

**Special meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, September 27, 2010 at 7:00pm.**

**PRESENT:** Chair Charles Switzer, Member R. Scott Winner, Member Annette Locke, Member Arthur Appleby, Building/Zoning Officer Scott C. Zarnstorff, Village Attorney David Mayer, Clerk Pamela W. Krahe.

**EXCUSED:** Member Bernard Daily

**ALSO PRESENT:** Richard Miller, Joan Hamlin, Jim Hamlin, Pam Ketchum, Officer Stephen Mesiti, Carol Hannan, Mary Pat Musselman, Margay Blackman, David Wagenhauser, Norman GianCursio, Mayor Castaneda, Bill Heyan, Greg Ketchum, Susan Smith, Steve Locke, P. Gilley

**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 Appleby moved, Member Locke seconded, carried 3-0, with Member Winner abstaining due to absence, to approve the minutes of the meeting held September 13, 2010 as written.

**CORRESPONDENCE:** Regional local government workshop information distributed; notification of federal funds available for major projects through the Genesee Transportation Council.

**PUBLIC HEARINGS:** None

**OLD BUSINESS:**

1. Application of:      Name:                      Richard Miller  
                                 Address:                      52 State Street  
                                 Tax Map #:                      069.53-2-7  
                                 Zoning:                      Business  
                                 Parcel Size:                      .29 acre = 82.5' x 155'  
                                 Property Class:                      483  
                                 Purpose:                      change of use to allow a second-story apartment and a first-story apartment

**Applicant Presentation:**

Mr. Miller referenced the more detailed drawings he had submitted, beginning with the upstairs which is labeled with Suites C and D. He indicated he met today with CEO Zarnstorff regarding the CO detectors and smoke detectors. He is not moving the kitchen from the back corner at this time, though he may change it to the first room off the hall. As you walk into the apartment from the hall, there is a bathroom and then a living room. From the living room you walk into a bedroom with a storage area, then into a second bedroom, and then finally into the kitchen, which is a former coffee room. Suite C will remain as surveyor's offices.

**Continued Board discussion on application:**

Member Appleby noted the plans really hadn't changed since first submitted, and his continued concern with privacy issues as there is no privacy in the bedrooms with people having to walk through bedrooms to get to and from the kitchen area. Member Winner concurred, adding there was no indication of room measurements. He said the drawings were not suitable and opined the space is not suitable for an apartment. He wondered where the fixtures were and called the submission an insult.

Member Appleby asked about the downstairs. Mr. Miller stated Suites A and B will be on the first floor with the rear 1/3 being the apartment (Suite B). He explained the layout indicating the kitchen is 9'x11' with the angled wall being about 93". There is a sink, stove, refrigerator, and counter. He briefly described the bedrooms and the living room, indicating the wall that separated the two offices has been removed to make a larger living room.

Chair Switzer interrupted and stated the drawings must contain measurements as had been pointed out by Members Winner and Locke. The applicant stated the dimensions had been on the first drawings submitted, but he obliged the board by restating the measurements. On the first floor, the kitchen is 47 sf, bedroom 1 is 14'x9', bedroom 2 is 9'x12', the living room is 19'x17', the hallway is 13'x5', and the bath is 5.5'x11' for a total of 730 sf. Upstairs Suite D has a total of 620 sf with bedroom 1 measuring 15.5'x13' including the storage area for 201.5 sf, the living room is 12.5'x11' for 137.5 sf, bedroom 2 is 15.5'x11', and the kitchen (coffee) has 108.5 sf.

Member Locke wondered if a site visit could be arranged as the plans are still not very clear. Chair Switzer echoed the thought. Member Appleby warned the applicant that the board was not going to let him get away with not wanting to spend a dime on the proper drawings. Mr. Miller reiterated his desire to get the units to produce income as soon as possible.

**MINUTES OF PLANNING BOARD MEETING HELD September 27, 2010.....page 2**

- ➔ Member Winner moved, Member Appleby seconded, unanimously carried to table this application until such time as proper and suitable plans are submitted to include amenities, fixtures, dimensions, and specifically labeled rooms. After site plan submission and review, a site visit will be arranged.

Chair Switzer discussed allowing public comment at tonight's meeting. He stated speakers should use factual statements. He indicated the board would be looking at whether or not this would create a significant impact. Member Locke noted according to our code section 58-8, a public hearing must be noted ahead of time. Chair Switzer stated if a public hearing is called for, protocol would be followed. He then pointed out public comments would have a 2-3 minute time limit.

Mary Pat Musselman, 90 State Street. Indicated her belief that precedent had been set for a public hearing as there had similarly been past public meetings regarding other properties, specifically a property next to her.

David Wagenhauser, 45 State Street. Voiced there would be a significant negative impact on his home, the neighborhood, traffic, and noise. A minimum of 6 new residents would present problems. He asked Village Attorney Mayer if a public hearing is required. Attorney Mayer replied one would only be necessary if the board finds a significant impact. Mr. Wagenhauser commented this area is already densely populated as it is.

Pam Ketchum, 91 Park Avenue. Noted she did not think there would be opportunity for public comment this evening and was not prepared to comment, but said she had put together her questions on paper ahead of time, copies of which had been given to the board. She requested the democratic process be observed, that people be allowed to weigh in, and that precedent has been set with previous public hearings. She stated property owners used to get letters if someone was changing a fence but that no letters were sent out this time. She concluded by saying the public should be able to review these plans.

Member Locke felt there was enough comment to be able to call for a public hearing. Chair Switzer concurred, but reminded there is not a proper set of plans yet. Both Member Winner and Member Appleby agreed with Member Locke about the need for a public hearing. The board concurred it was prudent to wait for the proper plans, review them and then call for a public hearing if the board determines this application could have a significant impact.

Village Attorney Mayer felt it important the board state this application is not complete and cannot be entertained at this time as is; Chair Switzer so stated.

Discussion centered around future meetings, including the fact that the October 12 meeting will have to be held in the kitchen due to a scheduling conflict with the Conference Room. The kitchen would not be conducive to looking at plans and holding a number of public attendees as well as board members, so it was determined to have another special meeting Monday, October 18 at 7pm specifically for this application. This meeting is in addition to the regularly scheduled October 12 meeting for any other Planning Board applications.

**NEXT REGULAR MEETING:** *Tuesday*, October 12, 2010 7:00pm (due to October 11, 2010 holiday)  
Application materials due by Noon the Tuesday before.

**NEXT SPECIAL MEETING:** Monday, October 18, 2010 7:00pm for the 52 State Street application.

**ADJOURNMENT:**

- ➔ Member Winner moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 7:53pm.

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Pamela W. Krahe, Clerk