

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, July 14, 2003 at 7:30pm.

PRESENT: Chair R. Scott Winner, Member Charles Switzer, Member Annette Locke, Member Arthur Appleby, and Village Clerk Leslie Ann Morelli.

EXCUSED: Vice Chair John Brugger, Building/Zoning Officer Scott C. Zarnstorff

ALSO PRESENT: Frank A. Alois: Deputy Village Attorney, Tom Carpenter of Chatfield Engineers (Village Engineer), Bradley B. Upson; DPW Superintendent, Ross Gates, Gerald Wilson, Rob Carges.

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 previous meeting and site visit.

- ➔ Member Switzer moved, Member Locke seconded, unanimously carried to approve the minutes of the meeting held June 9, 2003 as written.
- ➔ Member Switzer moved, Member Appleby seconded, unanimously carried to approve the minutes of the site visit held June 23, 2003 as written by Vice Chair Brugger.

CORRESPONDENCE: Chair Winner shared correspondence from the New York State Canal Corporation granting their concurrence regarding SEQR of Remington Woods.

MISCELLANEOUS: Chair Winner shared that it is the time of year when the Board confirms its meeting dates and times and selects a Chair and Vice Chair for the coming fiscal year. Chair Winner also reported that John Brugger has expressed his interest in being reappointed to the Planning Board for a five year term. Chair Winner also asked who might be willing to host the annual Planning Board picnic late summer/early fall. Clerk Morelli said she would be happy to host it at her home. Information will be forthcoming.

→ Member Appleby moved, Member Locke seconded, unanimously carried that effective with the next meeting (August 11th) all Planning Board meetings will begin at 7:00pm and remain on the second Monday of each month, reserving the fourth Monday as necessary.

→ Member Appleby moved, Member Locke seconded, unanimously carried that Scott Winner and John Brugger remain as Planning Board Chair and Vice Chair respectively.

PUBLIC HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS:

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

APPLICANT DID NOT SHOW. Board will reschedule applicant for August 11th meeting and send a letter that he must attend.

2. Application of: Name: Ross G. Gates – Galley Restaurant
 Address: 51 Market Street
 Purpose: approval to construct a 16' x 30' deck along the canal

Applicant Presentation:

Ross Gates, new owner of the Galley Restaurant at 51 Market Street was in attendance to present his application for a 16' x 30' deck along the canal on the back of the restaurant to be used for dining. It would be of pressure treated construction with composite material for the decking and railings. He is leaning toward a grey color. He wants maintenance free other than hosing it down. The restaurant and trim have just been repainted. He has submitted application materials to the NYS Canal Corporation.

Continued Board discussion on application:

Chair Winner reviewed S. Zarnstorff's memo regarding this application. S. Zarnstorff indicated that the deck plans appeared to be residential construction rather than commercial construction. T. Carpenter stressed that any deck plans should be integrated into the Harvester Park Improvement plans as well as meet all requirements of the NYS Canal Corporation and NYS and Village Building Codes. T. Carpenter asked that he and the architect for the Community Center, Norbert Hausner, be involved in the plans. Chair Winner agreed that any approvals would be contingent on S. Zarnstorff, T. Carpenter

and N. Hausner approvals. T. Carpenter further stated that S. Zarnstorff's memo implies the need for stamped, engineered plans. Deputy Attorney Aloï agreed. Member Switzer asked if the deck would be totally on Galley property. R. Gates said no, it would be mostly on NYS Canal Corporation property. Member Switzer asked if the deck design would match the look of the proposed Community Center. R. Gates said he is willing to work with the Village on that. Member Switzer said he believes all new construction on the canal between the Park Avenue and Main Street bridges should blend and coordinate. Member Appleby agreed. Chair Winner further suggested that they take a look at the plans approved for the Mendez restaurant on the same side of the canal between the Main Street and Smith Street bridges. Chair Winner stated that construction of the deck should be complementary to the building it is being attached to. T. Carpenter said the application would likely be subject to SHPO review through the NYS Canal Corporation.

Member Switzer asked that the Planning Board be briefed on the Harvester Park improvement project and proposed community center. T. Carpenter provided an overview. T. Carpenter said he just reviewed the projects with the Village Board and will be doing so at a public hearing with the Zoning Board of Appeals on July 28th. Per the Village Code, the ZBA must hold a public hearing and authorize construction of projects on municipal land.

Member Appleby said the applicant commented on the Galley having just been painted. He questioned what the bottom of the building looks like. R. Gates said they painted the concrete block burgundy. Member Appleby questioned the shed on the northwest corner. R. Gates said it has been rebuilt and painted. R. Gates said they have made a lot of improvements in the 2 months he has owned it. Member Appleby asked if they would have to knock out a window and install a sliding door to go to the deck. R. Gates said two walls have been knocked out inside to make it more open. The right window in the lounge area is from floor to ceiling. That would become the door to the deck.

Member Switzer noted that the stairs appear to be right up to the Village project and said it makes further sense to use like materials. Member Locke questioned noise on the deck and commented that there are homes nearby. R. Gates said there would be no outside speakers or music. They are providing entertainment inside the restaurant from 6:30pm to 10:30pm. He commented that the "lounge" crowd is mostly middle aged to older folks looking for entertainment earlier in the evenings. R. Gates further shared that the kitchen closes at 9pm on weekdays and 10pm on weekends. They would serve food and drinks on the deck, but all would be generated from inside and they will not use glassware on the deck. Member Locke asked how he would control people migrating off the deck with alcoholic beverages. R. Gates said he does not believe that will be a problem, but if it is, he will control it. Chair Winner said the State Liquor Authority (ABC) laws would govern that.

