

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, December 14, 2015 at 7:00pm.

PRESENT: Chair Arthur Appleby, Vice Chair Charles Switzer, Member Kevin McCarthy, Member Patricia Baker, Member Peter Selig, CEO David Miller, Clerk Pamela Krahe

ALSO PRESENT: Thomas Terwilliger, Jeremy Burris, David Enos, Todd Davis, Joan Hamlin, Katherine Kristansen, Aaron Gray, Ross Gates, Margay Blackman, Fred Webster, Greg Burris, Sue Burris, Steve Kruger

CALL TO ORDER: Chair Appleby called the meeting to order and led the Pledge of Allegiance.

REVIEW OF MEETING MINUTES: Chair Appleby called for a motion to approve minutes.

➔ Member Switzer moved, Member Selig seconded, carried 4-0 to approve the minutes of November 9, 2015 as written with Member Baker abstaining due to absence.

CORRESPONDENCE: Local Roads letter and email about the NYPF training in April.

NEW BUSINESS:

1. Name: Thomas Terwilliger for The Red Jug Pub
Address: 38 Merchant Street
Tax Map #: 068.52-2-4
Zoning: B-Business
Parcel Size: 0.20 acres
Prop. Class: 425
Purpose: Change of use from vacant to tavern

Presentation/discussion:

Thomas Terwilliger introduced himself and partner Aaron Gray and explained their plan to re-open the building as a tavern. Absent from the meeting was partner Barry Shaver. They have been in the industry for years; Mr. Shaver has done well in the Oneonta location. They trio searched the Binghamton and Rochester areas for another location, found 38 Merchant Street, and decided to make a go of it. The applicants have consulted with the mayor and CEO Miller. Mr. Terwilliger noted the interior of the building had been previously remodeled, which was a plus for this spot.

The Cortland location opened about 9 years ago, then Oneonta about 3 years ago. The three gentlemen have about 55 years combined in the industry. There are some contingencies to the purchase of the building including a liquor license, but they anticipate no problems. The interior is ready for business; some work has to be done on the exterior. Applicants have spoken with the Canal Corporation, who suggested they first come to the planning board. Their insurance agent recommended fencing behind the building, near the canal, for safety. They also are considering fencing for parking and are talking with neighboring property owner Duane Beckett about use of his paved, vacant lot near Rocco's. There doesn't seem to be much vehicular traffic nearby. They indicated having a location so close to the canal is new to them and they feel a good fence makes for a safer canal. The board asked what their neighbors say about a fence; the applicants haven't asked yet. Chair Appleby informed that the village master plan shows a boardwalk through that area. Terwilliger replied the mayor showed that to them. Chair Appleby noted part of the building sits on canal property, but Terwilliger said it depends on what map you look at.

When asked what food will be offered, the men said they've never had a kitchen as ample as the one in this building. They will offer French bread pizzas and such, but haven't really come up with a full menu. Their other places are more the size of Barber's. Some of this planning will be down the road. They do some catering and hosting events; they offer local craft beers and have talked to the Stonyard and hope to offer their beers.

Board members asked what age clientele they are looking for; the reply was "strictly 21 and up." They don't cater to ages 18-20. They are in this for the long haul. Board inquired if they are aware of any history on the place, stating this board approved the last applicant for the same use, but he was unable to get a liquor license so it has been vacant.

They plan to offer some light entertainment, which will depend on what's available locally and what the clientele wants. Cortland prefers bluegrass. When asked about dumpsters, Mr. Terwilliger explained there are bollards near the Smoke House but he doesn't think that's neighborly. He's not sure where the next best place is. Chair Appleby indicated the previous applicant was going to have it near the back door on the canal side of the building, and added it will have to be surrounded by screening per village code.

As for exterior lighting, there are a couple of flood lights in place but the applicants would like additional lighting for safety and so it is more welcoming. The board remarked that the lights must be shielded and

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focused down. Terwilliger mentioned they are going through the signage process as well, so that will add some lighting. He would like as much signage as code allows. The landscape plan calls for flowers everywhere, but they will be temporary and moveable; they won't be digging up sidewalks.

CEO Miller asked about the type of fencing but the applicants replied they haven't thought about it yet. Miller suggested the board state what type of materials, color, height, etc. they would approve. Chair Appleby suggested the applicants may want to look into installing a boardwalk along the canal with the neighbors. A stockade fence would obscure the view of the canal. It was asked if there would be an outdoor patron area; Mr. Terwilliger replied they haven't decided as they may need a café license for that. Miller added that if alcohol is allowed in an outdoor patron area it needs to be fenced, and that is all regulated by the state liquor authority. Chair Appleby noted that the Smokehouse has a gate with locks so if you go out, you can't get back in. That setup was approved by the Canal Corporation.

