

**PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
JANUARY 24, 2006**

Present:
Mayor Robert C. Corby
Trustees Paula Sherwood
Tim Galli
Steve Maddox – arrived at 9:05 PM
Excused Tom Farlow
Treasurer Mary Marowski
Building Inspector Skip Bailey
Recording Secretary Anne Hartsig

Mayor Corby called the meeting to order at 7:20 PM.

TREASURER’S REPORT-MARY MAROWSKI

The Board reviewed the vouchers for approval. A **motion** made by **Trustee Galli, seconded by Mayor Corby** to approve the following vouchers as presented and to charge them to the appropriate accounts.

| | |
|------------------------------|------------------|
| General Fund (#386-403): | \$ 16,390.93 |
| Sewer Fund (#394) | <u>\$ 259.70</u> |
| Total Vouchers for Approval: | \$ 16,650.63 |

Vote: Corby – yes, Sherwood – yes, Galli – yes. **Motion carried.**

BUILDING INSPECTOR’S REPORT – SKIP BAILEY

Mr. Bailey reported that the letter of credit that the Planning Board has required for site plan approval for the **Flour Mill** is not resolved. **ESL**, hoping to occupy space at 11 State, is appearing before the PZBA. SEQR will be required. Draft **Canal Park rules** were presented. Trustee Maddox will review the draft with Mr. Bailey. Mr. Bailey informed the Board that **Chapter 105 of the Village Code** will have to be replaced with new language adopted by the State. The cost of reprinting this should be included in the budget. The condition of a house at **10 Lincoln Ave.** has been a concern. The APRB application that requested demolition remains open. The Board asked Mr. Bailey to send a letter to the owner to remind him that the APRB requested an engineer’s report regarding the safety of the structure. **Schoen Place Auto**, 5 State Street, continually has more vehicles for sale than they are allowed. This is an enforcement issue and documentation is needed. It was suggested that Mr. Bailey take photos and compare them to the photos on the website. Mr. Bailey reported that **parking on Sutherland Street** is a problem again. Signs that had been removed are back in place. Mr. Bailey told the Board that the Planning Board reviewed the draft changes for **Chapter 150**, regarding the parking and storage of recreational and commercial vehicles. They concurred with the draft as it was written. A **motion** was made by **Mayor Corby, seconded by Trustee Galli** to hold a public hearing at the February 14th meeting to discuss the proposed amendment to Chapter 150.

Vote: Corby – yes, Sherwood – yes, Galli – yes. **Motion carried.**

SPECIAL USE PERMIT DISCUSSION

Some village merchants attended the meeting to discuss ways in which the special use permit process might be improved or altered. Some of their suggestions were: send a mailing to business owners who are located in the area in which an applicant for a special use permit is planning to operate his/her business, post signs in the windows of the proposed location, allow more time to gather information, don’t make decisions too promptly, don’t make decisions before the SEQR process is complete, the Board should require a parking plan and a business plan, applicants should make reference to the parking and traffic plan that is within the Comprehensive Plan, and specific issues that affect merchants should be identified by the Board of Trustees before decisions are made.

Planning Board Chairperson Remegia Mitchell said that Planning Board members would like the Trustees to hear their concerns about the Special Use Permit process. Lili Lanphear, PZBA Board member said the

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process should be clarified for the Boards. She said the input of local businesses is needed in order to determine what the criteria for a special use permit should be.

The Village Clerk was asked to set up a workshop meeting consisting of two members of the PZBA, two members of the Board of Trustees and representatives from village merchants. The purpose of the meeting will be to develop a proposal regarding limits and criteria for special use permits to present to both the full Board of Trustees and the full Planning and Zoning Board. It was suggested that merchants and the Trustees work together to develop limits and criteria for special use permits.

BEN & JERRY'S ICE CREAM – SPECIAL PERMIT APPLICATION

A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to reopen the public hearing regarding the request for a special permit to allow the operation of Ben & Jerry's Ice Cream at 5 South Main Street in consideration of the village merchants.

Vote: Corby – yes, Galli – yes, Sherwood – yes. **Motion carried.**

The 30 day comment period having ended and there being no objections to the Trustees being the Lead Agency, a **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to declare the Village Board of Trustees as Lead Agency for the Ben and Jerry's SEQR review.

Vote: Corby – yes, Galli – yes, Sherwood – yes. **Motion carried.**

The Board of Trustees as Lead Agency reviewed Part II of the State Quality Environmental Review Assessment form. Mayor Corby, with the consensus of the Board, determined that the result of the review was a Negative Declaration and no further review is necessary.

Sue Triolo, owner of Ewe Too and The Black Sheep said she has an issue with a food service store going into space that is designated for retail use. She asked where patrons will park. She said that if this Special Permit is approved, the South Main Street businesses will be 70% service businesses. She said there will be nothing left for retail shops. She said retail sales are decreasing. Lack of parking and the fact that the merchants' employees are using parking spaces in the Burdett lot is a big problem. Regarding Ben & Jerry's, she said that the Board should consider what it will be like for pedestrians when bicycles and strollers are on the narrow sidewalk in front of the ice cream store. She also said that 2 hour parking is not enough time for people to eat in a restaurant and also shop in the retail stores. **Peg Willard**, Pittsford Picture Framing, agreed with Ms. Triolo that parking is a problem.

