

**Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, September 12, 2016 at 7:00pm.**

**PRESENT:** Chair Charles Switzer, Vice Chair Kevin McCarthy, Member Patricia Baker, Member Ronald Staub, Member Lyle Stirk, CEO Dave Rearick, Clerk Katie Brown

**EXCUSED:** CEO David Miller

**ABSENT:**

**ALSO PRESENT:** Joan Hamlin, Kathy Kristansen, Marc Marcello, Barry Shaver, Connie Staub, Evelia O'Brien, Eric O'Brien, Stacy Parks

**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 8/8/16.

→ Member Staub moved, Member Stirk seconded, unanimously carried to approve the minutes of August 8, 2016 as written.

**CORRESPONDENCE:** None

**NEW BUSINESS:**

1. Name: Red Jug Pub
- Address: 38 Merchants St.
- Tax Map #: 068.52-2-4
- Zoning: B- Business Use
- Parcel Size: 0.20 acres
- Prop. Class: 425
- Purpose: Commercial Fence: Install a vinyl fence running between 38 Merchants St & 80 Clinton St that is approx. 15' long & 6' high & 4' high gate.

**Presentation/discussion:**

Applicant Barry Shaver explained the intent of the fence is to show a division between the Red Jug Pub and the neighboring property so that patrons will be aware they cannot wander onto the property next door. Red Jug staff has been verbally informing customers of the boundary without any significant issues thus far, but a fence will be a more significant and obvious deterrent.

Member Staub asked if customers have been accessing the rear area with the concrete patio. Mr. Shaver stated they have not had many people try to access the area, just a few customers as they were leaving the pub which the staff directed off the property. Member Staub asked if this issue was addressed during a recent meeting the owners of the Red Jug Pub had with the Brockport Police Chief. Mr. Shaver advised that the main discussion of that meeting was managing the patrons waiting to get into the pub, but they advised the Police Chief that they are aware of the potential for problems with the open access between the two properties and encouraged the Police Department's input and suggestions on controlling it.

Chair Switzer recalled that when the Red Jug Pub initially appeared before the Board he foresaw problems with lines of people waiting out front. He asked how they are currently managing them. Mr. Shaver described the pub's line system as a "Disney" line, which uses theater chains in a zigzag pattern on a portion of concrete in the front of the building. Chair Switzer asked where patrons are permitted to smoke. Mr. Shaver replied that customers can smoke on the front patio in the fenced in area. In front of the building, the concrete area on the right is for the entry line and the area on the left is for smoking.

Member Staub asked if a building permit will be required for the fence. CEO Rearick advised the Board that no permit is needed for a 6ft fence in a commercial area. An easement agreement between the two properties has been granted, so no further permissions are required.

Member McCarthy commented that he believes the fence is a good idea with the Board agreeing the proposed design and landscaping will look nice.

→ Member Staub moved, Member McCarthy seconded, unanimously carried to approve the application as submitted.

2. Name: 58 Main Restaurant  
 Address: 58 N. Main St  
 Tax Map #: 069.37-1-22.2  
 Zoning: B- Business Use  
 Parcel Size: 0.25 acres  
 Prop. Class: 421  
 Purpose: Exterior Changes: Install vinyl siding (brown with beige trim) on exterior, remove awning, replace light fixtures

**Presentation/discussion:**

Applicant Marc Marcello advised the Board that he would like to improve the building's exterior now that he has completed interior renovations. He feels the cracks on outside and the mortar falling off the walls offers a negative impression to diners before they walk into the restaurant. He would like to remove the current exterior including the old composite and particle board and replace with new front façade with vinyl siding on the sides as indicated in the pictures submitted with the application. Lakeside builders, who did the exterior of the new smoker shed, will be doing the work.

Mr. Marcello went on to explain that he did not want siding on the front of the building as to avoid a "garage or shed-like" look. Instead, the front will be new concrete composite which has a 25 year life. It will mimic the look of Grinds restaurant on West Ave. Mr. Marcello detailed that the front of the restaurant will have *Exteria* stacked stone siding - which replicates a brick look - from the ground to the bottom of the windows. The awning will be completely removed. All the exterior window treatments will be wrapped with metal to eliminate the need for paint and reduce upkeep. The color scheme of the smoker shed will be used for the restaurant's exterior. The front of the restaurant will be a light tan color for face with a café brown trim. The sides of the building will be reverse – café brown walls with light tan trim.

Mr. Marcello wants to keep a clean, commercial appearance. He has decided to remove the current light fixtures and replace with gooseneck fixtures in a dark brown finish that will shine down, much like Grinds restaurant. There will be a light over front entrance, two more centered on the front of the building, and one under the 58 Main sign. The restaurant's front windows were tinted about five years ago, so he does not anticipate an issue with sunlight upon removal of the awning, but he will address it if it becomes a problem. The rear of the building, which is composed of cinder block, is in good shape and he plans to paint it to match the new exterior color scheme. The rear deck will also be painted to match. The 58 Main Restaurant sign will remain the same and all the soffits will be wrapped in vinyl and metal to reduce upkeep

Member Switzer asked if there will be a small awning or covering above the front door. Mr. Marcello has no plans to cover the front door at this time, as he would like to keep a simple, clean look. That entrance is rarely used and is not handicapped accessible. Both side entrances meet handicap requirements and are frequently used by all the customers parking in the rear lot. He added that if customers express a need to have cover from the weather at the front entrance he will add a covering.

Member McCarthy asked if there are two front entrances to which Mr. Marcello replied that there is only one and the gray door shown in one of the pictures is access to a furnace room.