Member Appleby asked if the stairs off the deck are simply for fire exit purposes. R. Gates said not necessarily. If boaters or walkers wished to enter the restaurant that way it would be fine. They proposed the location of the stairs so that they could be seen from the restaurant. Member Locke questioned the number of tables and chairs. R. Gates said maybe 8 picnic size tables that seat 6 to 8 each. L. Vaughan commented that exit from the deck is necessary for fire safety and that the building code will dictate the seating capacity on the deck. S. Zarnstorff can work with the applicant on that.

Member Locke asked Deputy Attorney Aloï if the use of the deck could change if the restaurant changed ownership in the future. F. Aloï suggested final approvals be "binding upon successors".

Member Switzer and Chair Winner commented that this is an excellent idea. R. Gates said he wants to do it once and do it right.

→ Member Appleby moved, Member Switzer seconded, unanimously carried to grant concept approval regarding the construction of a 16' x 30' deck along the north side of the Galley restaurant for dining. This is subject to any and all requirements of the Building/Zoning Officer regarding the construction standards as well as working with the Village Engineer and project architect regarding using same or complimentary materials, colors, and design as the proposed Canal Side Visitors/Community Center. Once NYS Canal Corporation has granted its approvals, the applicant must return to the Planning Board for final approval.

- 3. Application of: Name: Gerald M. Wilson – First Presbyterian Church
 Address: 35 State Street
 Purpose: approval to modify north entrance & use of Village property

Applicant Presentation:

G. Wilson thanked the Board for accommodating his application on such short notice. He shared that the First Presbyterian Church at 35 State Street has been undergoing some renovations. These include bell tower restoration, roof replacement, flat roof modifications, and now redoing the north entrance. He showed pictures of the current north entrance with a straight through ramp from the parking lot behind the Market Street fire hall. It is not handicapped friendly and does not meet ADA

requirements. Folks with wheelchairs or walkers cannot utilize it by themselves.

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G. Wilson further shared that time has taken its toll on the retaining walls and walkway to the north. The project is to meet handicap accessibility requirements and address the badly deteriorated entrance. He introduced Ali Yapicioglu from Inside Architecture who is doing the drawings. G. Wilson said the Church property only goes 3 feet out from the building wall. The Village owns 9 feet plus or minus and there was an agreement between the Village and the Church for use of the property years ago. They will be requesting approval from the Village Board to use 260 square feet more, totaling 325 square feet of Village property for this purpose. They provide the proper slope, drainage, turns, etc. It does not change the current roadway or parking. All changes are contained behind the curb.

Continued Board discussion on application:

Member Appleby asked if there is any problem when the Village plows back there. G. Wilson said no, they've never had any problem. L. Vaughan said the Village uses the bucket loader and small truck and pushes snow to the far east end of the lot.

Village Attorney Riley said he has not seen a survey map yet. Ali Y. said they have not found a survey. E. Riley said the first thing is to get a survey and the second is for the Village Board to authorize a land agreement. E. Riley said he was led to believe there was some sort of agreement regarding a license to use Village property as opposed to an easement. Attorney Carl Coapman offered to assist the Church and work with Village attorneys to resolve this in a timely fashion. E. Riley said he is sure the Village will be willing to cooperate in whatever way they can if a survey and indemnification are provided.

Member Appleby asked if enhancing the entrance would alter where parishioners park. G. Wilson said they do not see that changing. As it is now, 50 percent use the back and 50 percent use the front. Chair Winner inquired as to the construction. Ali Y. said the main walls will be concrete or concrete block filled with concrete and re-bar to retain earth. The posts to the roof will be steel pipes painted. The existing building is concrete masonry painted grey. The retaining wall will be 3 feet high from ground level. There will be a bench at the top and bottom for waiting. Three sides will provide wind and weather block. There will be a handrail and floor drains. There will be lights in the roof and an ADA door opener. Member Locke mentioned that the position of the door opener looks out of the way for a wheelchair to get to. Ali Y. explained its location and the wheelchair maneuvering. L. Vaughan agreed with his explanation. Ali Y. said Niagara Mohawk is okay with the drawings in reference to an existing electric pole. Chair Winner said the photographs provided do capture the poor existing conditions of the north entrance. This proposal will greatly improve it.

→ Member Locke moved, Member Appleby seconded, unanimously carried to grant site plan approval to modify the north entrance of the First Presbyterian Church at 35 State Street contingent upon meeting any and all requirements of the Building Inspector regarding construction codes and obtaining an agreement from the Village Board regarding use of Village property prior to commencement of construction.

- 4. Application of: Name: Rob Carges
 Address: 33 Maxon Street
 Purpose: approval for a front yard fence on one side

Applicant Presentation:

R. Carges thanked the Board for hearing his application on short notice. He reviewed his application to install a 36 inch high picket fence on the west side of his front yard to help keep their dog on their side.

Continued Board discussion on application:

Member Switzer asked the length of the fence. R. Carges said 62 feet and that it would be at least 3 feet away from the sidewalk. Chair Winner asked the material. R. Carges said he would like white vinyl, but since that is costly he will buy wood and paint it white.

→ Member Switzer moved, Member Appleby seconded, unanimously carried to grant site plan approval for a 36-inch high picket fence (to be painted white) along the west property line of 33 Maxon Street.

Miscellaneous:

86 Smith Street – Planning Board expressed concern that their decision of approximately a year ago regarding a driveway expansion had not been addressed via code enforcement. L. Vaughan said he is not familiar with the case, but would be happy to look at it in S. Zarnstorff's absence.

NEXT REGULAR MEETING: Monday, August 11, 2003 at 7:00pm

ADJOURNMENT:

→ Member Appleby moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 9:30pm.

Leslie Ann Morelli, Village Clerk