

Special 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, September 26, 2006 at 7:00pm.

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

EXCUSED: Member Annette Locke, Member Charles Switzer

ALSO PRESENT: Village Engineer Jason Foote of Chatfield Engineers, Ed Fuierer, Cathy Cerame, Jolene Lovall, Scott Ingham, Don Hibsich, Scott Arend, Scott Harter, Joan Hamlin, Fred Webster.

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

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

➔ Member Brugger moved, Member Appleby seconded, unanimously carried to approve the minutes of the meeting held September 11, 2006 as written.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

OLD BUSINESS:

- | | | |
|--------------------|----------|---|
| 1. Application of: | Name: | Nativity BVM Church |
| | Address: | 138 Main Street |
| | Zoning: | Business |
| | Purpose: | re-subdivision / site plan for additional parking |

Applicant Presentation:

Contractor Ed Fuierer of 225 Pine Hill Road Spencerport was in attendance representing the application as a church member. He said the Village Engineer's punch list has been completed. He asked for final approval.

Continued Board discussion on application:

Jason Foote of Chatfield Engineers concurred that all Village Engineer punch list items have been completed to their satisfaction.

Member Appleby asked if this included the silt fence on the west side of the new lot. E. Fuierer said yes. Member Brugger asked if the "suitable" fill material meets with the Village Engineer's specifications. J. Foote said they revised the note on the plans. It needs to be a compactable material. S. Zarnstorff will have to inspect it.

Chair Winner asked how the filter fabric would be kept in place. E. Fuierer said they could use straw bales. J. Foote said straw bales would hold the filter fabric down. Chair Winner asked if they planned on construction before winter. E. Fuierer said that was the original plan, but they still need to close on the property. Therefore, it will likely be done next spring. Chair Winner asked if any permits would be needed. S. Zarnstorff said they would need a demolition permit to take down the old garage.

Member Brugger asked if fencing would be needed due to the height of the retaining wall. E. Fuierer said a barrier will be needed so cars and snowplows don't go over. It may also keep people from walking through. Member Brugger said adding more parking will mean more snow removal. He reiterated that the plow operator currently places some of the snow on the sidewalk. E. Fuierer said the expanded property will allow them to push the snow to a grassy area instead of the sidewalk.

Chair Winner said the last plan showed existing trees to be removed, but the current plan does not show this. Member Brugger said it is likely due to the parking spaces now being shown to meet code at 10' x 20'. Chair Winner noted that the area has expanded 4 feet to the east to accommodate for the 10' x 20' parking spaces. That allows the backyard to be used for snow storage.

Member Brugger moved, Member Appleby seconded, unanimously carried to grant subdivision and site plan approval.

2. Application of: Name: Jolene Lovall
 Address: 38 Merchant Street
 Zoning: Business
 Purpose: open a bar and grill

Applicant Presentation:

Applicant Jolene Lovall was in attendance, but had laryngitis. Therefore, her contractor, Scott Ingham offered to answer questions regarding the additional information she provided as requested by the Board at the September 11th meeting.

Continued Board discussion on application:

Chair Winner asked S. Ingham if he has a fiduciary interest in the property other than as a contractor. S. Ingham said no.

S. Ingham said the parking spaces were measured at 10' x 20' as the Village code requires. The space allows for 9 parking spaces, but one space will be used for the dumpster, which will have a gated enclosure as the Village code requires. They will designate the number of spaces that are necessary as

handicapped parking. S. Zarnstorff said the space labeled as number 7 could possibly be the handicapped

space as an access aisle would be closest to the entrance. Chair Winner noted that 2 of the spaces block 2 other spaces. S. Ingham said they could probably move a couple of feet off the street line. Chair Winner commented that they might be in the Village's right of way. S. Ingham said they would eliminate plans for those 2 spaces if necessary. Member Appleby suggested they do so, because any cars there would be like sitting ducks. Member Appleby said commercial properties in the downtown district utilize on-street parking and municipal parking lots. S. Zarnstorff agreed and suggested that employees park off site in order to free up parking for patrons. Chair Winner said the Village code does not require a certain number of spaces for business/commercial. S. Zarnstorff agreed. Chair Winner said currently he believes Merchant Street Smoke House patrons park in this location (between the two properties). He asked how they plan to manage and/or segregate parking. S. Ingham said they would be willing to negotiate with the owner of the parking lot. Chair Winner introduced the owner of that parking lot, David Wagenhauser, proprietor of Westside Home Health Agency, who was in the audience. D. Wagenhauser said he doubts that would happen, but that it is nice to hear about it now. Chair Winner said it sounds like the applicant can't count on that parking. S. Ingham said then they would utilize signage indicating that parking is for patrons only.

S. Ingham said there would not be any extension of the outdoor front patios and no fencing. The patios are concrete and 17' x 27' at the widest point. However, they would like to install a 42-inch high commercial grade steel or aluminum railing with a gate. There will be no alcohol allowed on the patios.

It will be for smoking only. Chair Winner asked how the "no alcohol outside" would be enforced. S. Ingham said there would be a security guard at the front door for this and to help keep the noise down.

