

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
February 24, 2015 – 7:00 PM

Present

Mayor: Robert C. Corby
Trustees: Lili Lanphear
Lorie Boehlert
Tim Galli
Frank Galusha
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.

BOARD MEMBER – CONFLICTS OF INTEREST DISCLOSURE

Mayor Corby asked if any of the Board members had a conflict of interest or had accepted gifts associated with any of the meeting agenda items. Mayor Corby indicated that his parents live adjacent to two of the special permit applications, but he did not feel this would be a conflict. The Board members indicated that they had no conflicts of interest to report.

PUBLIC COMMENT

No public comment was made.

BUTTERFLY PLAQUES – MENDON CENTER ELEMENTARY – 2ND GRADE PROJECT

Mrs. Humphrey's second grade class presented their Project Based Learning Activity "Butterflies – How to Prevent the Plight of the Monarch and other Breeds local to NYS." The students presented all stages of the project to the Board. Mrs. Humphrey discussed with the Board that at the end of the project, the students would like to place artwork regarding the butterflies on the towpath between the two bridges. Mayor Corby discussed the development of the Nature Park and indicated that it might be possible to place a sign in the park. The Board also discussed planting landscaping within the park to attract butterflies. Mayor Corby questioned whether the signage proposed would be permanent. Mrs. Humphrey informed the Board that it would be permanent and they would like to install it sometime in May or June of 2015. Mayor Corby thanked Mrs. Humphrey and her class for their presentation and explained that the project would need a consistency review after more information becomes available about the size of the plaques.

Motion Mayor Corby, seconded by Trustee Lanphear, to approve the concept plan for the Butterfly plaques. **Vote:** Corby – yes, Lanphear– yes, Galli – yes, Boehlert – yes, Galusha– yes. **Motion carried.**

CANAL CLEAN SWEEP PROGRAM

Mayor Corby discussed the 10th annual Canal Clean Sweep program to be conducted on Friday-Sunday April 17-19 of this year. The Board discussed contacting local boy scout troupes to help with the Clean Sweep of the Canal. The Clerk will also inquire whether the Village Staff would be interested in assisting.

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ELECTION INSPECTORS

The Village Clerk presented to the Board the election inspectors for the March 18, 2015 election, as provided by the Monroe County Board of Elections:.

Nancy J. Beeley – Republican
Dorothy N. Meusbürger – Republican
Craig T. Raisner – Democrat
Thekla N. Raisner - Democrat

Motion Trustee Galli, seconded by Trustee Galusha, to approve the election inspectors as provided.
Vote: Corby – yes, Lanphear– yes, Galli – yes, Boehlert – yes, Galusha– yes. **Motion carried.**

STORE FRONT

The Board discussed the initial legislation presented for proposed Village Code section 210-7.1 Storefront Design, and requested the item be tabled until the next meeting for additional changes.

TREASURER’S REPORT / VILLAGE CLERK

Village Clerk, Dorothea M. Ciccarelli, presented vouchers listed on Abstract #16 of 2014/2015 fiscal year for approval. A **motion** was made by **Trustee Galli, seconded by Trustee Galusha**, to approve payment of the vouchers listed on Abstract #16 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #14

• General Fund (#469-#474,#476-#496):	\$ 17,496.56
• Sewer Fund (#479,#493):	\$ <u>4,900.78</u>
Total Vouchers for Approval:	\$ 22,397.34

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

VILLAGE CLERK

The Clerk reviewed with the Board the quote received from AP Plumbing contractors for the addition of a sink in the office kitchen area. The Clerk informed the Board that the DPW staff has not been able to complete the project due to the weather and other factors. The quote was for \$1,389; the project had been budgeted for \$1,000.

Motion Trustee Galusha, seconded by Mayor Corby to authorize the installation of a sink by AP Plumbing for \$1,389.

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

MINUTES

Motion Trustee Galli, and seconded by Mayor Corby, to approve the amended minutes of January 13, 2015. **Vote:** Corby – yes, Lanphear – yes, Galli – yes, Boehlert – yes, Galusha – yes. **Motion carried.**

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Motion Trustee Galusha, and seconded by Trust Boehlert, to approve the minutes of January 27, 2015, with corrections.

