

**PROCEEDINGS OF THE REGULAR MEETING OF THE
VILLAGE OF PITTSFORD BOARD OF TRUSTEES
July 9, 2002 at 7:00 PM**

PRESENT:

Trustees	Steven Maddox Paula Sherwood Thomas Farlow
Attorney	John C. Osborn
Treasurer	Mary Marowski
DPW Superintendent	Scott Spencer
Recording Secretary	Mary Marowski
Building Inspector	Skip Bailey

EXCUSED:

Mayor	Robert C. Corby
Trustee	Glenn Brown

Trustee Sherwood called the meeting to order at 7:00 PM.

TREASURER'S REPORT – Mary Marowski

Kevin Sutherland (Ray Wagar, CPA) reviewed the Village's 2001-2002 year-end financial position. He stated the recorded General Fund's revenue was \$1914.55 over budget and the expenditures were \$64,036.94 under budget. This increased the unreserved fund balance by \$65,951.49. Only needing \$12,000 of the previously approved \$77,000 unreserved fund balance withdrawal, these surplus funds were reinstated to the unreserved funds. The recorded Sewer Fund's revenue was \$4119.63 over budget and the expenditures were \$1042.32 under budget, therefore increasing the unreserved fund balance by 5,161.95. Kevin also reviewed the balance sheet for both funds stating the village was in a good financial position for the year. He stated it would be advisable, during the budget process, to designate use of some unreserved fund balance monies to particular capital projects.

A **motion** was made by Trustee Sherwood, seconded by Trustee Maddox, to approve the vouchers for payment and charge them to the proper accounts.

General Fund Vouchers (#40-83):	\$35,401.19
Sewer Fund Voucher (#69):	<u>\$ 43.84</u>
	\$35,445.03

Vote: Sherwood –yes; Maddox – yes; Farlow – yes **Motion Carried**

BUILDING INSPECTOR'S REPORT – Skip Bailey

Dumpster Permits: Mr. Bailey stated the law was enacted in 1998, therefore, the permits will be expiring next year.

Nothnagle's dumpster in the Burdett parking lot was questioned regarding screening. Mr. Bailey stated this dumpster is not considered a dumpster by legal definition. The responsibility of the dumpster is that of the owner and contractor.

Oak Orchard dumpster: Mr. Bailey stated the dumpster located at this site was the responsibility of Suzanne's Dress Shop. Oak Orchard does not have a dumpster. Mr. Bailey needs to speak with the Mayor regarding this issue.

Schoen Place Auto: This remains an attorney issue. There is Board concern that due to the accident that had occurred at Starbucks, that there appears to be little turn around room. In an effort to encourage safety, Trustee Sherwood and Mr. Spencer will review possible solutions for the area. The use of appropriate landscaping and bollards are considered options.

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DPW REPORT – Scott Spencer

Mr. Spencer reported on this month's **routine activities** including garbage and brush pick up, mowing, siphons, and UFPO stakeouts. **Work in progress** included the planting and watering of 20 new trees, tree trimming, the inspection of all trucks, lamp post painting and dump clean up. Mr. Spencer indicated the **completed projects** included helping out the Town of Pittsford with sweeping, the preparation and clean up for the Village's 175th anniversary, crack sealing on Sutherland St, Eastview Terrace, and Austin Park. These streets will be slurry sealed soon. Two dead trees (one at 6 Rand Place, the other at 9 Washington Avenue) were taken down by Jim Edwards. The DPW also helped paint parking spaces for the Little League at Bob Ford Field. **Concerns** presented by Mr. Spencer included revision to the manual regarding holiday pay. Mr. Spencer and Trustee Maddox will draft a proposal for the Board's review. Mr. Spencer also cited two areas having drainage problems. Mr. Holahan of 38 Rand Place requested the assistance of the Village to dig a ditch in his back yard to help relieve the flooding that occurs from the creek when it rains. He is willing to supply the materials if the Village could supply the labor and 4" pipe. Mr. Sanna of Courtenay Circle is having a drainage problem at his property. This property is a collection point for six other homes. Mr. Spencer will look into the cost of labor and materials to install a catch basin and sewer connection. **Capital projects:** Mr. Spencer stated that work has begun on road repairs for Green Hill Lane and that it was going well. He further stated the Town of Pittsford Highway Department was assisting the Village with this project.

