

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, September 8, 2003 at 7:00pm.

PRESENT: Chair R. Scott Winner, Vice Chair John Brugger, Member Charles Switzer, Member Annette Locke, Member Arthur Appleby, Building/Zoning Officer Scott C. Zarnstorff, Village Clerk Leslie Ann Morelli.

EXCUSED: Building/Zoning Officer Scott C. Zarnstorff, Deputy Village Attorney Frank A. Alo

ALSO PRESENT: Tom Carpenter of Chatfield Engineers (Village Engineer), Bradley B. Upson; DPW Superintendent, Jonathan Mendez, Karl Zimmer, Norman GianCursio, Larry Goforth, Jim Hamlin, Joan Hamlin, Fred Webster, Bob Webster.

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 meetings.

Board had not reviewed the July 14 and August 11 meeting minutes. Clerk Morelli will provide them with another copy for approval at the next meeting.

CORRESPONDENCE:

Chair Winner asked that all members review the document from the State regarding the change of voting rules for Planning Boards and Zoning Board of Appeals.

PUBLIC HEARINGS: None

OLD BUSINESS:

41 Park Avenue - Chair Winner shared that the applicant regarding a driveway expansion at 41 Park Avenue had responded to the Planning Board's August 20th letter saying that he was on vacation and missed the July 14th and August 11th meetings. He asked when the next meeting was. Clerk Morelli provided the information that to be on tonight's agenda he would need to re-submit an application fee and map by September 2nd. Again, no word. Chair Winner asked the Board's pleasure. Board agreed to hold to their motion at the August 11th meeting which basically says re-apply and appear before the Board or face code enforcement action from S. Zarnstorff. They recommend a 30-day resolution to the issue.

NEW BUSINESS:

1. Application of: Name: Jonathan Mendez of Canal Side Pub
 Address: 25 Merchants Street
 Purpose: site plan approval for new entrance and deck

Applicant Presentation:

J. Mendez reviewed his application and plans to create a new entrance and a deck targeted to accommodate smokers that now, cannot by law smoke inside. He provided a color rendering. The railing height would be 58 inches with the posts going to 6 feet 6 inches with wrought iron planter hangers. There would be a bench built around the existing tree and a deck. J. Mendez said the new law prohibits any kind of roof over it if there is to be smoking. He further stated that Monroe County Health Department is fine with it unless there is to be serving outside. J. Mendez said all service will take place inside, but customers will be able to take it outside to the deck if they wish. Karl Zimmer said J. Mendez is willing to let the Planning Board select the balusters. They could be either simple 2 inch straight or Victorian or Colonial spindles. J. Mendez said he is also considering new signage. J. Mendez said he met with S. Winner and S. Zarnstorff last week at the office and on site.

Continued Board discussion on application:

Member Locke asked if they would be allowed to carry their drink outside. J. Mendez said yes. Member Locke asked if the area would be completely enclosed from the street. J. Mendez said pretty much. There will be no entrance/exit onto the sidewalk or Clinton Street.

Member Locke asked if the floor would be a wooden platform. J. Mendez said yes. Member Appleby said he thinks 6 inch by 6-inch posts are now needed by code. Chair Winner agreed.

Chair Winner said originally J. Mendez was considering a shadow box fence. Chair Winner said he was opposed to that because you wouldn't be able to see through it at all. The height of the fence will prevent jumping over it.

Member Switzer asked if the fire hydrant there is real or ornamental. J. Mendez said ornamental like the anchor.

Chair Winner asked the setback of the deck from the sidewalk. K. Zimmer said it is 7 feet from the sidewalk and then there are shrubs. Chair Winner said only 3 feet is needed.

Chair Winner asked if the main entrance to Canal Side Pub would be from Merchants Street. J. Mendez said yes. Member Brugger said he would not want to see what happens at the Merchants Street entrance, which is more hidden from public view, happen to the proposed Clinton Street entrance. There is enough trouble with loitering, fights, noise, etc. Noise even comes out of the roof vents. Member Brugger said he understands J. Mendez's theory, but fears it will not work that way. Member Brugger said he would want to see glass and bottles left inside. J. Mendez said he would use plastic cups. Member Brugger said he recently witnessed over 50 people loitering at the entrance smoking and going in and out. J. Mendez agreed and said he counted 70 recently.

Member Locke expressed concern for the residential houses on the south side of Clinton Street. There is likely to be a noise issue with music, laughing, hooting and hollering. J. Mendez said he would not pipe music to the outside deck. J. Mendez said he has no room to build a deck on the Merchants Street side.

Member Switzer questioned the status of the proposed and approved restaurant behind the Canal side pub. J. Mendez said he hopes to break ground next month and open by April 1, 2004.

J. Mendez further stated that he cannot let patrons in and out when they need to smoke. They have to wait in line again. He said there would be no additional noise. Member Brugger disagreed and commented that it is pretty loud at the establishment as it is. Member Appleby said bar and restaurant owners are having to deal with the issue of smokers since the new smoking regulations went into effect. J. Mendez said they are losing customers to places where smokers can more easily smoke. Member Appleby said any current problem with noise outside on the Merchants Street side is not really under J. Mendez' control. However, moving the smokers and noise to ON his property would be under J. Mendez' control. Member Locke agreed but said the noise is being moved from a more hidden spot to a more open spot right across from residential property. J. Mendez said he would have a bouncer on the deck to control any problems including noise. The deck would have railing all around and shrubbery along Clinton Street.

Chair Winner asked J. Mendez why the proposed deck location couldn't become his main entrance and make the current entrance an emergency exit only. J. Mendez said because he would not have enough room at the current entrance for a smoker's deck. Member Locke said non-smokers should not have to walk through a smoking area. Member Switzer asked if the proposed deck is adequate size so as not to be too cramped but not to be too big to be so comfortable that people would want to hang out their all evening. J. Mendez feels it will be fine.

