Beckford asked for a second flagpole at Town Hall. Commissioner Schenkel said the Town had looked into this before but the only spot is over an underground boiler room, making placement of a pole there impossible.

Councilmember Beckford noted the recent Black Lives Matter event. He asked if the Board would be willing to give direction or advice to the School District on the basis of statements made by students at the event. She noted the need to respect the School District's independent authority, that such mutual respect contributed to the excellent working relationship between the Town and the School District and noted the School District's extensive inclusion program, designed to help make every child feel welcome and included. Councilmember Townsend stated that the Town should make equity part of everything we do, thinking especially of instructors who work with youth in our Recreation programs. She noted that she has spoken with the School Superintendent about this subject and has offered support in any way possible. Councilmember Townsend recognized that the School Board is an independently elected body that requires our respect as such, as is the Town Board. She noted that the School District has signed a County-wide commitment with all other school districts in Monroe County expressing commitment to inclusion generally, including in the curriculum. Deputy Supervisor Munzinger agreed with the sentiments expressed by Councilmember Townsend and noted how moved she was by the Black Lives Mattter event and the speakers.

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Councilmember Beckford stated that the Town should stand up to the School District and challenge it. He criticized a recent public statement by Supervisor Smith congratulating the Pittsford Central School District for being ranked, once again, as the Number 1 school district in the Rochester area. Councilmember Beckford stated that this made the students who spoke at the subsequent Black Lives Matter event feel excluded and discounted. Councilmember Beckford said he does not want the Pittsford School District to be Number 1 in terms of being racist.

Councilman Beckford reiterated that he wants the Town Board to adopt a formal message to the School Board challenging the School District. Councilmember Townsend expressed concern about the Town Board overstepping its bounds as a legislative body of government. Councilmember Beckford disagreed, stating that he wants our school district to do more to make our schools more welcoming and inclusive, especially for students of color. He strongly feels we should challenge the School District.

### **PUBLIC COMMENT**

Supervisor Smith opened commenting by Pittsford residents. Comments were offered as follows:

Joan Linear stated that she would like the board to respond to the students that spoke at the event, by writing to the school board to let them know that the board is listening.

Tegan Rathfelder recounted how she and her children recently came across graffiti at the railroad overpass on the Canal Trail, that used an obscenity with regard to police; that this is extremely offensive to law enforcement families such as hers, that her husband is an officer and this hate speech greatly upset her young daughter; that we should all support police and first responders and stop the hate, in all forms, and allow everyone including police families to feel safe and to appreciate those who serve our community.

Xueya Cai noted that Brighton School District has flags from all countries at the entrance to their building and she is supportive of all-inclusive actions. She believes that the Pittsford Central School District is very inclusive and recognizes all cultures, countries and differences. She also does not feel it is appropriate for the Town Board to discuss school district issues or dictate to the school district, but is pleased that the Town and School District work together successfully.

Susan Gould asked about Councilmember Beckford's recent Facebook post which stated that Pittsford maintains exclusionary zoning laws for the purpose of keeping members of ethnic minorities out of Pittsford. She asked what those laws are, and what does Councilman Beckford mean by the term affordable housing? She stated that her experience has been that affordable housing is available in Pittsford, especially in her neighborhood.

Councilmember Beckford said he is referring to developments that target income levels, that he could not give her a price point and explained that he is unable to do this because our zoning laws affecting density do not allow for building new homes to reach the target income levels he prefers. Supervisor Smith reviewed statistics showing that housing affordable by families of modest income is broadly available in Pittsford. Councilmember Beckford responded that zoning laws need to change to obtain more of it. Councilmember Townsend asked the Board to continue with comments from residents.

Mythea Mazzola spoke in support of Councilmember Beckford's thoughts on changing zoning laws to provide low-cost houses.

Marty Martina addressed an earlier comment by Tegan Rathfelder, apologizing for her family having to be exposed to the anti-police obscenity on the Canal Trail. He feels that the current attacks on law enforcement is toxic for all communities and that he is particularly concerned about calls to defund the police, reading aloud a resolution he prepared, entitled "Proclamation for Uninterrupted Policing Services in the Town and Village of Pittsford, New York," and asked the Board to enact it.