Mr. Terwilliger reiterated they are in this for the long haul, indicating the third partner is moving to Brockport and establishing roots here. Chair Appleby suggested the applicants do their homework with the Canal Corp and others involved, and then come back here with an application for the fence. Member McCarthy stated safety needs to be at the forefront. Mr. Terwilliger replied they have thought about that the most. He added that other businesses operate on the canal every day, so his group would get used to it.

Chair Appleby asked the gentlemen if, when they return for the fence, they would submit overall plans showing plantings and landscaping, exterior lighting and signage, fence, floor plan, etc.

The applicants asked about receiving approval as they need Planning Board approval for the building permit. The board stated they could give conceptual approval, but asked the men to return when more detail is in place. The applicants asked what the stumbling blocks are for the board. The board wants to see exterior landscape and lighting, signage, table setup and inside floor plan, etc. After some discussion, the board agreed to approve the application with contingencies.

The board asked about a timeframe. The applicants hope to start renovation in early January and plan to open in June. The liquor license takes a number of weeks. When asked about the capacity, Terwilliger stated around 180, but that would change when a sprinkler system is introduced.

SEQR was discussed with Board agreeing all Part 2 questions should be answered with "No, or small impact may occur."

- ➔ Member Selig moved, Member McCarthy seconded unanimously carried determining this an Unlisted Action on SEQR per NYCRR 617.7.
- ➔ Member Selig moved, Member McCarthy seconded, unanimously carried determining the project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment; therefore a negative declaration is granted.
- ➔ Member Switzer moved, Member Selig seconded, unanimously carried to approve the application as submitted contingent upon presenting a plan for the exterior to include lighting, signage, landscaping, possible fencing depending on input from the Canal Corporation, the interior floor plan, and placement of the dumpster.

The applicants will advise the board when they are ready to return. They will shoot for January 11.

2. Name: Jeremy Burris
Address: 43 Main Street
Tax Map #: 069.53-1-29
Zoning: B-Business
Parcel Size: 0.05 acres
Prop. Class: 481
Purpose: Change of use from mercantile to business

Presentation/discussion:

Jeremy Burris stated he owns Next Level Barbershop at 4 Market Street, space he has leased for 4 years. He purchased 43 Main and is looking to move his business there. He introduced his father, Craig Burris, there for moral support. The applicant said there is an occupied apartment upstairs. Downstairs will be just himself. There are two stations on the first floor as he would like to expand in future, just not yet. He has one sink in which to wash his hands. He closed on the property August 1 and has been doing construction since then. He has young children and doesn't work into the evening much. When he hires someone else, that will help extend his hours.

CEO Miller reported the Fire Safety inspection is ongoing. Mr. Burris hopes to open mid-January. He needs to do the flooring yet. He doesn't generate much trash and just brings it home.

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- ➔ Member Switzer moved, Member Selig seconded unanimously carried determining this an Unlisted Action on SEQR per NYCRR 617.7.
- ➔ Member Switzer moved, Member Baker seconded, unanimously carried determining the project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment; therefore a negative declaration is granted.
- ➔ Member Switzer moved, Member Baker seconded, unanimously carried to approve the application as submitted.

3. Name: David Enos
Address: 36 Erie Street, 2nd floor
Tax Map #: 068.60-1-7
Zoning: B-Business
Parcel Size: 0.35 acres
Prop. Class: 482
Purpose: Change of use of 2nd floor from residential to restaurant

Presentation/discussion:

David Enos reminded the board he received previous approval for a first floor brewery. Now that the 2nd floor is no longer tenant space, he would like to convert it to a restaurant associated with the brewery. They have already poured a new slab in the basement.

Chair Appleby stated it looks like the whole plan has changed. Enos reported he can't get the license he originally wanted so he will obtain a restaurant brew pub license. It's still a 3-barrel brewing system. The new layout has 153 seats. He has two other wood-fired pizza restaurants – one in the city and one in Fairport. He is looking to do a coal-fired menu here, with salads, steaks, appetizers, etc. There is no elevator to the second floor, but there are two new staircases.

Mr. Enos introduced Steve Kruger as the architect. Member Switzer asked about the wooden frame on the façade as shown on the drawing. Kruger said it's a modern architectural touch as they are going for an iconic look. The color scheme will be grays and warm woods. The building will look modern with a rustic feel. The outdoor dining area will sport a railing. There will be 6 tables outside; the balcony has 5 tables. Originally there was a porch upstairs, so they are putting it back that way. The side porch is just one floor. The board asked about parking. Mr. Enos said the current lot needs to be torn up and redone. Some of the grassy area will be converted to parking. There are 17 spaces with the 45-degree angle parking. The dumpster area will be redone, moved closer to the building on the back side. Handicap access is on the east side with a handicap parking spot.

