

A regular meeting of the Village of Victor Planning Board was held on Wednesday, January 27, 2021, via Zoom app.

MEMBERS PRESENT: Chairperson Meg CHaides
Vice Chairperson Peter Kowal
Member Charles Criss
Member Steven Van Dyke
Member Jeffrey Swan
Planning Clerk Roseanne Turner-Adams

OTHERS PRESENT: Bob Kelly, Sarah Boddery, Steven Gray, Ben Noragong, Kevin Bruckner, Pam Hogenes

Meeting called to order at 7:00 PM by Chairperson CHaides.

Salute to the flag.

Resolution #01-21PB
Acceptance of Minutes

On a motion made by Peter Kowal, seconded by Charles Criss, the following resolution was ADOPTED 5 AYES 0 NAYS

Resolved, to accept the minutes dated October 28, 2020.

49 West Main St./No BS Brew Company/Steven Gray
Site Plan Modification

Ms. CHaides stated that there will be two parts to this with the first part being to ask the applicant to explain what it is that he wants to do and because it involves alcohol there will be a public hearing. Ms. CHaides explained that after the public hearing the Planning Board will proceed with the application resolution.

Mr. Steven Gray stated that his plan is to utilize the 1200 sq. ft. space at 49 West Main Street to put in a satellite tasting room. Mr. Gray explained that they currently have a tasting room and brewery in Livonia and the proposed tasting room in Victor would be similar to the setup in Livonia for the bar with several tables for seating. Mr. Gray explained that they would have 10 of their craft beers on tap and sell local wine and spirits. Mr. Gray stated that he does not know the occupancy of the location yet but estimates around 60 people. Mr. Gray stated that the plan is to sign a five-year lease for the space in Victor and that the Livonia location has been in business for going on two years and has been very well received.

Mr. Gray explained that the Victor location will strictly be a tasting room and smoking will not be allowed inside or anywhere around the building. Mr. Gray stated that they do

plan to sell cigars for use offsite. Mr. Gray explained that cigars sell very well in their Livonia location and they have an outdoor space where they can be enjoyed but a lot of people purchase them to smoke offsite.

Ms. CHaides asked Mr. Gray whether he anticipates having outdoor seating where you would serve beer. Mr. Gray stated that he can envision a couple of seats and tables out in front of the location where it would be roped off like you would see in front of a restaurant.

Ms. CHaides stated that given the environment that we are in right now, places that are selling alcohol have to provide some sort of food. Mr. Gray stated that in Livonia they sell packages of crackers for 5 cents which is what would be done in Victor as well.

Mr. Van Dyke asked what the hours of operation will be. Mr. Gray stated that they would be open 7 days a week. Monday & Tuesday 4pm-8pm, Wednesday, Thursday & Friday 4pm-9pm, Saturday 12pm-9pm & Sunday 12pm-8pm. Mr. Gray stated that the hours would be adjusted as needed and may be open more depending on how it is received with 10pm being the latest.

Ms. CHaides asked how trash will be handled. Mr. Gray stated that his landlord is providing a dumpster on site but with the tasting room there should not be an overabundance of trash.

PUBLIC HEARING

Chairperson CHaides read the legal notice into the record:

"A public hearing will be held before the Village of Victor Planning Board remotely via the Zoom app and can be viewed on the Village YouTube channel on Wednesday, January 27, 2021, at 7:00 p.m. to consider:

1.) The application of Steven Gray for No BS Brew Company, LLC, for a Site Plan Modification at 49 West Main Street to change the use from a business to a tasting room. The parcel is located in the Village Center Business zoning district.

At this time, the public cannot be present in person at the public hearing but can comment via the Village of Victor YouTube Channel which can be found at [villageofvictor.org](https://www.villageofvictor.org) under Village of Victor Virtual Meetings on YouTube.

Other ways to comment are via email @ ptclerk@villageofvictor.org or via US Mail to 60 East Main Street, Victor, NY 14564. Comments can also be submitted in our mailbox located at Village Hall.

If you have any questions, please call (585)924-3311.