Councilmember Koshykar responded that she is willing to support police, but not Mr. Martina's resolution and feels that he is trying to trap Board members by his request. Councilmember Beckford noted that Sheriff Baxter attended the recent march in the Village; that the concept of defunding the police does not really mean defunding, and that he would not support Mr. Martina's proposal. Deputy Supervisor Munzinger indicated that she supports the concepts stated in the proposal. Supervisor Smith noted that the Town Board does not consider or vote on

## Minutes of the Town Board for June 16, 2020

resolutions or matters that do not involve powers or actions within the jurisdiction of town boards under State law, citing as an example that the Town Board would not debate or vote on a resolution regarding nuclear disarmament, and therefore the Board cannot take up a resolution such as that proposed by Mr. Martina. The Supervisor continued that he agreed with the concepts expressed in Mr. Martina's draft resolution, that he would be pleased to use it as the basis for a Supervisor's proclamation and invited any board member who would like to co-sign such a proclamation to do so.

Ginger Sacco spoke in support of Mr. Martina's proposal to support current levels of law enforcement protection without defunding. She noted that she is a disabled veteran who was able to buy a modestly-priced home in Pittsford. She is disappointed that when she listens to Town Board meetings recently some board members continually seek to divide people into black and white racial categories. She thanked Supervisor Smith for congratulating Pittsford schools for earning the Number 1 ranking again, stating that with children in the schools she believes the school district has earned it; and said that trying to twist congratulations to the school district into an opportunity to call Pittsford schools the most racist in New York is not right and extremely offensive. She indicated that requests she has made in the past to have flags for various causes flown at both the Village and Town Halls have been rejected, but if the Town reconsider this policy she will re-submit her requests.

Jeff Luellen expressed displeasure with Councilmember Beckford. Councilmember Koshykar and Supervisor Smith admonished the commenter for highly inappropriate language and criticism directed at a member of the Board personally. Councilmember Beckford responded.

Karen Anvelt submitted a written comment that the Town Clerk read aloud. Ms. Anvelt noted that she represented the group "Stop the Canal Clear Cut" and encouraged the Town Board to be vigilant with regard to the New York State Canal Corporation's embankment inspection and maintenance project, as they appear to be preparing to proceed with attempting to cut the trees along the Canal embankment. The Supervisor noted that the Town Attorney is reviewing the Canal Corporation/Power Authority's plans and that the Town is prepared to take them to court to stop clear cutting as the Town successfully did before.

Jen Canning said that the Pride flag should be flown at Town Hall. She believes that if a statement cannot be made to the Pittsford School District because they are a separate governing body, then a proclamation regarding law enforcement could also be considered a statement to an agency that the Town does not have jurisdiction over.

As there was no further business, the Supervisor adjourned the meeting at 8:36 P.M.

Respectfully submitted,

Linda M. Dillon  
Town Clerk

March 17, 2020

Mr. William Smith, Supervisor  
Town of Pittsford  
11 South Main Street  
Pittsford, New York 14534

Re: Regulatory Services for the Town of Pittsford Zoning Code Update  
File: P710.1398

Dear Supervisor Smith:

Barton & Loguidice (B&L), is pleased to provide this proposal for Professional Services to assist the Town of Pittsford with the update to the Town's Zoning Code (Chapter 185). The primary objective of this update is to align the code with the recently adopted Comprehensive Plan. It is also an opportunity to create a more user friendly code through better organization and to ensure your regulations are consistent with New York State and Federal Law.

## SCOPE OF SERVICE

We propose the following Scope of Service to complete the code update for the Town of Pittsford:

Task #1: Project Kick-Off Meeting – B&L will facilitate a Project Kick-Off Meeting with Town representatives and the Project Advisory Committee (PAC). This meeting will include a review of the project scope, schedule, and deliverables. B&L will provide an educational primer on zoning techniques and facilitate a key issue brainstorming session with the PAC to identify the current issues and opportunities associated with the code update.

Task #2: Zoning Workshop & Stakeholder Interviews – B&L will facilitate a Community Zoning Workshop to introduce the process to the public, establish expectations, and identify issues and opportunities that business and property owners have experienced with the existing regulations. The results of the Zoning Workshop and Stakeholder Interviews will be summarized by B&L and provided to the Town. In the event that large public meetings are not permitted or advisable due to the current pandemic, B&L will conduct a webinar or other online opportunity for the public to learn about the code update process and provide their input. The interviews may also be conducted via videoconferencing hosted by B&L.