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

CONTINUATION PUBLIC HEARING – PITTSFORD PUB SPECIAL PERMIT

Scott Thryoff along with his architect reviewed with the Board the updated plans for the Pittsford Pub. The new plans did not show any changes to the outside patio except for a proposed trellis. The applicant reviewed with the Board the existing layout of the patio seating and the seating after the remodeling, which drawings indicated that the occupancy would not change. The applicant presented the interior plans showing the occupancy before the remodeling and after. Mayor Corby requested that the Fire Marshal, Kelly Cline, review the drawings. The applicant explained the criteria they used for the current occupancy and the proposed occupancy. The applicant informed the Board that the current occupancy for the establishment is set at 200 people. Ms. Cline reviewed the drawings and informed the owner that she had concerns with the established limits and how the occupancy was calculated. She indicated she anticipated reducing the occupancy about 60 persons since the bar standing area that was used is actually a manner of egress. Ms. Cline indicated that the space should not have been included to calculate the allowed occupancy. The applicant expressed concern since there was no change in the overall occupancy load.

Trustee Lanphear expressed concern with the proposed occupancy and the parking spaces available to patrons. She stated that the original site plan did not allow the proposed occupancy. She questioned the applicant as to the number of parking spaces they would have available. Mayor Corby reviewed the history of the site and changes in businesses surrounding the Pittsford Pub. He indicated that in the past, there had been additional off-site parking available to the applicant that does not exist today. Mayor Corby informed the applicant that the changes proposed required that the Board review the special permit. Trustee Boehlert questioned if there currently was a problem with the parking in the area. Mayor Corby indicated that there was not currently an issue, but that with the proposed changes to the Pub, he would like to see a plan in place to handle the parking load. The Board discussed the ratio for seating versus parking; Trustee Lanphear indicated that it was a 3/1 ratio. Trustee Boehlert and Lanphear questioned the applicant as to the number of parking spaces available. The applicant informed the Board that the total parking spaces available is 191. Mayor Corby informed the applicant that the Board would be taking a short recess to handle another matter, which would provide the Village Attorney an opportunity to review paperwork provided by Trustee Lanphear.

ATTORNEY CLIENT MEETING

Motion Mayor Corby, seconded by Trustee Galusha, to enter into Attorney Client Meeting.

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

Having taken no action, a **motion** was made **by Mayor Corby, seconded by Trustee Galusha**, to leave Attorney Client Meeting at 8:55 PM and reenter the regular session of the meeting.

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

CONTINUATION PUBLIC HEARING – PITTSFORD PUB SPECIAL PERMIT – Part 2

Jeff Turner reviewed the history of approvals the applicant had received for their previous special permits. He further explained that a combination of ratios are used to determine the number of parking spaces needed per the occupancy uses. Mr. Turner recommended that the Board use the previous approval as the floor for setting the new. The previous approvals for occupancy granted 123 inside and 59 outside. The Code states that one foot of bar space indicates one parking space, making the total spaces needed 135. The Board determined that they would need an additional 12 parking spaces with the new plan as proposed.

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Mayor Corby questioned whether the applicant had a plan for overflow parking. The applicant proposed contacting the owners of the Office Park behind the Del Monte Lodge about arranging for additional parking spaces during peak periods to be available. Mayor Corby indicated that would help resolve the problem and then reviewed with the Board Section 210-74.3 A-H.

Having received no public comment, **motion Mayor Corby, seconded by Trust Galusha**, to close the public hearing for the Pittsford Tap and Grill LLC. Special Permit.

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

Motion Mayor Corby, seconded by Trustee Galli, to approve the Special Use Permit for Pittsford Tap and Grill LLC., with the following conditions:

1. The applicant will show by documentation that is required by the Village Code that he has access to an additional 12 parking spaces off-site on Thursday thru Saturday, 6 PM until closing.
2. The applicant will repair the fence at a seasonable time, when not buried in snow, and maintain fire lane parking signage on the fence.
3. No recycling of bottles from the establishment will occur during evening hours.
4. Music shall not be audible off site.
5. Patio occupancy shall be limited to 56 patrons.

