

Minutes of the Town Board for June 2, 2020

TOWN OF PITTSFORD TOWN BOARD JUNE 2, 2020

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, June 2, 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: Kelly Cline, Fire Marshal/Code Enforcement; Cheryl Fleming, Personnel Director; Greg Duane, Finance Director; Robert Koegel, Town Attorney; and Linda M. Dillon, Town Clerk.

ATTENDANCE: Also in attendance was a sign language interpreter and Department Heads. .

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.

SUPERVISOR'S ANNOUNCEMENTS

Supervisor Smith spoke regarding stickers promoting a white supremacist organization found in the Village, noting that he and Councilmember Townsend each had released statements on this and he would like to share the message again. He stated as follows:

Recently there have been incidents of anti-Semitic and white supremacist vandalism in the Town and Village of Pittsford. We've witnessed with horror and revulsion the inhumane, undeserved and brutally unjust killing of George Floyd in Minneapolis. The Town Board reaffirms its denunciation of such acts.

In October 2018, the Pittsford Town Board unanimously passed the resolution below. Actions by elected officials are only one step. We need all residents, especially parents, to educate themselves on how to recognize and respond to hate speech. The Anti-Defamation League (www.adl.org) maintains a database of more than 200 hate symbols as well as guidance on how to have family conversations about anti-Semitism, racism, and other forms of hate. If you encounter vandalism in Pittsford that includes hate speech or symbols, please note the location, photograph it, and notify Town Hall so we can provide the information to the Monroe County Sheriff and take any other necessary steps. It takes all of us, together.

Supervisor Smith continued, with the message unanimously supported by the Town Board in October 2018, as follows:

WHEREAS, the Town of Pittsford, New York has a long and proud history of welcoming all who choose to make the Town their home; and

WHEREAS, the Town Board of Pittsford recognizes that living in a community comprising residents from myriad national, ethnic and religious backgrounds enriches our community culture, our lives, and for each of us broadens our understanding and appreciation of the world and our place in it; and

WHEREAS, in Pittsford we value our friends and neighbors for the content of their character, regardless of their cultural background, regardless of whether they find love in this life with members of the opposite sex or of their own, regardless of how they worship, regardless of any disability they may live with; regardless of any other condition of their lives, we value them for themselves; now, therefore, be it

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RESOLVED, that the Town Board of Pittsford re-affirms our tradition and commitment to welcome all and to treat each person equally, with dignity and with respect; and be it further

RESOLVED, that as representatives of our community we will not tolerate prejudice or harassing behaviors and want all people to feel safe, valued and welcome in the community of Pittsford.

LEGAL MATTERS

PUBLIC HEARING CONTINUED – LOCAL LAW NO. 3 OF 2020: AMENDING RRAA ZONING DISTRICT AND PERTINENT SUBDIVISION REGULATIONS

Supervisor Smith noted that at this point the Town is continuing the public hearing opened at the May 26th Town Board meeting. He invited any member of the public to speak. No one spoke.

Supervisor Smith thanked Councilmember Beckford and Deputy Supervisor Munzinger for their participation in the working group that drafted the proposed law.

He thanked also the other members of the working group: Planning Director Doug DeRue; Town Attorney Robert Koegel; Commissioner of Public Works Paul Schenkel; Planning Board member, Paula Liebschutz and Design Review and Historic Preservation Board member, Leticia Fornataro.

The Supervisor then asked for Board discussion of the proposed Local Law No. 3 of 2020.

Councilmember Beckford noted that he was the only member of the Board to vote against the Town's Comprehensive Plan. He stated that Pittsford intentionally practices racial discrimination in housing, through its zoning laws. He stated it began with deed restrictions he claimed had existed in Pittsford before being declared null and void by courts and legislation over 50 years ago. This, he said, denied members of minority groups an opportunity to accumulate wealth over time through investment in a house. He regretted that the Comprehensive Plan did not include his proposal for lower income housing, criticizing the Supervisor on this point. He expressed concern that the income level in Pittsford is much higher than the average income level in Monroe County; indicating that, together with zoning laws, this is the modern way of imposing racial segregation.

Supervisor Smith asked that the Board attend to the business at hand, which is discussion of proposed Local Law No. 3. He objected to what he described as Councilmember Beckford's false characterization of his, the Supervisor's, views and statements.

Councilmember Beckford continued, repeating the point that the Town's zoning laws create a barrier for members of minority groups, and offering additional similar comment.

