

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, November 10, 2008 at 7:00pm.

PRESENT: Chair Charles Switzer, Member Annette Locke, Member Arthur Appleby, Member Kent Blair, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe.

ABSENT: Member R. Scott Winner

ALSO PRESENT: Village Engineer Jason Foote of Chatfield Engineers, Travis Gascon and two supporters, Tri Tran, My Tran, Joan Hamlin, Marie Bell, James Bell, Jim Hamlin, Dan Passalacqua, Mike Ferraulo, Kris Schultz

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

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

➔ Member Appleby moved, Member Locke seconded, carried 4-0 with Member Winner absent, to approve the minutes of the meeting held September 29, 2008 as written.

CORRESPONDENCE: Chair Switzer noted letters received from Village Engineer Jason Foote regarding application #5 on tonight's agenda (Canalside Developers, Inc. for Sunflower Landing Section 2).

Member Winner arrived at 7:05pm.

PUBLIC HEARINGS: None

OLD BUSINESS: Member Blair referred to the September 29, 2008 meeting and the approval of the parking lot at 39 N. Main Street. He questioned the fact that the building was given a Certificate of Occupancy despite stipulations the Board had placed on the approval, including the lack of lighting behind the building and hoods on the lights on the south side of the building. CEO Zarnstorff noted the Certificate was temporary and he is aware of the deficiencies and that the electrician is currently on another job. He added that within the next 7-10 days he expects to conduct a nighttime inspection. Member Blair concluded by pointing out that a new electric meter had been installed on the rear storage building.

NEW BUSINESS:

1. Application of:	Name:	Marie M. Bell
	Address:	61 Main Street
	Tax Map #:	069-53-1-25
	Zoning:	Business
	Parcel Size:	37.33' x 117.5'
	Property Class:	481
	Purpose:	change of use (relocation of Country Treasures)

Applicant Presentation:

Marie Bell offered floor plans and photos of her recently relocated store.

Continued Board discussion on application:

Members of the Board questioned Ms. Bell on the following points:

- Ensuring the presence of a rear exit;
- Confirming that a fire safety inspection had been performed a couple of weeks ago by Fire Marshall Zarnstorff in which he only noted a couple of minor concerns which had been addressed;
- Previous use of the location, which was an office (Danielle Windus-Cook Properties);
- Whether or not she had made changes in plumbing or electric, of which she had only put in two 8' fluorescent lights in the rear;
- Condition of the basement, which is dirt, dry and unused;
- The walls that were in place in the previous office space were temporary partitions and had been removed, with one partition currently in place at the rear of the store that delineates a store room

Bell stated the property owners, Benton and Sara Hart, only allow access to the dumpster every two weeks, which is somewhat sufficient for her. In between times, she breaks down and stores her cardboard boxes inside the rear of the building, which causes a little crowding but does not block the exit. Member Locke questioned CEO Zarnstorff about the Village's options for encouraging the landlord's cooperation and CEO Zarnstorff listed fire hazard and obstructing egress. The dumpster is on wheels and is kept in a locked shed out back with the only access being when the landlord arrives with a key. The dumpster is shared with the antiques store next door as well as the upstairs tenants, who leave their garbage for the landlord to remove biweekly. When asked, Ms. Bell stated she would appreciate having weekly access to the dumpster. The Board encouraged her to monitor the situation.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to approve the change of use.

2. Application of: Name: My Tran
 Address: 83 Main Street
 Tax Map #: 069.53-1-20
 Zoning: Business
 Parcel Size: 38.5' x 155'
 Property Class: 481
 Purpose: change of use (nail salon)

Applicant Presentation:

Tri Tran spoke on behalf of his father, My Tran, and stated his father has been in the nail business for nine years, working previously at 424 Hair Salon on Fourth Section Road across from Wegmans and now has his own shop at 83 Main Street, opening for business on November 3. He explained the changes that had been made, including adding GFI outlets by a licensed electrician to accommodate pedicure spa chairs; having a licensed plumber change some of the plumbing, including a new water heater; having repainted but keeping the fairly new carpeting; and that the landlord had recently installed a new air conditioning unit.

Continued Board discussion on application:

The Board asked the Trans about the following:

- Hours of operation which are M-F 10-7 and Saturday 9-6;
- Employees include M. Tran, two others and the possibility of others in the future;
- There are six chairs, plus two pedicure chairs in place;
- Previous use of the property, which was a Christian bookstore;
- Owner of hair salon next door, with whom M. Tran spoke prior to opening and she reportedly welcomed him, indicating she does not offer acrylic nails;
- Trash, which is located behind the building and is more than adequate;
- Whether or not the business is up to code to which CEO Zarnstorff responded he had been in twice including meeting with the contractors regarding the hydro chairs and water heater, then returning to check a couple of minor issues.

The Board did question whether or not the Trans had contacted the Health Department for any appropriate inspections and they answered they were unaware they had to do so, and would look into it. CEO Zarnstorff indicated he had a current copy of M. Tran's NYS licensure on hand. T. Tran indicated his knowledge that the Health Department does inspect spontaneously. After a brief discussion, the Board concluded their purview is strictly to approve the change of use for the building and that they are not the regulatory agency.

