

Minutes of the Town Board for March 2, 2021

TOWN OF PITTSFORD TOWN BOARD MARCH 2, 2021

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, March 2, 2021 at 6:00 P.M. local time via Zoom.

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

ABSENT: None.

ALSO PRESENT: Staff Members: Shelley O'Brien, Communications Director; Jessie Hollenbeck, Recreation Director; Cheryl Fleming, Personnel Director; Paul J. Schenkel, Commissioner of Public Works; Brian Luke, Finance Director; Robert B. Koegel, Town Attorney; Linda M. Dillon, Town Clerk, and Spencer Bernard, Chief of Staff.

ATTENDANCE: There were fifty-three members of the public in attendance, as well as additional staff members and an interpreter.

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

PUBLIC HEARING

LOCAL LAW NO. 1 OF 2021 – DEMOLITION REVIEW

Following a brief history and review of the proposed Local Law by the Supervisor and the Town Attorney, Supervisor Smith opened the Public Hearing for comments regarding Local Law No. 1 of 2021 – Demolition Review.

The following member of the public offered a comment regard Local Law No. 1 of 2021:

Peggy Brizee offered a comment, thanking the Board for this new Local Law regarding demolition in Pittsford and requested clarification.

Having no further comments to be offered by the public, Supervisor Smith closed the Public Hearing.

Brief discussion followed, with members offering support for this Local Law.

AMENDMENT TO LOCAL LAW NO. 1 OF 2021 APPROVED

Following an explanation by Town Attorney Koegel, recommending that the proposed law be amended under: Section 2 Amendment to Existing Law/§64-43. Procedure/C. Standards and Decision/4. *Information derived from the public hearing (that supports the preceding subdivision above).*

Attorney Koegel recommends that /4. *Information derived from the public hearing that supports the preceding subdivision above* be amended to read: 4) Information derived from the public hearing. (Deleting the last part of that sentence.)

Thereafter, Supervisor Smith offered a motion to amend Local Law No. 1 as recommended, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The amendment for Local Law No. 1 of 2021 was approved as follows:

RESOLVED, that within Section 2 - Amendment to Existing Law/§64-43. Procedure/C. Standards and Decision/4. *Information derived from the public hearing that supports the preceding subdivision above*, be and is hereby amended to read:

4) Information derived from the public hearing.

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SEQRA RESOLUTION APPROVED

A Resolution to approve the SEQRA Resolution for Local Law No. 1 of 2021, noting no significant environmental impacts, was offered by Councilmember Townsend, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

WHEREAS, the Town Board has identified the need to amend a portion of the Town Code, requiring the Design Review and Historic Preservation Board to review applications to demolish certain structures within the Town; and

WHEREAS, after giving due consideration to the proposed amendment, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on the 2nd day of March, 2021, by electronic conference 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 2nd day of March, 2021, at which time all interested parties wishing to speak on the proposed amendment were heard; and

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

WHEREAS, the completed Short EAF failed to identify any significant adverse environmental impacts associated with the proposed amendment;

NOW, THEREFORE, be it

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 Short EAF, and upon having given this matter due deliberation and consideration, finds that the proposed amendment to Article VIII of Chapter 64 of the Town of Pittsford Municipal Code 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. 1 of 2021.

LOCAL LAW NO. 1 OF 2021 ADOPTED – AMENDMENT OF ARTICLE VIII “DEMOLITION PERMITS” OF CHAPTER 64 “BUILDING CONSTRUCTION AND MAINTENANCE”

Thereafter, a Resolution to adopt Local Law No. 1 of 2021 amending Article VIII “Demolition Permits” of Chapter 64 “Building Construction and Maintenance” of the Town Code 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, true and correct copies of proposed Local Law No. 1 of 2021: Amending Article VIII “Demolition Permits” of Chapter 64 “Building Construction and Maintenance” of The Town of Pittsford Municipal Code, 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 2nd day of March, 2021; 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 2nd day of March, 2021, at 6:00 P.M., Local Time, by electronic conference as permitted by law, on said Local Law No. 1 of 2021; and

WHEREAS, the said public hearing was duly held on the 2nd day of March, 2021, at 6:00 P.M., Local Time, by electronic conference as permitted by law, 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. 1 of 2021; and

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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. 1 of 2021; and

WHEREAS, it was the decision of the Town Board that said Local Law No. 1 of 2021 should be adopted.