Councilmember Koshykar approved of this statement, requesting that all Town Board members be consulted in future on similar matters. Supervisor Smith clarified that the Town Board was, in fact, included, as all Town Board members were sent the statement by Councilmember Townsend and asked to share this statement publicly. Councilmember Koshykar thanked the Supervisor for "changing his mind," without reference to what had changed. The Supervisor noted that he had not changed his mind on anything related to the statement just read; that he has consistently denounced racist and anti-Semitic material whenever it has appeared, that he had not changed his mind about anything stated in the October 2018 resolution, which he wrote himself; nor had he changed his mind on declining to publicize or advertise for white supremacists groups by publicizing or advertising their logo or their name.

Deputy Supervisor Munzinger confirmed, after checking her email, that all the Town Board members were, in fact, included on the email from Councilmember Townsend sending them her message. .

Councilmember Townsend confirmed that she wrote the content of the message that preceded the 2018 resolution, then shared it with Supervisor Smith, made a minor edit and then sent it to the Town Board to invite them to post it as well, authorizing the Supervisor to do the same. She had also invited the Village Trustees and Village Mayor to use the statement as well. She recommended that the Board return to its agenda.

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Councilmember Townsend noted that overall she agrees with Councilmember's Beckford's vision of more reasonably priced housing. She noted that this particular law covers only one of the three or four categories of residential zoning in Pittsford and that the great majority of residential areas in Pittsford fall under the RN zoning. This legislation amends provisions for RRAA zoning, which covers a very small portion of the Town. She noted the absence of a purpose statement as part of the proposed law, noting that the purpose of the RRAA zone is to allow for transition and buffering between the more densely populated RN zone and the Agricultural zone. Most of the parcels in the RRAA zone are adjacent to the agricultural zone, so that this proposed law would provide for that transition as intended. Councilmember Townsend observed that the type of housing that would help achieve more moderate pricing would fit better in the RN zoning area and the SSRA zone, and Commercial and Mixed Use, and that the Comprehensive Plan calls for mixed uses that contemplate such housing in those areas. She noted that smaller square footage and smaller lot sizes do not necessarily result in lower-cost housing; nor does increased density. Councilmember Townsend stated that implementing the Comprehensive Plan into law will affect all of the zoning areas and types of zoning in Pittsford. As for this proposed amendment to the Zoning Code, she believes that it will achieve the intended purpose of providing buffering and transition for the 14 parcels of land that fall within its coverage.

Councilmember Townsend also recalled a comment from a resident in the public hearing on May 26. The commenter lives in the affected zone and asked his property to be "grandfathered" so as not to be affected by the change in zoning. She does not support this, considering it unwarranted to re-conceptualize the entire zone for one parcel. She would take a different view for a property owner in the zone who currently had an application pending before the Town; but grandfathering should not apply to future applications.

Supervisor Smith again invited any member of the public to speak. Once again, no one spoke. The Supervisor then closed the hearing.

SEQRA DECLARATION FOR LOCAL LAW NO. 3 OF 2020 APPROVED

Supervisor Smith offered a motion to approve a Negative Declaration of Environmental Significance as set forth in the proposed written SEQRA Resolution, which is a necessary condition to being able to adopt the PROPOSED Local Law. The motion was seconded by Deputy Supervisor Munzinger, and voted on by members as follows:
Ayes: Koshykar, Munzinger, Townsend and Smith.
Nays: Beckford.

The Resolution was declared carried as follows:

WHEREAS, the Town Board has identified the need to amend portions of the Town Code, affecting the amount of open space and the density of housing units in residential subdivision projects in the RRAA zoning district; and

WHEREAS, after giving due consideration to the proposed amendments, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on the 26th day of May, 2020, at the Town Hall, 11 South Main Street, Pittsford, New York, or by electronic conference or meeting as permitted by law, to consider the proposed amendment; and

WHEREAS, a single agency review of the SEQRA issues for the proposed amendment by the Town Board was conducted; and

WHEREAS, a public hearing was held on the 26th day of May, 2020, and again on the 2nd day of June, 2020, both by electronic conference, at which times all interested parties wishing to speak on the proposed amendments were heard; and

WHEREAS, a Full Environmental Assessment Form (FEAF) has been prepared and carefully reviewed by the Town Board and attached hereto; and

WHEREAS, the completed FEAF failed to identify any significant adverse environmental impacts associated with the proposed amendments;

NOW, THEREFORE, be it

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RESOLVED, that the Pittsford Town Board, upon consideration of all written and oral submissions, public comment, comment from appropriate agencies, as well as the completed FEAF, and upon having given this matter due deliberation and consideration, finds that the proposed amendments to Article VIII of Chapter 185 and of Chapter 175 of the Town of Pittsford Municipal Code, as well as revisions to the Town's Site Capacity Calculation Worksheet, will have no significant adverse impact on the environment; and be it further

RESOLVED, that the Town Board issues a Negative Declaration for the adoption of proposed Local Law No. 3 of 2020.

