

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, Monday, June 10, 2002 at 7:30pm.

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

EXCUSED: Vice Chair John Brugger

ALSO PRESENT: Frank A. Aloj, Deputy Village Attorney, Tom Carpenter of Chatfield Engineers (Village Engineer), David Strabel, Jonathan Mendez, Jon Marcello, Marc Marcello, Jim Hamlin, Joan Hamlin, Fred Webster, Zach Buell, Jonathan Pack.

CALL TO ORDER: The meeting was called to order by Chair Winner.

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

➔ Member Appleby moved, Member Locke seconded, unanimously carried to approve the minutes of the meeting held May 13, 2002 as written.

CORRESPONDENCE: None

Chair Winner reported that he attended the NYCOM Conference on Downtown Development May 20th through 22nd. He said it was a worthwhile conference and proved that Brockport has a lot to work with already in its downtown district compared to many other municipalities.

Member Appleby reported that he is a member of the Canal Revitalization Committee along with Chair Winner, Trustee Whipple, Historian Emeritus Andrews, Mayor Matela and Ray & Ute Duncan. A preliminary appraisal and environmental assessment has been conducted of 60 Clinton Street (Fay's Garage). The Canal wall repairs have been moved up one year to 2002-2003. Wal Mart is awarding the Village with a \$500 grant for flowers and such for beautification. The Garden Club is working on beautifying the Canal bank and path. A Local Development Corporation is being formed.

Member Appleby also reported that he and Building/Zoning Officer Zarnstorff met regarding special use permits being built into the zoning code. This will require re-writing part of the code. The current code, as written, does not require special use permits for things the Planning Board has historically reviewed and approved. The proper tools are needed and a benchmark with other municipalities.

David Strabel, Architect and Chair of the Historic Preservation Board reported that there will be an open meeting of the Historic Preservation Board in which the historic designated downtown business district property owners and tenants will be invited to attend. It will be Thursday, June 27th at 7:00pm at the Village Hall. The code will be reviewed with emphasis placed on recent issues of paint colors and signage styles. Chair Winner commented that he would like to see a closer working relationship between the Planning Board and Historic Preservation Board. He also suggested getting Deputy Village Attorney Aloj up to date. D. Strabel shared that there is an attorney on the volunteer Historic Preservation Board.

PUBLIC HEARINGS: None

OLD BUSINESS:

1. Application of: Name: Meli Enterprises
 Address: 438 East Avenue
 Purpose: fill permit

Applicant Presentation: Once again, there was no representation by the applicant.

Continued Board discussion on application:

Chair Winner reminded the Board that they promised to make a decision on the application as it stands with or without applicant representation. Feedback was received from Deputy Village Attorney Aloj, Tom Carpenter of Village Engineer, Chatfield Engineers, and Ken Pike of Earthworks Environmental.

⇒ Member Switzer moved, Member Locke seconded, unanimously carried that unless or until the all concerns and conditions outlined in the reviewed of the Village Engineer, Village Attorney and Village Environmental Consultant have been satisfactorily addressed, the Planning Board has no choice but to deny the fill permit application as submitted.

2. Application of: Name: Jonathan Mendez
 Address: 48 Merchants Street
 Purpose: review preliminary plans

Applicant Presentation:

David Strabel shared that a Planning Board site plan application was approved in 1999 for a restaurant at 48 Merchants Street. However, since more than 2 years have passed since that approval, and since there are changes to the original site plan, they needed to return to the Planning Board. Chair Winner mentioned that only he and Vice Chair Brugger were on the Planning Board at that time. D. Strabel said it is the same concept (a barbeque restaurant) but they stretched and pulled the site plan. There are 73 seats inside and 54 seats outside, along the canal.

There is a 6 foot wide boardwalk along the edge of the Canal. However, there are some liability issues in running a public access on private property. The property up to the Canal wall is owned by J. Mendez. There would be a lease with the NYS Canal Corporation, but liability would rest with Mr. Mendez. He is willing to assume the liability for his restaurant patrons, but not the general public. Therefore, they suggest narrowing the proposed boardwalk to 4 feet with fencing off the boardwalk at either end to prohibit the general public (non-customers) from utilizing the boardwalk. There would still be availability for boat docking. D. Strabel said another issue is that of where the Village and its new Administration and Canal Revitalization Committee stand on the formerly adopted Canal Master Plan. Member Appleby shared that this particular phase is undergoing some redesigning by Bero Architecture. D. Strabel asked if the Planning Board can render re-approvals if the Canal Master Plan is not yet redesigned. He said the biggest issue at hand is to make the boardwalk public or private.

