

Regular meeting of the Planning Board of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Tuesday, November 12, 2002 at 7:30pm.

PRESENT: Chair R. Scott Winner, Vice Chair John Brugger, Member Charles Switzer, Member Annette Locke, Member Arthur Appleby, Building/Zoning Officer Scott C. Zarnstorff, Village Clerk Leslie Ann Morelli.

EXCUSED:

ALSO PRESENT: Frank A. Alois: Deputy Village Attorney, Tom Carpenter of Chatfield Engineers (Village Engineer), Bradley B. Upson; DPW Superintendent, Ken Pike, Bill Weber, Joan Hamlin, Fred Webster, Sam Liberatore, Jon Marcello, Marc Marcello, Mark Koke, Mark Edwards.

CALL TO ORDER: The meeting was called to order by Chair Winner who led the Pledge of Allegiance.

REVIEW OF MEETING MINUTES: Chair Winner called for a motion to approve the minutes of the previous meeting.

➔ Member Appleby moved, Member Brugger seconded, Member Switzer abstained due to absence, carried to approve the minutes of the meeting held October 15, 2002 as written.

CORRESPONDENCE:

Chair Winner announced that the ZBA has a public hearing scheduled for Monday, November 25th at 7pm for an area variance application from Lakeside Memorial Hospital on building height and parking. Chair Winner shared a written complaint from a resident on Glendale Road regarding the noise at the older Allied Frozen Foods facility. Chair Winner shared copies of the Historic Preservation Board's draft revisions to the signage and building facade regulations for the Historic Commercial District. Feedback should be directed to Bill Andrews.

Member Switzer expressed concern of 100 Owens Road, new home of Champion Moving and Storage, that it is not what the Planning Board approved. The trucks are doubled parked, scattered and unscreened. There does not appear to be a handicapped parking space. Building / Zoning Officer Zarnstorff said he has the same concerns and will be working with the owner and report back.

PUBLIC HEARINGS: None

OLD BUSINESS:

1. Application of: Name: Samuel Liberatore, PE – Schultz Associates for Mark Calcagno
 Address: West Avenue (remaining Farash property)
 Purpose: SEQR determination & Preliminary subdivision and site plan approval – 230 lot residential / 6 lot commercial subdivision and site plan now known as Remington Woods

Applicant Presentation:

S. Liberatore provided a brief update. They are currently addressing Chatfield Engineer's comments. They are now dealing with issues of the Army Corps of Engineers (ACOE). They have had the wetlands re-delineated and scaled back the boundaries. Wetland disturbance has been limited to .5 acres. The ACOE disagreed with the layout of the proposed detention ponds and the impact on the wetlands. The detention ponds have been reconfigured into a serpentine channel with uplands and micro pool areas. They are looking for more of a meandering stream. Therefore, they have hired Gene Pollett, an expert on creating wetlands. They meet tomorrow with Paula Smith of Monroe County Soil and Water Conservation District. S. Liberatore said he informed her that ACOE did not like her ideas regarding the ponds. They hope to get ACOE approval and then return to the Planning Board for SEQR determination.

S. Liberatore said there has been correspondence back and forth with SHPO. They wanted photos, then old aerial surveys and now an archeological study. The site had been grossly disturbed prior to this plan. They are looking to hire an archeologist. They heard of one at Rochester Museum and Science Center. S. Liberatore said that is the update for now.

Continued Board discussion on application:

Chair Winner recalled an archeologist having studied this site previously. There is one at SUNY Brockport.

2. Application of: Name: Eric Koke
 Address: 79 Kenyon Street
 Purpose: driveway expansion

Applicant Presentation:

Mark Koke returned and apologized that they were not in attendance at the last meeting. He said his brother, Eric, was shipped out to Afghanistan.

Continued Board discussion on application:

Chair Winner asked the number of actual occupants in the house stating that the Village received a complaint from a neighbor that someone is living in the basement. Chair Winner said the Planning Board needs verification. S. Zarnstorff said he would be happy to do an inspection and report back to the Board. M. Koke said he and his two brothers live in the house and no one lives in the basement. Each of the 3 residents has a vehicle. The boat is no longer there.

Chair Winner asked B. Upson how much longer asphalt plants are open. B. Upson said there is one in Gates and one in Stafford still open, but they will be closing for winter soon. M. Koke said they are willing to pave it now or wait until spring.

Chair Winner said he is not convinced there is a hardship and that parking expansion is needed. Three people live there with three cars and existing space for 3 cars. Chair Winner said it is a single family home and is not sure the Code supports the Planning Board expanding a driveway on a single family home. F. Alois suggested waiting until the occupancy issue is verified.

S. Zarnstorff asked M. Koke if he would be willing to have him do a quick inspection now so he could report back to the Board by the end of the meeting. M. Koke said that would be fine. S. Zarnstorff returned later and verified that no one lives in the basement and that the single family home has 3 men living there.

Therefore, this is a non-issue. The Planning Board stated that they would like to see any driveway expansion paved. No further action is necessary.

