

**Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, July 13, 2015 at 7:00pm.**

**PRESENT:** Chair Arthur Appleby, Vice Chair Charles Switzer, Member Kevin McCarthy, Member Patricia Baker, Member Peter Selig, CEO David Miller, Clerk Pamela W. Krahe

**ALSO PRESENT:** Ryan Diehl, Michael Lee, Ken Schwenker, Jacqueline Frankenberger, Cody Dean, Kathy Kristansen, Joan Hamlin, Cody Butlin, Tony Frankenberger, Penny Armitage, Tom Bowdler, David Rice, Sherry Keck, Chris Schwenker, Marv Duryea

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

**REVIEW OF MEETING MINUTES:** Chair Appleby called for a motion to approve minutes.

➔ Member Switzer moved, Member Baker seconded, unanimously carried to approve the minutes of June 8, 2015 as written.

**CORRESPONDENCE:** Letter from the NYS Dept. Historic Preservation and Parks and Recreation regarding the new Park Avenue historic district project, and SHPO recommending federal review. Additionally, Chatfield Engineers forwarded 4 letters regarding the 4 new business applications tonight.

**OLD BUSINESS:**

1. Name: Ryan Diehl  
Address: 85 Fayette Street  
Tax Map #: 069.37-1-11  
Zoning: O-Residential  
Parcel Size: 0.27 acres  
Prop. Class: 210  
Purpose: Build retaining wall

**Presentation/discussion:**

(Mr. Diehl was not present at the onset of the meeting; the application was discussed once he arrived.) CEO Miller indicated he had spoken with DPW Superintendent Donahue regarding the placement of the retaining wall. Donahue indicated he is okay with the retaining wall as long as it matches the setback of the existing wall at 69 Liberty Street. CEO Miller indicated the DPW is obtaining a new sidewalk snowplow that can accommodate the setback of the existing wall at 69 Liberty, so if Mr. Diehl matches the setback, there shouldn't be a problem. Mr. Diehl was agreeable, stating he will probably use pea gravel to fill in between the sidewalk and the wall. Something that is no maintenance.

➔ Member Switzer moved, Member Selig seconded, unanimously carried to approve the application for the retaining wall as previously submitted.

**NEW BUSINESS:**

1. Name: Michael Lee                      Cody & Loni Butlin  
Address: 1 Locust Street              38 Quarry Street  
Tax Map #: 069.10-3-61              069.10-3-60  
Zoning: O-Residential              O-Residential  
Parcel Size: 1.02 acres              0.20 acres  
Prop. Class: 210                      210  
Purpose: 2-lot subdivision with no improvements

**Presentation/discussion:**

Michael Lee explained he recently purchased the property and would like to subdivide it by taking some of the vacant land from 1 Locust (Lot #1) and adding it to 38 Quarry (Lot #2) on the submitted map. Lee explained Lot 2 would increase from 0.204 acres to 0.713 acres by adding from the dotted line on the map, westerly back to the black line. Lot 1 is currently 1.018 acres and will decrease to 0.509. Lot 2 will become a conforming lot with this addition. Lee believes the Cody Butlin, owner of 38 Quarry, will leave it as vacant land so as to prevent a close neighbor. Chair Appleby wondered if this is really a subdivision. CEO Miller explained yes, as we are taking land from one lot and adding it to another. Chair Appleby believes there should be a public hearing for this action.

➔ Member Selig moved, Member McCarthy seconded, unanimously carried to give preliminary approval, subject to a public hearing at the August 10, 2015 meeting.

2. Name: Ken Schwenker  
Address: 32 North Main Street  
Tax Map #: 069.37-2-2  
Zoning: B-Business  
Parcel Size: 107.8' wide x 158' deep

## MINUTES OF PLANNING BOARD MEETING OF July 13, 2015

Prop. Class: 485  
Purpose: Change of use from vacant to retail (internet, dish TV, mobile phones)

### **Presentation/discussion:**

Ken Schwenker explained he will be opening up a retail location in which he will offer internet, Dish TV, and mobile phones. He will provide a new private ISP for approximately a 10-mile radius. He will rent space on the tower at 275 East Avenue, and will replace some existing equipment there. Some of the home equipment he sells includes a small transmitter (used within a 2-mile radius) and a larger external unit to be used within a 10-mile radius. Cost will be about \$55 per month.

The board asked whose antenna is coming down. Applicant doesn't know as he's just renting from the people who own the tower.

When asked about service work to be done at 32 N. Main, the applicant explained it would just be the exchange of modems, but there is no real maintenance as they are recycled. He expects about 20 sales per month, there won't be any crowds. There will be minimal trash; he will have a service and there is plenty of room in the rear for totes. An insurance company rents the other half of the frontage. The Liberty Street side of the building is vacant. Schwenker stated this is not a collaboration with Dish network as he is looking to get away from that. CEO Miller stated he has no concerns.

SEQR was discussed.

- ➔ Member Switzer moved, Member Selig seconded unanimously carried determining this a Type II on SEQR per NYCRR 617.7, which results in no further action.
- ➔ Member Baker moved, Member Selig seconded, unanimously carried to approve the application as submitted.

