

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Tuesday, December 21, 2010 at 7:00pm.

PRESENT: Chair Charles Switzer, Member R. Scott Winner (arrived 7:03pm), Member Annette Locke, Member Arthur Appleby, Clerk Pamela W. Krahe.

EXCUSED: Building/Zoning Officer Scott C. Zarnstorff

ABSENT: Member Bernard Daily

ALSO PRESENT: Mark Jacobs, Robert Chapin, Jim Hamlin, one other guest who did not sign in

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 November 23, 2010 as written.

CORRESPONDENCE: Chair Switzer noted receipt of a copy of a letter from CEO Zarnstorff to Norman GianCursio, owner of 37 Erie Street, regarding Mr. GianCursio's application to the Planning Board.

PUBLIC HEARINGS: None

NEW BUSINESS:

1. Application of:	Name:	Mark Jacobs
	Address:	61 Holley Street
	Owner of record:	Georges Dicker
	Tax Map #:	068.60-5-1
	Zoning:	Residential
	Parcel Size:	59.25' x 96'
	Property Class:	210
	Purpose:	fence

Applicant Presentation:

Mr. Jacobs stated he is a tenant at 61 Holley Street and wants to put up a 4' high chain link fence around the property for his dogs.

Continued Board discussion on application:

Member Appleby noted the normal setback for a fence is 36", but that 24" can be allowed. Mr. Jacobs would have to sign a waiver in case damage is done to the fence by snowplowing, etc. Mr. Jacobs wondered if he could put the green or brown privacy slats in the fence. He did not realize the foot traffic that goes through the area and wants to shield the dogs' view a little more. Member Locke noted the visibility for vehicular traffic may be compromised with slats; Member Appleby agreed. Member Appleby noted there is a distance of 9' from the fence to the street. Member Locke asked if Mr. Jacobs is funding the fence, to which Mr. Jacobs affirmed. He added that George (Dicker), the landlord, gave him a signed statement granting permission to put up the fence. Chair Switzer read the memo from CEO Zarnstorff regarding this application as follows:

Most of the fence will be on the Utica Street side of the yard with a small portion facing the Holley Street side, so technically the Utica Street side is a side yard not a front yard. I know the proposed fence is requested to be 4' high whereas the code states 3' is the norm, but being this is technically the side yard, I think the Board is safe here with the 4 foot high fence. Consistency-wise and again, the Board approved a 6' high privacy fence for a side yard location several years ago for property at 4 South Ave, on the corner of Main. In addition I don't have a problem with the height, as across the street at the Utica Street playground, our chain link fence is 4ft high. As well, this location being a high pedestrian foot traffic (student) corridor, higher is better.

The Board inquired as to the size and number of dogs. The applicant stated there are 3, they are all medium-sized, and all are mutts, for example a lab/German Shepard, dalmation/lab, etc. Member Winner asked if the 4' fence could only go to the front corner of the house as opposed to the front porch; Chair Switzer agreed; Mr. Jacobs said that would be agreeable. Member Winner asked why a chain link fence; Mr. Jacobs stated he brought the fence from his previous residence. Member Winner asked about the dogs' behavior; applicant Jacobs stated the dogs are mellow. It was noted DPW Superintendent Donahue communicated he prefers a minimum of 24" clearance from the sidewalk. The Board asked if the applicant would take the fence with him if he moved; he stated no. He explained he has the option to buy the house in three years. There are no other tenants in house, it is a single family.

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➔ Member Appleby moved, Member Winner seconded, unanimously carried to approve the fence at proposed height with a 24" setback, as long as it doesn't extend beyond the front corner of the house.

2. Application of: Name: Robert D. Chapin
 Address: 13 Main Street
 Owner of record: Sharon Z. Wentworth
 Tax Map #: 069.45-2-5
 Zoning: Business
 Parcel Size: 17' x 77'
 Property Class: 481
 Purpose: change of use – relocation of Main Street Pizza (currently located at 82 Main Street)

Applicant Presentation:

Mr. Chapin has owned Main Street Pizza for nearly 5 years and has the opportunity to buy 13 Main Street. MSP has been in village over 25 years. The applicant explained he has been working with an engineer on a floor plan and has answered most of Scott Zarnstorff's questions/concerns.

Continued Board discussion on application:

The Board questioned Mr. Chapin regarding a kitchen; there is none in there presently though all utilities are there. Both upper stories are rented; tenants are not students, but rather they are older gentlemen. There will be fryers on the premises; Mr. Chapin has discussed necessary fire suppression with CEO Zarnstorff. Seating is less than 100 persons, so no sprinkler system is required. The building is in between the Nothnagle office and the Tri-County. There is a deck out back overlooking canal. Venting was discussed, and the vents go straight out the back and up to roof so as not to disturb the view of 2nd floor tenant.

The applicant and the Board discussed ovens, hoods, exhaust, and grease traps. They then moved on to waste containers. Mr. Chapin wants to move the rear stairwell slightly to make room for a garbage container and grease bucket on the existing cement pad. Member Locke asked if they would be screened, Mr. Chapin indicated it would be tough because space is tight. The Board emphasized the refuse containers be kept closed, do not overflow, and possibly be locked to prevent unauthorized use.

The Board discussed handicapped accessibility at the front of the building, as brought up in the November 30 letter from CEO Zarnstorff to applicant Chapin which recommended Mr. Chapin discuss the front step with his engineer. Board members indicated this is not a "must" as the building is historic and is, therefore, exempt from that mandate. It was suggested the applicant check with CEO Zarnstorff for further clarification. Mr. Chapin noted he has only been in the building twice. The Board reassured the applicant that CEO Zarnstorff will make sure all codes are met. Mr. Chapin pointed out employee bathrooms, kitchen, walls to be added, and slop sink area. The Board questioned booth placement as an impediment to traffic. There is a rear entrance for delivery but not customers. Parking lot area in rear. The Board questioned the amount of take out vs. eat in at Main Street Pizza's current location. The applicant explained he can only seat 16 people inside now, but summer allows him outside tables; he estimated 60-70% delivery now vs. 30-40% eat in. Mr. Chapin indicated he wants to buy the building at 13 Main Street to save money, as he currently rents.

The group again referred to Mr. Zarnstorff's memo regarding parking, stating parking is a challenge in that area and there is the farmer's market to consider, too. Hours of operation will remain the same, menu remains same, no alcohol is served. Mr. Chapin commented he will dress up trash area as best he can.

➔ Member Locke moved, Member Appleby seconded, unanimously carried to approve the change of use from vacant to a pizzeria with the stipulations discussed, i.e. garbage, refuse containers kept in a sanitary condition, and with CEO Zarnstorff's guidance for code enforcement.

Mr. Chapin indicated he has to hire someone for venting, plumbing, and electrical. Construction will be done by friends who have a construction business. His current lease expires in 2012. He hopes to be open in time for the Fall 2011 semester.

NEXT REGULAR MEETING: Tuesday, January 18, 2011 at 7:00pm. Application materials due by Noon the Tuesday before.

ADJOURNMENT:

➔ Member Locke moved, Member Winner seconded, unanimously carried that the meeting be adjourned at 7:37pm.

Pamela W. Krahe, Clerk