Task #3: Code Review & Assessment Memo – B&L will complete its review of the existing code and draft a Zoning Code Assessment Memo. This memo will provide an analysis of the problems and opportunities associated with specific elements in the existing code structure and requirements. Our findings will be based upon the recommendations of the Town's Comprehensive Plan, the input received in the previous tasks, and our experience working in other communities. The memo will be reviewed at the second PAC Meeting.

Task #4: District Framework – Utilizing the information received in the first two tasks and the recommendations of the code assessment memo, B&L will update the Town's existing zoning districts to create a new draft district framework. The proposed amendments to the zoning districts and map will be dependent on the information obtained and assessment memo; however, code elements typically reviewed and revised as part of the district framework include:

- District Purpose Statements;
- Permitted and Specially Permitted Uses;
- Bulk and Dimensional Regulations;
- Specified Use Requirements;
- Historic District Provisions; and
- District Boundary Adjustments.

A Draft Zoning Map will be prepared as part of this task to reflect any proposed amendments to the boundaries of the zoning districts. The products of this task will be reviewed by the PAC over multiple meetings.

Task #5: Development Regulations – B&L will provide updated development regulations for the Committee's review. It is unclear at this time which code sections may be impacted, as the proposed amendments will be based upon the input of the public, PAC, and recommendations of the code assessment memo. Based upon our experience and a preliminary review of the Town's existing code, we anticipate the following topics will be addressed as part of the development regulations:

- Nonresidential Design Standards;
- Parking and Site Design Requirements;
- Landscaping and Screening Standards; and
- Sign Regulations.

The Draft Development Regulations will be discussed over multiple PAC Meetings and edited based upon the feedback provided by the PAC.

Task #6: Administration & Review Procedures – B&L will review and modify the Town's application and review procedures to:

- Eliminate any internal conflicts that may exist with local review processes;
- Clarify and strengthen development review criteria;
- Align procedures and time-frames with New York State law; and
- Increase the efficiency and user-friendliness of application procedures.

The products of this task will be reviewed by the PAC over multiple meetings.

Task #7: Community Open House – The exact format of the second public input meeting will be determined with input from the PAC. However, it has been our experience that an Open House style meeting allows for an exchange of ideas and opinions in a non-confrontational environment. In the event that the pandemic is still limiting public gatherings, we will work with the Town to develop another means of presenting the preliminary code material to the community and soliciting their comments.

Task #8: Draft Code Update & Map – The final edits to the Zoning Update will be made based upon input received at the Open House in Task Seven. The revised draft code update will be provided to the PAC for its review.

Task #9: SEQR, County Referral & Local Law Preparation – B&L will assist the Town with the completion of forms and correspondence required as part of compliance with the State Environmental Quality Review Act (SEQRA). B&L will also assist the Town with the required referral to Monroe County Planning.

The adoption of the zoning code amendment is anticipated to be made through the passage of a local law repealing and replacing the Town's existing Chapter 185. B&L will work with the Town's attorney to prepare this local law in accordance with NYS Town Law and requirements for Town Code amendments.

Task #10: Public Hearing & Code Adoption – The Town is required to hold at least one public hearing prior to the adoption of the zoning code amendment. It is recommended that a public hearing be held at this time to review the code, its contents, and the SEQR documentation. B&L will prepare all meeting materials and facilitate the public hearing. The format of the hearing will be determined with input from the Town Board. The preparation of all notices and advertising of the hearing will be the responsibility of the Town. The final edits to the proposed zoning code will be made based upon input received at the Public Hearing. The final code will be provided to the Town Board for its adoption.

## TECHNICAL ASSUMPTIONS

In summary, the scope of service for the Town of Pittsford Code Update assumes the following:

- Preparation for and participation at up to six (6) Stakeholder Interviews;
- Preparation for and attendance at up to nine (9) Project Advisory Committee (PAC) Meetings;
- Preparation for and attendance at up to three (3) Public Meetings (Zoning Workshop, Open House, and Public Hearing);
- SEQRA does not include an Environmental Impact Statement (EIS);
- The Town will be responsible for distributing meeting notices and any advertising that is deemed appropriate or necessary.
- The Town will designate a single point of contact to communicate project related information to B&L team members.
- The Town will provide a single set of comments on all draft materials. B&L will make one (1) round of edits as appropriate for each deliverable.
- B&L will provide the Town with one (1) digital and up to three (3) paper copies of the final Zoning Code.

