

**PROCEEDINGS OF A SPECIAL MEETING
OF THE VILLAGE BOARD OF TRUSTEES
December 27, 2010 – 10:00 AM**

Present:	
Trustees	Paula Sherwood Trip Pierson Tim Galli
Absent	Mayor Corby Trustee Steve Maddox
Attorney	Jeff Turner
Building Inspector	Skip Bailey
Recording Secretary	Anne Hartsig

Deputy Mayor Galli called the meeting to order at 10:02 AM.

CONTINUATION OF A PUBLIC HEARING FOR GUYS PIZZA

Trustee Galli stated that the purpose of the meeting was to continue a public hearing that was opened on December 14, 2010 to consider the application of Greg Kissell, owner of Guys Pizza, for a special permit to operate a take out pizza restaurant at 18 & 20 South Main Street. Representatives for this application were Greg Kissell and Joe DiPasquale.

Mr. Kissell presented a letter from Bruegger's, the current lessee of the building that formerly housed Great Northern Pizza, located at 14 South Main Street. The letter stated that non-exclusive permission to use the parking lot for temporary parking and use of the dumpster enclosure to temporarily store garbage and grease, has been given to the Birnbaums, owners of 18 & 20 South Main Street. Attorney Turner said that depending on how the lease for 14 South Main is written, the tenant, rather than the owner, has the right to specify parking and dumpster arrangements.

Mr. Kissell presented photos of the current dumpsters. There are presently 3 totes. Based on his experience, Mr. Kissell said he believes that pick up of the totes three times per week will be adequate. If not, the number of pick-ups per week will be increased. It is his intention to use a small fryer. The receptacle for the grease from that fryer will look like a regular metal trash can and it will be locked. The receptacle for the grease will probably be disposed of one time per month. The plan is to have a total of four totes, three for trash and one for grease. The Building Inspector noted that if there are three or more totes, screening is required. Options, for storage and disposal of grease, other than having an additional tote, were discussed.

Mr. Kissell presented an overview of the business including hours, menu, equipment, store layout, interior lighting, seating, plumbing & sink installations, and electrical. He said the Health Department has been consulted. A grease trap will be included and back flow prevention will be installed. He said that a 24" X 24" exhaust fan will be installed. Board members reminded him that APRB approval for the fan is required and screening will also be required. Attorney Turner suggested that Mr. Kissell talk to ARPB Chairman Paul Zachman for some suggestions. There will be one common restroom for the building.

Supply deliveries to the business were discussed. Members advised that having deliveries take place before 7 AM would be important so that traffic is not blocked by the tractor trailer trucks. Members are not in favor of delivery trucks parking on Church Street.

**Proceedings of a Meeting of the Village of Pittsford Board of Trustees
December 27, 2010**

Employee parking was discussed. Mr. Kissell stated that the rules of where to park would be set with his employees from the first day. Trustees said that parking spaces in the Burdett lot and the library lot are meant for others rather than employees of village businesses. Employee parking on South Main Street in the vicinity of St. Louis Church would be desirable. There are also parking places on Locust Street. Mr. Kissell stated that if necessary, employees would be shuttled to and from their parking places by the delivery drivers. He said there would be a maximum of six employees at any one time. He anticipates that there will be two employees inside and two drivers most days. On Friday, he believes there will be 3 employees inside and 3 delivery drivers. Mr. Bailey said it is assumed that this business will have four public spaces. After five PM there will probably be five available spaces in the parking area that belongs to the building.

Members were concerned about where drivers would park when they are picking up a pizza for delivery. They stipulated that there cannot be double parking or hazard light parking while drivers are picking up pizza. Designated parking places will have to be utilized. Trustee Sherwood said that Church Street residents deserve to have potential traffic and parking issues thoroughly considered.

Outside seating was discussed. Mr. Kissell said he planned to have two small iron tables with three chairs at each table. Mr. Bailey said a take out restaurant may have a total of 8 seats. The tables would be placed at the corner of South Main Street and Church Street as close to the building as possible. Umbrellas may be used. Mr. Kissell was advised to weight the umbrellas. It was noted that advertising on umbrellas is not permitted.