ADOPTION OF LOCAL LAW NO. 3 OF 2020 – AMENDING CHAPTER 185 “ZONING,” ARTICLE VIII, THE “RRAA RURAL RESIDENTIAL DISTRICT”; AND AMENDING CHAPTER 175 “SUBDIVISION OF LAND,” INCLUDING REVISING AND ADOPTING THE “SITE CAPACITY CALCULATION WORKSHEET” TO BE APPENDED THERETO ADOPTED

Supervisor Smith moved to adopt Local Law No. 3 of 2020, amending Article VIII of Chapter 185 of the Town Code, and Chapter 175 of the Town Code, as well as the Town's Site Capacity Calculation Worksheet, as set forth in the proposed written Adoption Resolution. The motion was seconded by Deputy Supervisor Munzinger, and voted on by members as follows:

Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith.

Nays: none.

The Resolution was carried as written and included in the Minutes of the May 26, 2020 meeting and documented in subpage 1 – 30 of the official Minutes of the May 26, 2020 meeting, together with the full text of Local Law #3 of 2020.

Councilmember Townsend suggested the Board update this portion of the Code at some point to include a purpose statement, as this will now be the only zone that does not contain a statement of purpose statement. Town Attorney Koegel acknowledged this and indicated that an overall “clean up” of the Town's Zoning Code will surely come before the Board in time and would include adding a purpose statement to this section. Councilmember Townsend asked that this task be placed on the list of such clean-up matters.

KILBOURN PLACE DEVELOPMENT -- BOARD DISCUSSION ON REVISED PROPOSAL

Supervisor Smith observed that Riedman and Associates has submitted a revised proposal for its Kilbourn Place project on East Avenue near St. John Fisher College.

PUBLIC COMMENT

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

Board discussion followed. Supervisor Smith indicated that he has reached out to the school district to obtain any additional thoughts or comments that they may have on this development and noted that, if we do set a date for a public hearing at our next meeting, a direct mailing notice will be sent to all the areas surrounding this development, advising residents of the date and time of the hearing.

Deputy Supervisor Munzinger expressed that the developer had addressed significant concerns expressed previously by both the Board and the public, particularly through changes to the scale and mass of the proposed buildings. She said that she reserved judgment, pending hearing from the public, and therefore recommends proceeding to setting a public hearing.

Councilman Beckford concurs with the idea of proceeding to public hearing format to obtain feedback from the residents. His concerns were previously the profile from the street and cost per apartment; to make them affordable for seniors who are looking to downsize. He recalled the Board's previously expressed concern that the development did not functionally turn into college dormitory housing. Councilman Beckford acknowledged

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he is more comfortable with the project now that the developer reduced the entry-level rental price to approximately \$1,400 for a 2-bedroom unit. He said it appears that the developer has addressed the need for proportionality between incentives and benefits by adding a sound barrier wall and sidewalks to the project.

Councilmember Koshykar also referred to the balance of value of incentives and benefits. Referring to the summary provided by the builder, she questions whether the value of benefits to be offered by the builder as shown in the summary reflects their true value. She noted that the list does not feel materially different and she is not certain that the value presented to us is worth the endeavor.

Councilmember Townsend shares the same concern. She does not regard the sound wall as a benefit to the Town, but rather as a benefit to the builder and to future residents of the development, particularly in light of the noise study previously presented by the builder. She also noted that the relevant monetary value placed on restoration of the Wright House should only properly include work on the house's exterior and in that light she believes the valuation shown in the builder's summary to be high. Work on the interior is not a benefit to the Town. Councilmember Townsend also noted that the renderings of the revised proposal for the buildings have a notably different look than renderings offered previously and therefore could create confusion for members of the public viewing them. She is interested in knowing which style of structure is more in keeping with what is being planned for the property – one is brick, the other looks more like an apartment complex. She asked that the Town Assessor attend the public hearing to advise the Board regarding the builder's tax receipt projections. She appreciated the changes that were made to change the scale and to move back building No. 2; she believes this project could help diversify housing and also provide some housing more moderately priced than is available at present. Her decision on amending the Incentive Zoning Law to permit this project to go forward as proposed will depend in large part to resident input at the public hearing and otherwise.