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

RESOLVED, that Local Law No. 1 of 2021: Amending Article VIII "Demolition Permits" of Chapter 64 "Building Construction and Maintenance" of The Town of Pittsford Municipal Code, 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 2nd day of March, 2021, there shall be filed with the Secretary of State one certified copy of said Local Law No. 1 of 2021.

Local Law No. 1 of 2021 as adopted by the Town Board of Pittsford:

**BE IT ENACTED BY THE
TOWN BOARD OF THE
TOWN OF PITTSFORD
AS FOLLOWS:
LOCAL LAW NO. 1 OF 2021:
THE ADOPTION OF PROPOSED LOCAL LAW NO. 1 OF 2021:
AMENDING "ARTICLE VIII. DEMOLITION PERMITS" OF "CHAPTER
64. BUILDING CONSTRUCTION AND MAINTENANCE" OF THE
TOWN OF PITTSFORD MUNICIPAL CODE**

Sec. 1 Title

This Local Law shall be known as Local Law No. 1 of 2021: Amending "Article VIII. Demolition Permits" of "Chapter 64. Building Construction and Maintenance" of the Town of Pittsford Municipal Code.

Sec. 2 Amendment to Existing Law

The Pittsford Town Code, Article VIII of Chapter 64, shall be amended to read as follows:

Chapter 64 – Building Construction and Maintenance

Article VIII – Demolition of Structures; Board Review and Permit Required

§ 64-41. Purpose.

The Town of Pittsford contains structures of historic and/or architectural merit, or which otherwise contribute beneficially to the character of the Town and the neighborhood in which such buildings stand. These structures are or may be threatened by development pressures. The purpose of this Article is to provide for public notice and board review before any such structures are demolished.

§ 64-42. Demolition permit required; Board review and permit required; Board review exemptions.

A. Demolition permit required. No person may partially or substantially demolish any structure within the Town of Pittsford which requires a building permit to construct without the issuance of a demolition permit by a Code Enforcement Officer. For purposes of this article, the term "substantially demolish" means the demolition of 50% or more of the exterior of an affected structure's existing footprint, including porches and garages, as determined by a Code Enforcement Officer.

B. Board review and permit required. No person may substantially demolish any non-exempt structure within the Town of Pittsford without the review and approval of a demolition permit application by the Design Review and

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Historic Preservation Board, and the issuance of a demolition permit by a Code Enforcement Officer authorizing such demolition work.

C. Board review exemptions.

1. Dilapidated structures. Structures which, in the sole discretion of a Code Enforcement Officer, are seriously damaged by fire, storm, or other calamity, or are in such poor condition so as to constitute a threat to health, safety, or general welfare, or both, are exempt from board review for a demolition permit.
2. Minor structures. The following structures are exempt from Board review for a demolition permit: temporary structures; appurtenant structures, including but not limited to, buildings which are less than 180 square feet in size, tree houses, decks, and patios; recreational equipment or pools of any size; and fences; provided, however, that where applicable, all such minor structures remain subject to review for a certificate of appropriateness under Article XXX of Chapter 185 herein.
3. Non-historic Structures included in a Planning Board application. Structures that are not inventoried or designated as historic under Article XXX of Chapter 185 herein, but which are included as part of a Planning Board application that requires a public hearing, are exempt from board review for a demolition permit.
4. Discretionary Exemption by the Design Review and Historic Preservation Board. Upon review of available information pertaining to the structure proposed for demolition, including its address, age, architect if available, photographs, square footage, height, and the proposed size and lot location of any proposed replacement structure, the Design Review and Historic Preservation Board shall promptly determine, at a public meeting, whether to exempt from hearing any application for demolition of a structure which, in its sole discretion, does not contribute to the existing character of the neighborhood, Historic District, potential Historic District, or the Town, by virtue of the structure's architecture or historic resources. Any application so exempted will be promptly referred to a Code Enforcement Officer for the processing of a demolition permit.

