

**PROCEEDINGS OF THE REGULAR MEETING OF THE
VILLAGE OF PITTSFORD BOARD OF TRUSTEES**
January 14, 2003 at 7:30 PM

PRESENT:

Trustees	Paula Sherwood Thomas Farlow Steven Maddox Glenn Brown
Excused	Mayor Robert Corby
Attorney	John C. Osborn
Treasurer	Mary Marowski
DPW Superintendent	Scott Spencer
Building Inspector	Edward Bailey
Recording Secretary	Anne Z. Hartsig

Trustee Brown called the meeting to order at 7:30 P.M. The Pledge of Allegiance was recited.

PUBLIC HEARING - PROPOSED LOCAL LAW #1 OF 2003: AMEND CHAPTER 168-7 F. (6) REGARDING NEON SIGNS

Because the Board determined that neon signs are not appropriate for businesses in the Village, an amendment to Chapter 168-7 F. (6) was written. This amendment removes the paragraph that currently allows businesses to have a neon "open" sign. Attorney Osborn stated that existing neon "open" signs are grandfathered. Proof of the legal notice having been published, a **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to open the Public Hearing.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

No comments or phone calls regarding this amendment have been received in the Village Office. There being no one to speak for or against the adoption of Proposed Local Law #1 of 2003, a **motion** was made by **Trustee Sherwood, seconded by Trustee Farlow** to close the Public Hearing.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

A **motion** was made by **Trustee Brown, seconded by Trustee Sherwood** to approve the amendment of Chapter 168-7 F. (6) and to adopt Proposed Local Law #1 of 2003 as written.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

PUBLIC HEARING – OLIVE’S RESTAURANT – EXPANSION OF A SPECIAL USE PERMIT

Trustee Brown read the legal notice that was published in the Brighton-Pittsford Post on January 2, 2003. The owners of Olive’s Restaurant would like to expand into the upstairs of their building and to add patio seating to the front of the building to replace seating in the lower level during the warmer months. Jack Sigrist, the architect working with business owners Nick and Gayle Mourgides, presented color drawings and photos of the site. He explained the restaurant entrance would remain on the lower level. The Board was told there would be a total of 96 seats maximum with this expansion and that the hours of operation would remain the same. Building Inspector Bailey said 38 parking spaces would be required. Proof of the legal notice having been furnished, a **motion** was made by **Trustee Brown, seconded by Trustee Sherwood** to open the Public Hearing.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

Dr. David Jordan, 56 State Street: Dr. Jordan speaking as a next door neighbor, said he has three concerns about this project. He would like the exhaust fans directed upward to protect the cedar trees that are planted between the buildings, he would like the Mourgides’ to replace the cedar trees that have died as a result of the current ventilation system, and he does not wish to have his parking lot used by people who are not his patients during his business hours. Dr. Jordan also stated that he has strong objections to patio seating on the front of the building.

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Board members responded by saying that the parking issue is one that the landlord of Northfield Common should work to address. The Trustees expressed their hope that the neighboring parties would work together to solve the issues. They said that Building Inspector Skip Bailey would assist in this endeavor.

Remegia Mitchell, 27 Locust Street: Ms. Mitchell, speaking as a former Northfield Common business owner, said that the Mourgides' were always great business neighbors, they attractively maintained their business and they brought more clientele to the area. She said their expansion plans were in keeping with the Comprehensive Plan to improve the canal way.

John Limbeck, 62 State Street: Mr. Limbeck stated he was a nearby neighbor. He said Olive's is a great business and he hoped issues with next door neighbors could be solved to the satisfaction of both parties.

There being no further comments, a **motion** was made by **Trustee Sherwood, seconded by Trustee Farlow** to close the Public Hearing.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

A **motion** was made by **Trustee Brown, seconded by Trustee Sherwood** to approve this application for the expansion of a Special Permit Use for Olive's Restaurant with the following conditions:

1. that the Planning Board will address the issue of the ventilation system
2. that total seating for the entire restaurant including downstairs, upstairs and the patio area will not exceed 96 seats.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

The decision was filed in the Office of the Village Clerk on January 14, 2003.

REAL PROPERTY TAX LAW – INCOME LIMITS ON SENIOR CITIZENS' AND DISABILITY EXEMPTIONS

The New York State Legislature increased the amount of annual income eligibility for both senior citizens and for disabled citizens. The Assessor recommended that the Village pass the increase to be consistent with the Town and the County. A **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to hold a Public Hearing at the February 11, 2003 meeting to amend the exemptions for both categories by local law.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

PITTSFORD LITTLE LEAGUE REQUEST FOR NON-MUNICIPAL USE PERMIT

Pittsford Little League has requested a non-municipal use permit to hold their annual parade on Village streets on Saturday, April 26, 2003 at 11:30 AM. A **motion** was made by **Trustee Maddox, seconded by Trustee Sherwood** to approve the request for a non-municipal use permit for Pittsford Little League to hold their annual parade as stated in the request letter.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

VILLAGE ELECTION RESOLUTIONS

Resolution 1 of 2003: Resolved: On a **motion** made by **Trustee Maddox, seconded by Trustee Farlow** that there shall be no village registration day for the March 18, 2003 Village Election.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

Resolution 2 of 2003: Resolved: On a **motion** made by **Trustee Maddox, seconded by Trustee Sherwood** that the polling place for the March 18, 2003 Village Election shall be the Pittsford Village Hall at 21 North Main Street, Pittsford, NY and that the polls will be open from 12:00 PM to 9:00 PM on that day.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

A **motion** was made by **Trustee Sherwood, seconded by Trustee Farlow** to appoint the following Village residents as Election Inspectors for the March 18, 2003 Village Election: Rod Mattingly, Alice Todd, Dorothy Meusburger and Jill Crooker.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

