

**Regular meeting of the Planning Board of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, May 11, 2009 at 7:00pm.**

**PRESENT:** Chair Charles Switzer, Member Annette Locke, Member Arthur Appleby, Member Kent Blair, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe

**ABSENT:** Member R. Scott Winner

**ALSO PRESENT:** Jan Seever, Joan Hamlin, James Hamlin, Conner Doerr, Tracy Doerr

**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 the previous meeting.

➔ Member Blair moved, Member Locke seconded, unanimously carried to approve the minutes of the meeting held April 13, 2009 as written.

**CORRESPONDENCE:** Chair Switzer acknowledged receipt of a letter from Village Engineer Jason Foote of Chatfield Engineers regarding Sunflower Landing Section 2. The letter states there is no problem with adding 4 more units, #10-13, without a water main connection at this time. Any additional units will require said water main.

**PUBLIC HEARINGS:** None

**NEW BUSINESS:**

1. Application of:	Name:	Janice L. Seever
	Address:	128 Barry St.
	Tax Map #:	069.09-4-20
	Zoning:	Residential
	Parcel Size:	84'x154.73'
	Property Class:	210
	Purpose:	approval for front yard fence

**Applicant Presentation:**

Jan Seever indicated she is a fairly new homeowner in Brockport and was not aware of regulations against putting up this fence. When she purchased the property, there was a deteriorating wooden fence made of 6'x6' panels already in place and her wish was to replace it with something more attractive, the same 6'x6' size, but it would protrude a bit more into the front yard. She noted there is a lot of activity at her neighbor's house with many vehicles in and out of their driveway, headlights shining in her living room, people who congregate and stare into her living room, and she has seen people urinating out there as well. She just wishes to block her view of these annoyances and would not extend the fence beyond where the posts are right now as she feels it would look "gawky."

**Continued Board discussion on application:**

The Board voiced their understanding for her plight. J. Seever noted the authorities are doing what they can. The Board questioned her about the previous fence and she replied it was an eyesore, it too protruded into the front yard, the wooden panels had been 6'x6' and had been solid wood. She indicated she has stopped installation of the fence for now and what is there now is approximately where the previous fence stood. The board asked if she would be adding another 8' to the existing fence and she corrected, saying it would be another 12'.

The Board questioned line of sight and both J. Seever and CEO Zarnstorff noted she would have about another 45' to the road from the end point of the fence. The Board inquired if the homeowner is bothered by noise and J. Seever indicated only occasionally is there loud music and that she is more concerned by the other activity there. Regarding the Board's questioning about emergency vehicle access to her backyard, J. Seever explained there is plenty of room for access on the driveway side of her property. When asked, CEO Zarnstorff noted he had no problems with the fence regarding visibility or access.

Chair Switzer voiced the Code is very restrictive and opined the Board cannot allow any front yard fence taller than 3'. CEO Zarnstorff noted the Board could issue a conditional use permit and reminded the Board of previous decisions they had made regarding fences between 3' and 4' high. The Board and the applicant discussed other fence installations in town including one on Perry Street, one on the property of Nan and Paul Hoy on Liberty Street and one on Main Street near South Avenue.

Member Appleby suggested J. Seever get approval of her neighbors and J. Seever stated she had spoken with those on both sides and neither had a problem. There was discussion about written approval or objection and it was agreed the homeowner would work with CEO Zarnstorff on sending certified letters to her neighbors, so as to prove they received notice and had an opportunity to object.

preference to be able to look out her windows rather than have the drapes pulled all the time.

Chair Switzer remarked perhaps the Board should request action by the Village Board of Trustees as well as an opinion by the Village Attorney. CEO Zarnstorff stated that procedurally the application should stay with this Board, and not go to the Board of Trustees. Previously approved front yard fences in excess of 3' in height were again discussed, but it was brought up that all of these examples were pickets rather than solid. The Board explained to the homeowner their predicament of setting a precedent, and she stated she understood. Members of the Board concurred they would like to have an opinion by the attorney and apologized to J. Seever that they could not render a decision tonight. CEO Zarnstorff commented he could probably have a legal opinion by the end of the week and it was decided the Board would reconvene Tuesday, May 26, 2009 at 6:30pm in special session to make a decision. The Board discussed the possibility of putting forth a motion tonight, pending legal approval and the written documentation requested of the homeowner, but some did not feel comfortable with that.

⇒ Member Appleby moved, Member Locke seconded, carried 4-0 with Member Winner absent to table the application until Tuesday, May 26, 2009, 6:30pm.

J. Seever asked about her responsibilities to be carried out prior to the next meeting, which the Board clarified as obtaining written statements from her neighbors that they do not object to the fence.

**NEXT SPECIAL MEETING:** Tuesday, May 26, 2009, 6:30pm to continue the application for 128 Barry Street.

**NEXT REGULAR MEETING:** Monday, June 8, 2009, 7:00pm; Application materials due by Noon Tuesday, June 2, 2009.

**OTHER BUSINESS:**

Member Appleby informed board members that Code Review Committee has been working on Chapter 21 Garbage, Refuse and Open Burning and had recently had a public hearing at the Village Board of Trustees meeting. Comments from the hearing are being used to tweak the Chapter and it will be submitted again to the Trustees for approval. When asked about what changed, he noted roll-off dumpster rules had been tightened up as had the language regarding burning in backyards.

Member Appleby then introduced Conner Doerr of Boy Scout Troop 111 who was in attendance tonight. Conner is currently working on merit badges for both Communication and Citizenship in the Community and attended tonight's meeting to fulfill requirements for the badges. Conner just recently crossed over to Troop 111 and lives on Victory Drive with his family.

**ADJOURNMENT:**

→ Member Appleby moved, Member Blair seconded, carried 4-0 with Member Winner absent that the meeting be adjourned at 7:41pm.

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Pamela W. Krahe, Clerk