

Meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Tuesday, December 20, 2011 at 7:00pm.

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

EXCUSED: Member Arthur Appleby

ALSO PRESENT: Mike and Patty Terrigino, Ricardo Sanchez, Jim Hamlin, Amber Snover

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.

➔ Member Locke moved, Member Daily seconded, unanimously carried to approve the minutes of November 15, 2011 as written.

CORRESPONDENCE:

- Notification received from NYS Parks, Recreation and Historic Preservation that the A.D. Oliver School is now on listed on the National Register of Historic Places.
- Notification received from the State University Construction Fund of a SEQR negative declaration for a new 3-story academic building on campus to include classrooms, offices, etc.

PUBLIC HEARINGS: None

NEW BUSINESS:

1. Application of:

Name:	Amber Snover
Address:	12 Market Street
Tax Map #:	069.53-1-28
Zoning:	B-Business
Parcel Size:	47.34' wide x 91.12' deep
Property Class:	481
Purpose:	Change of use from service to mercantile

Applicant Presentation:

Amber Snover stated the address of her store is 14. The store carries tobacco, cigarettes, and tobacco accessories. Hours of operation are 10am-midnight, Sunday-Saturday, and she has 3 employees.

Continued Board discussion on application:

The store was previously Bare Apple Tattoo. Ms. Snover indicated admittance to the store is restricted at the door to age 18 and over because of cigarette sales; the store participates in the WeCard program and ID is checked at the door. She also stated smoking is not allowed in the building – even employees go outside to smoke. The store has 6 security cameras and opened for business 3 weeks ago.

The board asked about garbage; the applicant said she shares a dumpster with Jimmy Z's.

Member Locke noted two concerns. First, the store opened without coming to this board. Second, there are items in the window decorated with images of marijuana leaves. She stated 420 (part of the name of the store) is code for marijuana. Ms. Snover explained she was unaware she had to come here first as her landlord didn't indicate that. She has another store near Syracuse and she did not have to obtain any approvals there before opening. When asked when her store opened she said it was about 3.5 weeks ago on a Friday night. As for the "420" in the name, she explained that is just her former business partner's birth date. She readily agreed to remove any tobacco pipes from the window and said they had already removed one large ashtray.

The board continued asking questions. Ms. Snover indicated she also has a store in Fulton. She does not have a regular day/schedule to be in the Brockport store. Member Winner wondered if our code addresses someone who does not come before this board before opening an establishment. He asked her what percentage of her sales are from tobacco and what part is accessories; she answered 75% of her sales are accessories and tobacco is the remaining 25%. When asked why she is open until midnight, the applicant indicated that's when sales are highest. She noted that a previous store she was with - Lookah Hookah in Henrietta– was open 24/7. Her store is different.

Member Winner inquired what state agency determines what is appropriate in her store and she replied ATF. He asked if she had had any trouble with them and she said no, as a matter of fact she just contacted ATF last week to see if it is okay to ID people at the door; they said it is fine. When asked if there had been any complaints filed with state or federal agencies, she said no. She was at her previous store less than one year and did have a fiduciary responsibility in that business.

The board asked CEO Zarnstorff if hours of operation are addressed in the code; he indicated this

he was not aware of any made to the village or to the BPD. Ms. Snover interjected that the Brockport Police Department came through her store. CEO Zarnstorff affirmed both Chief Varrenti and Sgt. Mesiti went in and confirmed there are no illegal items on display or for sale. He added that what those items are used for once they are purchased is the personal decision of the buyer.

Member Winner again asked about how the code handles someone who does not seek board approval before opening a store. CEO Zarnstorff stated he would have probably issued a Notice and Order first, followed by a citation if there was no response, but that Ms. Snover made the good faith effort of applying as soon as she was asked to do so.

Chair Switzer asked the CEO if the board can ask the applicant not to display items in the front window with marijuana images. CEO Zarnstorff said yes, he sees no reason the board can't.

Member Daily asked how closely she is tied to the name "420 Emporium." Ms. Snover indicated the name is filed with NYS. Ms. Snover apologized for not applying to the board first. She reiterated she had no idea she needed to do that. She added she knows Go Ask Alice does not ID at the door and she does have that policy in effect at her store. Her business picks up about 5-6pm; she has a panic button for her employees, and she has ADT for security.

Member Locke said she knows Brockport is a college town, but it is also a family town. She would like to see to it that parents who are raising children here can do so comfortably. Member Winner concurred with Member Locke on her concerns. He noted the store will be monitored by BPD and state agencies. He added that while he is certainly pro-business, he is reluctant to make motion to approve the application, but would not vote against it.

➔ Member Switzer moved, Member Daily seconded, carried 3-1 with Member Locke voting against, to approve the application. The board asked the applicant to refrain from displaying items in the windows that are questionable or those with marijuana symbols. The board asked Ms. Snover to please watch the hours of operation and adjust them if it is not necessary to be open so late.