FEE PROPOSAL

Barton & Loguidice, D.P.C. proposes to complete the above-described Scope of Service in accordance with the attached terms and conditions. This project will be billed on a time and expense basis with a not-to-exceed fee of \$69,000. An estimated breakdown of fees by task is as follows:

Task 1: Project Kick-Off Meeting	\$ 4,000
Task 2: Zoning Workshop & Stakeholder Interviews	\$ 8,500
Task 3: Code Review & Assessment Memo	\$ 6,000
Task 4: District Framework	\$16,000
Task 5: Development Regulations	\$10,000
Task 6: Administration & Review Procedures	\$ 9,000
Task 7: Community Open House	\$ 5,000
Task 8: Draft Code Update & Map	\$ 4,000
Task 9: SEQR, County Referral & Local Law Preparation	\$ 3,000
Task 10: Public Hearing & Code Adoption	<u>\$ 3,500</u>
<b>TOTAL</b>	<b>\$69,000</b>

NOTES:

1. Unless otherwise noted, this fee assumes the meetings described in the scope will be held in person. If additional coordination with the Town is required due to any COVID-19 pandemic health and safety policies, procedures and protocols in effect at the time of service as imposed by the Town, B&L, or the State or Federal government the overall fee and/or breakdown by task may change.

If additional services is required beyond this scope, we will prepare a supplemental proposal at that time. Work can commence upon receipt of authorization from the Town of Pittsford. Following your review and concurrence with this proposal, we have provided for countersignature approval below. We trust you will find this proposal acceptable and look forward to working with you on the successful completion of this project. If you have any questions, please feel free to contact John Steinmetz.

Sincerely,

BARTON & LOGUIDICE, D.P.C.



Kenneth M. Knutsen, P.E.  
Sr. Vice President



John Steinmetz, AICP  
Senior Managing Community Planner

KMK/JS/jjb  
Enc: Standard Terms and Conditions

AUTHORIZATION

Barton & Loguidice, D.P.C., is hereby authorized by the Town of Pittsford to proceed with the services described herein in accordance with the attached Terms and Conditions.

---

William Smith, Supervisor  
Town of Pittsford

---

Date

**STANDARD TERMS AND CONDITIONS  
for  
PROFESSIONAL ENGINEERING SERVICES  
provided by  
BARTON & LOGUIDICE, D.P.C. ("ENGINEER")**

The OWNER and the ENGINEER, for themselves, their successors and assigns, have mutually agreed and do agree with each other as follows:

**1.0 Basic Agreement**

Engineer shall provide, or cause to be provided, the services set forth in the proposal to which these terms and conditions are attached (PROPOSAL), and Owner shall pay Engineer for such Services as set forth in PROPOSAL. The PROPOSAL, in conjunction with these terms and conditions, is referred to herein as "Agreement".

**2.0 Payment Procedures**

Engineer will prepare a monthly invoice in accordance with Engineer's standard invoicing practices and submit the invoice to Owner. Invoices are due and payable within 30 days of the date of the invoice. If Owner fails to make any payment due Engineer for services and expenses within 30 days after the date of Engineer's invoice, the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, without liability, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges.

**3.0 Additional Services**

If mutually agreed by Owner and Engineer, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth in the PROPOSAL if requested by the Owner. Owner shall pay Engineer for such additional services as follows: (1) as mutually agreed by Owner and Engineer, or (2) an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any.

**4.0 Termination**

If Engineer's services related to the project are terminated for any reason, Engineer shall be compensated for time plus reasonable expenses associated with demobilizing personnel and equipment, and, if requested in writing by the OWNER, for completion of tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

**5.0 Controlling Law**

This Agreement is to be governed by the law of the state in which the Project is located.

**6.0 Successors, Assigns, and Beneficiaries**

Owner and Engineer each is hereby bound and the partners, successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted herein the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

**7.0 General Considerations**

A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Engineer and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

B. Engineer shall not at any time supervise, direct, or have control over any contractor's work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for safety precautions and programs incident to a contractor's work progress, nor for any failure of any contractor to comply with laws and regulations applicable to contractor's work.

C. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

D. Engineer shall not be responsible for the acts or omissions of any Contractor, Subcontractor, or Supplier, or of any of their agents or employees or of any other persons (except Engineer's own agents, employees, and Consultants) at the Site or otherwise furnishing or performing any Work; or for any decision made regarding the Contract Documents, or any application, interpretation, or clarification, of the Contract Documents, other than those made by Engineer.

E. All design documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed.

F. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer pursuant to the PROPOSAL, whichever is greater.

G. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials) except as may be specifically defined in the Scope of Services. If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the Site is in full compliance with applicable Laws and Regulations.

H. The services to be provided by Barton & Loguidice under this Agreement DO NOT INCLUDE advice or recommendations with respect to the issuance, structure, timing, terms or any other aspect of municipal securities, municipal derivatives, guaranteed investment contracts or investment strategies. Any opinions, advice, information or recommendations provided by Barton & Loguidice are understood by the parties to this Agreement to be strictly *engineering* opinions, advice, information or recommendations. Barton & Loguidice is not a "municipal advisor" as defined by 15 U.S.C. 78o-4 or the related rules of the Securities and Exchange Commission. The other parties to this Agreement should determine independently whether they require the services of a municipal advisor.

**8.0 Dispute Resolution**

Owner and Engineer agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice by either party of the existence of the dispute. If the parties fail to resolve a dispute through negotiation then Owner and Engineer agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement or the breach thereof ("Disputes") to mediation by a mutually acceptable mediator. Owner and Engineer agree to participate in the mediation process in good faith and to share the cost of the mediation equally. The process shall be conducted on a confidential basis, and shall be completed within 120 days. If such mediation is unsuccessful in resolving a Dispute, then (1) the parties may mutually agree to a dispute resolution of their choice, or (2) either party may seek to have the Dispute resolved by a court of competent jurisdiction.

**9.0 Accrual of Claims**

All causes of action between the parties to this Agreement including those pertaining to acts, failures to act, failures to perform in accordance with the obligations of the Agreement or failures to perform in accordance with the standard of care shall be deemed to have accrued and the applicable statutes of limitations shall commence to run not later than either the date of Substantial Completion for acts, failures to act or failures to perform occurring prior to Substantial Completion, or the date of issuance of the Notice of Acceptability of Work for acts, failures to act or failures to perform occurring after Substantial Completion.

**10.0 Total Agreement**

This Agreement constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. In the event of a conflict with contractual provisions in a Purchase Order authorization related to this Agreement, the provisions of this Agreement shall control. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

## **Budget Amendment**

**Be it resolved, that the following budget amendments are approved:**

That line item 5.5112.2010.55.4 (Highway PT – CHIPS Road Rehabilitation) be increased by \$70547.00. The source of these funds will be an increase of in NYS CHIPS Program, EWR and PAVE NY.

# MEMORANDUM

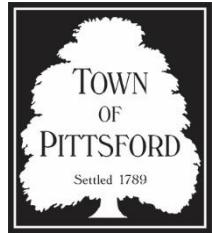
**To:** Pittsford Town Board

**From:** Paul Schenkel - Commissioner of Public Works

**Date:** July 1, 2020

**Regarding:** Authorize Pittsford Little League Vending Permit for Ford Field Baseball Fields

**For Meeting On:** July 7, 2020



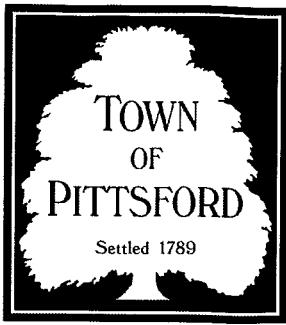
Ladies and Gentleman

Vincent Toscano, from Pittsford Little League has again requested a "Food Vending Permit" to sell from a portable vending unit at the Town owned Ford Field Baseball Fields located at 34 East St. The vending unit will be operated seven days a week, from the hours of 8:00 AM to 8:00 PM from July 1, 2020 through October 31, 2020.

The attached proposed "Vending Permit" details the conditions of the arrangement, including a requirement that the Vendor have all necessary health and safety certifications and insurance, naming the Town as additional insured. The proposed vending fee of \$100.00 will be waived for a not for profit group.

