

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, July 14, 2014 at 7:00pm.

PRESENT: Chair Arthur Appleby, Vice Chair Charles Switzer, Member Kevin McCarthy, Member Laurie LoMonaco, CEO David Miller, Clerk Pamela Krahe

ALSO PRESENT: Walter Willson, Sharon Quill-Hoy, Brian Thomas, Mohammed Hady, Hayder-Mazyed, Jason Graham, Leland Hoy, Ali Hady

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 McCarthy seconded, unanimously carried to approve the minutes of June 9, 2014 as written.

NOTED: Member Kent Blair has resigned following his election as Village Court Justice.

PUBLIC HEARINGS: None

NEW BUSINESS:

1. Name: Brian Thomas
Address: 26 Kimberlin Dr
Tax Map #: 068.43-2-14
Zoning: O-Residential
Parcel Size: 85.2'wide x 146' deep
Prop. Class: 210
Purpose: Expand driveway next to garage to park travel trailer

Presentation/discussion:

Mr. Thomas explained he recently purchased a travel trailer and he put down a gravel pad next to his garage on which to park the trailer. He said he was "asking forgiveness" because he was unaware of the requirement to come before this board. The gravel from the garage to the road has been there for 5-6 years but the gravel next to the garage is new. He asked which codes were applicable.

Chair Appleby explained Chapter 16 is the driveway code which requires paving, and Chapter 51 pertains to trailers and it specifies you cannot park that close to the lot line. The trailer can remain in the driveway in the summertime but not in a side yard next to the lot line during the rest of the year. Placing a trailer there is against code. The board suggested parking in the rear. Mr. Thomas explained he has a 4' dropoff in the backyard and cannot park the camper there.

CEO Miller indicated there are several code violations. First, driveways and parking areas must be dustproof – as in concrete or asphalt – they can't be stone. Second, Chapter 51-5 B (5) says a trailer cannot be stored any closer than 4 feet to a lot line. And third, Chapter 58 speaks to how much of the side yard can be used.

Chair Appleby indicated the applicant can go to the Zoning Board of Appeals for a variance for the pad to remain, but the trailer cannot go there. If a variance isn't granted, the pad would have to be removed. The board apologized for the inconvenience, but the code must be followed.

The applicant left; there was no further discussion or action.

2. Name: Mohammed Hady and Hayder-Mazyed
Address: 73 Main Street
Tax Map #: 069.53-1-23
Zoning: B-Business
Parcel Size: 24' wide x 143' deep
Prop. Class: 481
Purpose: Change of use to open a convenience store in former tattoo shop

Presentation/discussion:

Mr. Ali Hady spoke on behalf of Mohammed Hady and Hayder-Mazyed and stated the gentlemen would like to open a convenience store stocked with tobacco, a deli, juice, snacks, bread, cheese, beer, chips, and so forth. There is currently no convenience store downtown, so they would like to open one.

The board opined it seems ideal for that part of town. The hours would be 6 or 7am-2am. They currently own a store in the city at 900 Joseph Avenue. They've been open 1½ years and are successful.

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Deliveries would be at the back door. There is a parking lot and an overhead garage door out back. Trash would be put in the garbage totes to the north; there is space for a dumpster. They do not generate much trash at the other store. They will need Health Department certification.

Their sign will read Safa Market. Jason Graham, property owner, explained there is a wooden sign there, they have just heated up the vinyl, removed it, and will replace it. The board noted it will have to pass the Historic Preservation Board.

The board asked about the back room; it will be storage. After some discussion, the board decided it would like to see a drawing to scale including the storage areas. The concept is good, they like the idea, but need to see more detail. CEO Miller recommended having a design professional draw up plans, as he will need to see fire safety requirements such as exits, lighting, fire extinguishers, etc. Vice Chair Switzer wondered if electrical or plumbing work would have to be done for the coolers or an employee restroom. It was asked what would be displayed in the windows. The applicants explained they would have an "Open" sign and signs advertising the products inside. They also want an a-frame sign; Chair Appleby explained they can have just one.

Mr. Graham said he will work with them on the electrical and plumbing, etc., and wondered if they have to wait an additional month to get approval. CEO Miller suggested the board give concept approval tonight with a stipulation in the motion that prior to the next meeting the applicants have code-compliant floor plans submitted to the Building Department. Final approval could be given at the next meeting.

The board was in agreement with the suggestion. When asked when they want to open the store, Mr. Mazed said if they get permission now, they will sign the lease tonight, get the keys, and get to work tomorrow. He explained a beer permit takes about 6 months, and food permits also take time. They would open the store without beer until their permit comes. He said you have to prove you are a grocery store first, then you can get a beer permit. Food vendors also cannot leave food there without proper permits in place. CEO Miller assured the board he will work with the applicants so that the layout is code compliant, and final approval and SEQR be handled next month.

