

**Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, January 9, 2017 at 7:00pm.**

**PRESENT:** Chair Charles Switzer, Vice Chair Kevin McCarthy, Member Patricia Baker, Member Ronald Staub, Member Lyle Stirk, CEO David Miller, Clerk Katie Brown

**EXCUSED:**

**ABSENT:**

**ALSO PRESENT:** Joan Hamlin, Annie Crane, Calla Bush, Anne Baltz, Frank Wagner

**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 December 12, 2016.

➔ Member Staub moved, Member Stirk seconded, unanimously carried to approve the minutes of December 12, 2016 as written.

**CORRESPONDENCE:** None

**NEW BUSINESS:**

1. Name: Howard I. & Marilyn Briggs  
Address: 26 Cailyn Way  
Tax Map #: 068.11-9-18  
Zoning: Planned Development District  
Parcel Size: 0.29 acre / 80' front x 155.98' deep  
Prop. Class: 311  
Purpose: fence

**Presentation/discussion:**

The applicant was not present. The Board will carry over the application to the next meeting.

*\*Note: The applicant withdrew the application on 2/3/17*

2. Name: Anne Baltz & Frank Wagner  
Address: 15 Main Street (owned by George T. Dunn)  
Tax Map #: 069.45-2-6  
Zoning: Business  
Parcel Size: 0.10 acre / 41' front x 77.66' deep  
Prop. Class: 481  
Purpose: change of use to retail – “Canal Towne Antiques & Jewelry”

**Presentation/discussion:**

Ms. Baltz informed the Board that her business is antiques and jewelry resale. She advised that her shop is in a small space (<300 sqft) adjacent to the Pennysaver, from whom she sublets. The business has occupied the site for about a week.

The Board reviewed the floor plan with the applicants. Member Staub questioned the stairway access. Ms. Baltz stated it leads to an upstairs storage area used by Dunn’s Furniture, but it is blocked off and she is unable to access it.

Member Staub questioned whether the applicants refurbish items to sell in the shop and if fumes will be an issue. Ms. Baltz and Mr. Wagner explained that all the refurbishing is done off site. The shop at 15 Main St. will only be used for display and sale.

The Board confirmed the hours of operation are Monday-Friday, 11am-5pm and questioned whether the shop plans to open on weekends. Ms. Baltz acknowledged that they hope to offer weekend hours in the future, but as of now they cannot. It is in the lease agreement that the shop cannot be open when the Pennysaver is closed. The Pennysaver does not want customers wandering into their office, since their workspace and the Canal Towne shop are in such close proximity.

The applicants affirmed they have no plans to remodel the space. Member Staub commented that the application is a very simple change of use and he sees no reason to object to the proposal.

➔ Member Baker moved, Member Staub seconded, unanimously carried to approve the application as submitted.

**OTHER BUSINESS:**

- Member Staub advised the Board that at last month's meeting he and CEO Miller had an informal discussion about fence placement as it pertains to "adverse possession". Both parties researched the matter and determined that while adverse possession is part of NYS real estate law, it does not affect situations that result from fence setbacks such as mowing a neighbor's lawn. The law was modified in 2008 by Governor Patterson.
- Member Baker advised the Board that at a recent training she attended there was discussion regarding variances for short term rentals, such as when a private homeowner rents their house out for a few days or weeks to vacationers. CEO Miller believes the process that Member Baker is referring to is similar to an *Airbnb* operation. CEO Miller advised there is nothing in the current village code that addresses the situation. To introduce a chapter in the code regarding short term rentals, the Village Board needs to issue a recommendation to the code review committee.

Member Baker added the issues discussed at the training were trash, noise, and parking problems resulting from house rentals. She believes that Brockport, being a college town, has a potential for these rentals. Chair Switzer asked if any board members know of any house rentals like this. Member McCarthy thought there was a house on Main St. that rents rooms nightly or weekly. Chair Switzer asked audience member and long time village resident Joan Hamlin if she knows of any. Mrs. Hamlin said there used to be a woman who "house swapped" with foreigners, but is unaware of current short term rentals. She believes it to be a popular option for college professors who go on sabbatical.

Chair Switzer requested that Member Baker find out more specifics on the issue to determine if the Board should petition any amendments to the village code.

**UPCOMING MEETINGS/DEADLINES:**

- Monday, February 13, 2017, 7pm; application materials due by Noon, Monday, January 30.
- Monday, March 13, 2017, 7pm; applications due by Noon, Monday, February 27.

**ADJOURNMENT:**

- ➔ Member McCarthy moved, Member Stirk seconded, unanimously carried that the meeting be adjourned at 7:15pm.

---

Katie Brown, Clerk