

**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, March 8, 2010 at 7:00pm.**

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

**EXCUSED:** Member R. Scott Winner

**ALSO PRESENT:** Brett Carey, Kristina Carey, Rich Miller, Eric Breuning, Bill Fail, Rev. Paul D. Heidt, Michael Braun, Joan Hamlin, James Hamlin, Chris Passero, Bill Daely, Jamie Lux, Jeff Woodin

**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, unanimously carried to approve the minutes of the meeting held February 8, 2010 as written.

**CORRESPONDENCE:** None

**PUBLIC HEARINGS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

1. Application of:	Name:	Brett D. Carey
	Address:	100 Fair Street
	Tax Map #:	069.17-1-15
	Zoning:	Industrial
	Parcel Size:	11.23 acres
	Property Class:	710
	Purpose:	change of use – indoor paintball facility

**Applicant Presentation:**

Brett Carey explained he, his wife Kristina and silent partner Jeff Woodin would like to open an indoor paintball field in part of the former Kleen Brite facility at 100 Fair Street. He stated a Brockport location is central to his target audience, the property is well-suited for a paintball facility, he hopes to bring added revenue to other Brockport businesses by hosting tournaments, and this would be a great recreational alternative for many in the area. Hours of operation would be Friday 4pm-midnight, Saturday 3pm-midnight and Sunday noon-6pm and they would be available for private parties. Safety is paramount and all codes and fire safety rules would be adhered to, referees will go through training. Field would be rearranged periodically to offer variety for players, field speed of paintball markers (guns) would be about 240'/second, which is below the standard 300'/second, all markers would be tested for speed prior to entering the field and referees will carry electronic chronographs to be able to test speed in the field. Absolutely no drugs or alcohol would be allowed on the premises. Facility will be open to anyone age 10 and up. He is looking to make a positive impact on the area.

**Continued Board discussion on application:**

Board inquired about parking which would be inside the fence, and entrance fees which would be \$15 with an additional \$20-25 for rentals and \$15 for a bag of 500 paintballs (\$40/case of 2000). Amenities available would include bottled water, vending machines and possibly slices of pizza; also an ATM. When asked about utilities, Mr. Carey replied there is power leading to that part of the building and they are looking at the restroom situation as there is not one currently located near the field. As they have to have some sort of sanitary facility there, they plan on a porta-john and hope to put in a bathroom when they are more established.

Discussion then centered around the interior. The floor is concrete and Mr. Carey remarked they are looking into turf made specifically for paintball. No dirt would be used as it is problematic for the equipment and isn't conducive to cleanup efforts. Walls are block and there are runs for a sprinkler system, though one will not be required due to estimated minimal occupancy levels per Code Enforcement Officer Zarnstorff. Fire extinguishers will be placed throughout the area. First Aid stations will be located in the office and at the referee station. There are drains in the floor for ease of cleanup. The Board asked about music and the applicant noted there may be some played in the office, but none on the playing field as players need to be able to hear the referees. Floor to ceiling netting designed specifically for paintball use will divide the playing field from the entry area.

Mr. Carey would be renting from property owner Kevin Truelson. The Board asked CEO Zarnstorff about recent activity at the facility, which was primarily reclamation of salvageable items. Mr. Carey indicated the area he is renting is cleaned out and ready for use. When asked how he will ensure drugs

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and alcohol will not be an issue, Mr. Carey stated he, his wife and his employees will monitor customers. When he indicated many of his referees would be in the age range of 15-18, the Board expressed concern that they would be expected to act as "bouncers" and Mr. Carey voiced that he would be there as would other responsible adults.

The exterior was discussed, specifically lighting, parking and the main entrance. Mr. Carey informed the parking lot is well lit and felt he would have some control over the lighting from inside the building. He also stated parking would be inside a fenced area and there is one main entrance. The applicant defended paintball players in general commenting he has a great deal of experience playing at the former Jell-O Factory in LeRoy and very seldom runs into any type of behavior issues.

Safety was again brought up. Mr. Carey indicated full face masks / eye protection are the only required item of clothing/equipment. He reiterated marker speed will be monitored and regulated. Players will be required to sign a waiver; young players will need guardian signature. About 50% of parents stay while their children are there.

The Board asked CEO Zarnstorff when he was last there and he replied last fall. A site visit was suggested by Chair Switzer. Member Appleby asked if the property owner would be willing to make adjustments to lighting, etc. if necessary and Mr. Carey said he felt so. Concern was expressed for what may happen to neighbors of the facility should players shoot paintballs at homes, cars, etc. The applicant declared he is responsible, is passionate about the sport and would promote safety and good habits. Players will be asked to sign a responsibility clause and will be asked to leave and not return if they violate it. Member Locke emphasized procedures need to be in place in advance to address any concerns and Mr. Carey stated he would do so. Member Appleby suggested the applicant draw up a business plan and address safety and security among other things.