Supervisor Smith is similarly concerned about proportionality of the value of benefits to the Town and incentives to the builder; he shares the concern expressed already about extension of the sound wall as a benefit to the Town. He will also have the Town Assessor review the builder's tax projections and be ready to discuss them at the hearing. He believes that the views of residents, especially those living in the area, will be central to moving forward and agrees that the Board should set a public hearing. He asked for further comments from Pittsford residents observing the meeting. There being none, the Supervisor indicated that the consensus appears to be setting a public hearing at the Board's next meeting.

FINANCIAL MATTERS

PUBLIC COMMENTS

No residents offered comments.

NYCLASS INVESTMENT POOL APPROVED

Finance Director Greg Duane addressed the Board, reviewing his memorandum and offering his recommendation and reasoning regarding the Town of Pittsford's participation in the NYCLASS Investment Pool. Town Attorney Koegel confirmed that he has reviewed this document and is comfortable with it. A Resolution to approve the investment into the NYCLASS Investment Pool was offered by Councilmember Townsend, 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:

RESOLVED, that investment pursuant to the NYCLASS program, under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019, be and hereby is approved; and be it further

RESOLVED, that the Supervisor be and hereby is authorized to execute and deliver such documents as may be necessary or desirable to undertake such investment.

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OPERATIONAL MATTERS

BOARD DISCUSSION - DEMOLITION LAW

Supervisor Smith noted that in Pittsford it is easier to tear down a house than it is to build an addition. He introduced and reviewed proposed alternate forms of Demolition Law that had been furnished to the Board for consideration, together with an accompanying memorandum from the Town Attorney discussing them. One version would provide demolition review only for structures listed on the Town's historic inventory. The other would cover all structures proposed for demolition in the Town. The Supervisor stated that he supports adoption of a Demolition Law that covers all structures, understanding that there are exceptions for dilapidated structures posing a risk to public health or safety.

The Supervisor noted that the Town's Planning Director, Doug DeRue, had asked to speak to the Board. Planning Director DeRue agreed that our current demolition code is outdated and needs to be updated and made to be more workable and more effective. His concern is that the proposed codes are very restrictive and process-heavy. The concerns could be met without putting a blanket of process necessary for every application. The DRHPB currently reviews everything that is being built. This board has the ability to add to the Inventory List and would continue to have the authority to review any new structure being built.

Director DeRue noted that there are usually 3 to 5 demolitions per year. He noted that potential buyers of vacant properties may decline to buy, and the property will remain vacant, if the Town require a lengthy review process for demolition. Buyers interested in dilapidated properties often ask whether the house can be demolished if renovation should prove impractical. Not being able to answer the question before they buy could result in more houses left vacant and decaying. Director DeRue also has reservations about posting signs to alert the public that a demolition application has been filed. In any event, it should be done as a departmental protocol, not written into the code. .

Councilmember Townsend indicated that the provision in both drafts allowing the Town's Building and Code Enforcement Officers to determine that a structure is beyond repair, or a health or safety hazard and therefore, permit demolition without review, would address the Planning . She noted that, having served as Board Liaison to the DRHPB, she is aware that this board does not have total control of what is being built, as it operates solely within the Design Guidelines. This means they do not have total control of size of a structure, but rather the design of the structure, unless code prohibits the size. Their ability to approve or deny is not as strong as that of the Planning Board or the Zoning Board.

Councilmembers Koshykar and Townsend and Planning Director DeRue discussed various issues regarding vacant homes and buyer interests.

Supervisor Smith reiterated support for a Demolition Law that would cover all structures, with the exception of structures that would be a health or safety hazard. Removal of a house can have a significant aesthetic impact on a neighborhood or an area of Town. As a policy choice the Town has long since stated its policy that neighborhood aesthetics are important, that this underpins both the design guidelines and the Town's creation of the DRHPB in the first place. He believes that if we were to limit demolition review to Inventoried Structures only, we could risk aesthetic damage that undermines the Town's many efforts to do the opposite. .

