

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, April 10, 2006 at 7:00pm.

PRESENT: Chair R. Scott Winner, Vice Chair John Brugger, Member Charles Switzer, Member Annette Locke, Member Arthur Appleby

EXCUSED: Village Attorney Tom Calandra, Deputy Village Attorney Frank A. Aloï, Village Engineer Tom Carpenter of Chatfield Engineers Building/Zoning Officer Scott C. Zarnstorff, Building/Zoning Clerk Michelle D. Johnson.

ALSO PRESENT: Gary Smith, Joan Hamlin, Toby Unger, Barb Warner, Elizabeth O'Donnell

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

REVIEW OF MEETING MINUTES: Chair Winner passed on approving the minutes since Board did not recall receiving them.

CORRESPONDENCE: None

OLD BUSINESS:

1. Application of: Name: Jonathan Mendez
 Address: 48 Merchants Street
 Zoning: Business
 Purpose: continued review for consideration of approval for placement of
 "PODS" unit.

Applicant Presentation: No show.

NEW BUSINESS:

1. Application of: Name: Thomas Ophardt
 Address: 15 – 17 Market Street
 Zoning: Business
 Purpose: change of use from rental apartment to professional Doctor's
office

Applicant Presentation: Thomas Ophardt indicated that this is concerning 15 Market Street only -17 Market Street will remain an apartment. The question was asked about changing the external façade of the building. They will be changing the inside only, not the outside at all. A picture was handed to the Board of what is going to change. The plexi glass will change to clear from opaque on the door. The window will be changed from single pane to double pane. No signs will be hung outside, only lettering on the door. He is an optometrist, who had been in practice for 15 years in Brockport and sold his business 9 years ago. His mother is not in the best of health so he came back to Brockport to take care of her and was encouraged to open an office again in this area. He will also be doing retail sales of eyeglass frames and things of that nature. He has never done lens grinding in the past, but it is a possibility. The name of his business will be Thomas Ophardt, OD. Chair Winner wanted to know how retail orientated he will be. He is going to be about half and half. No surgical treatments will be taking place. There will be no narcotics on the premises. This will only occupy the first floor.

Continued Board discussion on application: Member Locke asked if there was an air conditioner sticking out of the window, but there was not. Member Appleby asked if there was a store in the downstairs area at the present time. It is vacant right now. Chair Winner has gone through the building and has tried to assist in getting a tenant in the building in the past. It has been an apartment for ages and was grandfathered in before the zoning changes. He feels it would be a welcomed business to have there and eliminate the first floor apartment tenancy. Member Appleby asked for an explanation of where the stairs are. The picture did not show that part of the area with the entrance that indicates where the stairs are. We are actually talking about 15 Market Street. The stairs are at 17 Market Street and there is no access to 17 Market Street from the interior of 15 Market Street. They do not share a common doorway. Member Switzer questioned that Mr. Hibsich has indicated that there is no need for an interior rear exit sign. There will be lighting and Dr. Ophardt will look into what signage he will need. Lighting has been incorporated in the front and the back. Chair Winner commented that there is a tile ceiling and asked if that would change. Everything will be gutted inside and put in all new wiring and insulation and drop ceiling. What is under the current ceiling? Not sure at this time. CEO Zarnstorff has gone over everything to make sure that all fire and safety issues are addressed. Chair Winner indicated that he would like to see some kind of improvement made to the door on 17 Market Street even if it is just a coat of paint. Dr. Ophardt may change that door. Ownership will change, correct? Yes. Chair Winner encouraged Dr. Ophardt to look into community development and grant funds that will aid in restoring facades. They have done that in other places like Vickie Sweet's Realty Network at 9 Main Street to enhance the look and restore to historical times. An awning may help and may be needed. There are codes for awnings. He was directed to discuss that with CEO Zarnstorff and to take a look at the other places along the street. Member Appleby asked about trash and biohazard removal. Biohazard removal is a service where they will come right in the building to take away and is never stored. The general trash will be behind the stairs. There should not be much trash

generated.

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⇒ Member Locke moved, Member Appleby seconded, unanimously carried to approve this application to change a use of 15 Market Street from rental apartment to professional Doctor's office.

Dr. Ophardt plans to have this up and running within 60 days.

2. Application of: Name: Mark B. Cyr
 Address: 1 Main Street
 Zoning: Business
 Purpose: "The Port Bar & Grill" (last known as Fibbar Magees)