NEW BUSINESS:

1. Application of: Name: Mark Edwards – Lakeside Memorial Hospital
 Address: 156 West Avenue
 Purpose: site plan approval for smoking structure

Applicant Presentation:

Mark Edwards presented plans for a 12' gazebo smoking structure. The gazebo would be constructed with cedar. Panels would be installed on the bottom and plexi-glass on the top during the winter to limit the wind. Then they would be removed in the summer.

Continued Board discussion on application:

Member Switzer commented that this appears much nicer than smoking structures at other hospitals. M. Edwards said it fits the look and is less expensive. Member Appleby said this would be better than personnel and visitors hanging outside of entryway doors. M. Edwards agreed and said there is one particular courtyard that people smoke in that is outside of patient rooms.

⇒ Member Switzer moved, Member Appleby seconded, Member Brugger abstained due to being employed by Lakeside, carried to approve the erection of a 12' smoking gazebo at Lakeside Memorial Hospital as presented on plans.

2. Application of: Name: Rhett King
 Address: 24 Adams Street
 Purpose: driveway expansion once garage/barn is demolished

Applicant did not show. Tabled.

3. Application of: Name: Village Pantry – Marc & Jon Marcello
 Address: 58 N. Main Street
 Purpose: approval to convert seasonal room to year-round and review of new signage ideas

Applicant Presentation:

Marc and Jon Marcello of the Village Pantry reminded the Board of the screened in room they approved last spring. They have found it to be successful and wish to convert it from a seasonal room to year-round. They would like to install windows and insulate the walls, add a ceiling and heat. The room could seat 25 to 30 people and would be perfect for small parties / banquets and regular groups such as the Kiwanis, Rotary and Knights of Rest. They would address all code and building requirements.

Further, they shared that they are planning to change the name of the restaurant to 58 Main. They have obtained DBA approval. This will require changing their signage. They reviewed drawings of the proposed signs. One would replace the existing protruding sign off the front of the building on Main Street. The others would be flat on the sides of the building (north and south sides). The front sign would be illuminated from the interior. The others would have lighting shining on the signs.

Continued Board discussion on application:

Member Locke expressed concern that the signage includes "bar". J. Marcello said it is and will continue to be a family restaurant. However, they do have a bar and a liquor license and want to let patrons know that drinks are available.

On occasion they have had bands and Karaoke. Member Locke asked if the music has received any complaints since it is near a residential street. J. Marcello said they have not received any complaints. S. Zarnstorff said he did receive a complaint from a Liberty Street resident. Member Brugger said the band they had in the parking lot for the car cruise in could be heard at the Police Department. He wondered if approvals are needed for adding live music.

M. Marcello said they have built a great clientele. Friday dinners and Sunday breakfasts often have a wait. They do not intend to lose the focus of it being a family restaurant by having liquor and music. M. Marcello said they have worked there since they were 14 years old when Oktoberfests were big there. Member Locke said the noise is just something the residents in that area are probably not used to. She said she is glad business is good, but quality of life needs to be protected as well. M. Marcello said the complaint to S. Zarnstorff is news to them. They are involved in the community and plan to stay in business for a very long time. Chair Winner said he remembers relaying the complaint to them while dining one evening, but they were pretty busy at the time. Chair Winner said it is in the Business District and meets Code. Member Locke asked what they would do if they received complaints. J. Marcello said they would need details. Maybe the music volume is too high, or it carries at a certain time such as when the door opens. Member Brugger said there is a noise ordinance that states one should not be able to hear noise 40 feet from the source. This is 24 hours a day, 7 days a week. He encouraged them to be proactive.

Member Locke asked if they are 300' from residential zoning. Chair Winner said yes and that by and large it meets the burden. It is a high-density area, much like city living, but family friendly. It is important to protect the integrity of residential areas while seeing businesses prosper.

Regarding converting the seasonal room to year round, Member Switzer asked how parking is affected. M. Marcello said they are busiest when the businesses in the plaza behind them are closed (evenings and weekends). They also have a lease with Brockport Enterprises to utilize their parking. M. Marcello referred to the parking diagram they provided last summer.

Member Brugger asked if converting the room to year-round would require sprinkler and smoke detection systems. S. Zarnstorff said restaurant and seating expansions are subject to all applicable fire codes. He will need to conduct a review under NYS Building Code (Chapter 34 – renovations to existing buildings). This includes number of exists, one story, location... They will need to install fire and smoke detection systems to meet requirements. M. Marcello said they would comply. They simply ask for some time leniency. They are more than willing to make the necessary changes. It will protect their business as well as safety of patrons. It may even warrant an insurance break. S. Zarnstorff said this could be handled under the building permit.

Chair Winner said he does not believe the Planning Board has purview over the sign content, but the Board encourages them to re-consider "bar" on their signage. Clerk Morelli commented that 58 Main Street might be confusing since it is actually 58 N. Main Street. There IS a 58 Main Street.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to approve the conversion of the rear seasonal room to year round provided it meets all building code requirements.

NEXT REGULAR MEETING: Monday, December 9, 2002 7:30pm

ADJOURNMENT:

➔ Member Locke moved, Member Appleby seconded, unanimously carried that the meeting be adjourned at 9:10pm.

Leslie Ann Morelli, Village Clerk