

**Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, February 13, 2017 at 7:00pm.**

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

**EXCUSED:**

**ABSENT:** Member Patricia Baker

**ALSO PRESENT:** Joan Hamlin, Chris Mazzarella, Eileen Ryerse, Gordon Fox, Peg Fox, David Strabel, Amy Harris, Katherine Kristiansen, Annie Crane, Norman GianCursio, Bruce Leslie, Julie Urlsin, Sean O'Dell, Amy Stoker, Don Voorheis, Alicia Fink, Patty Good, Kathy Goetz, MaryLynne Teri

**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 minutes.

➔ Member Staub moved, Member Stirk seconded, unanimously carried to approve the minutes of January 9 and January 24, 2017 as written.

**CORRESPONDENCE:**

**NEW BUSINESS:**

1. Name: Sean & Michelle O'Dell  
Address: 51 Quarry St  
Tax Map #: 069.10-3-63.1  
Zoning: Residential  
Parcel Size: 156.22 X 198.24  
Prop. Class: 210- Single Family  
Purpose: Driveway Expansion

**Presentation/discussion:**

Sean O'Dell reviewed with the Board a property site map showing the proposed driveway expansion. Mr. O'Dell explained he is proposing the drive to form an "L" shape that extends from the property line and stops just a few feet from the house.

CEO Miller assured the Board that the proposed expansion is cohesive with the village code. He mentioned the only concern his department received was from a neighbor who wanted to ensure the expansion will not impact neighboring properties. Mr. O'Dell understands the concern and assured the Board that his driveway will not encroach on any neighboring property. Mr. O'Dell mentioned he owns two 16ft trucks that are hard to maneuver in the current driveway without going onto the neighboring property. He believes his proposed expansion will alleviate his neighbor's concerns. The Board conducted a site visit prior to the meeting and agrees the current driveway poses challenges.

Member Staub inquired if the applicant will use asphalt to pave the driveway. Mr. O'Dell is undecided as to whether he will use asphalt or concrete, but assured the Board it will not be a gravel or dirt drive.

CEO Miller noted the proposed expansion should not cause any drainage issue as the driveway will slope onto Mr. O'Dell's property without creating any discharge onto neighboring properties. Member Staub confirmed with CEO Miller that the property is not in a flood zone.

CEO Miller recommended that the Board set a one year time limit on completion of the expansion.

➔ Member Staub moved, Member Stirk seconded, unanimously carried to approve the application as submitted with a 1 year time limit for completion of the driveway expansion.

**NEW BUSINESS:**

2. Name: David Strabel for Norman GianCursio  
Address: 141 Main St  
Tax Map #: 069.53-3-22  
Zoning: Business  
Parcel Size: 51.48 X 159.06  
Prop. Class: 210 Single Family  
Purpose: Residential Change of Use

## MINUTES OF PLANNING BOARD MEETING OF February 13, 2017

### Presentation/discussion:

David Strabel explained that Mr. GianCursio would like to change the property at 141 Main St from a single family residence to a mixed use – 2 family with office space – which is allowed per Section 58.11-A(10) of the village code. Mr. Strabel went on to specify that, per the code, the property is allowed 2 dwelling units with no more than 2 bedrooms each at no more than 800 sqft a piece. Additionally, in a business district, at least 25% of the first floor should remain commercial.

Member Staub questioned if Mr. GianCursio is the owner of the property. Member Staub presented copies of 2 deeds – the first dated June 5, 2015 where Colleen Donaldson conveys the property to Alvi Cassetta. On the same day, Alvi Cassetta conveyed the deed to 141 S Main LLC, therefore a corporation owns the property. Member Staub requested that, if Mr. GianCursio is the principal of the corporation, he provide a copy of the articles of incorporation to the Board. Member Staub went on to question why there is no address, email, or phone number on the application, to which Clerk Brown clarified that personal applicant information is redacted for privacy, and is available to Planning Board members upon request. In addition, Member Staub believes the application should be filed under 141 S Main LLC and reflect the requirement of a building permit for the proposed work.

CEO Miller attested to the Board that he is aware the principal owner of 141 S Main LLC is Mr. GianCursio. He went on to say he has no objection to continuing the proceeding as long as a corrected application is completed. Member Staub agreed with the condition. Chair Switzer added that the Board is in receipt of an email from Mr. Strabel stating that both Mr. Strabel and Mr. GianCursio are aware a building permit will be required to complete the proposed changes.

Mr. Strabel continued his presentation discussing the need for additional parking – a parking spot for every bedroom and a spot for every 200sqft of office, as per village code. The application proposes 6 parking spots, as the remodel includes approximately 400sqft of office and 4 bedrooms.

Member McCarthy discussed the number of baths with Mr. Strabel. Mr. Strabel clarified that the bathrooms are preexisting and, therefore, only plans to install a toilet room for the downstairs office.

Member McCarthy noted there is no planned handicapped parking and inquired about the use of the downstairs office to which Mr. Strabel replied it is intended to be Mr. GianCursio's rental office.

Member Staub noted there are no seals or signatures on the submitted plans. Mr. Strabel does not believe that is required for a change of use approval. He indicated that he will submit detailed construction drawings with specified dimensions with the building permit application, but assumed preliminary drawings to be sufficient for tonight's application. CEO Miller confirmed that signed and sealed construction drawings are not required for change of use approval.