Applicant Presentation: Mark Cyr is a retired police officer with City of Rochester and Brockport Police Department. His wife is a school teacher with Brockport Central School District. He grew up here in Brockport and makes his home here in Brockport. He has 3 teenagers that go to Brockport High School. He is opening "The Port Bar & Grill" with Robert Zobel and Jennifer MacCollum who also live in Brockport. This will be a locally owned and operated Bar and restaurant. He said he was sorry he was late to the meeting. He coaches Brockport Girls Softball and he had a rescheduled game to coach tonight. He also volunteers coaching high school football. Mr. Zobel works and lives in Brockport and has 2 kids that go to Brockport Schools. Jennifer works locally at the Lakeside Day Care and attends SUNY Brockport. They are looking for a community theme. It is 2 floors and they would like to have the street level to be community themed. They are taking down all the alcohol signs and mirrored advertisements. All the neon alcohol signs will be gone. There will be signs that indicate Quick Draw, cheeseburgers etc., but no alcohol. They are looking for a place to have Booster Club meetings and other school orientated events. That is the crowd they are trying to draw. They want to put the bathroom back on street level. The former owner made it into an office. They will take out the pool table. They will eliminate a booth by putting the bathroom back in with an office, but taking out the pool table will add 2 more booths. The bar will be gone and 3 kid orientated arcade games and a crane game that will have all Brockport stuffed animals, t-shirts and headbands. All the updated athletic teams will be displayed on the walls along with the College teams. Any school orientated clubs and groups will be pictured along with some historical pictures of Brockport. The round wall as you enter will be a tribute wall to all the area men and women that are in the service. The Athletic Director has given approval for athletic events to go there. They will also be hosting for birthday parties and local meetings as long as they don't exceed the fire code of maximum capacity. The downstairs will remain the bar area and dining and social gathering. It will be a more lit area and painted lighter. There will be 4 televisions upstairs and 4 downstairs. They will have DVD and VHS capability so after a sporting event they can come and put in a tape to review the game. Quick draw, lottery and scratch off will be available downstairs. Menu items will be very similar to Jimmy Mac's old menu. Burgers, wings, wraps, salads, deli sandwiches, specialty sandwiches, chili cheese fries and onion loaf. They have enhanced the kids menu from being hot dog, hamburger, chicken fingers to have in addition, macaroni and cheese, toasted cheese, peanut butter and jelly. There will be daily lunch specials that they will pride themselves on. They will offer liverwurst with Limburger and red onion sandwiches as no one else in Brockport offers them. Dinner specials through the week will be held based on what the crowd dictates. Special nights such as steak nights, kids eat free nights, moms eat free. Free coffee and ice to boaters that visit. They will sponsor a golf league and set up casino trips if there is interest. The business goal is to someday buy the building and make the top two floors a Victorian bed and breakfast. They will also look into getting grants to possibly add a deck onto the north side of the building that would go up to the canal and at street level. Chair Winner indicated that there has been talk about doing that, but no plans have been put in place. They will have to work with the Historic Preservation Board to make sure that the deck that is put there is consistent with the era and architecture of the building. Also, a free shuttle will be offered for Brockport residents to take them home so it will eliminate drinking and driving.

Continued Board discussion on application: Member Brugger stated that he feels the plan sounds wonderful. He asked how they planned on handling the Thursday, Friday, Saturday evening crowd and keeping them out of the first level. There will be no bar up there, but they will be allowed to go up and sit where it might be quieter with cocktails. Will we allow fraternity parties there? Absolutely not. Retired police officers and older gentlemen (meaning out of college) to be the doormen. If there are any college employees they will be waitressing and not behind the bar. If you are underage then you are to stay upstairs. The hours of operation will be from 10:30am to 2am, Monday through Saturday and Sunday Noon until the main crowd clears out. Chair Winner commented that it sounds like they are not banning alcohol upstairs, but are setting a tone that there is a certain level of behavior and activity. M. Cyr's take is that the college is not here all year round, the athletic teams are. They are the ones that they want to cater to and obtain their business. He wants to be a local place where people know people. Member Appleby had some questions regarding the second floor. It looks like the tables have been reduced. M. Cyr indicated that this is not to scale. There will be 3 booths. There will be 6 tables along the stairway. There are 2 tables along the wall. A bench in front of the North window will be placed to keep people off of the window. There are table stands that are attached to beams. Member Appleby wanted to know if there is enough room for the teams of 50 people. There is capacity for 85. If there is a high school sports team upstairs on a Wednesday night, and a bar crowd

downstairs, how do you keep the two separate. There will be a doorman at the top of the stairs to keep the kids upstairs and the bar people downstairs. What about the front door? There is a doorman. If you are of age you can go down to the 1st floor. If you are not of age the doorman will keep you upstairs. This will be monitored everyday. But the doors will be covered on a night that there is a definite separate event.

