

PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
January 25, 2011 – 7:00 PM

Present:
Mayor: Robert C. Corby
Trustees Paula Sherwood
Trip Pierson
Absent Trustee Steve Maddox
Trustee Tim Galli
DPW Superintendent John Cufari
Recording Secretary Anne Hartsig

Mayor Corby called the meeting to order at 7:05 PM.

RELAY FOR LIFE

This request for a non-municipal use permit will be added to the agenda for the meeting scheduled for February 8, 2011.

DPW REPORT – JOHN CUFARI

- There was a general discussion about the proposed tree grant which included conversation about the removal and replacement of ash trees.
- Repairs at the DPW pump station are complete.
- The heater for the handicap ramp is not working. Mr. Cufari will contact the original contractor for information about the ramp installation.
- Mr. Cufari's report included information about tree trimming, snow removal, salt usage, and snow plowing.

BUILDING INSPECTOR'S REPORT – SKIP BAILEY

- Canandaigua Bank is adding a conference room at 63 Monroe Avenue.
- An existing dental office is expanding space at 24 B Grove Street.
- An addition and new garage construction at 62 State Street are completed.
- Additions are under construction at 9 East Jefferson Rd. and 16 Sutherland Street.
- The owner of Dolce Cupcakery has promised to apply for a permanent sign.
- The owner of Northfield Common is working on a drainage plan that will resolve the issue of fill on the Powers property.
- Unapproved windows were installed at 50 Heatherhurst. The owner has applied to the APRB.
- The owner of 20 North Main Street has applied for a variance to install a directory sign at his parking lot entrance which is adjacent to the Town parking lot.
- Mayor Corby said 18½ Washington Road continues to have compliance issues including the removal of porch posts. This property needs to be brought into compliance.

PROCLAMATION FOR JOHN C. OSBORN

Village Attorney John Osborn retired on December 31, 2010. A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to approve the following proclamation in honor of the many years of service Mr. Osborn gave to the Village of Pittsford.

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

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**VILLAGE OF
PITTSFORD
21 North Main Street, Pittsford, New York 14534
*Incorporated 1827***

PROCLAMATION

WHEREAS, John C. Osborn has provided the Village of Pittsford with an outstanding level of professional service throughout his professional career and,

WHEREAS, while serving as Village Attorney for more than five decades, John has played a pivotal role in Village government, his knowledge and sound legal advice having been instrumental in guiding the Village through both times of great change as well as individual crises, and

WHEREAS, highlights of John's tenure include:

1. Writing the Village's zoning code and reviewing numerous amendments to it,
2. Advising the Village on the creation of the Village Planning Board in 1956,
3. Defending the Village against a variety of legal challenges,
4. Providing sound legal advice that permitted zoning and planning policy, most notably the curbing of commercial expansion back in the 1960s and 1970s,
5. Assisting with the designation of the village's historic district, adoption of a Historic Preservation ordinance in 1971, and ensuring that legally sound practices were followed,
6. Helping steward the village through the 1980s water crisis, and
7. Explaining the legal ramifications of a new comprehensive plan adopted by the Village in 2002, and

WHEREAS, in recent decades, John Osborn's legal expertise, enthusiasm, diplomacy, and dedicated service have been key factors in the Village's success in overcoming great challenges, and

WHEREAS, despite increased traffic and development pressures, the Village has prospered, has preserved its historic character, has become a model for other communities and most importantly, has remained a great place to live, and

WHEREAS, John C Osborn, through innumerable meeting hours, has demonstrated a fervent commitment to make our Village a better place,

NOW THEREFORE BE IT RESOLVED that I, Robert C. Corby, Mayor of the Village of Pittsford, do hereby salute John C. Osborn and call upon all residents of the Pittsford Community to join me in this tribute on this 25th day of January, 2011, and

BE IT FURTHER RESOLVED, that in honor of his outstanding record of service, the Village Board and I do hereby express our gratitude as well as our best wishes for a well deserved retirement.

SEQR – SCHOEN PLACE/POP #C006861 GRANT

Letters seeking lead agency status were mailed on December 17, 2010 from the Board of Trustees to involved agencies. The 30-day comment period has ended and no objections to the request for lead agency status were received. A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to declare the Village Board as lead agency for the purpose of SEQR compliance for the Schoen Place/POP #C006861 grant project.

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

Following the review of Part 2 of the long form SEQR, a **motion** was made **by Mayor Corby, seconded by Trustee Sherwood**, to prepare a negative declaration based on the following:

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- The impacts associated with the project are small to moderate.
- The impact of the construction of these improvements is temporary.
- The project will comply with all permitting requirements imposed by NYSDEC, USACE, NYSCC and NYDOS. Mitigation of impacts associated with the project occurs in satisfying these agencies.
- The project will comply with Phase 2 stormwater requirements.
- Site lighting for the project is in agreement with existing site lighting types.
- Site landscaping for the project is ample, and well designed to agree with the environment and to present a pleasing appearance.
- The project was reviewed by SHPO who found no significant environmental impacts.
- Plans for the pavilion and band shelter were presented to the village's architectural review board, who found the plans and designs acceptable.
- The project is in agreement with the multi-use canal area of the village and represents an overall benefit to the community.