UPSTATE GUIDE DOGS – BUILDING USE REQUEST

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The Village has received a request to use the Board Room on Thursday afternoons from 3:30 PM to 5:30 PM to hold general meetings from January through April from Upstate Guide Dogs. A **motion** was made by **Trustee Sherwood, seconded by Trustee Brown** to approve the building use request from Upstate Guide Dogs.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

REQUEST FOR PARKING STICKER

A Town employee requested a sticker or notice to place on her car so that she can legally park in undesignated parking places in the Burdett lot if she is called to work in an emergency situation and all designated parking places are in use. Board members discussed this issue. Building Inspector Bailey told the Board that fire lane and handicap places are the only areas outside designated parking areas in that lot. Board members determined that parking in fire lanes or handicapped spaces can not be permitted. The Village is happy to accommodate this Town employee in our parking lot if there are no available parking places in the Burdett lot.

PROPOSED RV LAW CONTINUED DISCUSSION

Remegia Mitchell said this proposed law would be on the agenda of the Planning and Zoning Board meeting for January 27th. At that time, she will gather comments of her Board to share with the Board of Trustees. Trustee Brown said the draft law is complex. He is in favor of a more general law whereby the Zoning Board could work with individual issues. Trustee Farlow said he doesn't want a law that limits residents from having recreational vehicles. He thinks that the Board should be sensitive in that regard. Attorney Osborn said that when the Code was developed, residential districts were created and setbacks were designated to those districts. He is concerned about compromising the setbacks and about having double living on one lot.

Todd Craig, East Jefferson Road: Mr. Craig stated he was in favor of a RV law that required that setbacks be followed. He said he might also be in favor of limiting the size. He said that this law could present an enforcement issue.

Board members decided to meet with the Zoning Board at their next meeting (January 27, 2003 at 7:30 PM). After that meeting, the Board of Trustees will decide whether or not to proceed with a Public Hearing to adopt the law in some form. The Zoning Board meeting will be a public meeting, not a public hearing.

24 WEST JEFFERSON ROAD – COMPLAINT

Paul Schuyler, 47 South Main Street: Mr. Schuyler asked about the status of the unregistered vehicles on the property at 24 West Jefferson Road owned by Chester Roach. He said he had notified the Village in the past and wondered why the condition still exists. He said it seemed like the Village has been slow to take action on this issue. Building Inspector Bailey said he would look into it.

VILLAGE VOLUNTEER CLEAN-UP DAY – TRUSTEE FARLOW

Trustee Farlow reported that a Village resident suggested that a volunteer clean-up day be organized sometime before the PGA Championship, which will take place in August. This resident will be happy to work on the committee but is not interested in organizing such an event. Board members suggested that community Boy Scout Troops might be interested in this idea as a community service project. Trustee Farlow will look into the matter and report to the Board at the next meeting.

PARKING TICKET COLLECTION LETTER

Attorney Turner submitted a draft letter for review to be used in the collection of unpaid parking tickets. A **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to accept the letter as written and to begin to use this form in the collection of unpaid parking tickets.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

PROCLAMATION OF COMMENDATION FOR PETER CALABRESE

The Board of Trustees was proud to present DPW employee Peter Calabrese with a Proclamation of Commendation for his honesty and integrity. Peter found a woman's purse containing a great deal of cash and credit cards. He returned it to the Village Office and attempted to find the owner.

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In addition to the Proclamation, the Board unanimously decided to present Peter with an incentive award in the amount of \$100.

BUILDING INSPECTOR'S REPORT – SKIP BAILEY

Mr. Bailey reported on the following: property clean-up at 17/17 ½ Washington Road, BreatheYoga and Archipelago store openings, request from town to redirect draining water in the Burdett lot, current construction (additions) on Courtenay Circle, Durham Way and East Jefferson Road, Schoen Place Auto negotiations, Port of Pittsford's new location, new owner of Brad and Dad's ice cream.

Trustee Maddox will ask to discuss enforcement of parking regulations in the Town parking lot at the next IMOC meeting.

GRANT APPLICATION INFORMATION – TRUSTEE MADDOX

Trustee Maddox presented an alternative from John Bero Associates for handicap access on the west (back) elevation of the Village Hall. Plans call for 102 feet of ramp with 6 turns. Board members discussed the alternative of having the handicap access on the south elevation entering directly into the main office. Board members concurred that this would be a less expensive solution, would not be visible from the street and would be close to the designated handicapped parking space in the Village lot.

A **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to authorize Trustee Maddox to contract with John Bero to draw plans for this alternative and to pay Bero Associates up to \$3000.00 for these plans.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

Trustee Maddox will contact John Bero and Stuart Brown regarding the application for a grant for handicap access for the Village Hall.

BUDGET LINE A5020.41 – CAPITAL PROJECT: GREEN HILL LANE

Board members received a memo from Treasurer Marowski noting that \$17,221.73 will need to be moved between line items before fiscal year end to cover Budget Line A5020.41.

MINUTES

Dec. 10, 2002: A **motion** was made by **Trustee Brown, seconded by Trustee Sherwood** to approve these minutes as amended.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

Jan. 13, 2003: A **motion** was made by **Trustee Maddox, seconded by Trustee Brown** to approve these minutes as written.

EXECUTIVE SESSION

A **motion** was made by **Trustee Maddox, seconded by Trustee Brown** to enter executive session to discuss a matter of potential litigation.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

A **motion** was made by **Trustee Farlow, seconded by Trustee Sherwood** to leave executive session and reenter the regular session of the meeting.

Vote: Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

ADJOURNMENT

There being no further business, Trustee Brown adjourned the meeting at 9:45 PM.

Anne Z. Hartsig, Secretary

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