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

PUBLIC HEARING VIA GIRASOLE FOR A SPECIAL PERMIT TO OPERATE A WINE BAR

The applicant reviewed the plans that they submitted to the Board for the application. The applicant indicated that the preparation area near the handicap restroom will have a three-bay sink and a dishwasher in the bar area. After discussion with the fire marshal, the Board was informed that they would be limited in occupancy to 50 people because they have only one exit.

Motion Mayor Corby, seconded by Trustee Lanphear, to open the public hearing for VIA Girasole for a Special Permit to operate a wine bar.

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

Having received no public comment, **Motion Mayor Corby, seconded by Trustee Galusha**, to close the public hearing for VIA Girasole for a special permit to operate a wine Bar.

Mayor Corby reviewed with the Board Section 210-74.3 A-H. The applicants stated that they anticipate that the majority of their cliental would be in the early evening. The Board determined that the parking onsite of 27 spaces will accommodate the use, due to the maximum occupancy allowed by fire code is 50 people, including employees. The current businesses on the site will use the parking lot during daytime hours. The proposed use is within 100 feet of residential property, but the public entrance faces the canal and there are no windows, doors, lights, or parking facing the residential properties.

Motion Mayor Corby, seconded by Trustee Boehlert, to approve the Special Permit with a maximum occupancy allowed by fire code of 50 people including employees, and access to the dumpster will not occur after 6PM.

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

PUBLIC HEARING HICKS AND MCCARTHY FOR A SPECIAL PERMIT FOR A RESTAURANT

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Mr. Burnham informed the Board that the only proposed change from his previous meeting with the Board is the maximum proposed hours of operation, which is Monday thru Wednesday 6 AM – 10 PM, Thursday thru Saturday 6 AM – 10 PM, Sunday 6 AM – 8 PM. Mayor Corby questioned the applicant as to the maximum occupancy for the seating. The applicant informed him it was 90 but occupancy is 99 people including employees.

Motion Mayor Corby, seconded by Trustee Galusha to open the Public Hearing for Hicks and McCarthy for a Special Permit for a restaurant use.

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

Having received no public comment, **Motion Mayor Corby, seconded by Trustee Boehlert** to close the public hearing for Hicks and McCarthy for a Special Permit for a restaurant use.

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

Motion Mayor Corby, seconded by Trustee Galli, to approve the special permit application for Hicks and McCarthy, all impacts of code section 310-74 A-H are the same since no change to business. Approval is subject to the maximum hours submitted by the applicant.

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

NOISE CODE AMENDMENTS

The Board reviewed the amendments to Village Code section 133-2 “Playing of Radios or Similar Apparatus” presented by the Building Inspector, John Limbeck, and agreed to set a public hearing.

Motion Mayor Corby, seconded by Trustee Galli, to set a public hearing on amendments to Village Code section 133-2 “Playing of Radios or Similar Apparatus” on March 24, 2015 at 7:30 pm.

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

SPECIAL PERMIT AMENDMENTS

The Board reviewed changes presented for amendments to the special permit code section 210-74. The Board agreed that the legislation was ready to go to public hearing.

Motion Mayor Corby, seconded by Trustee Lanphear, to set a public hearing on amendments to Village Code section 210-74 Special Permit uses on March 24, 2015 at 7:30 pm.

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

VILLAGE ATTORNEY

Jeff Turner informed the Board that he had settled the Newcomb case for \$250. He reviewed the pond ordinance and stated that he will be reviewing with the Building Inspector, but currently feels that there is enough control built into the ordinance. He also reported that there has been a suggestion that he recuse himself as attorney for the legal actions regarding the 75 Monroe Ave project due to a conflict of interest because of the APRB appeal, and he will be meeting with the APRB and PZBA Boards to see what they determine.

EXECUTIVE SESSION

Motion Mayor Corby, seconded by Trustee Galusha, to enter into executive session on an employee performance matter.

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

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Having taken no action, a **motion** was made **by Mayor Corby, seconded by Trustee Boehlert**, to leave executive session at 9:57 PM and reenter the regular session of the meeting.

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

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Boehlert, to adjourn the meeting at 9:58 PM.

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

Dorothea M. Ciccarelli, Recording Secretary