⇒ Member Winner moved, Member Locke seconded, unanimously carried to approve the change of use to a nail salon.

3. Application of: Name: Travis Gascon
 Address: 33 Main Street
 Tax Map #: 069.45-2-24
 Zoning: Business
 Parcel Size: 28' x 63'
 Property Class: 481
 Purpose: change of use (tattoo and body art studio)

Applicant Presentation:

Travis Gascon indicated that he had moved here from the 1,000 Islands area where for five years he owned Skin Deep, a tattoo studio in Clayton, NY, to open a similar business here titled Studio Tattoo. He stated his shop will be a high-end tattoo studio and will offer piercings, with a higher-end clientele.

MINUTES OF PLANNING BOARD MEETING held November 10, 2008 continued.....page 3

Continued Board discussion on application:

Members of the Board questioned T. Gascon on various points, including:

- Changes to the store, which was just new paint.
- Hours of operation, which will be M-Sat, noon to 8pm and possibly Sunday, noon to 5pm and he would like to open tomorrow pending approval;
- Employees other than Mr. Gascon, which may include a receptionist in the future;
- Previous tenant, which was a computer store;
- Competition of other tattoo shops in town, which Mr. Gascon stated he offers a higher-end product and expects his clientele will differ from the generally younger, walk-in crowd at the other shops in the village;
- Layout of the shop which includes a curtained area where he will tattoo, rather than a private room; wait time by a walk-in may be up to 30 minutes for a small project already in process;
- Trash issues which will be minimal and disposal of needles which he will drop off at the hospital;
- Health Department which Mr. Gascon has already contacted and his business is not regulated;
- Whether or not the building is up to code, to which CEO Zarnstorff replied the store had been recently updated and is in compliance.

⇒ Member Winner moved, Member Blair seconded, unanimously carried to approve the change of use to a tattoo studio.

4. Application of:	Name:	Dan Passalacqua
	Address:	27 Main Street
	Tax Map #:	069.45-2-25
	Zoning:	Business
	Parcel Size:	30' x 87'
	Property Class:	481
	Purpose:	change of use (pizza shop)

Applicant Presentation:

Dan Passalacqua stated he would like to tear down the wall that covers the existing opening between 27 and 31 Main Street so 31 Main can be used as a dining area for his pizza shop that will be opening at 27 Main.

Continued Board discussion on application:

Board members addressed the following concerns with Mr. Passalacqua:

- Previous use for the building, which had been FL Systems, a microcassette recorder sales store;
- The number of seats available in the dining area will be 35 and will include both booths and tables and the menu will consist of specialty/gourmet pizzas, salads, sandwiches, etc.;
- Number of employees will be 8-16 and the hours of operation being M-Th 11am-10pm, F and Sa 11am-11pm, Sunday noon-9pm with delivery being available during the same times;
- Remodeling plans include the floor and ceiling with no rewiring or plumbing needed;
- Whether or not the previous pizza shop owner left ovens or other equipment, but he had not and Mr. Passalacqua will provide all his own;
- Designated parking for employees of which there is only one spot behind the store; there are also 15-minute limit spaces on the Water Street side. Patrons will have to park on Main Street or in the municipal lots off Water Street;
- Mr. Passalacqua said he also has a restaurant in Medina on Main at the corner of 31 and 63;
- Garbage disposal, which will include disposable paper products used by patrons. Mr. Passalacqua stated his restaurant in Medina has trash taken away three times weekly. He has not set up a trash hauler yet and knows his landlord is putting in a dumpster. CEO Zarnstorff noted the tight quarters behind the building make it challenging for trash haulers to access dumpsters as well as the possibility of a private agreement between the tenants in that alleyway with regard to blocking access. He also stated the landlord, Pat Cucchiarra, knows what is necessary in terms of egress and improvement/enclosure of the dumpster area. D. Passalacqua indicated he will work with the landlord on the trash issue, possibly hauling it away himself until details can be worked out with his landlord. The Board asked Mr. Passalacqua to be vigilant with regard to managing the trash to minimize health hazards and CEO Zarnstorff expressed his appreciation of Mr. Passalacqua's cooperation.
- Grease disposal for fryers, which will be by grease bucket that will be emptied monthly. The Board stated their preference that a grease bucket with a lid be used as opposed to barrels, so the lid can be secured to prevent rodents from getting in, to which Mr. Passalacqua agreed.

They asked Mr. Passalacqua to train his employees to secure all lids. The Board suggested the possibility of using the employee parking space at the rear of the store strictly for the trash and grease dumpsters and their enclosure.

- Tentative opening will be after the holidays.

MINUTES OF PLANNING BOARD MEETING held November 10, 2008 continued.....page 4

⇒ Member Locke moved, Member Blair seconded, unanimously carried to approve the change of use with the stipulation that the dumpster area meets code requirements.

