

**PROCEEDINGS OF A SPECIAL MEETING OF THE VILLAGE BOARD
OF TRUSTEES
May 20, 2014 – 7:00 PM**

Present

Mayor:	Robert C. Corby
Trustees:	Lili Lanphear Lorie Boehlert Frank Galusha Tim Galli
Village Attorney:	Jeff Turner
Building Inspector:	John Limbeck
Recording Secretary:	Dorothea M. Ciccarelli

CALL TO ORDER

Motion Mayor Corby and seconded by Trustee Lanphear called the meeting to order at 7:00 PM.

CONTINUED PUBLIC HEARING FOR SAHA MED GRILL, 14 SOUTH MAIN STREET, FOR A SPECIAL PERMIT FOR A RESTAURANT

Mr. Sami Mina, owner of the Saha Med Grill, reviewed with the Board items that were discussed that had been a concern for the local residents and the Board. Mr. Mina informed the Board that there were currently 25 parking spots, and he would like to have seating for 66 inside and 32 outside. Mr. Mina stated that he will be hiring a landscape architect to handle the landscaping needs, including the two trees as requested. Mr. Mina also indicated he would be controlling traffic with an enter-only and exit-only for traffic and would be posting signage to the effect. He stated that he is also willing to arrange for garbage pickup at later hours, and was currently considering Friday. In addition, he will have snow removed as needed during the winter. Mr. Mina stated that the restaurant will be open until 10 pm, with cleanup for the restaurant currently running one hour. He stated that if business dictates, he will change the hours in the winter to accommodate an earlier closing. The applicant also informed the Board he was working with the property owner to make all the necessary repairs as needed. He will also be using his commissary van for supply deliveries, whenever possible.

Mayor Corby suggested he consider planting a Cleveland pear tree or the Hawthorne, since they are neat and clean.

Janet Reynolds, 35 Church Street, stated that she is very concerned with the requested seating for the restaurant as well as the screening from Church Street. She also indicated that even with signage, patrons will still not properly exit the property.

The applicant responded that not all the seats will be occupied all the time. The patron will have the choice of indoor or outdoor seating. He stated that he is also willing to add more landscaping

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as needed. The Board discussed changing the curbing to encourage proper turns or placing a boulder to discourage improper turning.

Mike Reynolds, 35 Church Street, stated that he was concerned with the parking for the property, and that he would prefer an office use in the location.

Janet Reynolds, 35 Church Street, commented that the landscaping is better, but the seating is too high, and she is concerned with the tradeoff.

Trustee Boehlert suggested to the Board that they could reduce the seating number to approximately 80 and review it at a later date. Trustee Lanphear and Mayor Corby also indicated that the applicant would be able to have the seating limitation reviewed in a year.

Richard Fox stated that the patio would be used only when the weather allowed. He also commented that the Village is a walkable community, and not all the customers in the restaurant will be from vehicular traffic.

Building Inspector, John Limbeck, reviewed with the Board the steps the applicant still needed to complete, which included a Planning and Zoning Board meeting, and an APRB meeting.

Motion Mayor Corby, and Seconded by Trustee Boehlert to approve the Special Use Permit for a Restaurant for the Saha Med Grill with the following conditions and with the findings that there are mitigating measures for the residential district including strict parking usage and preexisting parking between the residential area and restaurant as well as sufficient landscaping:

1. Trash pickup to be conducted on Friday after 7 am and the company does not use Church Street.
2. Fence – as a sound barrier to be presented to the PZBA and APRB.
3. The hours will be no later than 10 pm.
4. The proposed improvement to the aesthetics of the properties will be completed.
5. Landscaping such as arborvitaes to provide screening for the residential area.
6. Employees will park on streets away from the business district.
7. Snow removal conducted after 6 am and snow storage no more than 3 parking spaces.
8. Seating will be limited to 80 total patrons.
9. Applicant will make a good faith effort to encourage traffic to turn right.
10. Enter and Exit lanes into parking area.
11. Deliveries are to be made by smaller vehicles that will not use Church Street.
12. All lighting on the site is dark sky compliant.

Vote: Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

DEL MONTE LODGE HOTEL & SPA EVENT

Mayor Corby discussed the event proposed which will be held on June 26th between 5:30 pm – 9pm. This will be a free outdoor event, and there will be a band playing until 9 pm. They will be having a grill set up to sell food and a bar area. This is a promotional event; they are

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expecting about a 150 people, and they will be using tents to provide cover for the food and bar areas.

Motion by Mayor Corby, and seconded by Trustee Galli to issue a temporary zoning permit with the same conditions as required by the non-municipal special use permit with a \$100 fee, with the condition that the music will stop at 9:00pm.

Vote: Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

PITTSFORD REGATTA

Village Clerk, Dorothea Ciccarelli, reviewed a request from the Pittsford Regatta to conduct a 50/50 raffle during the event. Village Attorney, Jeff Turner, informed the Board they would need to amend the permit to include the addition of the raffle.

Motion by Trustee Galli, and seconded by Mayor Corby, to amend the non-municipal use permit to allow the Pittsford Regatta to conduct a 50/50 raffle during the event.

Vote: Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

HODGSON RUSS ATTORNEYS –RETAINER AGREEMENT

Mayor Corby discussed with the Board the need to hire Hodgson Russ Attorneys for legal representation to be proactive, with the expectation of a lawsuit from Mark IV regarding 75 Monroe Avenue.

Trustee Galli questioned why they were not using a local firm, and Mayor Corby explained that the firms in the area that could handle this type of litigation have had previous dealings with Mark IV and there would be a conflict of interest. Trustee Galli was concerned with the travel cost for representation and requested the Mayor speak to the firm as to how that would be charged. Trustee Boehlert questioned if the Village Attorney would be able to handle the matter. Mayor Corby stated that the Village Attorney is not an expert in this type of litigation and it would be in the Village's interest to hire the firm. Trustee Boehlert questioned whether the firm would be requiring a retainer for their services and whether they should review this attorney with Frank Sciremammano. Mayor Corby stated he would talk to the firm regarding the Board's questions and requested the agreement be placed on the next agenda.

ADJOURNMENT

Motion Mayor Corby, and seconded by Trust Boehlert, to adjourn the meeting at 8:36 PM.

Vote: Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha– yes. **Motion carried.**

Dorothea M. Ciccarelli, Recording Secretary