

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, August 8, 2005 at 7:00pm.

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

EXCUSED: Village Engineer Tom Carpenter of Chatfield Engineers

ALSO PRESENT: Deputy Village Attorney Frank A. Aloï, Joan Hamlin, Eduardo Galan, Patricia Peno

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 Charles Switzer moved, Member John Brugger seconded, unanimously carried to approve the minutes of the meeting held July 11, 2005 as written.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS:

1. Application of: Name: Andrew J. Willmes – Fibbar Magee's
 Address: 1 Main Street
 Purpose: add additional bar on first floor (street level) to accommodate patrons waiting to eat dinner and for late night use

Applicant Presentation:

Andrew Willmes handed out a diagram of how he would like to change the layout of his restaurant and add a waiting service bar area with dimensions of 12' 6" x 4' , having only 8' useable service area to increase the speed of service, be more efficient with service and to help accommodate the late night business.

There will only be 5 seats available at the area. This area would not be open during the day with the exception of Thursday, Friday and Saturday when dinners start at 4:00 pm. There is a camera system in place for control. There will be bouncers on floor and at doors for security and safety purposes. They have been told by the night police that they are pleased with the practices and control they seem to be maintaining.

The first week the restaurant was open, they had a lot more attendance than they were prepared for. This new area would help to increase their ability to handle more customers in a more effective way.

To make room for this new area, a booth and waitress station would have to be relocated. The plans include an awning to be put over the area to make it a little more cozy. There is 11 feet between the stairwell and the proposed area so the diagram that was handed out is not to scale in any way.

Andrew is also working with the landlord to take over the 3rd floor for office and storage space due to the fact that there is no room available for that at this time. They are receiving deliveries in every day because of this fact.

Continued Board discussion on application:

Member Locke asked if there would be a television in this area. There will possibly be a small television put in the corner of this area. This will only be what is considered a half service area. There will be soda guns and limited liquors and no draft beers available.

Member Brugger asked if this proposal has been routed through the police station. This has not been routed due to the fact it would have to go through this board to do it and this is the first time this has been brought up to the board.

Member Appleby asked what the liquor authorities thought of this proposal and if it would be one license for the whole restaurant or separate. The liquor authority is fine with this idea. They are waiting on the approval from this board to go ahead and start working on it. It would be 2 separate licenses for each bar on the different floors. The expected wait time for the new license is approximately 8 weeks.

Andrew stated that things have been running fairly smoothly and hopes that it continues once the kids get back for college.

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Member Brugger is interested in having a routing form go through the police department to see what their thoughts are regarding this new addition. His concern is that he does not want to see this go from a family restaurant to a bar scene only.

Member Locke is also curious to see how things will go once the kids are back to college.

Chairman Winner asked Andrew to be open and honest if he is looking for this change to increase revenue and business due to the fact that business seems to have slowed down. Andrew said no. He has discussed with neighboring business owners and has found out that this is a slow time for the area due to the time of year with vacations, heat etc. They served over 100 lunches today and have a 95% rate of satisfaction. They feel this is a remedy for the efficiency and storage issues that they are encountering only.

Member Locke commented that she is very appreciative of the fact that he is sticking to all the things he said he would do when he first got approval. Her biggest appreciation is that they are using the plastic on the deck and keeping it cleaned up. She is just very concerned that it will turn into more of a bar which is not good for the community.

Chairman Winner asked if he could ever see one floor closing if the lack of customers permits. Andrew indicated that would not be an option. It is against code to shut one floor down and it would keep security in that area helping monitor the whole restaurant.

Member Locke wanted to make sure that the area will stay to only 5 stool areas and not have chairs dragged over and making it more of a bar area. Andrew said that he plans to mount down the 5 stools so that no one can move them over to make room for more. He also may eliminate any extra chairs hanging around so they are not available to be drug over to that area.

Chairman Winner wanted a commitment from Andrew that the 5 stools would be mounted down to make sure that did not get out of hand. Andrew committed to mounting to the floor the 5 stools.

Member Locke did see where this area would be more effective and helpful with the waitresses as she has seen them hopping up and down the stairs trying to get the service done. That is Andrew's clear reason as to why he would like to take this step. He is willing to do whatever the board wants him to do and go in the direction they want him to go to eliminate their fears and still be able to accomplish increasing his efficiency.

Building Inspector Zarnstorff indicated that due to this new arrangement, the occupancy will change to having more people upstairs with the easier access to drinks and the game areas. Andrew did not want to change the occupancy, but he sees the inspectors point and knows it will have to change to a quantifiable total as a cap. Andrew indicates that he has counters to keep track of the attendance. Building Inspector said that it needs to be kept and the security needs to know or when they get asked and they don't know, they can take a count as the people are being told to leave since it was not kept track of.

Chairman Winner had a discussion with the Police Chief and he indicated he has no objection to this addition. If there are problems or laws being broken, they will take the appropriate action as police.

