

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, June 12, 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: Daniel Mastrella Esq., John Paul Schepp, Norman GianCursio, Joan Hamlin, Chris Hamlin, Kathy Kristiansen, Gordon Fox, Peggy Fox, Jim Bolthouse, Adam Tellier, Kristen Noble, Keith O'Toole Esq., David Matt, Alicia Fink, David Strabel, Annie Crane, Sal Sciremammano, John Kane, Kristen Noble, Bob Muesebeck, Francisco Borrayo

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 Baker seconded, unanimously carried to approve the minutes of May 8, 2017 as written.

CORRESPONDENCE: Chair Switzer is in receipt of correspondence from the Village Engineer regarding tonight's applications.

NEW BUSINESS:

1. Name: Adam Tellier & Scott Harter
Address: McCormick Lane rear aka Havenwood Phase 3
Tax Map #: 069.10-5-8.211
Zoning: Residential
Parcel Size: 700 x 600
Prop. Class: 311- residential vacant land
Purpose: Extension of previous approval for site plan

Presentation/discussion:

Adam Tellier (developer), Bob Muesebeck (realtor), and John Kane (representing Chromium Development- property owner) addressed the Board and advised that Scott Harter (project engineer) is out of town.

Mr. Muesebeck advised that the original plan for the Havenwood Development included four phases. They have nearly completed the second section and are ready to implement "Phase 3". Phase 3 is comprised of 18 lots and nothing has changed on the plat map from the original development plan. They plan to adhere to the previously approved style and size houses. A new access road will be built connecting the new development area to Cloverwood Dr.

The applicants clarified for the Board that Chromium Development LLC owns the property. Chromium Development LLC purchased vacant lots and undeveloped land from the previous owner in September of 2016.

Member Staub advised that he reviewed the original plans from 2001 and noted that development standards have changed over the last 16 years and are more stringent. Member Staub disliked the design of the sanitary and storm sewer easements, as the encumber 11 of the 18 lots. As they are designed, any maintenance to the drainage structures will require digging up yards, sidewalks, and driveways. Further, the design uses 80ft laterals for the sanitary sewer, which seems unwise. Member Staub would prefer the utilities be put in the right of way in the street. He also questioned a 100ft flowage and seepage easement to the New York State Canal Corporation (NYS Canal Corp).

The applicants explained that any changes in development standards, including drainage, have been addressed by the project engineer, Scott Harter and the village engineer, John Paul Schepp. The design of the utilities and easements follow suit with the original design that was approved in 2002. However, the 100ft NYS Canal Corp easement is no longer planned and needs to be removed from the plans. Additionally, the previous approval from the New York State Department of Environmental Conservation is still valid (permit #NYR10M176).

John Paul Schepp advised Member Staub that running the utilities under the roadways would be challenging because they are all curved and it would require the installation of multiple manholes. Utilizing easements in lots and tree lawns as well as long laterals is very common today. Mr. Schepp explained that utilities used to be placed under roadways, but now are installed outside the roadways so that necessary maintenance is less likely to impede traffic.

MINUTES OF PLANNING BOARD MEETING OF June 12, 2017

Member Staub went on to address a note on the original plan indicating a minimum of 4 inches of topsoil on the site. Member Staub would like all remaining topsoil to be kept on site and graded and seeded. He inquired if an earthwork balance was conducted and if any calculations were completed for the proposed pond to ensure it can accommodate the runoff. He added that the zoning laws require a maintenance agreement for the pond between the developer and the village which should be filed in the Monroe County Clerk's office prior to final approval. He noted that if this project had approval years ago, there should already be one on file.

Mr. Kane responded that they are certain there will be a surplus of dirt and plan to export some. They are currently working on the earthwork calculations. Any calculations already known have been provided to the village engineer and any new information will be sent to him as well. Mr. Muesebeck commented that the purpose of tonight's application is for preliminary approval so that a referral can be sent to Monroe County DRC. Once the county requirements are known, all the concerns can be addressed. The specifics as to what was filed and calculated for the original application back in 2001 would need to be answered by Scott Harter.

Adam Tellier believes there were a lot of loose ends that resulted from the original developer, Don Hibsich, passing away before the project was completed. It's likely that final steps weren't completed and paperwork fell through the cracks, making it challenging for a new developer to pick up where Mr. Hibsich left off.

Chair Switzer acknowledged that the applicant is only seeking concept approval at this point, but noted that Member Staub has listed several items that need be addressed as the project moves forward. The plans from 2001 will need to be adapted to conform to today's guidelines and the Planning Board will need to review everything carefully.

The applicants agreed and promised to address any of the Board's concerns or requirements in order to attain final approval.

Member Staub questioned why the development is installing gutters along the road instead of curbs. He explained that when curbs are in place, the municipality can resurface the road without needing to mill it. However, gutters require milling about 1.5 inches of asphalt before resurfacing.

Mr. Schepp commented that there is no significant cost difference in one design over another. He noted that the gutters were part of the original design and were likely chosen by the highway superintendent at the time as a maintenance preference, so they were kept on the current plan. He recommended any roadway maintenance questions be deferred to the current highway superintendent.