Member Staub asked if a building permit is required for exterior renovations. CEO Rearick stated no permit is needed, but the Building Department will require the new light fixtures be inspected by one of the state licensed inspection agencies approved by the village. This inspection is required because the fixtures are being moved to new locations in addition to being replaced. Mr. Marcello had no objection to the requirement.

→ Member Baker moved, Member Staub seconded, unanimously carried to approve the application as submitted with the requirement that an electrical inspection be completed for the new light fixtures.

3. Name: Golden Beauties Driven to Doodles, LLC  
 Address: 18 East Ave  
 Tax Map #: 069.37-1-1  
 Zoning: B-Business Use  
 Parcel Size: 0.25 acres  
 Prop. Class: 472  
 Purpose: Change of Use: Former veterinary clinic to be used for canine behavioral consultations and breeding facility.

**Presentation/discussion:**

Applicant Stacy Parks states she has been a dog breeder since 2009 and has worked as a dog behavior consultant for 15 years in the Rochester area. She operates her business in Hilton and would

like to move to the 18 East Ave, which is a much larger location than her current space. She will be residing on Lyman St. in a residence with a fenced yard that provides sufficient space for her dogs to get exercise. Her current residence is on East Ave in Hilton, which she is leaving to move in with her fiancé on Lyman St. In addition to dog breeding, she plans to offer canine consulting at the 18 East Ave location, but will not have more than 1 customer there at a time. She has acquired liability insurance for her business and her dogs, but mentioned that she breeds goldendoodles and golden retrievers, which are very friendly breeds.

Member McCarthy asked if the insurance policy covers both the 18 East Ave location and her residence on Lyman St. Ms. Parks explained that the policy will cover both locations and anywhere else she has her dogs. It not only covers her dogs, but also any dog in her possession or an employee's possession.

Member Staub stated that he does not believe the Planning Board should be reviewing the application because the current zoning code does not allow the applicant's intended use in the Village of Brockport per Chapter 58-19: Animals and fowl. The application indicates the intent is to breed and sell animals at the property. Such activity constitutes a breeder and is a prohibited use.

Chair Switzer stated he spoke with CEO David Miller regarding the zoning restriction. It needs to be clarified that if dogs and puppies will reside there until they are sold or if sales are taking place out of the location, then such use will conflict with current zoning laws for that property. Therefore, Ms. Parks needs to go before the Zoning Board of Appeals for a use variance.

Ms. Parks noted that it appeared to her the property used to be permitted for use as a boarding facility, which she believed to be a similar use. Chair Switzer explained that the property used to operate as a veterinary clinic, which is allowed by the zoning law.

Chair Switzer advised Ms. Parks that her next step is to appeal to the Zoning Board. If she is granted approval for a variance, she will then reappear before the Planning Board.

- 4. Name: Sweet Tastes
- Address: 4 Market St.
- Tax Map #: 069.53-1-1
- Zoning: B-Business Use
- Parcel Size: 0.03 acres
- Prop. Class: 481
- Purpose: Change of Use- Currently vacant space (barbershop prior) to be converted to retail bakery outlet.

**Presentation/discussion:**

Member Baker confirmed with applicant Evy O'Brien that she is simply moving her business from 31 Clinton St. to 4 Market St. Mrs. O'Brien appeared before the Planning Board in June and has been operating out of 31 Clinton St. for a few months. Mrs. O'Brien states customers have had difficulty locating her store, so she would like to move. The Board agreed that 4 Market St. will be a better location as it is more visible and accessible.

Member Staub asked about the applicant's plans for a sign. Mrs. O'Brien explained there is an existing sign frame above the door to which she would like to add new letters and paint. Member Staub advised that she should check with the Building & Codes Department to ensure her plans for the sign comply with code regulations.

CEO Rearick asked if there will be any onsite cooking. Mrs. O'Brien replied that no baking will be done onsite. The 4 Market St. location will only be used for product sales and product will be brought in from her kitchen in Greece.

Member McCarthy noted that he believes that location is outside the historic district, so those regulations will not pertain to the sign. The sign should still be discussed with the Code Enforcement Department.

→ Member Staub moved, Member Stirk seconded, unanimously carried to approve the application as submitted.

**OTHER BUSINESS:**

- Member Staub asked if any members planned to attend the October training seminar at Monroe Community College. Member Stirk is considering attending if his schedule allows. Chair Switzer advised he is going to SEQRA training in September.
- The Board discussed setting up an October meeting, as there is not one scheduled currently because the typical 2<sup>nd</sup> Monday of the month conflicts with the Columbus Day holiday. Clerk Brown informed the Board that she plans to begin maternity leave at the end of September.

Leslie Morelli, Brockport Village Clerk, will be handling Planning Board matters during her absence. Clerk Brown will verify a date(s) that is compatible with Clerk Morelli's availability and then confirm that all the Board members will be able to attend.

- Member Staub advised that he will be representing the Planning Board on the Code Review Committee. Clerk Brown mentioned that the Code Review Committee has a few openings remaining and members can apply to serve as a resident.

**UPCOMING MEETINGS/DEADLINES:**

- Monday, November 14, 2016, 7pm; application materials due by Noon, Monday October 31.
- Monday, December 12, 2016, 7pm; applications due by Noon, Monday, November 28.

**ADJOURNMENT:**

- Member McCarthy moved, Member Staub seconded, unanimously carried that the meeting be adjourned at 7:30pm.

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Katie Brown, Clerk