Pedestrian Crossing Signs: Trustee Sherwood had questioned the positioning of the pedestrian crossing signs along Schoen Place due to them being crashed frequently. Mr. Spencer stated other options could be explored.

Sidewalk Concern on Schoen Place: A heaved sidewalk near Rick's Prime Rib House exists. After examination of the sidewalk that is located on the pathway that belonging to the Canal Corporation, it was determined by Mr. Spencer the heaved sidewalk was due to a tree root problem. Trustee Farlow stated that he would report the problem to them.

Crosswalks: Due to the inclement spring weather, the crew had not been able to work on the re-painting of the crosswalks. Mr. Spencer would like to see this work done prior to the opening of school. The Board has authorized the DPW overtime hours to accomplish this goal.

Employee Injury: Trustee Maddox reported that all parties reacted well regarding the injury of one of our DPW crew members. Mr. Spencer reported he had spoken with Peter Archibald of Perma who had also complimented the Village in its' handling of the injury information. From a safety concern, he suggested that cones could have been used, however, given the location of the job site, this may not have made any difference.

175th ANNIVERSARY CELEBRATION

Trustee Sherwood stated that information needs to be compiled and reviewed by the committee. A wrap up meeting is scheduled for Monday, July 15th at 4:30 PM.

PUBLIC HEARING – ENSENAT'S DELICATESSEN – 1 NORTH MAIN STREET – Expansion of Special Permit for outdoor seating

Legal Notice posted in the Brighton Pittsford Post Newspaper on June 26, 2002 read as follows:

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, on Tuesday, July 9, 2002 at 7:30 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Matthew Ensenat for an expansion of a Special Permit from the Village Board of Trustees to allow two (2) or three (3) patio tables with two chairs at each table on sidewalk outside the front door of the restaurant known as Ensenat's Delicatessen located at 1 North Main Street, pursuant to Chapter 210-74 D of the Code of the Village of Pittsford: Special Permit Uses in B1, B1A, B2, and M1 Districts."

Motion: A motion was made by Trustee Farlow, seconded by Trustee Sherwood, to open the Public Hearing.

Vote: Sherwood – yes; Maddox – yes; Farlow – yes **Motion Carried**

Discussion: Mr. Ensenat is proposing outdoor seating to include two tables (two foot in diameter) and four chairs to be placed between the columns of the building located at 1 North Main Street. This outdoor

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seating arrangement would be set out mid-May through mid-October for the purpose of promoting the business of ice cream and dinner activity. The tables and chairs would be set out 5 PM 'til 8 PM Monday through Friday and all day Saturday. The Board had inquired of the tenant if the owner had been advised of this plan. Mr. Ensenat stated this was not done. Board concerns were raised regarding the safety and liability of the placement of the outdoor seating. The Board decided this would be a Type II SEQR siting this to be a "minor temporary use of land having negligible or no permanent impact on the environment".

Public Comments:

Jim Cronin, The Pendelton Shop: The shop owner stated he was in favor of the proposal set forth by Mr. Ensenat. He felt this was in compliance with the Village's master plan and that it would promote a 'pedestrian friendly' atmosphere with interesting venues. He further stated that although there are traffic concerns regarding the location of the proposed site, that the Board not consider this a block.

Remegia Mitchell, The Pedestal Gift Shop and Chairperson for the Planning and Zoning Board stated this was a good idea for making small business strong. A concern was raised by Mrs. Mitchell regarding the Trustees dealing with a site plan. She felt this was a Planning and Zoning Board concern.

Skip Bailey, Building Inspector: stated the proposal was not for a structure and tables and chair were items that would not appear on site may survey.

Motion: Trustee Sherwood made a motion, seconded by Trustee Farlow to close the Public Hearing.