Continued Board discussion on application:

Chair Winner said intuitively he would want a clear path – boardwalk open to the public. However, he understands the concerns of a private property owner taking on public liability. D. Strabel proposed a lease of the boardwalk with the Village. D. Strabel said J. Mendez now has the funding and ability to build. He should not be penalized by being made to wait until this phase of the Canal Master Plan is reworked. Chair Winner said he is quite sure it is not the Planning Board's or Village's intention to stall the applicant. However, regarding the boardwalk and the liability issue, there must be precedent regarding the development of canal side facilities elsewhere. There are some logistics issues that need some homework. D. Strabel referred to Jimmie Mac's and questioned whether they have a lease agreement with the Canal Corporation.

D. Strabel said the plan for an outside bar and live music was removed the last time around. There will be an outdoor BBQ area, but no outdoor alcohol bar. In the original approval, the Village Board agreed to provide electrical and boat hook ups. Chair Winner said he would not hold them to that approval and suggested revisiting the topic with them. D. Strabel reviewed the updated site plan and elevations. A canal tower is mimicked to disguise the air handling units. D. Strabel said they are under the threshold in the Building Code that requires a sprinkler system. S. Zarnstorff disagreed and interpreted the code differently. D. Strabel asked if he could apply for an interpretation from Bill Richardson. S. Zarnstorff said that would be fine. D. Strabel said two parking spaces will be designated handicapped parking.

J. Mendez said he left a list a couple of months ago of what type of food they would serve. It concentrates on barbeque and seafood 12 months per year 11am to 2am. The menu may be reduced a bit after 11pm or midnight.

Chair Winner asked F. Aloï and S. Zarnstorff where we are regarding the code about bars within 300 feet of each other. F. Aloï asked the ownership arrangement. J. Mendez said he and his brother own the Canalside pub and this. His brother will primarily manage the Canalside and he will primarily manage this restaurant. F. Aloï asked that he provide a simple one page write up on the ownership situation. If they own both, they may be okay with that 300 foot rule.

Member Appleby asked why the bbq needs to be open until 2am if the bar at Canalside is open until 2am. J. Mendez said Canalside caters to a particular clientele has dancing and sports, etc.. The bbq will be primarily a restaurant with an 8-seat indoor bar and light music for families and such – a dinner and late dinner atmosphere. Chair Winner asked that he provide a simple write up on his projected clientele.

Member Appleby asked about a dumpster. D. Strabel said it would be a shared dumpster enclosure with Canalside Pub. Member Switzer asked about any landscaping plans. D. Strabel said because they are basically zero set backs, there is no land left to landscape. It would only get snowplowed.

D. Strabel referred to the Niagara Mohawk lines over the building. He is working with them.

Chair Winner said the overall character of canal revitalization does not warrant neon or backlit signage as indicated on their site plan. D. Strabel said that could be changed to painted signage with gooseneck lighting fixtures.

Member Appleby asked how close they think they could be to commencing construction if approved. J. Mendez said the Canal Authority has promised 1 month. The leg work was done a few years ago. Member Appleby said he sees no environmental issues since only digging footers.

Building/Zoning Officer Zarnstorff asked if they had applied to the ZBA the first time around for an area variance on setbacks. D. Strabel said he is not sure if they did. (Research later indicated they had not. Therefore, application has been made to the ZBA for an area variance on setbacks.)

Chair Winner reviewed a checklist – no State permits necessary besides NYS Canal Corporation, no water or sewer issues – no change in consumption needs, existing dumpster, existing lighting, existing parking, no historical issues, no traffic issues, no drainage issues. Member Appleby questioned the sewer line at opposite end of restrooms. D. Strabel said they will be raising the floor for storm sewer at one end and sanitary sewer at the other. Member Locke asked what happens if the Mendez' sell off this restaurant in the future – they would have no parking of their own. D. Strabel said it would be no different that buildings on Main Street that do not have parking of their own. They would rely on street and municipal lot parking.