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

PITTSFORD CREW – REQUEST FOR NON-MUNICIPAL USE PERMIT

The Village Board received a letter of request from Pittsford Crew for a non-municipal use permit to hold the annual regatta on May 28th & 29th, 2011. The Board discussed potential liability concerns if Pittsford Crew plans to allow vendors at this event. Following discussion, a **motion** was made by **Trustee Sherwood, seconded by Trustee Pierson**, to approve the request for a non-municipal use permit with the following conditions:

1. The Monroe County Sheriff's Department, the Pittsford Fire Department and the Pittsford Volunteer Ambulance must be contacted prior to the event.
2. A Certificate of Insurance naming the Village of Pittsford as additional insured on a primary and noncontributory basis must be provided. The certificate must reflect a \$1,000,000 single limit of liability for bodily injury and property damage. The certificate must be current and on file in the Office of the Village Clerk prior to the event.
3. Pittsford Crew must encourage participants and observers to park at the Pickle Factory and/or behind the commercial buildings on Schoen Place.
4. Pittsford Crew shall notify business owners at the Pickle Factory, 1 Grove Street, and # 24, #30 and #40 Grove Street prior to the event.
5. Due to the amount of trash generated by this event in past years, the Board requests as a condition of approval, that Pittsford Crew supply a 10 to 12 yard dumpster on the Village DPW property during the event.
6. Due to the amount of graffiti resulting from the event in past years, a condition of approval is that Pittsford Crew agrees to paint or otherwise repair any damage, markings or graffiti that occurs in the village during the event as a result of your own team members or any other participatory team members.
7. If Pittsford Crew plans to allow vendors at this event, each vendor must apply to the Board of Trustees 90 days prior to the regatta.
8. The Board requests that Pittsford Crew coordinates the location of any "potties" and the location of the dumpster with DPW Superintendent, John Cufari.

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

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When developing the fiscal year 2010/2011 budget, the Board of Trustees agreed to contribute \$1000 for the rental of portable toilets, one of which will be handicap accessible.

Board members discussed a verbal request from Pittsford Crew to install permanent docks at the DPW site. Trustee Pierson will contact Betsy Twohig-Barret to explain that the Board of Trustees will need to have a written proposal. Many details will need to be finalized including who will build the docks, who will maintain them, and who will be permitted to use them. It was noted that a permit from the New York State Canal Corporation would be required.

COMPLETE STREETS

Mayor Corby explained that regulations were adopted by the DOT that will allow communities to implement qualitative standards regarding how they want their own streets to be. He said that there may be grant money for sidewalks, curbs etc. Mayor Corby is drafting a “complete streets” policy for the village and will email a copy of the draft to other Board members.

MEMBER ITEMS

Trustee Pierson reported that he spoke with members of the Community Foundation regarding grant writers. He was told there are many options. Trustee Pierson suggested having a representative talk to the Board about these options. Board members were in favor. Trustee Pierson will contact the Community Foundation and arrange a time.

PUBLIC HEARING – SPECIAL PERMIT RENEWAL – HICKS & MCCARTHY- 23 SOUTH MAIN STREET

Because ownership of the restaurant will change hands, an application to renew a special permit for Hicks & McCarthy’s Restaurant was submitted. Partners Jerold D. Watkins and Jeff Henchen, and Manager Dave Watkins were present.

Proof of the legal notice below having been published, a **motion** was made by **Mayor Corby**, **seconded by Trustee Sherwood**, to open the public hearing.

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

**VILLAGE OF PITTSFORD
NOTICE OF PUBLIC HEARING**

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at meeting on Tuesday, January 25, 2011 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Jerold D. Watkins, for a Special Permit Renewal to allow the continued operation of a restaurant known as Hicks & McCarthy, in the building located at 23 South Main Street, Pittsford, NY, which location is in a B-1A District, pursuant to Chapter 210-74 A (2), Special Permit Uses in B-1, B-1A, B-2, B-4 and M-1 Districts.

The Village Clerk informed the Board that she received a phone call today from resident Janet Reynolds, 35 Church Street. Ms. Reynolds stated that Hicks & McCarthy has been an asset to the village and she supports that kind of a restaurant. She said she had two questions/concerns. Does the new owner plan to have a stand alone bar and will the restaurant have a TV?

Dave Watkins stated that this will not be a sports bar and there are no plans at this time to have a full bar. It was noted that a different type of license from the State of New York would be

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required for the operation of a full bar. Mr. Watkins said there will not be TVs in the restaurant and that the concept of the restaurant will remain similar.

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

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

Hours of operation were discussed with the applicant. The Board then reviewed §210-74 B. (3) (a)-(h) and found that all conditions have been met.

Mayor Corby stated that this application is a Type II SEQR action under section 617.5 (c) (26) of the SEQR regulations and no further review is required.

A **motion** was made by **Mayor Corby, seconded by Trustee Pierson**, to approve the application for the renewal of a Special Permit to allow Hicks and McCarthy restaurant to continue its operation noting that the applicant has met all standards in §210-74 B. (3) (a)-(h) of the Village Code, and with the stipulation that the following conditions previously applied (listed below) will remain in effect,

- Compliance with all standards listed in §210-74 B. (3) (a)-(h) of the Village Code will continue.
- Dumpsters must be screened efficiently from residential properties with an 8” fence.
- The liquor license must remain as a table license.

and noting that the opening hour on Monday–Friday shall be 6:30 AM, and noting further that this application will be informally reviewed a year from the date of the transfer of ownership.

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

The decision was filed in the Office of the Village Clerk on January 25, 2011.

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 8:30 PM.

Anne Z. Hartsig, Recording Secretary