

Special 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, March 22, 2004 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, Village Clerk Leslie Ann Morelli.

EXCUSED: Building/Zoning Officer Scott C. Zarnstorff, Deputy Village Attorney Frank A. Aloj, Village Engineer Tom Carpenter of Chatfield Engineers, DPW Superintendent Bradley B. Upton.

ALSO PRESENT: Terri Green (Brockport Post), Kim Murray, Kevin Truelson, Jim & Joan Hamlin, Norm GianCursio, Fred Webster, Jim Sutton, Bob Connors.

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 March 8, 2004 meeting. Board asked for more time to review the minutes. They will be approved at the next meeting.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS:

1. Application of: Name: Kim P. Murray
 Address: 199 Main Street (plaza behind Domino's Pizza)
 Purpose: change of use / site plan approval for Martial Arts Studio in the space formerly occupied by Time Warner Cable

Applicant Presentation:

Kim P. Murray introduced himself as an 8th degree black belt professional martial artist. He has been training for 27 years and has been an adjunct professor at RIT for the last 24 years. He is the owner of 4 very successful schools in Greece, Irondequoit, Webster and East Rochester. The schools teach men, women, children and families. He resides in Hilton and has been looking to expand and open a school in Brockport. He has found the location at 199 Main Street to be a good starter location and is willing to sign a 2-year lease. This space is 1,500 square feet where his others are 3,000 plus square feet. Once he is established in a municipality, he has never left. He has had to change locations for larger space, but has stayed within the same communities.

Continued Board discussion on application:

Chair Winner said he would recuse himself from voting since he was a facilitator in bringing the parties (tenant and property owner) together. Member Appleby said the Planning Board needs to consider interior floor plan and parking. S. Zarnstorff will work with them regarding signage and handicapped accessibility.

K. Murray said the existing parking should be adequate. There are scheduled class times and in most cases children are dropped off and picked up. The hours of operation would be Monday, Tuesday, Wednesday, Thursday Noon to 9:30pm and Saturdays 8am to 5pm. They are rarely open on Fridays and never open on Sundays.

Regarding the interior, there are currently 3 partitions, an office and a bathroom. They will need 2 partitions removed, some fixtures upgraded and some spackling and painting done. No structural changes are needed. K. Murray said the property owner, Kevin Truelson, does not have a floor plan but he could hand draw something. The building is an awkward shape. It is narrower in the back and wider in the front.

Member Brugger said he would imagine the bathroom and entrance would have to be made handicapped accessible. This is by Federal Code, not the Planning Board. Village Code requires dumpsters to be enclosed. The parking spaces would also need to be striped.

Member Switzer asked if it would be worthwhile to ask the property owner to appear before the Planning Board. K. Murray said he is here and introduced Kevin Truelson. K. Truelson said he was not aware any upgrades would be needed and if that is the case, then he'll just leave the property vacant. He said he doesn't need the headache of the Village picking on him when there are so many others not in

compliance. He said the building has been there for years. He has had many tenants over the years. The Village has never confronted him about these things. He said the Village could put him in line with everyone else. He said he already had to go to court regarding code enforcement on a house. This isn't important enough to him, so it can sit vacant for all he cares. Further, K. Truelson said he doesn't

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understand why a "change of use" approval is needed. It has always been a commercial building. He is not changing it to residential. He also said he doubts many handicapped people take martial arts.

Chair Winner tried to explain the process to K. Truelson. He said it is not uncommon for a Planning Board to attach conditions to an approval. In most cases, a two-year completion window is given. The enforcement of those conditions lies with the Building/Zoning/Code Enforcement Officer. S. Zarnstorff felt the change of use from Time Warner office to a Martial Arts Studio triggered Planning Board review.

Kevin Truelson walked out.

Kim Murray said he is a professional and is embarrassed. Chair Winner asked if he wanted to continue in case things change. K. Murray said yes.

⇒ Member Brugger moved, Member Locke seconded, unanimously carried to grant the change of use on the condition that the applicant provide a floor plan for the file and the following are appropriately addressed within two years: dumpster enclosure, parking lot striping, and signage and building code issues such as handicapped access through S. Zarnstorff.

Board wished K. Murray the best of luck.

NEXT REGULAR MEETING: Monday, April 12, 2004 at 7:00pm

ADJOURNMENT:

→ Member Appleby moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 7:45pm.

Leslie Ann Morelli, Village Clerk