Meg CHaides, Chairperson
Village of Victor Planning Board"

On a motion by Steven Van Dyke and seconded by Charles Criss, Ms. CHaides opened the Public Hearing

Kevin Bruckner-Owner Mead Square Commons, LLC

Mr. Bruckner stated that this proposal is almost the exact same use as Cork 49 that was in the same building. Mr. Bruckner stated that they had a couple tables in front of the wine bar with very similar hours as they are proposing. Mr. Bruckner explained that if they do put tables outside, they cannot go in front of the Howard Hanna space because that is another tenant area, but they can put tables in front of their unit. Mr. Bruckner stated that he provides a dumpster for them to put their garbage in.

Mr. Swan stated that he does not see a problem with parking but asked the other board members if they agree. Ms. CHaides stated that she agrees, and her presumption would be that they would use the Village public parking lots surrounding the business. Ms. CHaides stated that the parking would be something that they would have to monitor themselves. Mr. Gray agreed to monitor the parking.

Discussion regarding Village public parking areas nearby

On a motion by Charles Criss and seconded by Peter Kowal, Ms. CHaides closed the Public Hearing

Chairperson CHaides referred to the comments from Code Enforcement Officer, Marty Avila:

“The Planning and Building Department has received an application for Site Plan review. The property is located at, 49 West Main Street. The applicant is proposing to change the use from a business to a tasting room. The parcel is located in the Village Center Business zoning district. I have reviewed the plans and have the following comments:

I I. Pursuant to **§ 170-16.A(1)(c)**, Planning Board review and approval is required for any changes of use or intensity of use which will affect the characteristics of the site in terms of parking, loading, access, etc. The proposed use will likely increase parking, loading and access to the site.

II II. The applicant is requested to clarify whether any additional signage will be required for their proposed build-out. Any signage for this project, building mounted or free-standing, will require further Planning Board review and approval prior to a permit being issued.

III III. The applicant is reminded that Department of Health approvals will be required prior to the issuance of a Certificate of Occupancy.

IV IV. The applicant is reminded that a building permit will be required prior to the commencement of any interior/exterior demolition and/or building.”

Mr. Gray stated that he noticed the part about needing Health Department approvals but tasting rooms are generally governed by the Agriculture and Markets for New York State. Mr. Gray stated that he could certainly have the Health Department come in as well if that is required by the Village. Mr. Gray explained that breweries and tasting rooms are inspected for sanitation by the Agriculture and Markets.

Ms. CHaides stated that the plan shows two bathrooms. Mr. Gray stated that by State law a tasting room doesn't have to have bathrooms but decided to have two since they have three at their Livonia location.

Ms. CHaides asked if the space has been certified for 60 people. Mr. Gray stated that he is unsure what the Code Enforcement Officer will determine for capacity. Ms. CHaides stated that the Code Enforcement Officer will determine the occupancy.

Resolution #02-21PB
49 West Main St./No BS Brew Company/Steven Gray
Site Plan Modification

On a motion made by Steve Van Dyke, seconded by Jeff Swan, the following resolution was ADOPTED 5 AYES 0 NAYS

WHEREAS, the Planning Board made the following findings of fact:

1. An application was received December 29, 2020 by the Secretary of the Planning Board for a site plan modification at 49 West Main St.
2. The applicant proposes to change the use of the location from a business to a tasting room.
3. The applicant presented to the Planning Board a rendering of the proposed site plan modification. Rendering is now on file.
4. A Public Hearing was duly called for and was published in "The Daily Messenger" on January 7, 2021 and; all adjacent property owners (all property owners within 500 feet of the application) were timely notified of the hearing and the purpose of the hearing by mail and; a Public Hearing was held on January 27, 2021 at which time all those who desired to be heard were heard. At this time, the general public could not be present in person at the public hearings but could comment via the Village of Victor YouTube Channel, email, US Mail or mailbox located at Village Hall.

NOW, THEREFORE BE IT RESOLVED that the application of Steven Gray/No BS Brew Company, Site Plan Modification for 49 West Main St., **BE APPROVED** with the following conditions:

1. That the applicant will comply with all requirements of the Code Enforcement Officer.
2. That a building permit will be required prior to the commencement of any interior/exterior demolition and/or building.

3. That any outdoor seating has a roped off area directly in front of the business location only.
4. That all garbage be placed in the assigned dumpster provided by the landlord.
5. That parking be monitored and that only Village parking areas are used.

**49 West Main St./No BS Brew Company/Steven Gray
Sign Program**

Mr. Gray explained that there will be two aluminum signs with black lettering on the North and West sides of the building and the logo and hours in vinyl on the front door.