The Village Clerk reported that she had received one phone call from a South Main Street merchant who was opposed to this application. The merchant was concerned about a food establishment being housed in a historic building where fire from cooking is possible. She was also concerned about the lack of parking and stated that this business would compound village parking problems.

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

VOTE: Galli – yes, Sherwood – yes, Pierson – yes. **Motion carried.**

The Board of Trustees reviewed §210-74 (3) (a)-(h), the standards for special permit review. One Trustee expressed concerns that this business could alter the essential character of the neighborhood or be detrimental to the residents because of the nature of the business. Another concern was that the business could be detrimental to the flow of traffic in the vicinity due to the tractor trailer trucks and the pizza delivery employees. A third concern was the possibility of late night activity. A Trustee pointed out that this business is similar to the former Great Northern Pizza business which compromised the residential areas of Church Street.

Attorney Turner stated that according to the Village Code, this business is assumed to be a permitted use. It is assumed that with reasonable conditions, the business will not be detrimental to the area.

A **motion** was made by **Trustee Pierson, seconded by Trustee Galli** to approve the special permit application for Guys Pizza with the following conditions.

1. Trash will be orderly and contained at all times.
2. There shall be no more than four (4) totes including the grease receptacle. Totes shall be of the same size as those shown in a file photo submitted on 12/27/10.

**Proceedings of a Meeting of the Village of Pittsford Board of Trustees
December 27, 2010**

3. Trash receptacles will be screened. Screening for the exhaust hood, signage, and venting for HVAC must be approved by the APRB.
4. Supply deliveries to the business must be completed by 7 AM and delivery trucks may not block Church Street or South Main Street traffic.
5. Employees may not park in the municipal parking lot (Burdett lot) or on Church Street other than in the two spaces adjacent to the building, and there shall be no double parking or hazard light parking.
6. Outdoor seating will consist of two tables with three seats per table. The tables shall be positioned as close to the building as possible and off the public right of way. Tables may be in place from April 1st through November 1st.
7. Outdoor tables and umbrellas shall be secured from the wind for safety purposes and there shall be no advertising on the umbrellas.
8. Guys Pizza will be responsible for maintaining the Village trash receptacle in front of the building.
9. This special permit shall be reviewed 12 months from the opening of the business.

Prior to the vote, Attorney Turner informed the applicant that they have the right to have a full board present when the vote on their application for a special permit takes place. He explained that a majority of the board, rather than the majority of those present, must approve or deny the motion. In this case, all three members would have to vote in favor of the motion or it would be considered not passed.

The applicant stated that he would prefer to wait until the January 11th meeting in hopes that a full board will be present to vote on this application. Therefore, this motion was adjourned to the January 11th meeting.

REQUEST FOR TEMPORARY EVENT SIGN – PUNS

The Village Board received a request from Pittsford United Nursery School (PUNS) to place an A-frame sign in the village to advertise an open house event that will occur on January 9th. Board members reviewed the sign tracking sheet and found no conflicts for the locations and dates requested. Therefore, a **motion** was made by **Trustee Pierson, seconded by Trustee Galli**, to approve the request from the Pittsford United Nursery School to place a sign at the northeast corner of the Four Corners (the clock corner) from January 2nd until the conclusion of the event on January 9, 2011.

VOTE: Galli – yes, Sherwood – yes, Pierson – yes. **Motion carried.**

EXECUTIVE SESSION

A **motion** was made by **Trustee Sherwood, seconded by Trustee Pierson**, to enter executive session to discuss proposed, pending, or current litigation.

VOTE: Galli – yes, Sherwood – yes, Pierson – yes. **Motion carried.**

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

VOTE: Galli – yes, Sherwood – yes, Pierson – yes. **Motion carried.**

ADJOURNMENT

There being no further business, Deputy Mayor Galli adjourned the meeting at 12:15 PM.

Anne Z. Hartsig, Recording Secretary

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