

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 9, 2009 at 7:00pm.

PRESENT: Chair Charles Switzer, Member R. Scott Winner, Member Annette Locke, Member Kent Blair, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe. Member Arthur Appleby arrived just after the Pledge.

EXCUSED: Village Attorney David F. Mayer, Village Engineer Jason Foote of Chatfield Engineers

ALSO PRESENT: Gerard Read, David Enos, Joan Hamlin, Jim Hamlin, Frederick Webster

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 Locke moved, Member Blair seconded, unanimously carried to approve the minutes of the meeting held February 9, 2009 as written.

CORRESPONDENCE: Chair Switzer noted receipt of clarification comments from architect D. Strabel regarding 40 Idlewood Drive.

PUBLIC HEARINGS: None

NEW BUSINESS:

1. Application of: Name: Gerard Read
 Address: 39 N. Main St., Suite D
 Tax Map #: 068.44-2-15.1
 Zoning: B- Business
 Parcel Size: 132.5 x 273
 Property Class: 485
 Purpose: change of use from vacant to Starvin' Marvin's Pizza and Subs

Applicant Presentation:

Gerard Read stated he would like to open a Starvin' Marvin's pizza and sub shop at the vacant location. In addition to the plans already submitted, he gave CEO Zarnstorff building permit information previously requested regarding fire suppression, etc.

Continued Board discussion on application:

Member Winner asked for clarification on parking and signage. G. Read indicated where delivery vehicle parking would be and where the walk-in cooler would be. He showed a menu with the Starvin' Marvin's logo on it and noted there would be two signs--one attached to an existing steel pole that would be perpendicular to the building so it faces North Main Street and the other will be mounted flat on the building near the main entrance on the Clark Street side.

Member Appleby wondered about the small space on the southwest corner of the building. G. Read stated it is currently used as an office, but he hopes to convert it to additional dining when it is vacated.

Member Appleby also asked what had been done to the empty space to convert the pit of the former garage. The applicant stated all he has seen in there is clean, flat concrete and property owner David Enos indicated the pit had been filled in with concrete.

Member Locke asked about other locations and hours of operation. G. Read indicated other franchises are located in Rochester, Irondequoit and Webster and the restaurant would be open 11am-11pm.

Member Blair voiced there are already nine pizza shops in the village and there is a seasonal decrease in our population due to the college summer break. G. Read responded the partners had done their market research and they feel confident that by offering quality food, a wide variety on the menu and a dine-in option, they will be successful. Member Appleby asked what other items are on the menu and G. Read referenced the menu previously shown. Member Locke asked what seating would be available and G. Read answered 20 seats. Member Winner asked for confirmation of the dimensions, which are 20'x66' and Member Winner commented that would be cozy.

The Board asked the applicant to confirm there is no food preparation equipment currently in the building, noting the build will be costly; G. Read affirmed. Chair Switzer noted CEO Zarnstorff has completed the first plan review; CEO Zarnstorff noted he would also look over the new information handed in to him this evening.

Member Locke questioned arrangements for trash and G. Read replied there will be a gated, enclosed 4'x6' dumpster next to the walk-in cooler. Member Locke noted that would take up a couple of parking spaces and G. Read affirmed. CEO Zarnstorff interjected that he had discussed with Mr. Enos alternate locations for the dumpster, including having it on the concrete slab near the Quonset hut at

the west end of the property. He also asked Mr. Read about disposal of his grease. G. Read indicated they have a

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grease trap and the CEO suggested they may need a grease “dumpster” for the fryer oil when changed.

Member Locke inquired about the number of employees and whether or not that would include any wait staff. Mr. Read answered there would be 3-4 employees to start with and there will not be any wait staff as there will be strictly counter service in the beginning.

Member Blair asked how long the buildout would take and G. Read opined 5-6 weeks. Chair Switzer asked CEO Zarnstorff if he had any other concerns. The CEO noted he will discuss the buildout with Mr. Read as part of the building permit process, but then reminded property owner D. Enos the lights on the west end of the building still need to be shielded, as well as additional lights were required to be installed on the east side of the Quonset hut. Chair Switzer asked if there were supposed to be three lights on the storage shed; CEO Zarnstorff replied that two would probably be sufficient. Member Blair added that with new lighting on the shed, the current lights could be toned down and Member Winner concurred that the lights in place now throw too much light down Clark Street. He contended the approval tonight should be contingent upon the lights on the west side of the building being baffled.

CEO Zarnstorff suggested the Board complete the SEQR process at this time. The Board briefly discussed the change of use and any environmental impacts. CEO Zarnstorff indicated there had been no adverse impact and noted there is documentation in the property file of satisfactory remediation work completed some time ago.

➔ Member Appleby moved, Member Blair seconded, unanimously carried determining this is a Type II action on SEQR per NYCRR 617.5 requiring no further review.

Member Winner expressed that he takes issue with the code and its lack of addressing the need for an applicant to come before the Board regarding a change of use and noted he has spoken with the Village Attorney and Trustees regarding this. Member Appleby suggested perhaps the State Code requires the applicant to appear. Member Winner asked CEO Zarnstorff to work with the Village Board of Trustees on coming up with a plan to address this hole in the code. CEO Zarnstorff concurred it is a problem.

⇒ Member Winner moved, Member Locke seconded, unanimously carried to approve the change of use based on the recommendation of the Code Enforcement Officer, there is no significant environmental impact, and contingent upon lighting modifications to be made to keep the light on the parcel from the back as well as the front.

The Board wished Mr. Read good luck.

Chair Switzer asked if Village Attorney D. Mayer should be asked to the next Board meeting to discuss the change of use issue. CEO Zarnstorff informed the Board that the Code Review Committee would be taking a look at Chapter 58 this year and that this is a good time to bring this topic to the forefront. Again Member Appleby opined the State Code put this issue to this Board’s purview.

Chair Switzer asked CEO Zarnstorff if next month’s meeting agenda included the potential billiards hall at 85 Clinton Street. CEO Zarnstorff replied he has not yet received an application and it is up to the business owners to apply. Chair Switzer added that when they do come, he would like the Village Attorney present; CEO Zarnstorff and Board Members concurred.

NEXT REGULAR MEETING: Tuesday, April 13, 2009, 7pm
(Application materials due by Noon Tuesday, April 7)

ADJOURNMENT:

➔ Member Winner moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 7:26pm.

Pamela W. Krahe, Clerk