Mr. Gray stated that he would also like to have a portable sandwich board sign outside at times. Ms. CHaides stated that because a portable sign is not part of this application, she asked that a color rendering be submitted to the Village of the portable sign and that one of the requirements is that it can only be out during business hours.

**Resolution #03-21PB
49 West Main St./No BS Brew Company/Steven Gray
Sign Program**

On a motion made by Peter Kowal, seconded by Charles Criss, the following resolution was ADOPTED 5 AYES 0 NAYS

WHEREAS, the Planning Board made the following findings of fact:

1. A sign application was received on January 6, 2021, by the Secretary of the Planning Board for a sign program consisting of two signs on the North and West sides of the business that are 18" tall and 10' wide and a vinyl business logo on the front door with hours of operation at 49 West Main St.
2. It is the intent of the applicant to advertise No BS Brew Company.
3. The signs shall be as illustrated in the color renderings submitted with the application.
4. The sign colors will be White and Black.

NOW, THEREFORE BE IT RESOLVED that the application of Steven Gray/No BS Brew Company for a sign program at 49 West Main St., **BE APPROVED WITH THE FOLLOWING CONDITIONS:**

1. That the signs require a permit from the Building Department, prior to installation.
2. That a color rendering be submitted for the portable sign which shall follow the code requirements set forth in 130-5.B(5)
 - a. Only displayed during business hours.
 - b. Situated on the property of the business.
 - c. Shall not obstruct pedestrian traffic.
 - d. Shall be no more than 24 inches wide and 42 inches high when closed.
 - e. Shall be consistent in form, color, lettering, and design with existing signs on building.
 - f. One portable sign per tax parcel, regardless of number of businesses.
 - g. Shall keep on file with the Village a certificate of liability insurance with limits of at least \$500,000. Additionally, a hold harmless agreement shall be executed with the Village.

Ms. CHaides asked when they anticipate opening. Mr. Gray and Mr. Noragong estimated an opening in either April or May 2021.

**191 W. Main St./Farmers Insurance/Sarah Boddery
Sign Application**

Ms. Sarah Boddery stated that there is an existing sign at 191 W. Main advertising Farmers Insurance, and they would like to add a 12" x 48" panel on the bottom that advertising Foster/Wager. Ms. Boddery explained that Foster/Wager is another business that David Wager owns which needs a location for mail purposes. Ms. CHaides stated that this is a sign for address purposes only and not necessarily a place of business. Ms. Boddery explained that she helps with accounting for Foster/Wager which was in Webster for 25 years but with Covid-19 and people working remote the location was sold and the two businesses were condensed.

Ms. CHaides asked about the lighting for the sign. Ms. Boddery stated that the light fixtures are broken now but will be repaired by a local electrician. Ms. CHaides stated that she would prefer lighting from above shining down onto the sign.

Chairperson CHaides read the comments from Code Enforcement Officer, Marty Avila: "I don't see the need for a variance for this application. It brings the existing sign to the limit for square footage of a ground/monument sign. It will advertise a business whose address will be that of the parcel on which it resides.

It is a new sign, and therefore should go before the Planning Board.

I will process the application on my end and inform the applicant that they need PB approval prior to issuance of a permit."

Resolution #04-21PB

191 W. Main St./Farmers Insurance/Sarah Boddery

Sign Application

On a motion made by Charles Criss, seconded by Steve Van Dyke, the following resolution was ADOPTED 5 AYES 0 NAYS

WHEREAS, the Planning Board made the following findings of fact:

1. A sign application was received on January 8, 2021, by the Secretary of the Planning Board for an addition to the current sign at 191 W. Main St.
2. It is the intent of the applicant to advertise Foster/Wager.
3. The signs shall be as illustrated in the color renderings submitted with the application.
4. The sign colors will be Muralo Newport Indigo, Emily, Black and Lucinda.
5. That lighting will be installed above the sign shining down onto the sign.

NOW, THEREFORE BE IT RESOLVED that the application of Sarah Boddery for an addition to the sign at 191 W. Main St., **BE APPROVED WITH THE FOLLOWING CONDITIONS:**

1. That the signs require a permit from the Building Department, prior to installation.

Mr. Kelly gave his report on Village Board activity

ADJOURNMENT

Meeting adjourned on a motion at 7:41pm

Roseanne Turner-Adams, Planning Clerk