When asked about exterior lighting, Mr. Enos noted they will light the parking lot with lights on the exterior of the building. The lights located underneath the soffit will go back up after construction and will light the parking area.

The board questioned what the first floor will look like. There will be tables up front and the bar is near the middle. It will be open to the ceiling with railings up above. There will only be background music. Restrooms will be both up and downstairs. The applicant noted the board has already been given the signage rendering. It will be double-sided sign with a gooseneck light hanging off the column. They will get rid of the freestanding sign in the front yard.

CEO Miller said his only concern on the site plan is the way the property slopes to the back corner with the drainage going to the rear where residential houses are. Mr. Enos indicated they'll do whatever they have to do to rectify it. There was discussion that if the back roof would drain to the side instead of the back, that may help. Mr. Kruger added that they left a big green space in the side lot so perhaps they could put in a swale and pitch the water to the green space, unless DPW knows of a catch basin tie-in.

Board members inquired about front lighting; it will be on each front column with an up and down feature to highlight the columns at night.

SEQR was discussed with Board agreeing all Part 2 questions should be answered with “No, or small impact may occur.”

- ➔ Member McCarthy moved, Member Selig seconded unanimously carried determining this an Unlisted Action on SEQR per NYCRR 617.7.
- ➔ Member Selig moved, Member Baker seconded, unanimously carried determining the project will not result in any large and important impact(s) and, therefore, is one which will not have a

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significant impact on the environment; therefore a negative declaration is granted.

- ➔ Member Selig moved, Member Switzer seconded, unanimously carried to approve the application as submitted subject to acceptable drainage remediation as arranged with the CEO and the DPW Superintendent.

4. Name: Todd Davis for Precision Optical Transceivers, Inc.
Address: 43 Market Street
Tax Map #: 069.45-2-14.1
Zoning: B-Business
Parcel Size: 0.27 acres
Prop. Class: 484
Purpose: Change of use from vacant to offices

Presentation/discussion:

Todd Davis, owner of Precision Optical Transceivers at 13 Water Street, explained he has been there 2 years and his company is growing. He introduced Ross Gates, owner of both properties. 43 Market Street has recently been named as eligible for "Startup NY" with the college. Davis has some employees in downtown Rochester who will relocate here. He has some engineers who do some "light manufacturing," if it could be called that. Some employees work from home; he will have up to 20 workers. The board asked if he would be remodeling inside. Davis replied the landlord didn't want any changes to 43 Market and it is suitable as is.

Mr. Davis explained his company programs things with software. They take blanks and customize them for fiber optics. Frontier is big customer of theirs. All 3 engineers worked at Harris Corporation where he used to work. Materials are delivered via UPS. They are just small boxes, there is no trash to speak of. There are 3 totes on the side of building. The board reminded Mr. Davis and Mr. Gates that totes are supposed to be shielded from view, per village code. They are not shielded right now and that should be taken care of.

CEO McElligott has been dealing with Mr. Gates on the Fire Safety inspections. The board asked about parking; Davis said the adjoining lots all belong to Gates. Precision employees use the lot during the day, Fazool's uses it at night. As for signage, the company name is on the glass door, and that's all.

Chair Appleby opined "light manufacturing" is not the correct term, as this is really just an office.

SEQR was discussed with Board agreeing all Part 2 questions should be answered with "No, or small impact may occur."

- ➔ Member Switzer moved, Member Selig seconded unanimously carried determining this a Type 1 Action on SEQR.
- ➔ Member Switzer moved, Member Selig seconded, unanimously carried to approve the application as submitted.

OTHER BUSINESS:

- Chair Appleby said he got a call from CEO McElligott regarding the mylars from the resub of 1 Locust Street. Signed by the chair in mid-September, that started a clock with a deadline by which to file the mylar. The applicant missed the deadline and called to see if the mylars could be redated. Appleby checked with the county and learned he could indeed redate them if nothing else has changed.

UPCOMING MEETINGS/DEADLINES:

- Monday, January 11, 2016, 7pm; application materials due by Noon, Monday, December 28.
- Monday, February 8, 2016, 7pm; applications due by Noon, Monday, January 25.

ADJOURNMENT:

- ➔ Member Selig moved, Member Baker seconded, unanimously carried that the meeting be adjourned at 8:26PM.

Pamela Krahe, Clerk