Vote: Sherwood – yes; Maddox – yes; Farlow – yes **Motion Carried**

SEQR:

Motion: Trustee Maddox made a motion, seconded by Trustee Sherwood, stating this is a Type 11, 617.5 (c)(15) SEQR: Minor temporary use of land having negligible or no permanent impact on the environment. No further action will be required.

Vote: Sherwood – yes; Maddox – yes; Farlow – yes **Motion Carried**

Motion: Trustee Farlow made a motion, seconded by Trustee Maddox, to approve the application with the following conditions: 1. Mr. Ensenat provides proof of insurance to the Village attorney for review. 2. That the Village be added as an 'additional insured' at the cost of the applicant; 3. There will be no formal service for the outdoor seating. 4. Outside seating will be allowed Monday through Friday from 5 PM 'til 8:30 PM and all day Saturday. 5. Applicant is limited to two tables and 4 chairs as displayed at the Board meeting of 7/9/02. 6. Both sets of tables and chairs are placed adjacent to 1 North Main Street. 7. Written proof of owner approval is to be provided. 8. Trash receptacles are cleared. 9. Tables and chairs are taken in at night.

Vote: Sherwood – no; Maddox – yes; Farlow – yes **Motion Carried**

A final vote is withheld pending absent Board members review of notes, tapes, and application information.

PUBLIC HEARING - PROPOSED LOCAL LAW #4 OF 2002 – ADD INDOOR RECREATION AND INSTRUCTIONAL USES TO THE B1, B1A, AND B4 SECTIONS OF THE CODE.

Legal Notice posted in the Brighton Pittsford Post Newspaper on June 26, 2002 read as follows:

"Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees on July 9, 2002 at 7:30 PM in the Village Hall, 21 North Main Street, Pittsford, NY to consider the adoption of Proposed Local Law #4 of 2002, which Local Law would amend the Code of the Village of Pittsford as follows:

Add to Article 1 General Provisions: Chapter 210-2B: RECREATION AND INSTRUCTIONAL FACILITY, INDOOR – An establishment providing indoor recreation or instruction to the public. Typical uses include art, music, and dance studios; health, exercise and fitness establishments; and educational facilities.

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Add to Article VII B! Retail Business District: Chapter 210-26A(23) Recreation and instructional facilities are permitted upon the granting of a special exception use permit by the Zoning Board of Appeals, pursuant to Chapter 210-113B(2).

*Add to Article VIII B1A Special Historic Business District: Chapter 210-31A(1) The uses provided for in Chapter 210-26A(1) through (21), **and** (23), excluding Chapter 210-26A(16), Gasoline filling stations.*

Add to Article IX B2 General Business District: Chapter 210-32A(28) Recreation and instruction facilities are permitted upon the granting of a special exception use permit by the Zoning Board of Appeals, pursuant to Chapter 210-113B(2).

Delete in Article XI B4 Canal Waterfront Business: Chapter 210-41A(27) and add: Chapter 210-41A(27) Recreation and instructional facilities.

*Add to article XI B4 Canal Waterfront Business **District.***

Motion: Trustee Sherwood made a motion, seconded by Member Maddox, to open the public hearing.

Vote: Sherwood – yes; Maddox – yes; Farlow – yes **Motion Carried**

Public Comments:

Remegia Mitchell, The Pedestal Gift Shop and Chairperson of the Planning and Zoning Board:

Mrs. Mitchell submitted a letter on behalf of the Planning and Zoning Board siting concerns regarding the definition of the term ‘recreational’ and that it should follow the preferred usage ‘instructional’. Other concerns outlined were noise levels and overall size of operation and parking concerns. Mrs. Mitchell stated this should be considered so the Planning and Zoning Board would not encounter unnecessary application complications. She further stated this decision should not be ‘applicant’ driven. Another question raised by Mrs. Mitchell was regarding parking issues that could be driven by instruction times (e.g. 6 am vs. 12 noon class times).

John Osborn, Village Attorney stated the following proposed change for Chapter 210-26A(23) and Chapter 210-32A(28): “...provided that such use is limited to **10** people, however, such use may exceed ten people, but only after a specific finding by such Board that the intensity of such use is appropriate for and compatible with the neighborhood and building in which such use is to be located.”

