

**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, August 11, 2003 at 7:00pm.**

**PRESENT:** 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:** Chair R. Scott Winner, Frank A. Alo: Deputy Village Attorney, Tom Carpenter of Chatfield Engineers (Village Engineer), Bradley B. Upson; DPW Superintendent

**ALSO PRESENT:** Village Attorney Edward W. Riley, Roy Heise, Joan Hamlin, Justino Sanchez, Henry Conradt.

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

**REVIEW OF MEETING MINUTES:** Clerk Morelli said the July 14<sup>th</sup> minutes would be forthcoming.

**CORRESPONDENCE:** None

**PUBLIC HEARINGS:** None

**NEW BUSINESS:**

1. Application of:      Name:            Soubrette Holdings, Inc. c/o Roy Heise, Esq.  
                                 Address:        26-30-38 N. Main Street (Carl's Mini Mall & Perfecto Cleaners)  
                                 Purpose:       site plan approval to replace the existing chain link fence and extend the fence to the southeast corner of the property line

**Applicant Presentation:**

Roy Heise, attorney for Stephen Schleede, owner of the property at 26 and 30-38 North Main Street known as Carl's Mini Mall and Perfecto Cleaners, said S. Schleede resides in Chicago and asked him to appear on his behalf. R. Heise shared that at the time the YMCA was looking to relocate to 16 Liberty Street, it was brought to S. Schleede's attention that part of his fence was in disrepair and could be a safety hazard. He conversed with S. Zarnstorff and proposed to remove the existing fence along a portion of the north and east property lines and extend it eastward to the south property line. It would be commercial grade 4-foot high chain link with 9-gauge mesh and SCH 40 weight posts. It would be professionally installed as soon as possible.

R. Heise further shared that the property owner has hired a maintenance person who cleaned out the weeds and brush in the rear and will keep it maintained to further enhance all properties. There has been a lot of foot traffic from residents and visitors to and from the Villager Apartment Complex who use this area as a cut through. With the foot traffic comes garbage and debris and security problems. This fence will help deter the cut through and debris and better protect the properties.

**Continued Board discussion on application:**

Vice Chair Brugger said that would be considered a "potential pedestrian impact zone". Member Appleby asked for clarification on the fence location. R. Heise reviewed the map. Member Switzer asked if it would meet up with the fence in the rear of Goforth Electric at 16 Liberty Street. R. Heise said no. It would only go to S. Schleede's property line. Member Switzer asked if it would have slats like the Goforth Electric fence. R. Heise said no. They want to be able to see through it for security reasons. Member Locke said she would not want to see slats in the fence. Since they cannot be protected, they are liable to be pulled out and left as debris. Member Appleby agreed and stated there is no need for privacy slatting in this case.

S. Zarnstorff asked if they had any intentions regarding the small grassy area. R. Heise said the maintenance man will keep that mowed. Member Appleby said his only concern is that all is kept in good condition.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to approve the application and allow the removal and replacement of existing fence and the extension eastward to the south property line with commercial grade 4-foot high chain link with 9-gauge mesh and SCH 40 weight posts.

2. Application of:      Name:            Justino Sanchez, Jr.  
                                 Address:        53 N. Main Street  
                                 Purpose:       change of use from retail sales to retail sales and food service

**Applicant Presentation:**

Justino Sanchez shared that he is opening an establishment at 53 N. Main Street in the plaza next to Pizza Hut, next to Sassie's Chicken where Game Players was last located. It is called El Palenque Mexicano. They will sell Mexican products and wish to be able to have food service takeout and small sit down of authentic Mexican food to be cooked on site.

**Continued Board discussion on application:**

Member Appleby asked for clarification on the location. Member Locke asked how many tables and chairs he wished to have inside. J. Sanchez said he would be satisfied with 2 tables and 8 chairs since it is a small location. Member Appleby asked about competing with Sassie's next door. J. Sanchez said it would be a different menu and different clientele. Member Locke asked if there had ever been a kitchen in this location. J. Sanchez said no. They have to put one in. Member Locke asked if there is a bathroom there. J. Sanchez said yes.