[§ 64-43. Procedure.](#)

A. Hearing application.

1. Form. Any person seeking Town permission to substantially demolish any non-exempt structure within the Town of Pittsford shall complete and furnish to the Code Enforcement Official an application on a form created by the Town Building Department and providing such information so as to allow the Design Review and Historic Preservation Board to evaluate the negative impacts of the proposed demolition to the neighborhood, Historic District, potential Historic District, or the Town.
2. Minimum requirements. At a minimum, all applications must include the existing structure's age, square footage, height, style, and other available information, such as the structure's architect or historical interest, parcel map or aerial photographs, and color photographs of the existing structure's exterior elevations. If any replacement structure or addition is proposed, drawings or plans must be presented showing both the existing and proposed structure's elevations and clearly identifying all new construction and labeling all materials as new or existing. The application must also identify zoning variances required for any proposed replacement structure or addition. If no replacement structure or addition is proposed, site restoration plans must be presented.

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3. Additional information and inspection. Additional information may be required by the Town Building Department or the Design Review and Historic Preservation Board as deemed necessary to determine conformity with Town regulations and with the spirit and intent of this Article prior to a decision on the application. Such information may include, but is not limited to, interior photographs that represent the current condition of the structure. An inspection of the site, including the inside of the structure, by at least one member of the Design Review and Historic Preservation Board and a Code Enforcement Officer, may also be required. If a new addition or structure is proposed, further requirements may include floor plans, site plans, grading plans, landscaping plans, and demolition/development procedures.
- B. Notice and Hearing. Within thirty (30) days from receipt of a complete application, the Design Review and Historic Preservation Board shall hold a public hearing on the application. Notice of the hearing shall be given by Town Hall bulletin board posting and newspaper publication no less than five (5) days prior to the hearing in accordance with law. Additional notice by Town website posting, site sign posting, and mail to neighboring properties will conform to informal Town policy.
- C. Standards and Decision. Within forty five (45) days of the commencement of a public hearing on the application, the Design Review and Historic Preservation Board shall decide in writing to approve, with or without conditions, or to disapprove the demolition application, upon express consideration of the following standards and information:
- 1) The need or reasons for the proposed demolition;
 - 2) The description of the replacement structure or restoration plan for the site;
 - 3) The historic and architectural significance of the structure, and the effect of demolishing the structure and rebuilding any replacement structure is expected to have on the character of the neighborhood and community, including a Historic District if the building stands within such a District and including any potential Historic District as identified in the Town's most recent Historic Resource Survey Update; and
 - 4) Information derived from the public hearing.
- D. Application approval; failure to act upon. Any approval of an application, with or without express conditions, shall be conditioned on compliance with Town and State code provisions regulating demolition activities. Upon approval of an application and compliance with Town and State code provisions regulating demolition activities, a Code Enforcement Officer shall promptly issue the demolition permit. If a decision on an application is not reached within 45 days of the commencement of the public hearing, the application will be deemed denied, unless a time extension is granted at the request of the applicant.
- E. Appeals. Consistent with the provisions of Article IX of this chapter, an appeal of any decision of the Design Review and Historic Preservation Board regarding a demolition application may be made to the Town Zoning Board of Appeals.

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 its enactment and filing with the Secretary of State.

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MINUTES OF THE FEBRUARY 16, 2021 MEETING APPROVED

Following discussion, the Board asked the Town Clerk to remove the second sentence on Page 4, No. 7, sentence 2, at the request of Councilmember Koshykar. Thereafter, a Resolution to approve the Minutes of the January 19, 2021 meeting, as amended, was offered by Deputy Supervisor Munzinger, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Nays: Beckford.

The Resolution was declared carried as follows:

RESOLVED, that the Meeting Minutes of the January 19, 2021 meeting are approved as amended.

LEGAL MATTERS

PUBLIC COMMENTS

Annalise Johnson-Smith and Tharaha Thavakumar commented.

DISCUSSION OF QUESTIONS AND PROPOSALS FROM COUNCILMEMBER KOSHYKAR

Supervisor Smith noted that the Board had not yet discussed the portion of Councilmember Koshykar's proposed changes to the Rules of Procedure involving social media use by elected officials

Supervisor Smith referred to the Town Attorney's memorandum to the Board on this subject. The Town Attorney stated that the Memo speaks for itself.

Councilmember Townsend spoke, referring to recent rulings with respect to public officials, noting that she has a social media Personal page, a Town Board page and an Election page, and uses them accordingly. However, she noted, that should a person post a Town-related topic on their personal page, then they would be held to the "elected official standard" wherein you are not permitted to block people from that page. She recommends that elected officials should not mix the postings on these pages as best practice. Councilmember Townsend requested that Attorney Koegel keep the Board up to date on any new rulings that may address the issue of blocking others from social media pages, especially requesting that he investigate the findings for the case regarding Congresswoman Alexandria Ocasio-Cortez, who blocked individuals on her social media page. Councilmember Beckford agreed and stated that he, himself, has had negative and disturbing postings on his page and like to know the rulings on this matter.