Cindy Weis, Applicant for a Yoga and Juice Bar stated that ‘10’ is too low a number in recognition of someone building a business. It depletes the motivation on the part of the intended applicant.

Jim Cronin, The Pendleton Shop: Mr. Cronin stated concerns regarding the definition of retail business as defined in the comprehensive plan and concerns for retail business being broken down and shifted away from this area. An insurance agency applicant was recently turned down for this same space siting that it was not a first floor retail business.

Skip Bailey stated the Code allows for service uses such as hair salons, if there is enough space. Size appropriateness is governed by the State Code.

Motion: Trustee Sherwood made a motion, seconded by Trustee Farlow to close the public hearing.

Vote: Sherwood – yes; Maddox – yes; Farlow – yes **Motion Carried**

Motion: Trustee Maddox made a motion, seconded by Trustee Sherwood, to adopt Local Law #4 to read as advised by Attorney Osborn:

Add to Article I General Provisions: Chapter 210-2B: **RECREATION AND INSTRUCTIONAL FACILITY, INDOOR-** **An establishment providing indoor recreation or instruction to the public. Typical uses include art, music and dance studios; health, exercise and fitness establishments; and educational facilities.**

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Add to Article VII B-1 Retail Business District: Chapter 210-26A(23) **Recreation and instructional facilities are permitted upon the granting of a special exception use permit by the Zoning Board of Appeals, pursuant to Chapter 210-113B(2), provided that such use is limited to twenty-five (25) persons at any time, except that such use may exceed twenty-five (25) persons only after a specific finding by such Board that the intensity of the proposed use is appropriate for and compatible with the neighborhood and facility in which the use is to be located.**

Add to Article VIII B-1A Special Historic Business District: Chapter 210-31A(1) The uses provided for in Chapter 210-26A(1) through (21), **and (23)**, excluding Chapter 210-26A(16), Gasoline filling stations.

Add to Article IX B-2 General Business District: Chapter 210-32A(28) **Recreation and instructional facilities are permitted upon the granting of a special exception use permit by the Zoning Board of Appeals, pursuant to Chapter 210-113B(2), provided that such use is limited to twenty-five (25) persons at any time, except that such use may exceed twenty-five (25) persons only after a specific finding by such Board that the intensity of the proposed use is appropriate for and compatible with the neighborhood and facility in which the use is to be located.**

Delete in Article XI B-4 Canal Waterfront Business: Chapter 210-41A(27) and add: Chapter 210-41A(27) **Recreation and instructional facilities are permitted upon the granting of a special exception use permit by the Zoning Board of Appeals, pursuant to Chapter 210-113B(2), provided that such use is limited to twenty-five (25) persons at any time, except that such use may exceed twenty-five (25) persons only after a specific finding by such Board that the intensity of the proposed use is appropriate for and compatible with the neighborhood and facility in which the use is to be located.**

Add to Article XI B-4 Canal Waterfront Business **District**

Vote: Sherwood – yes; Maddox – yes; Farlow – yes **Motion Carried**

Mr. Michael Fennie – North Main Street Lighting

Mr. Fennie inquired about the implementation of the street lighting program siting that current plans did not include North Main Street to the Village line including Washington Road. Trustee Maddox stated that cash constraints on this year's budget only allowed for the current planned implementation. This is part of the overall plan for extending lighting to all Village entrances. He further stated that he would contact RGE to obtain an estimate for lighting to be extended to all Village gateways. Trustee Sherwood stated that new Village entrance signs had been placed at the gateways. These signs will have some lighting and landscaping as part of the capital improvements designated from the 2002-2003 budget.

BUFFALO BILLS

Mrs. Mitchell stated the Town of Pittsford is promoting the Buffalo Bills the evening of July 26th. Shop owners will stay open (a warm weather Candlelight Night) for this event.

BURDETT PARKING LOT

Trustee Farlow stated he had spoken with Mr. Burdett regarding the renewal of the lease between the Village, Town and Mr. Burdett. All parties concur that a renewed leased will be desirable. There is one year left on the current lease.

