

Meeting of the Zoning Board of Appeals of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, NY, Tuesday, January 27, 2009 at 7:00pm.

PRESENT: Chair John Bush, Vice Chair / Member Irene Manitsas, Member Francisco Borrayo, Member James Hamlin, Member Sal Sciremammano, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe.

EXCUSED: Village Attorney David F. Mayer, Esq.

ALSO PRESENT: Jeffrey Martin, Nick Corrigan, Richard Dalheim, Al Stickles, Tim Clark, Ann Dailey, Robert Webster, Frederick Webster, Norman GianCursio

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

REVIEW OF MEETING MINUTES: Chair Bush called for a motion to approve the previous minutes.

➔ Member Sciremammano moved, Member Manitsas seconded, unanimously carried to approve the minutes of the meeting held October 28, 2008 as written.

CORRESPONDENCE: None

NEXT MEETING: Tuesday, February 24, 2009 at 7:00pm.

Public Hearings: None

NEW BUSINESS:

1. Application of:

Name:	Jeffrey Martin
Address:	85 Clinton St.
Tax Map #:	068.52-3-3
Property Code:	449 Warehouse
Zoning:	Business use
Lot size:	263' x 154'
Purpose:	special permit for gaming facility "Que Billiards & More"
Provision of Zoning Ordinance:	58-11A (11)

Applicant Presentation:

Jeffrey Martin of 55 Caroline Street, Albion, and his business partner and nephew, Nick Corrigan of 151 McKinstry Street, Albion, stated they would like to take the warehouse space at 85 Clinton and convert it to offer billiards and other games such as foosball, shuffleboard, darts and arcade games. They would be serving beverages and snacks with plans to serve prepared foods at some future point. Their goal is to provide a safe place to play billiards and other games. J. Martin referenced the packet they had previously submitted to the Board with their application that details their business plan, etc.

Public Comment:

Tim Clark, 7179 W. Bergen Rd., W. Bergen, a local realtor, noted he has gone through the neighborhood and spoken with neighbors who have indicated the area seems blighted and needs something. He opined that Mr. Martin and Mr. Corrigan have a good plan, will be good neighbors, and that both residents and the college community will embrace the business. Mr. Clark added he has been working with property owner Mr. Beckett to fill the vacant space.

With no further comment, rather than closing the public hearing, Chair Bush indicated it would merely be adjourned until the February 24, 2009 meeting.

Chair Bush read the referenced code section 58-11A (11) as follows:

"The Zoning Board of Appeals, after public hearing and subject to conditions essential to the safety, health and general welfare of the people of the village, may authorize the granting of a special permit for the establishment of membership clubs, lodges, social and recreational centers and for the erection, alteration and use of buildings, such as a hospital, convalescent home, home for the aged, children's nursery, facilities for the developmentally challenged and medical centers for the care and treatment of humans, subject to the regulations of such agencies and departments of the State of New York having jurisdiction relative to the establishment and operation of such facilities and uses. Such structures and uses shall also meet the requirements of any applicable provision of the Multiple Residence Law and such rules and regulations as may be established by the Village Board.

Continued Board discussion on application:

Member Sciremammano challenged the code section read by Chair Bush, noting billiard rooms are included as a permitted use in §58-11A (4), which reads:

"Dance halls, theaters, bowling alleys, billiard rooms, clubs, lodges and similar places of recreation and hotels, motels, auto courts and similar places of lodging."

MINUTES OF ZBA MEETING HELD January 27, 2009.....page 2

He continued, reiterating code section 58-11A (11) asking the applicants if their business will have memberships (no) or would be considered a social or recreational center. He expressed his opinion this is a business and as such, this code section does not apply.

Member Hamlin suggested that under "Prohibited Uses," anything allowed in the Industrial area is prohibited unless specifically mentioned in the "A" section. He went on to look at the Industrial area, section 58-13 A (13), which says pool halls are permitted that serve alcohol and in his opinion that would not be a legal use. He reiterated his opinion that anything allowed in the industrial district is not allowed in the business district. CEO Zarnstorff questioned how Member Hamlin arrived at that conclusion, citing that 58-13 states they are permitted. CEO Zarnstorff also noted that the business district section does not speak to that point and items from the industrial district cannot be applied to the business district. Member Hamlin voiced that he would like to have an interpretation from legal counsel and CEO Zarnstorff suggested that if the Board would like him to obtain an opinion from the Village Attorney, it should be brought to his attention in a timely manner. He then suggested the Board stay in the business district and the permitted uses therein. He reminded the Board that a billiard hall is permitted in the business district with the caveat that there be a special permit and that certain types of businesses are required. The recreation center could be applied in this fashion, as a billiard hall is a recreation center, which is why the Board has to review the special conditions for the permit and may review hours of operation, number of persons allowed, alcohol, etc. Chair Bush added this is an opportunity for residents to bring forth their concerns and he reiterated this is a business district use.

Member Sciremammano again brought up the fact that the recreation center designation is "up for grabs" and J. Martin interjected that they would be opening up a place of business, not for people to just come in and play pool, but a place where people would pay to play pool.

Member Sciremammano asked about hours of operation and any cooking on the premises and J. Martin replied they would be open from 3pm to 12midnight but would remain open until 1am on Thursday, Friday and Saturday nights and there will be no cooking onsite at all. Chair Bush asked if there are any rules about the kinds of foods to be served with alcohol and J. Martin indicated they will serve snack foods such as chips, peanuts and pretzels and someday they may offer pizza from a local shop.

There was a brief discussion about previous uses for the building, including a bar, and J. Martin stated they are not opening up a bar and do not wish to compete with local pubs; they are opening up a billiards parlor and hope to serve wine and beer.

Member Hamlin asked about the limited parking. J. Martin stated there are 12-14 spaces, there is on-street parking available nearby and there is public parking toward Main Street. T. Clark clarified there are 18 spaces, including spaces used by Sunnking, which are vacated at 4:30pm. N. Corrigan added that some customers might very well walk there, too.

Member Borryo asked about the arcade games and J. Martin clarified there would be 4-5 sports-type games. Member Hamlin asked about the hall layout and the applicants clarified there would be six full-size tables, six smaller tables and a shuffleboard table, which was not previously shown.

Chair Bush noted that of the 80 letters sent out to village residents, there was a small turnout tonight with no residents addressing the Board. One resident, who neighbors the property, stated he had not seen the information packet the applicants had submitted. J. Martin stated if the neighbor signed a disclosure clause, he could have a packet. CEO Zarnstorff clarified that once the information is submitted to the village, it becomes a public document and no disclosure statement is necessary. The information is on file and available for public scrutiny at the Village Hall during regular business hours.

Member Manitsas asked about supervision and Member Hamlin noted the facility would be open 66 hours per week and asked if the two partners would be splitting the time. J. Martin clarified that he has another job and would be a part-time worker and N. Corrigan will work full-time. N. Corrigan added they have family members who will also work and they may look to hire other workers in the future.

Chair Bush thanked the applicants for their presentation and noted the Board would continue the public hearing and the application to the February 24, 2009 meeting because the legal notice was not in the paper for the mandated amount of time. He apologized for any inconvenience and reminded everyone the legal notice will be republished and notices will again be mailed to those within 500' of the property.

J. Martin inquired about a copy of the Village Code and CEO Zarnstorff informed him it is available online at the Village's website. J. Martin thanked the Board for their time.

Adjournment:

➔ Member Manitsas moved, Member Sciremammano seconded, unanimously carried that the meeting be adjourned at 7:39pm.

Pamela W. Krahe, Clerk