CEO Miller questioned why the downspouts are designed to drain into the yard instead of into a pipe that connects to the storm sewer system. Mr. Schepp replied that current regulations prefer surface discharging which maximizes ground absorption instead of direct flow into the nearest body of water.

Gordon Fox commented from the audience that he was present at the original proposal for the development. He lives on Havenwood Dr and had previously protested the proposed road connecting Section 3 to Cloverwood Dr/Meadow Ln. He is concerned about the amount of traffic it will create on Havenwood Dr.

Chair Switzer recalled that during the original approval the Village wanted the road to connect to Cloverwood/Meadow to maintain walk ability and keep a suburban design instead of a "one way in, one way out" subdivision. Further, there was concern about alternative access for emergency vehicles. There were several meetings to determine the desired placement for the road.

➔ Member Stirk moved, Member Staub seconded, unanimously carried to grant the concept approval and move to the next phase.

1. Name: Norman GianCursio/141 S Main St LLC --Public Hearing--
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

Presentation/discussion:

Attorney Keith O'Toole, representing Mr. GianCursio, invited project engineer David Matt to provide the Board with an update.

Mr. Matt presented the Board with updated site maps that reflect changes resulting from the prior meeting discussion. The new map shows that the parking lot has been restriped with five spots in the

MINUTES OF PLANNING BOARD MEETING OF June 12, 2017

main lot area, a ten foot handicapped accessible striping, and a sixth parking spot inside the barn for the office employee. The new map has a designated snow storage area labeled on the north side with a note stating excess snow will be removed via truck. The rear of the building depicts a sidewalk to the handicapped accessible entrance.

Mr. Matt went on to say responses/comments have been received from the Monroe County Development Review Committee (DRC) and the Department of Transportation (DOT). The DRC required a monumentation check with the county surveyor. The process involved submitting a copy of the project work area from the county website stating there are no monuments in the area, to which the surveyor agreed. The DOT noted that they do not allow direct connections to their catch basins, which is why the pump for 141 Main St will be placed entirely within 141 Main St property. A 1.5" PVC line will run to right of way and tap into existing 1.5" PVC line. The DOT stated they will issue a work permit once final approval is granted by the Planning Board.

Chair Switzer asked if the applicant has any additional information on the proposed fence. Mr. Matt referenced the examples provided at the last meeting and reiterated that it would be a wooden privacy fence running from the barn along the property line. Mr. O'Toole noted the particular design has not yet been finalized.

CEO Miller advised the Board that the applicant has rectified all his concerns with the site plan.

Member Staub commented that he thinks the site plan is sufficient and all of the Board's requests have been met.

Chair Switzer led the Board through completing Parts 2 & 3 of the Full Environmental Assessment Form (EAF) for the SEQRA process. (Completed Full EAF attached for record).

Discussion occurred over item 18b of Part 2 which questions whether the proposed action may create a demand for additional community services (e.g. schools, police and fire). Member Staub reported that he contacted the Brockport Police Department to inquire about the frequency of officers dispatched to Mr. GianCursio's 19 rental properties from April 2016 to April 2017. The Police Department had record of 122 calls. Member Staub realizes that Mr. GianCursio is not notified of every call nor can he be aware of every action that takes place on his properties as it occurs. However, there appears to be a trend indicating that Mr. GianCursio leases apartments to people who cause trouble. This is especially problematic when such activity occurs adjacent to a historic site and may create a demand for additional police presence in the area. Member Stirk asked if Member Staub requested a list of total police calls for all the rental properties in the village as a reference to compare frequency against Mr. GianCursio's properties. Member Staub did not, as he felt the other landlords' properties were not relevant because they are not appearing before the Board.

Chair Switzer asked CEO Miller to lend his input to item 18b. CEO Miller believes it's hard to quantify an increase in services and therefore difficult to answer 18b with certainty. He added that an application involving a large, multi-unit apartment building would be a more obvious cause for an increase in services, but it is doubtful that the changes at 141 Main St will have a dramatic impact. He noted that problems at rental properties, such as parties, can occur at owner occupied houses too.

Chair Switzer believes that the changes at 141 Main St will have little impact on the demand for services, as no additional police officers will be hired as a result. Member McCarthy agreed, but acknowledged the property is adjacent to a sensitive site. He hopes that Mr. GianCursio will diligently maintain the property appearance and select responsible tenants. Member Stirk commented that he hopes landlords would do so despite what type of property is next door. Member McCarthy explained that he personally feels no additional rentals as are needed in the village.

CEO Miller wished to dispel the notion that rental properties are annually increasing in the village. He stated that rental properties have decreased since he began working for the village. The village is down four rental properties. He noted that while single family homes sometimes change to rentals, rentals also change back to single family homes. Approximately 54% of the total dwelling units in the village are rentals.

The Board finished Part 2 of the Full EAF, determining the response for item 18b to be "No, or small impact may occur" and completed Part 3.

Chair Switzer asked for a motion to designate the Village of Brockport Planning Board as lead agency, as no objection was received from any other involved agencies.