Member Staub further discussed the details of the property deeds noting a covenant that states,

*"To have and to hold the premises herein granted unto the Grantee, the heirs or successors and assigns of the grantee forever. AND the grantor covenants as follows... SECOND: That the grantee shall quietly enjoy the said premises."*

Member Staub's interpretation of this covenant is that the previous property owner wanted to ensure the home remained a single family residence. The addition of an office, two apartments, and additional parking conflicts with intent for the property. Member Staub noted this covenant was on both deed transfers – from Alvi Cassetta to 141 S. Main LLC, prior to that from Colleen Donaldson to Alvi Cassetta. He believes it will reflect on previous deeds as well, which supports the long term intent that the property remains a single family home. Mr. Strabel requested a copy of the deeds and stated that Mr. GianCursio will need to review the covenant with his legal counsel.

Member Staub questioned whether Alvi Cassetta is of relation to Mr. GianCursio. Mr. GianCursio declined to answer.

Chair Switzer received a letter from the Western Monroe Historical Society/Morgan Manning House, whose property borders 141 Main St, and requested it be read into the minutes. The letter reads as follows:

Dear Planning Board:

It has come to the attention of the Board at the Western Monroe Historical Society that future modifications to the dwelling located at 141 Main Street may have an adverse impact on the historic Morgan-Manning House and the property the surrounds this structure. The Board of Trustees at the Western Monroe Historical Society would like the Planning Board to consider a public forum in regard to this application.

We, the Trustees of the Western Monroe Historical Society, are looking into potential problems with the proposal put before your Board. Below is a brief list that we have compiled regarding this issue:

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1. The Morgan-Manning House is on the National Historic Registry. Thousands of people visit the House and grounds every year from all over the world. The guests are awestruck by the House and property. The Board would like to ensure this continues, as the trustees are interested in having a good relationship with our neighbors and have worked of the years to develop a good rapport with many of them.
2. The elevation of the Morgan-Manning House is about one and one-half foot below the elevation of 141 Main Street. A paved parking lot (even if "pervious asphalt") will increase water run-off to the Morgan-Manning location. A submersed storm-sewer well located adjacent to the driveway at the 141 Main Street home has been installed by the DPW and previous owner. This well is used to provide support to control current drainage. No one knows how much water this current pump and well can handle in the future to keep flooding from occurring.
3. The Board of Trustees obtained a site map of our property and are questioning the infringement of the driveway located at 141 Main Street. Documents estimate that one and one-half feet of the current driveway at 141 Main Street have encroached on the Morgan-Manning House property. The Board of Trustees are contacting a certified surveyor to document this issue so that it can be dealt with in a proper and timely manner.

It is hoped that we can have these concerns addressed. Thank you for your work on this very important issue.

Sincerely,

Western Monroe Historical Society  
Donald Voorheis, President  
Gordon A. Fox, Vice President  
Eileen Ryerse, Treasurer  
Alicia C. Fink, Past President

Member Stirk mentioned that he walked the property at 141 Main St with Mr. GianCursio prior to the meeting and did not identify significant problems with the change of use request. However, he believes the Planning Board should honor the request of the Morgan-Manning House for a public forum in light of their concerns.

Member McCarthy added that Brockport Village Code Chapter 17A-2(C-1v) under Environmental Quality Review specifies, "*Any facility, development or project having an adverse impact on any historic or prehistoric building, structure or site listed on the National Register of Historic Places or in the Statewide Inventory of Historical and Cultural Resources*" and thereby supports the right of the Morgan-Manning House to voice their concerns.

CEO Miller wished to express to the Board that Mr. GianCursio and Mr. Strabel have historically worked well with the Building & Codes Dept. He believes they will comply with what is asked of them and comply with the code, as they have done so in the past.

Member Staub introduced his concern regarding an 8ft well that is either on or near the property. He is unsure of where, specifically, it is located and believes it needs to be determined if it is on the property of 141 Main St or 151 Main St. CEO Miller added that he discussed the well with Harry Donahue, DPW Superintendent, and Mr. Donahue thinks, but is not certain, that the well was put on 141 Main St property. Member Staub added that he spoke with Harry Donahue as well as another DPW worker who believed it to be in a different location. Member Staub feels the exact location should be determined and added that Gordon Fox of the Historical Society may know where it is. Gordon Fox (present in the audience) advised the Board that the well is next to the driveway, right across from the extension, next to the tree. There are stones on top of it and there is an electric box coming up from it. Mr. Fox showed the Board the approximate location on the property survey map and noted it's probably right on the property line, or very close. Mr. Fox went on to say the Morgan-Manning Trustees are having a survey completed to address the issue of the well and the driveway encroachment.

CEO Miller recommended the applicants create a plan for a storm drainage system – perhaps a basin in the parking lot to divert storm water – adding that if such a plan were in place the well may not pose a significant issue.

Mr. Strabel questioned if the village installed the well. Mr. Fox replied that Colleen Donaldson, former owner of 141 Main St, paid to have the well installed with permission from New York State and the Brockport DPW, as it ties into the state's drainage system and is located on a state road.

Mr. Fox confirmed for Mr. Strabel that the well is currently covered in ivy and added that the previous owner used to maintain it on a weekly basis. Member Staub noted he has not encountered any documentation as to who is responsible for the well maintenance and upkeep.

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Chair Switzer noted the next meeting will be scheduled as a public forum as per the request from the Morgan-Manning Trustees.

- ➔ Member Staub moved, Member McCarthy seconded, unanimously carried to table the application until the next meeting to allow a public forum.

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

- Monday, March 13, 2017, 7pm; application due by Noon, February 27, 2017.
- Monday, April 10, 2017, 7pm; applications due by Noon, March 27, 2017.

### **ADJOURNMENT:**

- ➔ Member Stirk moved, Member McCarthy seconded, unanimously carried that the meeting be adjourned at 7:34pm.

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Katie Brown, Clerk