S. Zarnstorff said he has been working with J. Sanchez on this. J. Sanchez has applied to Monroe County Health Department for the proper permits. He explained that it entails a household oven and stove and a specialized tortilla maker. They do not use oils. It is down through steam and water. Member Locke asked if there would be meat preparation. J. Sanchez said yes, meat and beans and so on. Member Locke asked how garbage would be handled. J. Sanchez said the plaza owner provides 2 dumpsters in the rear. Member Locke asked if 2 dumpsters would sufficiently handle all the Plaza's garbage, particularly since there would now be two restaurants. Member Appleby asked if they would share the grease dumpster with Sassie's. J. Sanchez said he believes so.

Member Locke questioned the hours of operation. J. Sanchez said he feels noon to 8pm would be best. Member Brugger asked if the space needed a sprinkler system. S. Zarnstorff said the cooking equipment has to have extinguishable capabilities. S. Zarnstorff further suggested the board place a number of tables and chairs allowed into any approval. He shared that originally Sassie's was planning on only take out, but ended up adding 30 to 40 seats, although the majority of business is still take out or delivery. S. Zarnstorff agreed with J. Sanchez that 2 tables with 8 chairs would be adequate.

Member Brugger questioned plans for signage. J. Sanchez said he would like to put a sign on the pole like the other shops in the plaza and will paint a sign in the window. J. Brugger said he would need to apply for any sign permits through S. Zarnstorff. S. Zarnstorff asked that he avoid the pitfalls of temporary signage such as banners, balloons, a-frames, etc. that Sassie's tried. Quality, permanent signage is best.

Member Locke asked about the name El Palenque Mexicano and asked what palenque meant. J. Sanchez said it refers to rooster fights and the food that gets served at them. Member Brugger said he assumed there would be no rooster fights there. J. Sanchez said no.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to approve the change of use from retail sales to retail sales and food service at 53 North Main Street to be known as El Palenque Mexicano. Conditions of approval include Monroe County Health Department approval, local building permit, appropriate trash removal, maximum in-store seating of 2 tables and 8 chairs, and hours of operation to be noon to 8pm per applicant statement.

**OLD BUSINESS:**

- 1. Application of:      Name:            Michael Kirmse  
                                 Address:        41 Park Avenue  
                                 Purpose:       driveway expansion

**Applicant Presentation:**

Applicant did not show for the second meeting in a row.

**Continued Board discussion on application:**

Application was a result of Code Enforcement Officer notification that application for driveway expansion needed to be made to the Planning Board. Applicant was notified of the July 14<sup>th</sup> and August 11<sup>th</sup> meetings and instructed that attendance was required or his application would be voided and fee forfeited. Board said it is a relatively small expansion and that they would be amenable to considering approval if the applicant would only show up to a meeting and provide a diagram or tape location map that delineates the expansion.

⇒ Member Switzer moved, Member Locke seconded, unanimously carried to void the application, causing the applicant to forfeit his \$25 application fee, due to 2 no-shows. The Planning Board further encourages code enforcement action requiring the restoration of the driveway area to its per-expanded condition.

**MISCELLANEOUS:**

Havenwood Meadows Section III – Member Appleby questioned whether all issues had been resolved regarding the placement of the piping and entry road into the subdivision and expressed concern of rumors he has heard of a lawsuit regarding lack of dust management.

S. Zarnstorff said Chatfield Engineers and DPW Superintendent Upson are in charge of earth-moving and infrastructure inspections and are following up on a few minor complaints. To his knowledge, the developer relocated the misplaced piping to avoid costly easements. They were given authorization for

the spur road to access the creek from both sides. Attorney Riley shared that he had a productive  
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meeting with developers Don Hibsich and Scott Arrend and their Attorney Roy Heise a couple of weeks ago. The developers want to do the right thing. They were to have a sprinkler truck there, but it was late. Attorney Riley said to his knowledge Trustee DeToy was the complainant and he has no knowledge of a lawsuit. The issues are being addressed. Member Switzer said Trustee DeToy's house is surrounded by mud. Dust cannot be totally helped when construction takes place, but they should do their best to be sensitive to existing residents. Member Brugger said the road spur was to be used until the stone base of the main road is in. Attorney Riley said it was suggested to seed some areas this fall before winter sets in.

**NEXT REGULAR MEETING:** Monday, September 8, 2003 at 7:00pm

**ADJOURNMENT:**

➔ Member Switzer moved, Member Appleby seconded, unanimously carried that the meeting be adjourned at 7:40pm.

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Leslie Ann Morelli, Village Clerk