

**Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Wednesday, October 19, 2016 at 7:00pm.**

**PRESENT:** Chair Charles Switzer, Vice Chair Kevin McCarthy, Member Patricia Baker, Member Ronald Staub, Member Lyle Stirk, CEO Dave Rearick, Deputy Clerk-Treasurer Erica Linden

**ABSENT:** **EXCUSED:** CEO David Miller

**ALSO PRESENT:** Katherine Kristansen, Annie Crane

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

**REVIEW OF MEETING MINUTES:** Chair Switzer called for a motion to approve the minutes of 9/12/16.

→ Member Staub moved, Member Stirk seconded, unanimously carried to approve the minutes of September 12, 2016 as amended.

**CORRESPONDENCE:**

**NEW BUSINESS:**

1. Name: Donald G. Larson  
Nicholas Larson  
Address: 34 Utica St.  
Tax Map #: 068.52-3-10  
Zoning: O-Residential  
Parcel Size: 0.16 acre / 88' front x 80' deep  
Prop. Class: 220 – 2 family  
Purpose: Fence

**Presentation/discussion:**

Mr. Larson explained that he is rehabbing the house and he didn't like the pickets in front of the house. Kids would come by, pull them out and throw them. He dug up most of a stone walkway that was buried and wanted to put stone pillars on the walkway and wasn't going to take it much further than that at this time, but he was told the pillars were too close to the sidewalk. The stone pillars will have metal posts and a metal chain link between them, with 36" high concrete pillars. Eventually they would like to place maybe three more pillars (steel) down Erie Street; the pillars will be connected by a chain. The two existing pillars were placed to maintain the location of the previous fence.

Vice Chair McCarthy mentioned this property has a local historic designation.

Member Staub stated even though it violates our ordinance, I think your fence should be allowed. Village code wants it three feet behind the walk; it wouldn't look good, it would violate the original aesthetic, the historic look. The fence should be 16" behind the back edge of the walk.

Member McCarthy stated that the DPW prefers a 2 foot setback for the sidewalk plow. However, we have flexed this ordinance for other properties. I agree with Member Staub, 16" is probably adequate. We have worked with you (Mr. Larson) before, through historic preservation, everything you've done with the property is outstanding. You do excellent work.

CEO Rearick stated the only concern from the Code Enforcement Office is the height of the fence.

Vice Chair McCarthy replied the height is 3 feet.

Mr. Larson replied the fence is staying with the top of the existing post. We stayed with the top of the post and a little bit lower.

CEO Rearick said their concern was the corner, to not obstruct the view for traffic. The CEOs were under the assumption it would be a solid stone fence. If the fence will be closer than the three feet, Mr. Larson will have to sign the hold harmless agreement. Other than that there will be no objection from Codes.

Mr. Larson said he was willing to sign the agreement and Clerk Linden stated she could help with its completion.

Member Staub stated there will be no obstruction. You are talking about a two foot square on top of a three foot post.

Vice Chair McCarthy said he already brought it to the Historic Planning Board (HPB)'s attention and will review to ensure nothing else will need to be done. In their previous discussion, Vice Chair McCarthy had an idea what Mr. Larson was proposing and explained it as he understood it and no one on HPB had any objections. They will review it but no written response from them is necessary.

Mr. Larson said he tried to match the color of stone dug up at the house. There will be 9 pillars, 3 existing. The chain between will be black.

Member Staub stated it is not a fence, it is decorative; it obstructs nothing. Applicant Larson said yes, but (kids) can't kick it apart (as they did the picket fence).

→ Vice Chair McCarthy moved, Member Staub seconded, carried 5/0 to approve with the signing of a hold harmless agreement due to the fence existing outside of the required set back parameters.

2. Name: Jayson Noonan-Young (applicant)  
Peter B. Smith (property owner)  
Address: 50 Clinton St.  
Tax Map #: 068.52-2-2  
Zoning: B- Business Use  
Parcel Size: 0.10 acre / 75.5' front x 92.18' deep  
Prop. Class: 484  
Purpose: Change of use to massage therapy

**Presentation/discussion:**

Mr. Noonan-Young wants to bring a wellness holistic center to this location. He promotes healing through touch massage; he hopes to work with college athletes. He hopes to build a good, long-term business and is familiar with the area as a graduate of Brockport Central Schools.