Chair Winner mentioned that the Village is grateful that the Mendez' have re-opened their parking lot to the general public. This has alleviated a situation with the Post Office employees and customers.

Chair Winner said he will approach the Mayor this week regarding the boardwalk issue and canal master plan redesign issue. Member Appleby said he would be comfortable with fencing off the boardwalk. S. Zarnstorff said it is premature to determine whether to fence it off. All boardwalk issues should be fully looked at.

D. Strabel said they are looking at building mounted 200 watt incandescent gooseneck with 16 inch painted shades over each French door facing the Canal with a decorative portal motif. There will be as little spillover of lighting as possible. The interior lighting would be a mix of pendant lights and down lights.

Chair Winner offered the applicant to return either June 24th or July 8th.

NEW BUSINESS:

- 1. Application of: Name: Lawrence Goforth
 Address: 16 Liberty Street (formerly NAPA)
 Purpose: pave parking lot and install 6' chain link fencing

Applicant Presentation:

Lawrence Goforth shared that he is purchasing the property at 16 Liberty Street last known as NAPA. He plans to paint the building a neutral color, pave the entire parking area to control the stone and dust into the building, contour the drainage away from the neighbor, and install a 6 foot chain link fence in the rear for storage purposes. He has an electric business which will occupy the rear of the building with a maximum of 8 employees. He is looking for a tenant for the front of the building (1,700 square feet).

Continued Board discussion on application:

Member Switzer asked if the rear area is visible from Main Street. L. Goforth said not as much from Main Street as the road into the Villager Apartments. Member Locke suggested webbing the chain link fencing to make the contents of the area less visible. Chair Winner suggested he keep his trash receptacle in that area as well and questioned the lighting. L. Goforth said there is an existing wall pack that he plans to replace. Chair Winner stressed keeping the lighting on the site and avoiding spillover. Member Locke asked if he had any plans to landscape. L. Goforth said it depends on the tenant. There's not much green space. He said he could remove some of the asphalt near the side of the building. Chair Winner asked if he had a timeline for paving. L. Goforth said before snow flies. T. Carpenter referred to the catch basin on Liberty Street.

⇒ Member Appleby moved, Member Switzer seconded, unanimously carried to approve the application to pave all parking and install a 6 foot high webbed chain link fence in the rear of 16 Liberty Street mindful of the following points: grading and drainage should run towards the street, the chain link fence for storage in the rear should include webbing to block clear vision, the garbage containers or dumpster should be enclosed in this rear area, the lighting for the rear area should be kept specifically to that area with no spillover, painting the entire exterior of the building in an earth-tone color, any green space you can provide on the site would be appreciated.

- 2. Application of: Name: Jon & Marc Marcello
 Address: 58 N. Main Street (Village Pantry)
 Purpose: construct a 48' x 12' deck with a screened and roofed section for additional seasonal seating

Applicant Presentation:

Jon and Marc Marcello reviewed their site plan application to construct a deck with a screened and roofed section to provide for 20 additional seasonal seats. This will be a three-season room with no heating or air conditioning. They pointed out that where they will specify two to 3 handicapped parking spaces. There are currently planter boxes by the current rear (south) entrance. There will be fan lights or pendant lights inside and the existing timed halogen lights on the building outside.

The hours will remain the same.

Continued Board discussion on application:

Member Appleby asked what the bottom will be made of. The Marcello's said painted T1-11. S. Zarnstorff said he agrees with the placement of the handicapped parking spaces. Chair Winner asked how they will prevent people from backing up into the screened room. S. Zarnstorff said he suggested pipe bollards on the corners to start and across the face if needed in the future. S. Locke asked if there would be music there. The Marcello's said no – just low stereo.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried approving the application as submitted to construct a deck with a screened and roofed section to provide for 20 additional seasonal seats mindful of the following points: two handicapped parking spaces are to be provided as shown, a pipe bollard is to be installed on the northeast corner, and if found necessary in the future, additional bollards in appropriate locations.

NEXT SPECIAL MEETING: Monday, June 24, 2002 7:30pm

NEXT REGULAR MEETING: Monday, July 8, 2002 7:30pm

ADJOURNMENT:

→ Member Locke moved, Member Appleby seconded, unanimously carried that the meeting be adjourned at 9:40pm.

Leslie Ann Morelli, Village Clerk