In the event the Town Board determines that the proposed action will be taken, the following oral Resolution language is suggested:

**Resolved**, that based on the recommendation of the Commissioner of Public Works, Town Board approves the proposed Food Vending Permit to Pittsford Little League to operate a vending unit on the Town owned Ford Field Baseball Fields located at 1 South St., from July 1, 2020 through October 31, 2020 and that the Town Supervisor is authorized to sign the permit.



Pittsford Little League  
PO Box 313  
Pittsford, NY 14534

## VENDING PERMIT

The Town of Pittsford ("Town") hereby issues a vending permit to the above ("Vendor") to allow the sale of food from a small portable vending unit to be temporarily located at 1 SOUTH STREET for the period from JULY 1<sup>st</sup>, 2020 – OCT. 31<sup>st</sup>, 2020. The terms and conditions of this Permit are as follows:

- Vending hours shall be from 8:00AM to 8:00PM on Sun. - Sat. at 1 SOUTH STREET. The Town will provide a schedule of field use to the Vendor.
- The Vendor shall provide to the Town a valid certificate of insurance covering all of the Vendor's operations under this permit, with the Town listed as an "Additional Insured".
- The Vendor shall be responsible to obtain and provide the Town with copies of all health and safety certifications, such as licenses, inspections, and the like required to operate the Vendor's food sale operation.
- The Vendor's vending unit shall not be left unattended.
- All of the Vendor's equipment and materials shall be removed from the site at the end of each service time period. The Vendor shall be responsible for cleanup and removal of all debris generated by and/or associated with the food sale operation.
- The Vendor shall locate the vending unit in such a manner as not to inhibit maintenance of the area by Town staff. The specific location of the unit on the site shall be subject to review and approval by the Commissioner of Public Works.
- A Vending Permit Fee shall be assessed at a rate of \$100.00 per month, to be payable on or before the first of each month.
- The Vendor shall protect, defend, indemnify and hold harmless the Town from any and all claims, costs, damages, liabilities and expenses (including reasonable attorneys' fees) of any nature whatsoever for injury, death to persons or property damage arising out of or in any way related to the Vendor's operations.
- The Town reserves the right to terminate this Permit at any time.

Town Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Vendor: Pittsford Little League Date: July 1<sup>st</sup>, 2020

**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YY)  
12/06/19

PRODUCER

**Keystone Risk Managers, LLC**  
**1995 Point Township Drive**  
**Northumberland, PA 17867**

CERTIFICATE #: 2320419-2020-3

2 32 04

**INSURERS AFFORDING COVERAGE:**

ADDITIONAL NAMED INSURED:

PITTSFORD LL  
Jon Blauvelt  
219 Mendon Center Road  
PITTSFORD, NY 14534

INSURER A:	Lexington Insurance Company
INSURER B: (Non-Liability)	National Union Fire Insurance Company of Pittsburgh, PA
INSURER C:	AIG Specialty Insurance Company

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L NAMED INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A	X	GENERAL LIABILITY	011405740	01/01/2020	01/01/2021	EACH OCCURRENCE	\$3,000,000
		X OCCURRENCE				GENERAL AGGREGATE	\$3,000,000
		X INCL PARTICIPANTS				PRODUCTS/COMP OPS AGGREGATE	\$3,000,000
		X SEXUAL ABUSE				Sexual Abuse OCCURRENCE	\$1,000,000
		MEDICAL PAYMENTS				Sexual Abuse AGGREGATE	\$1,000,000
C	X	DIRECTORS & OFFICERS	018251940	01/01/2020	01/01/2021	Any One Person	
C	X	CYBER LIABILITY COVERAGE	019502676	01/01/2020	01/01/2021	EACH LOSS	\$1,000,000
		S&P SECURITY AND PRIVACY LIABILITY INSURANCE	\$100,000 PER LEAGUE SUBLIMIT OF LIABILITY \$1,000 PER LEAGUE RETENTION			AGGREGATE	\$1,000,000
		REGULATORY ACTION SUBLIMIT OF LIABILITY	\$100,000 PER LEAGUE SUBLIMIT OF LIABILITY \$1,000 PER LEAGUE RETENTION			LIMIT OF LIABILITY CLAIMS MADE	\$100,000 PER LEAGUE AGGREGATE
		EM EVENT MANAGEMENT INSURANCE	\$100,000 PER LEAGUE SUBLIMIT OF LIABILITY \$1,000 PER LEAGUE RETENTION			RETROACTIVE DATE POLICY INCEPTION	CONTINUITY DATE POLICY INCEPTION
A	X	CRIME COVERAGE	011408729	01/01/2020	01/01/2021	EACH LOSS	\$35,000
			Crime Deductible: \$250 Property/\$1,000 Money			AGGREGATE	NONE
B	X	SPORTS EXCESS ACCIDENT	SRG9105434	01/01/2020	01/01/2021	As in Master Policy: Med. Max. \$100,000 Deductible \$50	As in Master Policy Excess