Deputy Supervisor Munzinger believes this is an important piece of legislation that we need. However, in the past, we have engaged the Planning Board in the discussion and should do so this time as well.

Supervisor Smith referred to a question raised previously by Councilmember Koshykar that he felt had not been answered. He stated that the draft legislation would make the Planning Board the reviewing body for demolitions proposed as part of site plan applications and would make the DRHPB the reviewing body for all other demolition applications.

Councilmember Beckford asked about whether the current law requires posting notice of a demolition application. Attorney Koegel and Planning Director DeRue explained what has been written into the proposed draft and what is currently in the code that the current code does not require posting. Director DeRue indicated that his department does not have a problem doing postings and mailings in connection with demolitions, but it should be a departmental procedure, not written into code, since a single mistake could invalidate an approval or denial after a lengthy review process.

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Councilmember Townsend noted that the majority of the Town Board appears to support a code to cover all primary structures. She would be comfortable moving forward with a final draft that covers all structures, that takes the time to streamline the processes and looks into the entire notification issue.

Discussion followed between Councilmember Beckford and Planning Director DeRue, which ultimately led Councilmember Beckford to ask that Town Attorney Koegel and Director DeRue review the draft to ensure that the review take into account the size of a proposed replacement structure following a demolition.

PUBLIC COMMENT

A written comment submitted by Dirk Schneider, Chair of the Design Review and Historic Preservation Board, regarding a proposed Demolition Law was read by the Town Clerk. He said the DRHPB strongly supports Demolition Legislation that covers all structures, to ensure that demolition does not negatively affect the character of a neighborhood and ensures that plans for a replacement structure are compatible with the character of the neighborhood. The DRHPB supports the posting requirement.

DRHPB Member Bonnie Salem spoke, thanking the Board for bringing this matter back for discussion and for considering the comments of the DRHPB as submitted by the Board Chair Dirk Schneider. She confirmed the need for legislation, citing the recent demolition and re-build on Sunset Boulevard as an example, noting that the DRHPB had no power, without legislation, to prevent this home from being demolished. They, as a board, only had the ability to consider what was being built in its place. She thanked the board and looks forward to the next steps.

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.

PERSONNEL MATTERS

PUBLIC COMMENT

No public comments were offered regarding Personnel Matters.

HIRING RECOMMENDATIONS APPROVED

A Resolution to approve the hiring recommendation and salary/status change was offered by Deputy Supervisor Munzinger, 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:

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

Name	Dept	Position	Rate	Date of Hire
Douglas Connard	Hwy	Seasonal Laborer (Rehire)	\$13.00	06/03/2020

And be it further

RESOLVED, that the Town Board approves the appointment for the following employee:

Name	Position	Reason for Change	Salary	Effective Date
Karen Ward	Dep Rec of Taxes	Retirement Replacement	no change	06/01/2020

OTHER MATTERS

Supervisor Smith announced that the Governor has approved moving ahead with Summer Camps, beginning June 29th. Therefore, the Town's Recreation Department will move forward with its plans for this year's summer camp program, for which registration has been open for some time. The Supervisor also noted that this month is

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Pride Month and that the Town and Village will join in recognition, including the Town displaying the Rainbow Flag and coordinating with Library programs on the subject.

Answering a question from Councilmember Townsend, the Supervisor noted that as part of the phased re-opening of Town facilities in accordance with State regulations, Town Hall will re-open effective Monday, June 8, on a by-appointment basis, while continuing to do as much business as possible remotely. He noted that physical logistics of Town Hall make it difficult to open up without appointment while physical distancing is still required: that the main area for doing business in Town Hall on the ground floor is a narrow corridor with offices on each side. The configuration of the second floor also makes reliable physical distancing difficult. Residents should call the relevant department to make an appointment. Visitors will be required to sign in, wear a mask, and answer questions about current state of health.

Councilmember Beckford stated that he spoke with the Captain of the Sheriff's A Zone about the stickers found in Pittsford. An additional sticker or stickers were found near the Chabad House on Lincoln Avenue in the Village and the sheriff's office has video of the incident. Councilmember Beckford stated the Town should publicize the name and insignia of the white supremacist organization behind the stickers in a town-wide mailing.

PUBLIC COMMENT

No Pittsford resident offered comments.

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

Respectfully submitted,

Linda M. Dillon
Town Clerk