- ➔ Member Baker moved, Member Staub seconded, unanimously carried to designate the Brockport Planning Board as the lead agency for the purposes of SEQRA pertaining to the application of 141 Main St.

Chair Switzer asked for a motion to issue a negative declaration for the project. The Board elected to conduct a roll call vote.

- ➔ Member Stirk moved, Member Switzer seconded that a negative declaration be issued for the

MINUTES OF PLANNING BOARD MEETING OF June 12, 2017

project at 141 Main St which indicates that that will be no significant adverse impacts on the environment and, therefore, an environmental impact statement need not be prepared.

Role call vote:	
Member Staub	Nay
Member McCarthy	Nay
Member Switzer	Aye
Member Stirk	Aye
Member Baker	Aye

The motion carries with 3 votes in favor, 2 against.

Chair Switzer allowed a final opportunity for public comment on the application.

Gordon Fox (Havenwood Dr) informed the Board that the Western Monroe Historical Society has no additional information to submit regarding the application. The society is willing to accept the proposed offer to install a decorative fence to reduce the visible impact of the project, however they would like a deadline set for its installation. Mr. Fox assumes the drainage plan will work successfully based on the engineers' input. He added that the issue of the Morgan Manning House parking lot discussed at the last meeting is not relevant as it does not cause drainage issues and is necessary to host public activities. Mr. Fox asked the Board to consider the following points prior to approving the application:

- Does the Village need more rental properties?
- Will 141 Main St remain, visually, as it is now or will major changes occur down the line?
- Will the project have an aesthetic impact on a national historic site?
- Will the environmental issues be thoroughly addressed?

Mr. Fox mentioned that he recently gave a tour of the Morgan Manning House to a couple from Toronto. They were very impressed with the facilities and the grounds of the property. Mr. Fox noted that visitors from all over often express similar feedback. He is confident that the Planning Board will take all of this into consideration.

Francisco Borraro (155 Utica St) wanted to add clarification to Member Staub's information regarding police dispatch calls. Mr. Borraro explained that not all violations listed at an address pertain to the property itself. For example, traffic infractions or infractions on the sidewalk outside of a property are recorded as occurring at the property. He feels it's important to be aware that not all problems that require police are originated at the property they are recorded at. Member Staub acknowledged that Mr. Borraro is correct and added that he was not provided with the details of the calls that occurred at Mr. GianCursio's properties.

Member Baker addressed the audience to explain that she believes the Board is concerned with two major issues, the first being the proximity of the project of the Morgan Manning House. The second concern is the type of tenants who will occupy the apartments. She would like to see the dwellings occupied by families, not college students. She believes there is a market for families to rent to. She advised Mr. GianCursio that if she votes in favor of the project she hopes that he will make an effort to consider the type of tenants he allows to rent at the property. The Board is putting their faith in Mr. GianCursio that he will do the right thing. Member Baker believes it's important that properties adjacent to the Morgan Manning House convey a sense of class and are not a nuisance. She feels the drainage solution and the fence proposal are good solutions.

Sal Sciremammano (16 Cyrus Way) advised the Board that he has known Mr. GianCursio for several years and has witnessed the effort he puts into maintaining his properties. However, the actions of tenants are not always in his control. Things like parties, which are legal, get carried away. The property owner does not always know when that is happening. Mr. Sciremammano noted that it's not easy for landlords to evict tenants. He went on to discuss the problems that rental properties create in the village such as visible eyesores, parking issues, trash, and noise. He has heard rumors that there is an increase of Section 8 rentals. Mr. Sciremammano reiterated that he has no concerns with Mr. GianCursio personally; his concern is with the behavior of tenants. He wants the Board to be cognizant of the location of this project, as it could be where Main St begins to go into despair due to rental property.

Chair Switzer advised that the Board has to abide by the zoning laws and codes of the village. 141 Main St is zoned properly for Mr. GianCursio's proposed use. If the village and its residents desire change, they have to utilize the code review process and the re-zoning process. The laws must be changed in order for governing bodies to act accordingly. The Board members can have personal opinions, but they are obligated to abide by the current laws.

Chair Switzer asked for a motion to close the public hearing.

- ➔ Member Stirk moved, Member Staub seconded to close the public hearing at 8:21pm.

MINUTES OF PLANNING BOARD MEETING OF June 12, 2017

Chair Switzer asked for a motion to approve the application. The Board elected to conduct a roll call vote.

- ➔ Member Stirk moved, Member Baker seconded to approve the application for a change of use with parking expansion at 141 Main St.

Role call vote:	
Member Staub	Nay
Member McCarthy	Nay
Member Switzer	Aye
Member Stirk	Aye
Member Baker	Aye

The motion carries with 3 votes in favor, 2 against.

UPCOMING MEETINGS/DEADLINES:

- Monday, July 10, 2017, 7pm; applications due by Noon, June 26.
- Monday, August 14, 2017, 7pm; applications due by Noon, July 31.

ADJOURNMENT:

- ➔ Member Staub moved, Member McCarthy seconded, unanimously carried that the meeting be adjourned at 8:24 pm.

Katie Brown, Clerk