Thereafter, Personnel Director Cheri Fleming noted that, although she respects the elected officials and understands the reasons why some have not signed the Town's Social Media Policy, she noted that Board members are still paid Town employees, just like all the other Town employees, and therefore, should be held to the same rules and policies that the Town requires of its employees.

Councilmember Townsend noted that elected officials are different and if they put something out on social media that is not liked or favored by the public, although they cannot be terminated, as the policy states, the elected officials could be voted out of office.

Town Clerk Linda Dillon spoke, noting that although residents can vote an elected official out of office, employees, who may be victims of unwanted defamatory statements from elected officials have no recourse, especially if they are not a resident of the Town. She noted that she has been such a victim of a false defamatory statement by two current councilmembers and that a public posting of the document containing the defamatory statement remains on the internet. She, therefore, strongly encouraged the Board to review and consider standards for elected officials to be equitable for all employees.

Supervisor Smith noted that it seemed that the Board had come to consensus on most of the specific points regarding Rules of Procedure that Councilmember Koshykar had brought up, except for one or two items, one being the placing of items on the agenda and the other whether non-residents of Pittsford other than those permitted by law, should be permitted to comment at Town Board meetings and thereby influence decisions of the Town Board that affect Pittsford residents.

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Supervisor Smith indicated that procedurally we have an idea of what the consensus of the Board is, and the Town Attorney can draft proposed changes for Board discussion. Councilmember Koshykar asked that, instead, a committee of two members of the Board prepare proposed revisions of the rules.

Councilmember Beckford said it is important to change the rule about public comments so that non-residents can speak at the meetings if they are representing a resident. Supervisor Smith confirmed that this is already permitted, as stated by him in discussing public comments at the beginning of each meeting.

Deputy Supervisor Munzinger stated that she felt that the Board had gone through all the items on the list at the last meeting and that the Board had reached consensus on almost all of them; that there may be one item remaining open, about allowing non-residents to comment. Discussion followed as to next steps. The Board agreed that Councilmember Koshykar, Supervisor Smith and Attorney Koegel will meet to review and develop draft revisions to the rules to put forth for Board consideration. Councilmember Townsend recommended reducing the number of motions in the Rules, specifically motions to commit, to reconsider and to adjourn, as these are never used.

FINANCIAL MATTERS

PUBLIC COMMENTS

No comments were offered regarding Financial Matters.

SURPLUS INVENTORY APPROVED

A Resolution to approve the proposed inventory for the Town Board to declare surplus and to be removed from the Town's inventory 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 Resolution was declared carried as follows:

RESOLVED, that the following equipment items be declared surplus/junk and be removed from the Town's inventory.

<u>Asset #</u>	<u>Year</u>	<u>Description</u>	<u>Department</u>	<u>Cost</u>	<u>Disposition</u>
013284	2005	Table	Library	\$735.00	Junked
013285	2005	Table	Library	\$735.00	Junked
013289	2005	Table	Library	\$735.00	Junked
013291	2005	Table	Library	\$735.00	Junked
013292	2005	Table	Library	\$735.00	Junked
013293	2005	Table	Library	\$735.00	Junked
013295	2005	Table	Library	\$735.00	Junked

PERSONNEL MATTERS

PUBLIC COMMENTS

No public comments were offered regarding Personnel Matters.

HIRING RESOLUTION APPROVED

A Resolution to approve the proposed recommendations for a new hire, based on the recommendation of the Functional Coordinator for the Planning Department, was offered by Supervisor Smith, 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 the following personnel be and hereby is approved for the date of hire as recommended.

<u>Name</u>	<u>Dept</u>	<u>Position</u>	<u>Salary</u>	<u>Effective Date</u>
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Jessica Cheng Library Library Aide – PT \$15.24/hr 03/08/2021

OTHER BUSINESS

No other business was discussed.

PUBLIC COMMENTS

Mary Moore and Marty Martina offered comments.

Having no further business to discuss, the meeting adjourned at 7:25 p.m.

Respectfully submitted,

Linda M. Dillon
Town Clerk