LORY HEDGES – 25 NORTH MAIN STREET – PLANT PROBLEM

In a letter submitted by Ms. Hedges, she states that her plants were again this year weed-wacked by one of our DPW crew. She is requesting \$100 restitution for replacement plants. Mr. Spencer stated that he had spoken with the tenant regarding fencing at the property line. The Board had decided to table this issue.

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GRANT UPDATE – MEETING WITH STU BROWN

Trustee Maddox stated he had met with Mr. Brown regarding the need to fund regular maintenance for street repairs as outlined in the Comprehensive Plan. It was suggested that a meeting be initiated with Senator Alesi's office regarding permission for funding. Trustee Maddox will be meeting with Mr. Brown at regular intervals for grant updates.

VANINI LETTER

Mr. & Mrs. Vanini submitted a letter stating their concerns regarding sidewalks that do not have ramps siting them to be a challenge with strollers. Mr. Spencer stated there are approximately a dozen sidewalks that need to have handicap access ramps installed. This is a big project involving the closing of lanes, the cutting and rebuilding of curbs. It is also very costly. He is installing these ramps where the Village is installing new sidewalks. This is part of long term project for sidewalk improvements.

MASON CONCERN

Mr. Mason submitted a letter stating that rental property activity should not limit the property owner's rights regarding that property. The Board stated that it is the affair of the owner and the tenant regarding any application approvals for property usage and that the owner has foremost rights regarding decisions made by Village Boards.

NOLAN REQUEST FOR SANITARY SEWER SERVICE

A letter submitted by the Barry Kyhos of the Town of Pittsford Sewer Department was submitted stating a request for sanitary sewer service to 26 Sunset Blvd. This being the property of Carol and David Nolan, property tax account number 164.09-3-75. Mr. Bailey had responded by letter stating the property is not currently being billed by the Village for sewer rents and that there is no practical way to connect to the Village sewer system. His concern laid with the proper abandonment and inspection of the present septic system.

SCHOEN PLACE AUTO SERVICE

The Board inquired as to the legal status of Schoen Place Auto stating the impact of additional cars is a continued concern in regards to area safety and emergency equipment accessibility. Attorney Osborn stated that he and Mr. Bailey, Building Inspector, are pursuing this matter. Mr. Pfeffer has been requested to address this issue, but has not done so to date. Attorney Osborn is requesting a copy of the DPW employee's accident report. This accident happened at the property line for Schoen Place Auto and Starbucks Coffee. Photos of the current parking situation are requested. The Board has requested to have an update on this item at next month's Board meeting.

DANKO LETTER

Mr. Danko submitted a letter to the Board regarding his concerns with illegal parking in front of Starbucks. He has suggested the sidewalk be reduced for pedestrian use only. Mr. Spencer and Trustee Sherwood will access the situation for this possibility. A second concern was a "Children At Play" sign installed. He is requesting an additional sign be placed at the intersection of Lincoln and Washington and perhaps speed bumps. Mr. Spencer stated the current sign needs to be moved to a more visible location and a sign at the Lincoln and Washington corner has limited possibilities. Mr. Danko's last concern was a request for painting "STOP" before the pedestrian crosswalks at exiting lanes at the Town parking lots to insure pedestrian safety. Mr. Spencer stated he will review this issue.

MINUTES:

6/11/02 Regular Meeting Minutes:

Motion: Trustee Farlow made a motion, seconded by Trustee Sherwood to approve the minutes as submitted.

Vote: Sherwood – yes; Maddox – yes; Farlow – yes **Motion Carried**

EXECUTIVE SESSION

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Trustee Sherwood made a **motion**, seconded by Trustee Farlow, to enter executive session to discuss personnel issues.

Vote: Sherwood – yes; Maddox – yes; Farlow – yes **Motion Carried**

Trustee Farlow made a **motion**, seconded by Trustee Sherwood, to close executive session.

Vote: Sherwood – yes; Maddox – yes; Farlow – yes **Motion Carried**

ADJOURNMENT

There being no further business to discuss, the Board adjourned at 10:30 PM.

Mary Marowski, Recording Secretary