Chair Switzer asked if Mr. Noonan-Young will share a space with Bert's Box. Mr. Noonan-Young replied, "Yes, the gym is on the first floor and the second floor has a waiting room, bathroom, and the healing space."

Member Staub asked if the applicant is licensed and would he display that license on site? Mr. Noonan-Young confirmed he is licensed and would display his license. He was trained at Onondaga School of Therapeutic Massage where he attended for one year and has since had one year of practice.

Member Staub asked if the applicant checked with the building department yet and would the site have a new bathroom? Mr. Noonan-Young said he had checked with the building department and would follow-up with them and that the bathroom was preexisting to the space. CEO Rearick mentioned that Mr. Noonan-Young would need a (sign) permit.

Member Staub asked the applicant if he has insurance? Mr. Noonan-Young replied he does have insurance through the American Massage Therapy Association.

Vice Chair McCarthy asked if Mr. Noonan-Young is working with Bert's Box? Yes, Mr. Noonan-Young replied, most clients will be members of the Box but it will be open to anyone.

Chair Switzer remarked that this business compliments Bert's Box well. Mr. Noonan-Young commented that his best friend runs Bert's Box and they have a shared vision for a healthy lifestyle.

→ Member Stirk moved, Member Baker seconded, carried 5/0 to approve

3. Name: Nicole F. Curcio (applicant)  
Hawley Properties, LLC (property owner)  
Address: 46 Main St.  
Tax Map #: 068.52-4-18  
Zoning: B-Business Use  
Parcel Size: 0.10 acre / 26' front x 116.16' deep (46/50 Main St.)  
Prop. Class: 481  
Purpose: Change of Use: to interior design studio & light retail

**Presentation/discussion:**

The property is an existing store and will continue to be used for light retail. Ms. Curcio refinishes furniture and does interior design. This storefront will be a showcase of her completed pieces. The refinishing work is conducted in her home. She will need to change the outside sign, but that is the only change to be made, and is aware that she needs a sign permit.

Member Staub asked if there is enough room in that storefront? Ms. Curcio replied yes, it is narrow and long. Member Baker asked if she will be selling home accessories? The applicant said she will be primarily selling furniture, tables that have been refinished, upcycled pieces, pieces that are broken she turns into something else.

Member Staub questioned the applicant if she will be using solvents? Ms. Curcio replied no, all the work done on a piece is done at her home. The storefront is only a showcase.

Vice Chair McCarthy mentioned he prefers this (type of store) to the smoke shop (previously at that address). Ms. Curcio replied that the space does still smell like smoke and she is hoping to get the smell out of the space.

CEO Rearick mentioned the applicant will need a sign permit. Vice Chair McCarthy stated that the current sign conforms to code requirements. Ms. Curcio said she will keep the sign details the same as the current sign, a new one that looks the same but with the new shop name, Mrs. Clutterworth's, will be created.

→ Member Staub moved, Member Stirk seconded, carried 5/0 to approve

#### UPCOMING MEETINGS/DEADLINES:

- Monday, November 14, 2016, 7pm; application materials due by Noon, Monday October 31.
- Monday, December 12, 2016, 7pm; applications due by Noon, Monday, November 28.

#### Additional Discussion:

Member Staub mentioned that at the August 8, 2016 meeting the Planning Board granted approval to the TF Salon at 66 Market Street for a change of use application contingent on the property owner striping the parking lot at that plaza and repairing exterior lights. The contingencies were met and the parking lot looks very nice.

If landlords and property owners follow-through on these requests there needs to be a follow-up confirming that the conditions of approval were met and some kind of thank you letter should be issued.

Vice Chair McCarthy mentioned that an item of concern is where the checks and balances are in such a process. If conditions are not met, what is the consequence? Who checks up on this or where the accountability is? Chair Switzer answered that this is something the Planning Board should discuss with David Miller. Planning Board can give two years for something like a driveway; two years is a long time. If things are approved conditionally then there should be a follow-up; we need to have a process in place. If we notice changes, we need to let David know.

Discussion ended with a general agreement that there should be consequences and thank you letters and that the Planning Board needs to engage the CEO to establish a process.

#### ADJOURNMENT:

→ Member Stirk moved, Vice Chair McCarthy seconded, carried 5/0 that the meeting be adjourned at 7:31pm.

  
Erica Linden, Deputy Clerk-Treasurer