

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, May 13, 2013 at 7:00pm.

PRESENT: Chair Charles Switzer, Member Annette Locke, Member Bernard Daily, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe.

EXCUSED: Member Arthur Appleby

ALSO PRESENT: JP Schepp (Chatfield Engineers), Ellen Coyne (Village Attorney), Jose Mendez, Brandon West, Brandon St. John, David Strabel, James Glogowski, Jamal Mendez, Melissa Oliver

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

REVIEW OF MEETING MINUTES: Chair Switzer noted the minutes from the previous meeting cannot be approved as there is not a majority of those who attended the April 8 meeting in attendance tonight.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

OLD BUSINESS:

1. Application of: Name: Jose Mendez
 Address: 24 N. Main Street
 Tax Map #: 069.45-1-1
 Zoning: B-Business
 Parcel Size: ~1.7 acres
 Prop. Class: 465
 Purpose: Review revised site plan for proposed 56'x100' commercial office building

Presentation/discussion:

Mr. Glogowski presented a revised set of plans. Some requested details have been added, others are yet to be added. Mr. Strabel addressed the Monroe County DRC report, stating it's what he expected and no further action needs to be taken. He said Mr. Mendez has not yet discussed any agreement with Villager. Mr. Strabel asked if approval could be given contingent upon the easement acceptance by Villager. CEO Zarnstorff advised that he would like to see some indication that Villager will accept an agreement before an approval is granted. Mr. Strabel asked about setting up a conference call between the parties. Mr. Mendez stated he just needs more clarification before he contacts his neighbor, and he feels Villager will be agreeable to his request. He reiterated he wants to get all the pipeline and drainage figured out first before he proceeds with the owner of Villager Apartments. Zarnstorff reminded of his previous conversation with the owner of Villager and the fact that he seemed amenable to an agreement.

VE Schepp addressed Mr. Glogowski's latest drawing saying Sheet 1 is much improved. He noted the water line is in the northbound lane of Route 19 (N. Main Street). There was some discussion about meters and the RPZ. Mr. Schepp questioned the number of pages in the plans – 6 pages are indicated, only 5 were submitted originally, and today there are only 3. Mr. Glogowski will turn in the additional pages. VE Schepp noted the easement needs to be added, and that the water and sanitary are better than they were previously. Mr. Mendez expressed his confusion, again stating he needs to know all the engineering is set before he goes to Villager, shows them his plan, and tells them all he needs is their approval. VE Schepp suggested Mr. Mendez sit down with the professionals he has hired and let them clarify the situation for him. From the 10 items that needed attention, sent via email on April 9 from Mr. Schepp to Mr. Glogowski, Mr. Strabel thinks there are only a couple more that need to be addressed. Electric was additionally discussed, where it might come from, and whether or not an easement would be necessary.

Regarding the drawings, VE Schepp indicated he still needs to see the photometric detail, curb detail, dumpster enclosure, and the drainage and trench detail including the Villager easement. Chair Switzer explained that before concept approval and SEQR, those items need to be completed along with some additional discussion. VE Schepp indicated he is most interested in seeing the drainage issue addressed as well as the agreement with Villager; the other items are minor. Mr. Mendez understands he now needs to talk with Villager. Mr. Strabel brought up Mr. Mendez' prior verbal agreement to pay for the cost of the materials the Village DPW will use to install the drainage system. Mr. Strabel asked if an affidavit from Villager Apartments is necessary; Mr. Schepp said a letter from Villager indicating their agreement would be acceptable. If those items are satisfactorily addressed, the next meeting could very well result in an approval.

NEW BUSINESS:

MINUTES OF PLANNING BOARD MEETING OF May, 13, 2013

1. Application of: Name: Brandon West
 Address: 40 Main Street
 Tax Map #: 068.52-4-16
 Zoning: B-Business
 Parcel Size: 16'wide x 116.16' deep
 Prop. Class: 481 Downtown Row
 Purpose: Change of use – proposing to operate a year round restaurant offering dine-in and delivery service; property is currently vacant; formerly Jam Shack Music.

Presentation/discussion:

Mr. West referred to the business plan submitted for his delivery / dine-in restaurant to be named Callios. He thought there might be concern over his late-night hours and how they might affect the town. He told the board he would be happy to answer any questions and would like to get approval to operate 11AM to 4AM, 7 days a week though the hours would be at the owner's discretion. He has another restaurant in W. Henrietta, near RIT, and it operates 4PM-4AM during the week and 11AM to 4AM on weekends. Chair Switzer brought up there are no code restrictions on hours, and this location is in a commercial district.

There is a bar next door and a café on the other side. Plans are for 3 booths inside but primarily the business is take-out. Subs, calzones, sandwiches, and some pizza will be offered; there are no fryers so no sides will be served. Ovens would be for pizza. The applicant stated he already has an agreement with C&S Saloon to share trash; approximately 85% of his business will be delivery. Customer parking would not be an issue. There is a village trash can in front of his store; Mr. West indicated he will keep an eye on it so it doesn't fill/overflow because of his customers.

Mr. West stated he would be investing about \$5,000 to upgrade the bathroom, a kitchen area, etc. Chair Switzer asked CEO Zarnstorff if there were any codes issues. Zarnstorff replied no, but there would be quite a bit of renovation to go from retail space to food service and he will need to be involved with the construction aspect. The CEO asked the applicant about delivery and how drivers will access orders given the parking challenges. The applicant said drivers will be in contact with the store so they can just pull up to the store and an employee will run the food out. Drivers will park in municipal parking lots during down time. There was some discussion about what delivery vehicles would do after 2AM when no parking is allowed on village streets and municipal parking lots have rotating parking. Mr. West said he would have to train his employees where they could park as there is no onsite parking and so there would be no issues. The Board questioned the volume of orders; Mr. West explained on weekends there would be dozens of late-night orders, on weekdays there would be fewer.

Member Daily asked the intent of the code for no parking from 2AM-6AM. CEO Zarnstorff said the code was probably written 60-70 years ago and was meant for street maintenance – plowing, sweeping, storm drain maintenance, etc. Mr. St. John, who owns the building, asked if "standing" on Main Street with flashers on would be okay until a runner brings food to a delivery vehicle. The applicant asked about a late night business permit to park there and said Oswego has a similar permit. Jimmy Z's also delivers, but they have a rear entrance. Village Attorney Coyne looked at the parking code to see if it spoke to "standing." At first glance, it did not appear to address standing vs. parking but after further research, Ms. Coyne found the code clearly states "no standing or parking." Both Mr. West and Mr. St. John indicated they had looked at all municipal lots in the immediate area to determine availability. They feel municipal lots would be adequate. Delivery vehicles are marked.

There were no other issues or concerns raised.

- ➔ Member Daily moved, Member Locke seconded, unanimously carried to approve the application as submitted, subject to working with the Code Enforcement Officer with any applicable issues, and keeping in mind the no standing/parking code.

The Board wished the applicant good luck.

OTHER BUSINESS:

- CEO Zarnstorff introduced new Village Attorney Ellen Coyne.

NEXT REGULAR MEETING: Monday, June 10, 2013 7:00pm (upon application). Application materials due by Noon Tuesday, May 28.

ADJOURNMENT:

- ➔ Member Locke moved, Member Daily seconded, unanimously carried that the meeting be adjourned at 7:52pm.

Pamela W. Krahe, Clerk