

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS**

Regular Meeting – August 25, 2014 at 7:00 PM

PRESENT:

Chairperson: Remegia Mitchell
Members: Meg Rubiano
George Wallace (absent)
Jill Crooker (absent)
Joe Maxey

Attorney: Jeff Turner
Building Insp.: John Limbeck
Recording Sec: Linda Habeeb

Chairperson Mitchell called the meeting to order at 7:00 P.M.

EXECUTIVE SESSION

Motion: Chairperson Mitchell made a motion, **seconded by Member Rubiano**, to enter into a closed attorney-client privilege session at 7:00 pm.

Vote: Rubiano – yes; Mitchell – yes; Maxey – yes. Motion carried.

Members gave the attorney direction on how to proceed with litigation regarding Index #14-5753, such items as are exempted by FOIL. A **motion** was made **by Chairperson Mitchell, seconded by Member Rubiano**, to leave the executive session at 7:15 pm and re-enter the regular session of the meeting.

Vote: Rubiano – yes; Mitchell – yes; Maxey – yes. Motion carried.

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**Sami Mina, 14 South Main Street ~ Site Plan**

**Present:** Sami Mina, Business Owner; Steve Carini, Architect

**Discussion:** Chairperson Mitchell stated that this is a continuation of an open public hearing for a site plan for a new business, Saha Med Grill, located at 14 South Main Street. Mr. Carini presented a revised site plan, which addressed the issues that the Board noted at the previous meeting: the size and location of the proposed signage on the site; the landscape plantings, with species and size at installation and maturity; the location of the snow storage area; and the fence to be located at the east end of the patio.

Board members asked the applicant for clarification of the proposed plantings to be located at the rear of the patio. Mr. Carini stated that he would contact the landscape architect for identification of the plantings in question. Board members discussed the 3-foot fence proposed to be installed at the east end of the patio, running north to south. In the Special Permit granted by the Board of Trustees, the fence is required as a sound barrier to the surrounding neighborhood. Chairperson Mitchell stated that a solid, 4½-foot fence would protect voices of seated patrons from projecting over to the parking lot and will be more aesthetically appropriate and in keeping with the other two lengths of perimeter fence for this patio. It will appear less like a barrier and can be connected to the 3-foot east-west section of fence by some appropriate means.

The Board also discussed whether the proposed bollards at the pedestrian walkway will be adequate to prevent vehicular traffic from entering the area. Board members suggested installing bollards at both the ends of the walkway. Chairperson Mitchell questioned the applicants about the method of indicating enter/exit signage. Board members suggested signage and markings on the blacktop indicating “Enter only” and at the exit, “Exit – no left turn” and removal of the delivery truck sign. Board members also requested that the applicant indicate the correct number of parking spaces on the site plan.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to open the public hearing at this time.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. *Motion carried.*

Chairperson Mitchell noted that a letter from a resident, and a reply from the Building Inspector regarding this proposed site plan, were submitted for record.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Maxey, to close the public hearing at this time, as there was no one wishing to speak for or against this proposal.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. *Motion carried.*

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the site plan, as submitted, with the following conditions:

1. A 4½-foot fence -without open spaces- will be installed along the north-south direction at the east end of the patio.
2. The number of parking spaces will remain as existing, and will be clearly indicated on the site plan.
3. The plantings on the east end of the patio will be clearly identified as 5-6 feet emerald green arborvitae.

4. The location of the bollards at the east end of the patio will be clearly identified, and an additional bollard at the South Main Street end of the former drive aisle will be added and included in the site plan.
5. The wording on the exit signage on the pavement and the pole signs will be revised to indicate "Exit – no left turn" with arrows. The proposed exit directory signage for delivery trucks will be omitted.

**Vote: Rubiano – yes; Mitchell – yes; Maxey – yes. Motion carried. The decision was filed in the Office of the Village Clerk on August 25, 2014.**

**Information only:**

**Jay Henschen, Hicks & McCarthy, 23 South Main Street**

**Discussion:** The Board reviewed a proposal to the Board of Trustees for expansion of the Special Permit for Hicks & McCarthy, which is located at 23 South Main Street. The owner of the restaurant, Jay Henschen, stated that he is proposing outside seating at the restaurant during the summer months. His proposal is for four tables and ten seats to be placed near the curb in front of the business on South Main Street. He stated that the purpose is for customers with take-out orders to be able to sit at the outside tables to consume the food. He emphasized that there would be no wait service at the outside tables.

Board members expressed concern with the safety of this proposal. They noted that the sidewalk in the area is too narrow and the step/curb is too high, possibly causing a safety hazard. Member Maxey questioned the applicant as to the proposal for removal of the debris. Mr. Henschen stated that the restaurant staff will be removing the trash. He stated that the Village trash receptacles will be used for trash.

**Ross Mueller, Label 7, 50 State Street**

**Discussion:** The Board reviewed the proposal for expansion of the Special Permit to rework the bar seating at Label 7, which is located at 50 State Street in Northfield Common. Mr. Mueller stated that the proposal is to relocate the bar seating to the lower room of the restaurant, which will be a reduction of nine seats. Board members noted that this change will result in a reduction in the intensity of use of the interior area of the business. Board members concurred that they had no issues with this change.

**Scott Thyroff, Pittsford Pub, 60 North Main Street**

The Board reviewed the proposal for the re-issuance of the Special Permit for the Pittsford Pub from Scott Thyroff, the new owner of the Pub, which is located at 60 North Main Street. Mr. Thyroff, stated that he is not currently proposing any changes to the business, except that he

will consider opening the restaurant on Sundays, from noon to 11 pm. Mr. Limbeck is going research whether Sunday hours were included in the approval of the original Special Permit granted for the Pittsford Pub. Mr. Limbeck stated that there have been no complaints about the Pub during the time that he has worked for the Village.

Board members expressed no concerns about continuation of the Pittsford Pub under this new ownership, as the conditions will remain as they have under the previous owner.

Furthermore, if the addition of Sunday hours does present a change from the original Special Permit, the board finds this acceptable.

**Member Items:**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the 7/21/14 minutes, as drafted.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. *Motion carried.*

**Adjournment:** There being no further business, Chairperson Mitchell adjourned the meeting at 9:00 pm.