"X" INDICATES COVERAGE(S) SELECTED FOR ADDITIONAL NAMED INSURED

**ADDITIONAL INSURED**

Who is an Insured (SECTION II) of the General Liability policy is amended to include as an insured the person or organization shown in the schedule, but only with respect to liability arising out of the above named Little League's maintenance or use of ball fields, or other premises loaned, donated, or rented to that Little League by such person or organizations and subject to the following additional exclusions:

1. Structural alterations, new construction, maintenance, repair or demolition operations performed by or on behalf of the person or organization designated in the Schedule and/or performed by the above named Little League; and
2. That part of the ball field or other premises not being used by the above named Little League.

**NAME AND ADDRESS OF PERSON OR ORGANIZATION:**

1. East Rochester School District
2. Greater Rochester Outdoor Sports Facility Corporation
3. Hebert Hitting
4. Monroe County
5. New York State Canal Corporation
6. New York State Thruway Authority
7. Pittsford Central School District
8. St. John Fisher College
9. State of New York
10. The New York State Power Authority
11. Total Sports Experience, LLC / Elmwood Ventures, LLC
12. Town of Perinton
13. Town of Pittsford
14. Town/Village of East Rochester
15. Village of Pittsford
16. Rochester Institute of Technology
17. Rochester Community Baseball Inc.

**INSURED**

**Little League Baseball Risk Purchasing Group, Incorporated**  
**539 U.S. RT. 15 Highway**  
**South Williamsport, PA 17702**

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

*[Signature]*  
AUTHORIZED REPRESENTATIVE



**Certificate of Attestation of Exemption  
from New York State Workers' Compensation and/or  
Disability and Paid Family Leave Benefits Insurance Coverage**

***\*\*This form cannot be used to waive the workers' compensation rights or obligations of any party. \*\****

The applicant may use this Certificate of Attestation of Exemption **ONLY** to show a government entity that New York State specific workers' compensation and/or disability and paid family leave benefits insurance is not required. The applicant may **NOT** use this form to show another business or that business's insurance carrier that such insurance is not required. Please provide this form to the government entity from which you are requesting a permit, license or contract. This Certificate will not be accepted by government officials one year after the date printed on the form.

**In the Application of  
(Legal Entity Name and Address):**

Town of Pittsford  
DBA: Concession At Pittsford Little League Complex  
1 South Street  
Pittsford, NY 14534-3208  
PHONE: 585-248-2597 FEIN: XXXXX7929

**Business Applying For:  
Vendor License/Permit**

**From: Monroe County of Public Health**

**Workers' Compensation Exemption Statement:**

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE SPECIFIC WORKERS' COMPENSATION INSURANCE COVERAGE** for the following reason:

The applicant is a nonprofit (under IRS rules) with NO compensated individuals providing services except for clergy; or is a religious, charitable or educational nonprofit (Section 501(c)(3) under the IRS tax code) with no compensated individuals providing services except for clergy providing ministerial services; and persons performing teaching or nonmanual labor. [Manual labor includes but is not limited to such tasks as filing; carrying materials such as pamphlets, binders, or books; cleaning such as dusting or vacuuming; playing musical instruments; moving furniture; shoveling snow; mowing lawns; and construction of any sort.]

**Disability and Paid Family Leave Benefits Exemption Statement:**

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE STATUTORY DISABILITY AND PAID FAMILY LEAVE BENEFITS INSURANCE COVERAGE** for the following reason:

The applicant is a nonprofit (under IRS rules) with NO compensated individuals providing services except for clergy; or is a religious, charitable or educational nonprofit (Section 501(c)(3) under the IRS tax code) with no compensated individuals providing services except for executive officers, clergy, sextons, teachers or professionals.