Joe Triolo, owner of Up the Creek said the village has changed in the last 23 years and there are many complaints about parking and safety. He said the village is loosing. He said that "good" merchants don't want to come into a village that is not vibrant. He told the Village Board that it is time to make a decision on what they want the village to be.

Mayor Corby responded that during initial stages of the Comprehensive Plan process, one of the criticisms of the village was the high rate of vacancies and the large number of realtors occupying space on South Main Street. The Village Board passed storefront zoning in an effort to correct these problems. At that time, there were opposing views on the benefits of hair and nail salons. He said that loss of foot traffic was also a criticism. A mix of businesses that bring different types of people into the village was encouraged as part of the Comprehensive Plan. He suggested that an ice cream store would encourage foot traffic and bring vibrancy to the village. He said it seems to be an asset on Schoen Place and expected it would also be an asset on South Main Street. He asked the merchants if they have considered staying open in the evenings. They responded that they did not want to offer evening hours because it was a waste of time. In regards to parking, Mayor Corby suggested that perhaps an employer-issued permit that could be posted in employees' cars might deter them from parking in the Burdett Lot. Ms. Triolo said the employees would not put the permit in their cars.

Remegia Mitchell, former owner of The Pedestal in Northfield Common, said that when Wahl's Ice Cream opened, it brought a tremendous amount of foot traffic into her store.

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There being no one further to speak for or against this application, a **motion** was made **by Mayor Corby, seconded by Trustee Galli** to close the public hearing.

Vote: Corby – yes, Galli – yes, Sherwood – yes. **Motion carried.**

Following the discussion with the merchants in attendance, the Board concurred that if there is a problem with the Special Permit process, it should not be to the detriment of this applicant.

At the meeting of December 13, 2005, the Board of Trustees reviewed Section 210-74 of the Village Code and determined that the criteria for a special permit for this application have been met. At that time, the Board concluded the following findings of fact which have not changed as a result of this meeting.

Findings of Fact

1. peak hours of this business won't correspond with peak hours of other businesses in the area
2. this business will help increase pedestrian traffic
3. employees will park in long term parking areas and will not use the Burdett lot or south Main Street parking
4. the peak ice cream season is of short duration

A **motion** was made **by Trustee Galli, seconded by Trustee Sherwood** to approve the application for a Special Permit to allow the operation of Ben and Jerry's Ice Cream at 5 South Main Street with the following conditions that were included at the original hearing on December 13, 2005:

1. refuse will be stored inside and will be disposed of daily
2. the applicant has agreed to monitor and remove trash from three public receptacles (two to the south and one to the north) of the business on a daily basis or as needed
3. employees will be required to park in designated long term areas.

Vote: Corby – yes, Galli – yes, Sherwood – yes. **Motion carried.**

PHOTO POLICY DISCUSSION

The Village has had several inquiries asking for permission to use the photos that are on the Village website for marketing or commercial purposes. Board members determined that if they permit one person to use the photos, they will be setting a precedent and they will not have control over the way in which the photos are used. Therefore, the Board concurred that the official policy will be that the photos on the Village of Pittsford website are the exclusive property of the Village and may not be used for commercial purposes.

PITTSFORD FLOUR MILL – MIKE NEWCOMB & TODD LONGWELL

Messrs. Newcomb and Longwell came to discuss an outstanding issue which is a letter of credit. This issue is keeping the Flour Mill project from going forward. The Planning Board is requiring a letter of credit in the amount of \$200,000 before site plan approval is granted. All present were in agreement about the desire to move the project forward. Mr. Newcomb suggested a proposal in which a letter of credit would be issued May 1st. It would cover exterior work including the parking lot, landscaping, curbing and the sidewalk. This proposal would allow the developers to continue to work on other parts of the project and would minimize the time of the letter of credit. Mr. Newcomb said that they would need a C of O upon completion. That would provide incentive for them to build the building according to the plans. Board members asked about removing the Notice of Claim against the Village. Mr. Newcomb said the developers would be willing to do that but reserve the right to file another Notice of Claim at a later date if there is reason to do so. This proposal would permit the interior work, the foundation for the east addition and the construction of the canopy to go forward.

Board members agreed that if Attorney Osborn feels that the Trustees would not be intruding on the purview of the PZBA and if the PZBA is in agreement, the Board would agree to this proposal. However, the Board emphasized that this issue would have to be discussed with the Village Attorney before any agreement could be formalized. Trustee Galli said he would contact Attorney Osborn and contact the Planning Board Chairperson to discuss the proposal.

EXECUTIVE SESSION

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A **motion** was made **by Trustee Sherwood, seconded by Trustee Galli** to enter executive session to discuss the employment history of a specific employee.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Maddox - yes. **Motion carried.**

Having taken no action, a **motion** was made **by Trustee Maddox, seconded by Trustee Sherwood** to leave executive session and reenter the regular session of the meeting.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Maddox - yes. **Motion carried.**

FLOUR MILL DISCUSSION CONTINUED

Messrs. Newcomb and Longwell asked to address the Board once again. Mr. Newcomb said a letter of credit in the amount of \$200,000 would be delivered to the Village on January 30th, 2006 if the Board agreed to lift the Stop Work Order at that time. He said that the developers would withdraw the Notice of Claim on the day the letter of credit is issued. Board members thanked Mr. Newcomb and Mr. Longwell and said they looked forward to seeing the project move forward.

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 11:05 PM.

Anne Z. Hartsig, Recording Secretary