➔ Member LoMonaco moved, Member McCarthy seconded, unanimously carried for preliminary approval to begin construction to operate a convenience store at 73 Main Street, working with CEO Miller on a formal, code-compliant design plan with final approval to be granted at the next possible Planning Board meeting.

3. Name: Sharon Quill-Hoy
Address: 15 Main Street
Tax Map #: 069.45-2-6
Zoning: B-Business
Parcel Size: 41' wide x 77.66' deep
Prop. Class: 481
Purpose: Change of use to open a reiki center in former CCR office

Presentation/discussion:

Ms. Quill-Hoy told the board she would like to open a reiki (pronounced ray-kee) center at 15 Main Street. She is renting a room in the Penny Saver building that CCR formerly used. Her window is to the right.

Board members mentioned they had never heard of reiki before. The applicant explained she has been in this for a year. All beings are made of energy and she uses the energy from the universe to get the body back in balance. She does it at home, at peoples' homes, and also for animals. The animals have to want it, because they can also choose to walk away from it. She lays her hands on clients, but there is no massage, and clients remain fully clothed.

Bathroom facilities and trash, which would be negligible, are shared with the Penny Saver. Ms. Quill-Hoy explained she does have a client base. She recently quit working at Lakeside Beikirch Care Center after 5 years as a social worker. She has offered free sessions for workers there because of the stress and hard work involved. She will also start a referral program for a free session if you refer two clients. Her fee is \$10 for 10 minutes. She is not in this to get rich, but just wants to help people. She would run some specials, but not many.

As for signage, she explained the previous occupant used dark brown vinyl sticker letters. She would just put the name, phone number, and "by appointment" on the window. She doesn't want people walking in on a session.

For a one-room office, the board opined they do not need to do SEQR.

➔ Member Switzer moved, Member LoMonaco seconded, unanimously carried to approve the application as submitted.

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4. Name: Walter Willson
Address: 2 Main Street
Tax Map #: 068.52-2-8.1
Zoning: B-Business
Parcel Size: 60.67' wide x 117.8' deep
Prop. Class: 482
Purpose: Change of use to tattoo shop

Presentation/discussion:

Mr. Willson stated he has had his tattoo shop open for some time, unaware he had to appear before the Planning Board. He went through Monroe County for his business permit and had a shop in the city. He is originally from Brockport, and decided to return. CEO Miller noted he has been in the shop, it is very clean and presentable.

As for trash, there is a dumpster out back and a biohazard container for sharps. When asked about employees, the applicant said he had a chick there until today but it isn't working out. Now it's just him. The county only requires a business permit and there is no Health Department involvement. Around here, only the City of Buffalo requires health department certification. He previously owned the tattoo shop on Market Street and he taught tattooing to the other two artists at Creative Inking.

The board asked about signage. Mr. Willson said he painted the window. There are lights in the front of the building, but he is not sure why they don't work. Jason Graham also recently purchased the building and is reroofing. The board wondered if the building is usable with the roof torn off. It is, as it is tarped every night. They are reroofing now.

SEQR was discussed and Chair Appleby noted the applicant did not fully complete Part 1 of the SEQR form. The Board agreed there would be no issues with the questions in Part 1 and all Part 2 questions should be answered with "No, or small impact may occur."

- ➔ Member Switzer moved, Member McCarthy seconded unanimously carried determining this an Unlisted Action on SEQR per NYCRR 617.7.
- ➔ Member Switzer moved, Member LoMonaco 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 LoMonaco moved, Member McCarthy seconded, unanimously carried to approve the application as submitted with the condition that a completed SEQR form is submitted immediately.

OTHER DISCUSSION:

- Complimented the clerk on the submission requirements checklist.
- There is activity at the former Avanti Pizza; it is slated as a calzone shop.
- Board asked CEO Miller how the "Street by Street" program is going. Miller said it is in progress, he is getting positive feedback, and is seeing some proactive work.
- Parking lots – Member McCarthy asked about the long-standing existing lots that are in violation. CEO Miller says he hasn't come up with a solution yet. He will broach the subject with the new attorney.

UPCOMING MEETINGS/DEADLINES:

- Monday, August 11, 2014, 7pm; application materials due by Noon, Monday, July 28.

ADJOURNMENT:

- ➔ Member LoMonaco moved, Member McCarthy seconded, unanimously carried that the meeting be adjourned at 8:04pm.

Pamela W. Krahe, Clerk