I, Vincent M. Toscano, am the Board Member with the above-named legal entity. I affirm that due to my position with the above-named business I have the knowledge, information and authority to make this Certificate of Attestation of Exemption. I hereby affirm that the statements made herein are true, that I have not made any materially false statements and I make this Certificate of Attestation of Exemption under the penalties of perjury. I further affirm that I understand that any false statement, representation or concealment will subject me to felony criminal prosecution, including jail and civil liability in accordance with the Workers' Compensation Law and all other New York State laws. By submitting this Certificate of Attestation of Exemption to the government entity listed above I also hereby affirm that if circumstances change so that workers' compensation insurance and/or disability and paid family leave benefits coverage is required, the above-named legal entity will immediately acquire appropriate New York State specific workers' compensation insurance and/or disability and paid family leave benefits coverage and also immediately furnish proof of that coverage on forms approved by the Chair of the Workers' Compensation Board to the government entity listed above.

**SIGN  
HERE**

**Signature:**

**Date:**

**Exemption Certificate Number**

**2020-008177**

**Received**

**February 9, 2020**

**NYS Workers' Compensation Board**

MONROE COUNTY DEPARTMENT OF PUBLIC HEALTH

111 Westfall Road

Rochester, New York 14620

**PERMIT**

No. 272603001  
M 666362

AS PROVIDED IN CHAPTER 1, PART 14 OF THE NEW YORK STATE SANITARY CODE THIS PERMIT IS GRANTED TO **PITTSFORD LITTLE LEAGUE** TO OPERATE A FOOD SERVICE ESTABLISHMENT KNOWN AS:

**PITTSFORD LITTLE LEAGUE - FORD FIELDS  
1 SOUTH ST.**

**PITTSFORD NY 14534**

PART 14 OF THE NEW YORK STATE SANITARY CODE REQUIRES THAT THIS PERMIT BE PROMINENTLY DISPLAYED AT EACH FOOD SERVICE ESTABLISHMENT WHERE IT CAN BE SEEN BY THE CONSUMER.

ISSUE DATE: 1/1/2020

12/31/2020

DATE OF EXPIRATION

Michael D. Mendoza MD

Michael D. Mendoza, MD, MPH, MS  
Commissioner of Public Health

**WARNING: ANY ALTERATION INVALIDATES THIS CERTIFICATE. THIS PERMIT IS NOT TRANSFERABLE.**

**IMPORTANT!**

**HEALTH PERMITS ARE NOT TRANSFERABLE** FROM ONE OPERATOR TO ANOTHER. PLEASE NOTIFY THE FOOD PROTECTION SECTION OF ANY CHANGES IN OPERATOR OR NAME OF ESTABLISHMENT, INCLUDING ADDITIONS/DELETIONS OF OPERATORS/PARTNERS.

NEW YORK STATE HAS SMOKING REGULATIONS THAT WENT INTO EFFECT ON JULY 24, 2003. RESTAURANTS AND BARS ARE NOW REQUIRED TO PROHIBIT SMOKING IN ALL AREAS INSIDE THE FACILITY. DESIGNATED OUTDOOR DINING AREAS WITH AN OVERHEAD COVERING (EXCLUDING TABLE UMBRELLAS) MUST ALSO BE SMOKE FREE. IN UNCOVERED OUTDOOR DINING AREAS, SMOKING MAY BE ALLOWED IN NO MORE THAN 25% OF THE SEATING WITH A 3 FOOT BUFFER BETWEEN SMOKING AND NON-SMOKING AREAS. SMOKING IS ALLOWED IN OUTDOOR AREAS OF BARS AND RESTAURANTS THAT ARE NOT DESIGNATED FOR DINING.

Please note: The Food Worker Training requirements are as follows:

All establishments classified as "High Risk" ( H ) or "Medium Risk" ( M ) must have a Level I certified food handler in charge and enough Level II trained employees to have one present at all operating times. "Low Risk" ( L ) classified establishments must have enough Level II trained employees at all operating times.

If you have any questions please contact our office at 753-5064.

**REMEMBER: YOU MUST POST YOUR TRAINING CERTIFICATE(S) ALONG WITH YOUR PERMIT TO OPERATE.**