The patios will be for smoking only. There will be 3 commercial ashtrays, which employees will empty daily. The area will also be swept daily. Member Appleby commented that establishments put out ashtrays, but people still litter cigarette butts on the ground. S. Ingham said by not allowing alcohol outside, smokers will likely go outside quickly and then go back inside. Member Appleby said that is good. Chair Winner reminded the applicant that this property abuts a business that is open early in the morning. The area needs to be policed for litter after closing each night. There should be no evidence, other than signage that they are there. The business should not negatively impact others.

Member Brugger asked if any contact had yet been made with New York State Canal Corporation. S. Ingham said not yet. He said they might look into a rear patio or boardwalk sometime next year after being up and running for a year or so. Chair Winner said besides NYSCC, they will need to return to the Planning Board with any future plans. Member Brugger asked about the north door they proposed. S. Ingham said they decided not to do so at this time. Chair Winner said it could be a protracted process with the State and it is worth getting a jump on it.

Chair Winner asked if the jukebox would be where the DJ booth used to be located. S. Ingham said yes. Chair Winner asked if there are any plans for a dance floor. S. Ingham said no. Chair Winner asked the seating capacity. S. Ingham said they are planning seating for 77. Member Appleby asked how that compares with the last applicant. S. Ingham said they want people to be comfortable and do not want to pack the tables in. Member Appleby asked S. Zarnstorff the code on this. S. Zarnstorff said occupancy is based on fixed seating, loose seating, bar seating and standing room. He said 77 is very likely lower than what will be allowed by code.

Member Appleby asked about restroom plans. S. Ingham said the restrooms definitely need

remodeling and updating. They will be freshened up with all new fixtures. Member Appleby recalled a rail around the perimeter of the interior and asked if that would remain. S. Ingham said yes. It will be a good place to set drinks and food when standing or playing darts.

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S. Ingham said the signage would be made of vinyl with a white background and black lettering that says "Clinton's Ditch Bar and Grill" and would have a donkey and tug boat logo. It will be placed flat on the front façade. Chair Winner asked the size of the sign. S. Ingham said whatever is allowed by code. S. Zarnstorff said maximum sign size in Business zoning (not in the Historic Commercial District) is based on the width of the building. The applicant would need to apply to S. Zarnstorff for a sign permit. The Planning Board would like to see a more professional rendering that includes the size, dimensions, style, materials to be used and the like.

S. Ingham said exterior lighting would be enough to light the sign, the entrance and the patios.
Member

Appleby asked if they planned on gooseneck lamps similar to the Merchant Street Smoke House. S. Ingham said yes, if that's what the Village wants. Chair Winner said they would like to see a sample or catalog picture of what is planned. He said it is not the Planning Board's place to design for an applicant.

S. Ingham said it sounds like the Planning Board is not ready to grant approval tonight. He said they are in a hurry to get Village approval since there is much work to be done and it will take time to get a liquor license. Chair Winner said then they should have submitted more professionally done plans with dimensions. He said the drawings submitted for the interior, exterior and sign are only a notch above a sketch on a cocktail napkin. Chair Winner further said that the Planning Board is not unnecessarily delaying approval, and has moved rather expeditiously with the application. The application was submitted September 5th, was reviewed at the September 11th meeting and the Board is meeting tonight

in order to accommodate this application. He said the Planning Board is not asking for anything more than it has for similar applicants.

S. Ingham apologized and said if the Board could tell him exactly what they need, he will provide it. He said it is his first time through the process. Chair Winner said if they have not communicated that to him

thus far, it is with regrets. He said the end result of approval is not necessarily in doubt since this is a permitted use in Business zoning, but the Planning Board does not grant approval blindly. Each community may handle it a little differently. They need a level of finish as opposed to dealing in the abstract. He said the members in attendance tonight probably have varying visions of what is being planned. He suggested samples, brochures, catalog pages or the like be provided with regards to proposed lighting fixtures, any new doors or windows, and that whatever sign maker they plan to use provide a rendering of a proposed sign. Member Brugger said they appreciate that they are willing to do

what the Village would like to see, but they need to provide the information. The decisions or selections have to be made anyway.

Member Brugger suggested they obtain copies of similar application materials. S. Ingham said they received copies of the meeting minutes of similar applications, but not plans. Chair Winner said he recalls a computer generated site plan and floor plan from a previous applicant regarding this exact property. That may be able to be adapted.

Chair Winner said they are making progress. One meeting more may nail it down. The Planning Board will not meet Monday, October 9th due to the Columbus Day holiday. Although tonight's special meeting

was to make up for that meeting, the Board agreed to meet on Tuesday, October 10th at 7pm for this application. S. Zarnstorff commented that he would be unavailable. Clerk Morelli commented that she would be on vacation and that to her knowledge Member Locke indicated she is unavailable on Tuesday evenings.

NEW BUSINESS:

1. Application of: Name: Scott Harter, P.E. for Don Hibsch
 Address: McCormick Place – East Avenue
 Zoning: Residential (Cluster)
 Purpose: informal update – planning for Phase II

Applicant Presentation:

Developers Don Hibsich and Scott Arend of D&S Developers and Engineer Scott Harter of Professional Engineering Services were in attendance to update the Planning Board on progress at McCormick Place (also known as Havenwood Meadows Section III in the files). Only lots 49 and 56 remain available in Phase I. Lot 57 is unable to be built on at this time since Rochester Gas and Electric and Niagara Mohawk / National Grid neglected to place utilities there.