2. Application of:	Name:	Patricia Terrigino
	Address:	48 Merchants Street
	Tax Map #:	068.52-2-6
	Zoning:	B-Business
	Parcel Size:	163.24' wide x 53.38' deep
	Property Class:	421
	Purpose:	Informational presentation – re-opening restaurant

Applicant Presentation:

Mike Terrigino stated they are looking to open in February as the Boardwalk Inn; they have cleaned and painted everything; only the booths and the fireplace remained from the previous proprietor. The water leaks have also been fixed. This will be more of a family restaurant, similar to Tony Roma's with smoked ribs and other offerings. Hours will probably be 10am-10pm Tuesday – Thursday, Friday and Saturday open until midnight, open until 9pm on Sundays, and closed Mondays.

Continued Board discussion on application:

The deck will be used seasonally as dictated by the state; there is a swing door to deck area.

There was discussion about how the restaurant was previously set up. The outside bar area was only a service station for wait staff so as to keep the noise down for neighbors across the canal. Outside speakers should be kept low. Noise ordinance will kick in if music leaves the property.

The applicant indicated the capacity limit does not lend itself to bands. There are 17 tables. When asked if it will be a bar or a restaurant, Mr. Terrigino replied a restaurant. CEO Zarnstorff explained the applicant also owns Rocco's. The applicant gave his 30-year history in the food business. He said Rocco's is a bar, doesn't open until 7pm, and he only serves bar food now.

Member Winner noted the Smokehouse had the intent to be a restaurant but had some management problems. Member Winner asked what will be done differently, if a business plan exists, and what the staffing and menu would be. Mr. Terrigino explained that he had some major problems to deal with such as the water leaks, getting the new equipment set up, etc. Now that those are taken care of, he can focus on the menu, staffing, etc. He has 3 applicants for chef; they will be cooking for him soon, then the menu will be set. The chef will order the food, etc. There will be a front-end and a back-end manager, kitchen staff, wait staff, and bartenders – maybe 20 in all.

The group discussed what went wrong with the previous establishment, including the need to have professionals managing; and going from a restaurant image to a bar. CEO Zarnstorff suggested having

the restaurant come back to the board in one year to monitor. They talked about problems with trash and the dumpster enclosure needing new slats. Mr. Terrigino has put a lock on the dumpster.

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When asked about financing, the Terriginos indicated they are financing the interior work and there is a mortgage on the property itself. Member Winner suggested submitting a full business plan to the board before he would be willing to grant approval. It was agreed Mr. Terrigino would come back to the January 17, 2012 meeting.

Mr. Terrigino will invite the board – as well as others – over for a soft opening.

3. Application of: Name: Margarito Sanchez
 Address: 43 Market Street
 Tax Map #: 069.45-2-14.1
 Zoning: B-Business
 Parcel Size: 146' wide x 90' deep
 Property Class: 484
 Purpose: Change of use from office to restaurant

Applicant Presentation:

Margarito Ricardo Sanchez introduced himself, indicating he was raised in Brockport. He referred the board to his submitted business plan.

Continued Board discussion on application:

Regarding the building, there is no kitchen so one will be put in. Mr. Sanchez has talked with the health department, and he and his chef are taking a class with them on January 10, and will have them out to certify thereafter. He has also talked with CEO Zarnstorff often. He reviewed the floor plan with the board, indicating the bathroom and some walls will be relocated to get away from having the bathroom near the kitchen. He has permission from the landlord for this. The applicant pointed out the front door, where the takeout counter will be, where limited seating with a view of the canal will be, and an additional booth for seating near the window and the front door. He is focusing primarily on takeout and delivery. The restaurant will be named Amora's Mexican Food.

Hours of operation include Tuesday-Thursday from noon-8pm, Friday-Saturday 12noon to 11pm, Sunday 12noon-8pm and closed on Mondays.

The owner of the Galley will allow use of a garbage dumpster. The Galley will only be open 4 days per week. Most of the food from this restaurant will be takeout, so garbage is minimized. There are three employees including the applicant, his wife, and a cook. He explained his family owned a restaurant on North Main near Pizza Hut. He went to school for business at GCC, so he has a plan and has learned from his family's business.

His lease is for 3 years and he stated he has enough capital to endure that long. He is also a truck driver for Suburban Disposal. The menu is still being finalized but will include tacos, burritos, tostadas, etc. Portions will be of good size. Chillango's of Spencerport was mentioned as having a nice atmosphere and good food.

There was some discussion about meeting with CEO Zarnstorff regarding construction. Lighting was believed to be sufficient. There is lots of supplemental lighting around the area.

He said he is going for an older-style Mexican restaurant look. He still needs to get a proper drawing to the health department. There was talk about the Ansul system and fire suppression. He hopes to open mid-February. When asked if he is serving alcohol, he replied not yet, but if they find they have more customers dining in, maybe, but he'd come before this board for that. It was brought up that when Lifetime Assistance first occupied that building, they may have provided blueprints. Mr. Sanchez said he will continue to talk with CEO Zarnstorff and he knows he needs a building permit.

➔ Member Locke moved, Member Daily seconded, unanimously carried to approve the application as submitted.

NEXT REGULAR MEETING: Tuesday, January 17, 2012 7:00pm
Application materials due by Noon the Tuesday before.

ADJOURNMENT:

➔ Member Locke moved, Member Daily seconded, unanimously carried that the meeting be adjourned at 8:17pm.