3. Name: Jacqueline Frankenberger  
Address: 33 West Avenue  
Tax Map #: 068.44-2-9  
Zoning: B-Business  
Parcel Size: 95' wide x 160' deep  
Prop. Class: 483  
Purpose: Change of use from dentist office / apartment to coffee shop / residence

### **Presentation/discussion:**

Jacqueline Frankenberger explained she would like to purchase 33 West Avenue to open a coffee shop. She plans to use the upstairs apartment as a primary residence. The board noted the plans show a ramp in front and an additional ramp in the rear. Chair Appleby indicated receipt of a letter from the village engineer stating our parking space size is 10'x20', not 9'x18' and the back-out space by the handicap spot is only about 19' but a minimum of 24' is generally needed. The board offered that eliminating the back ramp may help. Chair Appleby voiced that 10'x18' spaces would be okay with him, and perhaps they could put the handicap space up front. Ms. Frankenberger and her architect, Penny Armitage, agreed. The sidewalk as shown on the plans is existing. The board wondered where other customers might park if all the spots are full; the applicant explained there is on-street parking on West Avenue and she is really the only business nearby. She indicated if everything works well, they may look at purchasing some of Rite Aid's green space for additional parking.

CEO Miller corrected, saying parking spaces have to be 10'x20' to fit code. He questions how cars are going to maneuver going in and out with the narrow driveway. There is a large tree near the driveway, but the applicant would like to leave it there. The driveway is not wide enough to handle two cars and there isn't enough room for a two lane driveway. A one-way loop around the back of the house was discussed, as was moving the handicap parking space to the first spot near the entrance. Ms. Frankenberger said she would like to leave the lawn on the east side so she can put tables out for her customers. CEO Miller advised the handicap spot has to be the one closest to the entrance of the building. Tony Frankenberger wondered about buying some land from Rite Aid on the west side of the house to put in a driveway on either side of the tree.

Ms. Frankenberger indicated she will serve simple breakfast and lunch items, and will use trash totes not a dumpster. Ms. Armitage stated there will be lighting at the entrances and there are two existing lights on the back of the house that face the parking lot. Ms. Frankenberger would live upstairs in the existing apartment. CEO Miller wants to see some type of impact protection for the handicap ramp as people will be backing out toward the ramp.

- ➔ Member McCarthy moved, Member Selig seconded, unanimously carried to table the application until different parking arrangements and entrance/exit access can be worked out.

4. Name: Cody Dean for Brockport Ambulance

## MINUTES OF PLANNING BOARD MEETING OF July 13, 2015

Address: 3 Burroughs Terrace  
Tax Map #: 069.17-1-12  
Zoning: I-Industrial Use district  
Parcel Size: 0.12 acres  
Prop. Class: 449  
Purpose: Change of use from tool shop to ambulance headquarters

### **Presentation/discussion:**

Chief Cody Dean explained the Brockport Ambulance is still looking to relocate from the 38 Market Street location they rent from the Brockport Fire Department, so they are taking a second look at the building on Burroughs Terrace, owned by Marv Duryea. By reconfiguring the west wall of the building to allow for ambulances to exit westerly, and by obtaining an easement agreement with Brad Alexander to allow ambulances to access the parking lot of 165 Park Avenue (Northside Service), the ambulance corps thinks this location will meet their needs. They will have to install a 20' wide driveway from the building that will connect to existing asphalt at 165 Park, and create 3 ambulance bays. Employees will enter the building from Burroughs Terrace. The west wall of the building will be finished off and cleaned up, and they will create an access to Mr. Alexander's property. Dean said Mr. Alexander seems amenable to the plan, but nothing legal has been drawn up yet. Burroughs Terrace would remain in use as an emergency exit for ambulances, if need be. Dean explained on a satellite map exactly where they would access through Northside Service. Mr. Alexander has indicated both the easement and the right of way will expire if the ambulance moves out.

Chair Appleby suggested Dean return in August to discuss firm plans for the easement and right of way from Northside. Dean indicated his preference to move forward sooner than that. Member Switzer questioned employee parking; Dean explained where parking will be. Dean relayed the most important items are the bays and the sleeping quarters of Phase 1.

Dean said they will upgrade the siding on the west wall. Member Switzer inquired about lighting and other aspects of the plan, as a whole. Dean replied that the lights would be down-facing. Switzer reiterated his desire to see a drawing of the whole project, including the new asphalt, where the easement would be, employee parking, actual dimensions, and a letter of intent from Mr. Alexander. Other board members concurred. Chair Appleby also suggested a public hearing,

CEO Miller asked the board if the ambulance just wanted to exit out of Burroughs Terrace, would there still be the same questions. Miller stated the property is zoned properly for the ambulance to use it. Chair Appleby opined there still isn't a firm plan in place – saying there's too much "maybe this, maybe that." It's doable, but he needs to see a finished product.

➔ Member Baker moved, Member Selig seconded, unanimously carried to table the application until the August 10, 2015 meeting to allow a more complete set of plans to be submitted.

### **UPCOMING MEETINGS/DEADLINES:**

- Monday, August 10, 2015, 7pm; application materials due by Noon, Monday, July 27.
- Monday, September 14, 2015, 7pm; applications due by Noon, Monday, August 31.

### **ADJOURNMENT:**

➔ Member Selig moved, Member McCarthy seconded, unanimously carried that the meeting be adjourned at 8:11pm.

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Pamela W. Krahe, Clerk