

ZONING BOARD OF APPEALS

November 21, 2002

PRESENT

Chairman Powell-Keery  
George Fellows  
John Dole  
Louis Grammatico  
Michael Flavin

ABSENT

OTHERS PRESENT

Trustee Theodore Rauber  
Administrator Alan Scheg  
Michael Rhodes

ADDRESS

706 Paul Road

PUBLIC HEARING

The application of Michael Rhodes, 706 Paul Road, Rochester, New York for a conditional use permit to permit an indoor recreational use to allow two video machines on property located at 500 So Union Street, Spencerport, New York.

Such conditional permit is required in all B Zones for any indoor recreational uses pursuant to Chapter 140-18.B of the zoning ordinance.

Chairman Powell Keery stated that she had hoped either Building Inspector Jack Crooks or Village Attorney Richard Olson were present, as she is looking for clarification to the referred section of the code, and how they apply to the application in front of the board this evening.

Chairman Powell Keery asked the board members if they had found a definition for indoor recreation uses in the code book.

They had not.

Chairman Powell Keery went on further to say that she had also reviewed the section on Video/Amusement licenses and this application had not fallen in that category either.

Trustee Rauber: I had a similar conversation with Jack Crooks about the definition of indoor recreational uses. Jack felt it was probably written that way to give the latitude to the boards to interpret the definition, so that they could look at this section of the code to make reference to "indoor recreational uses".

Mr. Rhodes: I was going to bring that point up myself, I was going to ask for clarification of "indoor recreational uses". I am not looking to draw people into the Laundromat to play video games, I have two on site for customers and their children to use while they are waiting for their laundry.

I took over the Laundromat in May 2002. It was going downhill and I was looking to improve that. Since I took over I have already put \$30,00 into the facility and business has improved. The one problem the previous owner had was bored children running around, the games help keep the children occupied. I also wanted to put in TV's, would this also fall under " indoor recreational uses" ?

Chairman Powell Keery: No.

Zoning Board Meeting  
November 21, 2002

Page 2

Mr. Rhodes: The previous owners and myself have experienced occasional vandalism. Some of the vandalism, according to witnesses has been done by unhappy customers.

I have responded to vandalism by hiring an on-site attendant for evenings from 5-9 which is when the laundromat closes and the attendant physically locks the door at night.

Within the last 2 weeks I have hired SOS Security, they have installed an ADT security system. It has cameras and monitors and a 24 hour VHS system it also has a siren system installed to go off if anyone broke in.

The business is open from 6 AM to 9 PM, seven days a week. On the weekends we are very busy and either my wife or myself are there 7-8 hours out of the 15 hours we are open.

I am a member of the Coin Laundry Association and in the trade magazines any facility over 2000 square feet has video arcade machines, not to make money but to keep customers busy.

Our intention is to run a safe, clean and comfortable environment.

Trustee Rauber: After speaking to our code enforcement officer a few months back, it appears that Mr. Rhodes has worked along with the police dept, and the building inspector addressing these issues and any safety concerns.

Louis Grammatico: I was in the laundromat today it was very clean, but I was surprised to see the video games there.

Mr. Rhodes: I got the machines in July, three days after I got them Jack Crooks came in and told me I couldn't have them. I responded by saying that I didn't know that, if I am required to turn them off, I would do that.

Jack said no, I will send you a letter and explain what you will need to do. I called three times several weeks later and no-one got back to me. On October 1<sup>st</sup>, I received a letter requesting me to appear here. This has dragged on for about 4-5 months. I was expecting to take care of this back in July.

Louis Grammatico: The video games seem difficult for a five- year old to stand up to. Have you ever thought about putting in a VCR somewhere where it wouldn't get destroyed to play cartoons for the kids.

Mr. Rhodes: Actually yes, that was the next thing we were going to do, we are buying two TV's we are taking the last two dryers out and making it a carpeted play area.

George Fellows: Who plays the games do you have any transients coming in?

Mr. Rhodes: No, the only other people other than customers are Pontillo employees they do come over on their 10 min breaks.

Chairman Diana Powell Keery: Would you consider putting a sign over the machines saying "Customers Only".

Mr. Rhodes: Yes, of course, I have one over the bathroom right now.

Chairman Diana Powell Keery: A sign would give more authority to the attendant.

Zoning Board Meeting  
November 21, 2002

Page 3

Mr. Rhodes: They would

John Dole: During the day what about school kids.

Mr. Rhodes: They would be in school.

John Dole: Supposed to be.

Mr. Rhodes: I haven't had any problems in the past, the attendant usually comes in by 4:30.

Chairman Diana Powell-Keery: If he has a security camera, he would see them on video and could alert the school district.

Mr. Rhodes: Mr. Waterstrat from the dry cleaners next door keeps an eye on things during the day, if he sees anything going on he calls me immediately. He has my pager number.

George Fellows: It is my understanding that this use permit will be renewed each year.

Chairman Diana Powell Keery: We can include that in the resolution as a condition.

Mr. Rhodes: That doesn't mean we have to come back every year.

Chairman Diana Powell Keery: No, a review by the Building Inspector .

After board discussion the following resolution was offered.

RESOLUTION NO 125

INTRODUCED BY GEORGE FELLOWS  
SECONDED BY MICHAEL FLAVIN

Resolved that the application of Michael Rhodes, 706 Paul Road, Rochester, New York for a Conditional Use Permit to permit an indoor recreational use to allow two (2) video machines on property located at 500 So Union Street, Spencerport, New York be approved pursuant to Chapter 140-18.B of the village code.

Furthermore, the following conditions are imposed on such approval:

1. Hours of operation not to exceed 9 p.m.
2. Maximum of two video machines allowed.
3. A sign required "For customers Use Only" placed over the machines.
4. Variance will be reviewed in one year.

Such approval based on the following criteria:

There will not be any change to the character of the neighborhood.  
There will be 24 hour security in place.

Ayes: Powell Keery, Fellows, Dole, Grammatico, Flavin  
Nays: none

Zoning Board Meeting  
November 21, 2002

Page 4

#### APPROVAL OF MINUTES

Motion was made by John Dole seconded by George Fellows and carried unanimously that the minutes of September 19, 2002 be approved as amended.

#### UNFINISHED BUSINESS:

Nothing requiring board action.

#### NEW BUSINESS:

Trustee Rauber stated that approval has been given to any board member interested in attending the Municipal Training session offered by the Co-Op Extension.

Trustee Rauber highly recommended and encouraged all board members to attend.

#### ADJOURNMENT

Motion was made by John Dole seconded by Michael Flavin and carried unanimously that the meeting be adjourned at 8:00 pm.