

## MEETING MINUTES

### Attendance:

- Dick Bulman \*
- Bob Deutschlander
- Pat Logue
- Darlene Humphrey
- Len Vento
- Steve Vriesen
- Mark Grucella \*
- Linda Parzynski \*
- Mary Kless \*
- William Natalzia
- Jeff Simme \*
- Jim Volpe
- Mayor Cansdale \*
- Trustee Jeff Stribing \*
- Trustee Ed Meyer \*
- Trustee John Swanson \*
- Trustee Ken O'Brien \*

Arthur Herdzik, Village Attorney (Ad-hoc Member)

*note: \* indicates those present*

**Chairman Bulman** called the meeting to order at 7:04 p.m.

**Listed Correspondence – N/A**

**Site Plan Review – Simme's Village Pub - Outdoor Dining/Patio  
Temporary Special Use Permit**

**Present representing Simme's Village Pub is owner Don Zappia.**

**Chairman Bulman** asked Mr. Simme to bring the Commission up to date on the ordinance for outdoor dining patios.

**Mr. Simme** stated in the code there is no provision for outdoor dining. According to C-1 Zoning, eating and drinking establishments is permitted use in an enclosed building. Under section 152.70, Temporary special permit, The Village Board may grant a permit to allow an activity, business or other use, which would not otherwise be allowed by this code. Temporary permits shall be for one-year, and must be renewed annually. There are several restaurants/bars in the Village that are currently pursuing outdoor dining. **Mr. Simme** suggested, as each owner approaches the issue of outdoor dining, that the Planning Commission review each establishment on its own merits. **Don & Laurie Zappia** have gone to a great expense to make improvements and turn the business into a restaurant instead of just a bar. **Mr. Simme** stated that **Mr. Zappia** has already approached the Zoning Board of Appeals to obtain a variance to the current Ordinance, but they were denied. **Mr. Simme** stated he would be in favor of the Temporary Special Use Permit for **Simme's Village Pub**.

A general discussion ensued regarding different establishments within the Village that currently have tables for outdoor dining, example **Lindy's** on Central Avenue, **The Holland Station** on Broadway, and **Zion Coffee Shop** on Como Park Blvd. All of these establishments currently have tables outside for the patrons. **Mr. Simme** said if we adhere to this code then all of the above noted establishments would have to be notified to apply for a special use permit.

**Chairman Bulman** asked **Mr. Zappia** if he had a plan to present on the operation/use of the patio.

**Mr. Zappia** stated his intentions for the patio are as follows:

- ◆ Strictly for dining purposes, and would close at 11:00pm.
- ◆ There will be no separate bar it will be table service only.
- ◆ Background music only with the controls being separate from the music on the first floor.
- ◆ No live Bands on the patio
- ◆ The patio will be used only for a few months every year.

**Mr. Zappia** said he has and will continue to make improvements to his property, and has plans to pave the parking lot with completion expected by the end of the season. **Mr. Zappia** said the restaurant business is extremely competitive and in the summer months a main attraction for many people is the opportunity to dine outside. **Mr. Zappia** stressed he would abide by any rules and regulations necessary.

**Chairman Bulman** stated **Simme's Village Pub** is completely contained within a residential area, the decision the Board makes will affect many residents. **Chairman Bulman** stated he liked the improvements made to the property, however the Commission can not give a blanket approval for this type of operation because of its nature. **Chairman Bulman** suggested that if a temporary use permit were to be granted it would have to be with a set of rules and regulations, unique for each establishment, not just a blanket set of rules.

**Chairman Bulman** stated the restaurant industry has changed drastically since this ordinance was originally written in 1964.

**Chairman Bulman** asked the other Commission Members for their input.

**Mary Kless** stated we certainly do not want to discourage any business in the Village, and agree with Chairman Bulman's recommendation.

All Planning Members present agreed with approving the recommendation.

**Chairman Bulman** requested Mr. Simme to provide the Planning Commission with a set of rules that we could furnish the Village Board when we present our recommendation.

**Chairman Bulman** motioned to recommend the Village Board grant a Temporary Special Use Permit for outside dining for Simme's Village Pub with any stipulations the Board deems necessary.

Motioned by **Mark Grucella** to grant the Temporary Use Permit for Simme's Village Pub.

Seconded by **Linda Parzynski**.

Carried 4-0.

Chairman Bulman stated for future reviews of this ordinance, the Planning Commission would be in favor of granting the temporary use permits for outside dining on a case by case basis and special considerations given to each establishment.

**New Business: Review of proposed parking for M & T Bank**

**Present: John Schutta – Vice President in Charge of Facilities @ M & T Bank**

**John Shaflucas – Architect**

**Mr. Shaflucas** made a presentation to the board of the proposed plan for the parking area. Mr. Shaflucas stated that he been working with the NYS DOT, and has also met with Mr. Stribing, and also the Partnership Committee.

**Highlights of proposed plan:**

- **Create 19 Parking Spaces, 2 of which to be handicapped**
- **New stairs/ramp**
- **Landscaping to include trees and flowers**

**Chairman Bulman** stated that M & T Bank had previously discussed the possibility of a new site rather than the expansion of the parking lot. Will the 19 parking spaces you are proposing, be sufficient to accommodate your needs?

**John Schutta** said there are a number of factors we have considered. Number one is the cost for the proposed parking lot. We have recently made a few renovations to the interior of the bank, and there is still more we would like to do. If the cost for the parking lot exceeds the limits we've set, then from an economical standpoint we may have to look into another site in the Village.

**Chairman Bulman** questioned if there was drainage?

**John Shaflucas** stated there is a drain and two catch basins. The NYS DOT has stated they would provide the connection.

**Linda Parzynski** said it would be aesthetically pleasing if there could be a bench near the railing where you intend on putting some trees.

**John Schutta** said they certainly would be opened to the idea of having a bench placed there.

**Chairman Bulman** asked for a motion to approve the site plan. Motioned by **Mark Grucella**, seconded by **Linda Parzynski**.

**Carried: 4-0**

**Old Business:**

**Scheduling of Next Meeting – September 19, 2002**

A motion made to adjourn this meeting, motion by **Linda Parzynski**, seconded by **Mary Kless**.  
**Carried 4-0.**

Respectfully submitted,



Karen J. Plewik  
Planning Secretary

CC: Mayor Cansdale  
Village Board of Trustees  
Bill Natalzia, Supt. DPW  
Jeff Simme, Building Department  
Clerk Tammy Derkovitz  
Zoning Board Members  
Fire Chief Jim Volpe