Mr. Carey indicated he hopes to move in by early summer as the facility in LeRoy is closing in May. The Board asked about a potential value of construction and the applicant figured about \$10,000 which would go toward bunkers, netting, materials, etc. The site visit was scheduled for Saturday, March 20, 4:00pm. Mr. Carey will contact the property owner and ask him to be there as well.

Mr. Carey thanked the Board for their time.

2. Application of:	Name:	Rev. Paul B. Heidt, Living Hope Assembly of God
	Address:	180 South Avenue
	Tax Map #:	069.17-2-9.1
	Zoning:	Limited Industrial
	Parcel Size:	49.73 acres
	Property Class:	447
	Purpose:	use of "Q" Overlay District to allow the conversion of the existing 5,700 s.f. truck terminal into a church

**Applicant Presentation:**

Michael Braun, Project Manager for Passero Associates, stated the property is currently vacant, it has pavement, gravel driveways and parking, and the applicant is requesting a Q overlay district per Village Code 58-13.1. The church would have 250 seats for approximately 190 attendees and there are currently 133 parking spaces, well in excess of the 75 required. The church is now based in Hamlin and they have ministries for youth and the needy and provide community activities. They will potentially add offices, classrooms and sanctuary space as necessary and have no solid plans yet for the remainder of the acreage but may consider selling some to a developer for housing or may keep it for their own needs. Improvements would include adding lights and possibly removing some front gravel for gardens.

**Continued Board discussion on application:**

Chair Switzer voiced that a church, as it is a tax exempt organization, may not be the preference for the property but rather, the Village would like it on the tax rolls. He added guidance may need to come from the Village Board of Trustees. Member Appleby indicated he had done some research and opined a Q district can't be applied without first having the BOT create it. He also echoed Chair Switzer's concern that given the Village's financial state, removing it from the tax rolls would be detrimental. He suggested the church perhaps buy the building and some of the surrounding property, and leave some acreage for development. Chair Switzer added that another board member suggested perhaps the church consider some type of annual payment to the village in lieu of taxes.

CEO Zarnstorff interjected he had previously conferred with Deputy Village Attorney Frank Aloï on this topic in relation to a previous Planning Board application and at that time Attorney Aloï advised that Q district can be overlaid by the Planning Board. He reminded the Board that both Sunflower Landing and Remington Woods were put forth as Q district overlays and the Planning Board affirmed both. He stated he had forwarded information about tonight's application to Attorney Aloï, but had yet to hear back from him. Chair Switzer suggested Mr. Aloï attend the Planning Board meetings and Mr. Zarnstorff

said that Mr. Aloï would more likely communicate with the Board.

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The Board briefly discussed Limited Industrial and Q districts and when they were added to the Code, as well as whether or not the BOT would want the parcel rezoned. Mr. Braun provided the board with a handout detailing the U.S. Code for protection of land use as religious exercise. He again asked the board to consider a Q overlay and stated the church is looking for direction from the Planning Board and would like to move toward closing. Mr. Braun reiterated the church may consider a residential area on the west end of the property and he noted the presence of federal wetlands and floodplain to the east which would provide a natural boundary between the residential, limited industrial and more industrial uses.

CEO Zarnstorff noted he hopes to hear from Attorney Aloï and would like him to comment and added he has sent the information to Village Attorney David Mayer as well. Chair Switzer suggested pressing the Deputy Attorney as well as the Village Board of Trustees. Mr. Braun remarked the end of their due diligence period for moving forward is April 7. CEO Zarnstorff mentioned there is a BOT meeting on April 5. Chair Switzer said it would be their decision as to whether it would be Q district or rezone it. Chair Switzer indicated there would have to be a special meeting on April 6 to meet the church's deadline of April 7. Mr. Braun stated they would certainly like a decision but they don't want the wrong decision, so they would do whatever they need to to wait for legal counsel. He thanked the Board for their time.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to table the application pending legal guidance.

Chair Switzer asked CEO Zarnstorff to forward any information received from legal counsel as soon as it is available.

**OTHER BUSINESS:**

Discussed the Canal Side Pub, previous owner Jonathan Mendez and allegations that the new owner does not have a legal liquor license. CEO Zarnstorff clarified that the Liquor Authority has investigated and determined the license for the new owner is legitimate.

CEO Zarnstorff noted he had received several inquiries on the Smoke House but is unsure of the status of the property at this time, other than it is current on Village taxes. He clarified the contents of the building were seized to satisfy back sales tax, but that the property itself was not seized. He also noted concerns about parking for the Smoke House as the closest parking now belongs to the new owner of the Canal Side Pub. Previously both properties were owned by Mr. Mendez and parking was shared.

**NEXT REGULAR MEETING:** Monday, April 12, 2010 7:00pm; Application materials due by Noon Tuesday, April 6.

**ADJOURNMENT:**

→ Member Appleby moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 8:15pm.

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Pamela W. Krahe, Clerk