The Planning Board granted preliminary approval on the entire 64-lot development and final approval on Phase I back in December of 2001. SEQR was addressed at that time. They are now looking to return for final approval on Phase. D. Hibsich said the Homeowner’s Association is in place through the State and managed by Kendrick Corporation who collects the monies, takes care of the insurances, mowing, plowing and the like. The development remains geared toward adults age 55 and over with 40%

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allowed to be under the age of 55. However, no children under the age of 18 are allowed. They offer 11 plans to choose from. However, if a potential buyer has house plans that will fit on the lot, meet the HOA regulations and be in keeping with the community, they will be considered. The lots are narrow but fairly deep. D. Hibsich said Danielle Windus-Cook Properties is the realty firm with a model being open on the weekends. He said each time they build a model; it sells – even though there may only be a temporary walk in place and finish details remain. He commented that many buyers are very interested in and impressed by today’s construction techniques.

D. Hibsich said the pond is in and the entrance is cleaned up and a streetlight has been installed at the intersection. He said he would like to erect a more permanent brick monument sign for McCormick Place. The Village Code does not address what he has in mind.

Continued Board discussion on application:

Chair Winner commented that they have done a nice job with the development. D. Hibsich said they dealt with some concerned neighbors early on and corrected some mistakes. S. Zarnstorff commented that the remaining phases will likely not have as much site disturbance since the heavy grubbing was done at the time of the first phase and a decent field has been maintained. D. Hibsich said he would like to work with the Village on sending out a joint letter to the neighboring property owners as work draws nearer for the next phase. Member Brugger told D. Hibsich he appreciates his thoughtfulness on this. D. Hibsich said there is a lot of debris; tires and such dumped back there. He said the signs he had posted have been torn down. Member Brugger said if the letters are sent via certified mail, there will be proof that the bordering neighbors received notification. Chair Winner said that is a good idea. D. Hibsich commented that he learned that cable is not necessarily where it was staked out and not in the easements.

Member Appleby asked if they plan to put in a hammerhead. J. Foote asked if utilities would simply be extended. S. Harter the water pressures and flows are very good so it will be possible to stub and loop the water main.

Chair Winner asked if he anticipates 3 or 4 phases in total. D. Hibsich said 4.

D. Hibsich shared that the Village has done pretty good by them regarding assessment. He said the Town buried them with a full assessment for all the empty lots. He said he does not mind paying full assessment for lots once the houses are built. S. Harter commented that timing is very important when filing the subdivision map. D. Hibsich said they are making some headway with the Town. Chair Winner said he does not believe the Village should have given up its status as an assessing unit. He said it limits the Village’s ability to assist developers and the like. D. Hibsich said for tax purposes some towns build the road in sections so the lots are not fully accessible. He said he had an arrangement with the Town’s former Assessor for a graduated assessment on the vacant lots.

D. Hibsich said he does not want lot number one forgotten. If he can’t build on it, then he does not want to have to pay taxes on it. S. Zarnstorff suggested he include that lot in the plans for Phase 3 or 4. J. Foote concurred.

Member Appleby asked if they had any knowledge of the start up plans of the developer to the east. D. Hibsich said he heard there was some family illness and that they put the project on hold. He said he wouldn’t be surprised if he also saw the slow start of other area developments. D. Hibsich said the project to the east is mixed use. He said the biggest draw to McCormick Place has been that it is not mixed use.

S. Zarnstorff referred to the plans and asked if a hammerhead was put in. D. Hibsich said the DPW asked him not to.

Chair Winner questioned walk ability. S. Harter referred to the walking path shown on the landscaping plan. D. Hibsich said he has had requests to put in a walking path up to the Canal. He said he is not prepared to do so at this point. He said he might solicit the Scouts for a possible project. Chair Winner asked D. Hibsich if he has received any complaints regarding the stretch of East Avenue without sidewalks. D. Hibsich said no. Chair Winner said he would really like to see the Town and Village get together on connecting that stretch of sidewalks.

S. Harter asked J. Foote if the utilities were constructed as planned. J. Foote said he believes so. He has the as-built plans.

Chair Winner asked their timeline. D. Hibsich said he'd like to target early spring. He said the bank is happy. Chair Winner asked about their portfolio of models. D. Hibsich said Broker Danielle Windus-Cook put together a great portfolio and website which not only promote the development but Brockport as well. D. Hibsich will provide each Planning Board member with a copy of the portfolio. They plan to submit plans for Phase II for either the October or November meeting.

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NEXT SPECIAL MEETING: Tuesday, October 10, 2006 (due to October 9th holiday)

NEXT REGULAR MEETING: Monday, November 13, 2006

ADJOURNMENT:

- ➔ Member Appleby moved, Member Brugger seconded, unanimously carried that the meeting be adjourned at 8:30pm.

Leslie Ann Morelli, Village Clerk