5. Application of: Name: Canalside Developers, Inc.
 Address: Sunflower Landing off East Avenue
 Tax Map #: 069.10-5-8.1
 Zoning: Q – Planned Development District
 Parcel Size: 1,480' x 1,760'
 Property Class: 322
 Purpose: final subdivision & site plan for Section 2 – to construct 6 single-family senior patio homes and 2 double units

Applicant Presentation:

Kris Schultz of Schultz Associates asked Board members to disregard the map they had and presented them with a new overall preliminary map. Comments of Village Engineer Jason Foote were received last week and all comments had been addressed. While current sales are predominantly for singles and senior patio homes, they will not exceed the number of lots originally approved. Usually just a single road when opening up a new section, but Section 2 is different with two stub roads, both with catch basins, as they have a buyer who wants a home on the easterly stub, noted as Building C on Lot 41. They will extend water down Laurie Crescent [sic] to loop through. They needed a meter off the Monroe County Water and now all have village water.

Continued Board discussion on application:

The Board inquired about current sales and K. Schultz responded there are neither single-family nor quad sales so they are changing the 4-unit buildings to 3-unit structures instead, still using everything else approved in the overall preliminary. Looking tonight for contingent final approval subject to applicable agency approvals. When asked what will be built subject to tonight's approval as well as what has already been constructed, K. Schultz replied 41C will be the new unit and that 43F and G and 44A, B, E and F have already been built. Chair Switzer asked if the lots will all be subdivided at the same time and K. Schultz affirmed.

When asked about the units on Lot 41, K. Schultz responded 41C is a single patio home, 41A & B will be a double and 41D has not sold, being that the smaller patio homes are selling. He also indicated all units have basements and the first unit on the left, Lot 44F, as you enter the subdivision is the new model. On the map when you see a box, it means there is no building on it whereas when you see a footprint of a house, that indicates an existing structure. K. Schultz also noted much has been put into the development, including a gazebo.

Member Appleby asked what would happen if the Canal Corporation wanted to increase the size of the conduit storm main and K. Schultz answered they would have to change the elevation and it wouldn't impact the development as that would be to the west. Chair Switzer asked if, between the large-scale map and the small-scale map, they were losing 2 units and K. Schultz affirmed.

A discussion regarding SEQR requirements ensued, where K. Schultz indicated when the property was rezoned Q, it was done on the overall and it's generally only done once, though it doesn't hurt to ask again. Village Engineer Foote voiced that if the changes are significant, then it could be redone, but this time it would not be necessary as they are only losing one unit. Chair Switzer concurred, stating there in no change in the concept. Village Engineer Foote added all his concerns had been addressed and Q zoning gives necessary flexibility. When he asked if the SWPPP is still open, K. Schultz affirmed. Engineer Foote also asked if the blasting is complete and K. Schultz said he believes so. CEO Zarnstorff referenced the new FEMA flood plain map and K. Schultz noted he had seen it and there is no flood boundary on Section 2. When CEO Zarnstorff indicated the crossing of the flood plain, K. Schultz replied that the creek is federally regulated, there will be minimal impact and they will dig across.

The Board next discussed the water line addition. Member Winner asked if it would tie in with McCormick Lane to loop through and K. Schultz affirmed, stating that will help the water pressure. Engineer Foote indicated that without the loop, they could not add any more units. Member Winner asked if they were crossing north of the proposed area and K. Schultz refuted, indicating it would be the south side. He also noted C-4, stating the main is already there for them. Engineer Foote asked K. Schultz to please note the wetlands on C-4 and K. Shultz agreed.

CEO Zarnstorff asked about the timeline, noting the weather will impact the installation of the

underground utilities and K. Schultz indicated they would like to begin construction upon approval with all utilities in over the winter and application for the building permit in early spring.

Mike Ferrauillo asked when he would be able to start. It is required there must be a way to get to the house with emergency vehicles, which means the underground utilities need to be installed followed by the laying of stone. CEO Zarnstorff asked how long can you go before the fire flow test before you're

MINUTES OF PLANNING BOARD MEETING held November 10, 2008 continued.....page 5

out of water and K. Schultz indicated the flow test on the new main is borderline, with a necessary level of 1000 and in Section 2 it's 950 without the new main. Their preference is just to get the line done now as they know it is a necessity.

The Board noted their obligation with the previous SEQR is complete and Village Engineer Foote indicated he would verify it and write a recommendation letter, which K. Schultz said he would need for the County Health Department approval.

⇒ Member Winner moved, Member Appleby seconded, unanimously carried to approve the final subdivision and site plan for Section 2, to construct 6 single senior patio homes and 2 double units, contingent upon review by the Village Engineer, the Building Inspector and other applicable county agencies.

NEXT REGULAR MEETING: Monday, December 8, 2008
(Application materials due by Noon Tuesday, December 2)

ADJOURNMENT:

→ Member Locke moved, Member Winner seconded, unanimously carried that the meeting be adjourned at 8:23 pm.

Pamela W. Krahe, Clerk