Lawyer Alois indicated that is probably the main communication or approval you will get from the police and that everything that has been discussed looks legally in good shape.

→ Member Appleby moved, Member Switzer seconded, Member Brugger opposed, carried to approve the application to add an additional bar on first floor (street level) to accommodate patrons waiting to eat dinner, make it more efficient and for late night use with the stipulations that the 5 stools get mounted and fixed to the floor and that the total occupancy for the street level floor is 99.

Member Brugger opposed because he wanted to have more comments back from the police department to see what their opinions and thoughts were regarding the new addition.

2. Application of: Name: A.J. Barea, PLS for Eduardo Galan
 Address: 70 Clinton Street
 Purpose: construction of a masonry fence along property frontage

Applicant Presentation:

AJ Barea presented a picture of the fence that they would like to put at the front of the properties located at 70 – 80 Clinton Street and that it is made of concrete and steel bars. It is a wall/fence and it had been started, but now is stopped waiting for approvals.

Continued Board discussion on application:

Member Locke clarified that the construction had started before any approvals were given. She wanted to know how far from the center of the road it is located. It is 26.75 feet from the center of the road.

Chairman Winner asked if it was on the owner's property or in the right of way. It is on the owner's property.

Member Locke wanted to know what the purpose of the fence is. It is for a sense of privacy and security but not to block the beauty of the homes they are going to be putting up.

Member Locke also indicated that she is afraid that the location of this fence may cause a snow plowing problem in the future. They are putting it in the same location and place as original fence, just a different material.

Member Locke asked how high is the low point. It is 2 feet.

Chairman Winner asked how high is the high point and what is the width between the posts. It is 7 feet high and 7 feet in between the posts.

Member Appleby asked if there will be a fence in front of lot 3 as this is the plan for lot 2 being discussed. They do plan to do the same for lot 3 to make it look consistent.

Member Locke asked if there would be a fence between the two lots running north and south. There will be a gate to each driveway but no fence in between.

Chairman Winner indicated there is no sidewalk currently but putting a fence there would impede any future sidewalk plans. There is a master plan indicating the reconstruction of Clinton street eventually and adding sidewalks. Clinton is the next phase of the 1995 master plan. The owner of Clinton Street was not aware of this master plan. Had they applied for the permits and gone through the necessary approvals, they would have been informed of it. This reconstruction is all a part of a federal grant.

Chairman Winner continued to say that this board needs to be aware of the site plans and see the vision and understand it like Mr. Galan does. This board can help him to get to his final goal, but the plans need to be communicated and gone through the proper channels for approvals. The original concept that was brought to the board was approved for residential and the next step was to be the next home. Instead, exterior renovations and fences and walls were being put up before approvals. Also, there are different codes regarding if this will be residential or commercial. Since the plan is to be residential then those laws need to be followed. One of those laws would indicate that the fence can only be 6 feet high or go to the Zoning Board for a variance approval. This board is very happy to see the cleaning up and the preservation of this historic piece of land. But, because this land is historic and is registered with the State of New York, any renovations need to be approved through the Historic Preservation Committee. They need to determine style etc. Once that committee weighs in and comes back to this board with its recommendations then it can go forward following the codes.

Mr. Galan does not like the fact that people that are not investing money into the property get to make all the decisions regarding what can happen and how it will look. He also voiced concerns that he did not get correct information from the Village.

Chairman Winner indicated that he wanted to go forward and not look back to get accomplished what is in the best interest of everyone. To go forward there are a few things that need to be looked at and settled before any work can continue.

1. Set back needs to be determined so that it will not interfere with Master Plan
2. The Historic Preservation Committee needs to weigh in on their thoughts
3. Site plans need to be made up so that the board can see the vision
4. Permits need to be received for any work including the Canal Corp Cleaning
5. Residential applications and rules need to be applied

Chairman Winner indicated that the clean-up that was done was done without approval from the Canal Corporation and they need to be informed also due to the location of the property.

Chairman Winner offered to meet every other week if they so desired to keep them on track with making

all the improvements and getting it to where he would like to see it before the snow flies. There is monies that he can look into getting to help with the project cost also. He may want to look into different materials than what his thoughts are right now due to the fact that elements are different here then in Mexico where he plans to get some stones. Also, the height of the fence may take away from the beautiful renovations they are planning on making. Mr. Galan feels it will not due to the scallop

style
of the fence.

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At this time no approvals can be made and all work needs to stop until the board can catch up with the planning process. The tape that has been put up at the sight right now is a temporary fix and is ok to help prevent people from driving recklessly in that area. Mr. Galan was told to contact the highway department to help take the brush away from the clearing that was done.

NEXT REGULAR MEETING: Monday, September 12, 2005 at 7pm

ADJOURNMENT:

- ➔ Member Appleby moved, Member Brugger seconded, unanimously carried that the meeting be adjourned at 8:40 pm.

Michelle Johnson, Building/Zoning Clerk