Chair Winner said it has the potential to become a unifying element to the building. There has been a Hodge podge of construction at this location for over 100 years. Member Brugger asked why keep the shed. J. Mendez explained that they will be eliminating the current door and putting a door in with a nautical window. B. Upson asked J. Mendez if he had checked with S. Zarnstorff on removing a door. J. Mendez said he had. K. Zimmer explained the double door concept. Chair Winner said he would like to see the interior of the "shed" cleaned and finished with drywall. J. Mendez said he would.

J. Mendez explained that the existing entrance on the Merchants Street side would be modified to have a one way in and one way out doors. There will be a mandatory coat check. They are trying to accomplish two things. One is managing the traffic flow. The other is accommodating the new law regarding smoking.

Member Locke asked what if anything would be on the deck. J. Mendez said probably 3 picnic tables and some smoking receptacles. Member Locke suggested that if no seating was provided it would cut down on loitering. The more comfortable it is, the longer patrons will want to hang out on the deck.

Chair Winner asked if the front "showcase" would remain. J. Mendez said an old fire truck used to be housed there. Currently there are jet skis. Chair Winner said he would rather see it left there. Member Switzer said he likes the idea of a bench around the tree. He further agreed with Member Locke to avoid seating on the deck. He also wanted assurance that there would be no music piped onto the deck. J. Mendez said there would not be any music on the deck.

Member Switzer asked if this deck could be similar in design to the one proposed in Harvester Park. Chair Winner said the final design of the Harvester Park deck has not yet been determined. Plus, this one does not face the Canal. J. Mendez encouraged the Planning Board to choose between straight or turned balusters. Board agreed the building does not call for turned railings and that straight would be fine.

Member Locke asked how many smoking receptacles they plan to provide. J. Mendez said he feels 4 should be fine. If he finds additional receptacles are needed, he can add to them. Member Appleby

the new restaurant. Chair Winner commented that the execution of these “Phase One” improvements would go a long way when it comes to considering “Phase Two” improvements.

→ Member Appleby moved, Member Switzer seconded, Members Brugger and Locke opposed, Carried to grant site plan approval to allow the new entrance and deck at the Canal Side Pub at 25 Merchants Street as proposed and agreed upon. The deck will have a railing of 58” high with 2” x 2” straight balusters, 6’ 6” post height with wrought iron hangers for planters, deck construction per code, 3 gooseneck exterior lights, at least 4 cigarette receptacles, door with portal window and new signage. ADA accessibility is a must.

Chair Winner commented that plans were approved as presented. Any changes to the design or construction may require re-application to the Planning Board. Applicant is to work with S. Zarnstorff for a building permit.

2. Application of: Name: Lawrence Goforth of Goforth Electric
 Address: 16 Liberty Street
 Purpose: site plan approval to add 95 feet of 4 foot high fence along the east side of property

Applicant Presentation:

L. Goforth said he would like to finish fencing along the east property line that borders a residential neighbor. The rear chain link fencing is 6 feet in height, but this would be four feet in height. Although signage is S. Zarnstorff’s permitting responsibility, L. Goforth said he provided a drawing of his proposed sign and showed it on the site plan. It is more than 3 feet off the sidewalk.

Continued Board discussion on application:

Member Locke asked why this side would be 4 feet high instead of 6 feet high. L. Goforth said he discussed it with the neighbor who would be happy to see the old existing fence taken down and replaced with new 4 feet high so it does not obstruct his view of Main Street. Member Brugger asked if it is really 4 feet in height or considered “standard”. L. Goforth said it is commercial grade fencing and is truly 4 feet in height. Chair Winner shared that he is impressed with the exterior and interior improvements at the property. It shows the impact a new owner can have on a neighborhood when he/she cleans up a property. Carl’s Corner Plaza is beginning to clean up. Member Locke asked why the YMCA changed their mind about relocating from Main Street to 16 Liberty Street. L. Goforth said he was disappointed it did not work out. S. Winner said the Y’s regional director wanted them to stay put.

→ Member Brugger moved, Member Switzer seconded, unanimously carried to grant site plan approval for 95’ of 4 foot high fence on the east side of 16 Liberty Street as proposed.

MISCELLANEOUS:

The Galley Restaurant – 51 Market Street –

T. Carpenter said the Galley Restaurant is still waiting to hear from New York State Canal Corporation regarding their deck plans. Owner Ross Gates was fine with Norbert Hausner’s suggested design.

Meli Property – East Avenue –

J. Hamlin said the Daily Record listed a new owner of this property. She asked if the new owner would have to remove any of the fill that was brought in. Chair Winner said he had not heard of a new owner yet. A potential developer did meet with him. He was aware of the fill situation and would have made its removal a condition of sale.

Harvester Park Improvements and Harvester Park Community Center –

J. Hamlin said the receipt of bids for these two projects was mentioned at the last Village Board meeting. She questioned where the projects stood. B. Upson said the bids are in, but have not yet been evaluated. S. Winner said the park improvements came in at costs expected. However, the Community Center bids came in at higher costs than expected. The numbers may have to be whittled down or more money raised.

NEXT REGULAR MEETING:

Clerk Morelli said there is no request for a special meeting September 22nd. The ZBA has 3 public hearings that night. The regular October meeting falls on October 13th, which is a holiday. Therefore, the Board agreed to make the regular meeting October 27th. Clerk Morelli said she would notify the Board if the meeting would be at 7pm or 8pm depending on any ZBA business that night.

ADJOURNMENT:

→ Member Appleby moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 8:20pm.

Leslie Ann Morelli, Village Clerk