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What facilities do you plan to have upstairs to serve the big parties? Tables will be put together and catering pans will be put out for the food. The kitchen is downstairs so the food will be brought upstairs. Chair Winner asked him to double check with CEO Zarnstorff on how many arcade games are allowed before you need to have a special permit for them. Member Locke asked how the walkway would be utilized from the beginning? He was told there was a permit for that area. They are researching on what was there and what steps would need to be done to be able to serve there. Chair Winner indicated that he believes it is seasonal and goes with ownership, so he will need to apply for one for himself. They plan to monitor that area also. If they are granted the permit, they plan to use it the way it has historically been used. They will monitor the glass outside. They do not plan to have music piped outside. Member Locke asked that it not happen because of the noise pollution it causes for the neighbors. Will the food be served until 2am? The kitchen will close at 11pm. Member Locke then indicated that from 11pm to 2 am they would be considered a bar because they will not be serving food. M. Cyr does not foresee families and kids coming in after 11pm to order dinner, so at that point they will be a bar. In the past, they have told people that want to be considered a restaurant; they had to have a full menu up until the time they close. Chair Winner said that may have been negotiated, but is probably not being honored. Member Appleby indicated that it is a business decision, why keep fryers going if you are not going to get any orders for food. M. Cyr indicated that if it is a slow night, they might also close earlier. Member Brugger would like to look at that historically. Chair Winner feels that we need to look at what is practical as well. Maybe there is a modification like a limited menu is available until close. There will be a popcorn machine. The Health Department has made some new rules as far as bar foods are concerned. You cannot serve to people in the general; they have to be served individually. They cannot help themselves to peanuts and popcorn. Individual munchies will be provided. Member Brugger indicated that he believes there were certain aspects of the menu that had to be available. We would not require him to take steaks out to thaw and that have to be thrown out. There will be one dart game upstairs and one downstairs because there is a Brockport League. The one upstairs will not be opened until after the dinner crowd. Member Locke wanted to know about the garbage situation. M. Cyr has talked to Carlos and Lorenzo Zaragoza and whatever took place in the past is a situation that will not happen with them. They will work together as far as sharing the cost of the dumpster. Right now it is not a lot so he is taking it to his house. Member Locke indicated that there has historically been a problem because there is not a sufficient container for all the garbage that both businesses generate. The situation may get worse. If it gets to be a problem he will do what he has to even if he has to make an agreement with Clarkson Transfer Station or whoever to get it taken care of. Member Appleby stated that maybe they should consider a deeper dumpster to get more trash in it. If push comes to shove he will make sure it is taken care of. Recycling will have to be disposed of properly also. It should be enclosed. M. Cyr indicated that there is a fence and a tree that if the fence was painted and the tree trimmed will make it look better. Member Appleby is concerned about the trash issue. You can trust he will take care of the trash issue because he has a lot to lose if it does not look proper to potential customers, they will not want to go there.

⇒ Member Appleby moved, Member Brugger seconded, unanimously carried to approve the application along with him working with CEO Zarnstorff and owner of the building to improve the dumpster issue. CEO Zarnstorff will have to monitor the dumpster and keep us updated. CEO Zarnstorff will verify that the owner has signed the original application. (He did.) Make sure the necessary permits are all in place. The Board will also look at the availability of menu items during the hours of operation and pass it back to the board to satisfy the needs. There will be no music piped out and no glass lying around outside.

They are looking to open up at the end of April to the beginning of May. Chair Winner felt that it was a great idea. Member Switzer indicated that it was a great idea to have the teams have a place to go. M. Cyr also indicated that if they can eat the 1-pound burger, chili cheese fries and the milkshake the meal is on them. Member Locke said they might lose a lot of money on that one with the boys.

3. Application of:	Name:	Matthew & Elizabeth O'Donnell & Barbara Warner
	Address:	36 Union Street/38 Union Street
	Zoning:	Residential
	Purpose:	Owner of 38 Union Street wishes to convey 41.47 x 59.96 lot directly behind 36 Union Street to owner of 36 Union Street so as to increase the size of the back yard at 36 Union Street.

Applicant Presentation: 38 Union is a T shaped lot and it makes sense to divide it differently for the purpose of both individuals.

Continued Board discussion on application: Member Appleby indicated that the survey maps show it differently than what they are indicating in the applications. We need to go by the maps. The

applicants showed the Board what is the existing and what the changes would be. Member Appleby indicated that the chain link fence would have to be removed. The applicants indicated that the fence would be put on the new property line. Member Appleby indicated that it is a backyard fence and has nothing to do with this Board. The Board took a look at the short environmental assessment form.

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- ⇒ Member Switzer moved, Member Appleby seconded, unanimously carried to support a negative declaration on the short form EAF.

- ⇒ Member Brugger moved, Member Locke seconded, unanimously carried to approve the application for the subdivision conveyance of 38 Union Street to 36 Union Street by using the numbers as indicated on the instrument survey dated 3/11/06.

Eduardo Galan came to the meeting although not on the agenda to discuss the proposed fence site plan. Nothing had been submitted to the Board for the application. The only thing the Board was given was a letter from CEO Zarnstorff about the fence, the houses and damage done to roofing and something about 11 N. Main Street. E. Galan is going to submit the plans next week. He was upset about the letter that he received from CEO Zarnstorff. Chair Winner indicated that he needs to take the citations up with the CEO Zarnstorff. Chair Winner indicated to E. Galan that he needs to get the drawings to the Board and the paperwork in and ask for a special meeting April 24th or the next Board meeting of May 8th. We all want this to be looking correct. He can bring all his issues in at that time. Member Brugger also asked about the brush not being cleared out of his property.

NEXT REGULAR MEETING: Monday, May 8, 2006

ADJOURNMENT:

- ➔ Member Locke moved, Member Brugger seconded, unanimously carried that the meeting be adjourned.

Michelle D. Johnson, Building/Zoning Clerk
From tape recording