

Special meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, NY, Tuesday, November 23, 2010 at 7:00pm.

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

ALSO PRESENT: Rich Miller, Katie Miller, Sue Miller, Joan Hamlin, Pam Ketchum, Fred Webster, Carol Hannan, Margay Blackman, Norm GianCursio, Bob Webster, Pete Smith, Susan Smith, John Bush, Officer Steve Mesiti, Mark Kristensen, Mayor Castaneda, William Matthias, Karen LoBracco, and several others who did not sign in

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, unanimously carried to approve the minutes of the meeting held November 2, 2010 as written.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

OLD BUSINESS:

1. Application of:

Name:	Rich Miller
Address:	52 State Street
Owner of Record:	Kathleen Miller
Tax Map #:	069.53-2-7
Zoning:	B-Business
Parcel Size:	82.5' x 155'
Property Class:	483
Purpose:	change of use to allow a 2 nd story apartment and a 1 st floor apartment

Chair Switzer stated the Board is here tonight to discuss comments made at the public hearing of November 2, 2010. He also noted receipt of a copy of the petition packet from Pam Ketchum.

Member Appleby mentioned Code Review Committee has seen a draft of the moratorium on the conversion of single-family homes to rentals and commented the Board of Trustees will move forward on that.

The Board discussed SEQR with the Village Attorney and determined that because there is no significant impact, this is a Type II Action on SEQR per NYCRR 617.5(c)(7) and 617.5(c)(2) with no further review required. Chair Switzer asked Clerk Krahe to read the applicable sections:

617.5(c)(7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

617.5(c)(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;

➔ Member Appleby moved, Member Daily seconded, unanimously carried to declare the Planning Board as lead agency.

Discussion ensued about the former use as a funeral home and the amount of chemicals used. Member Appleby noted the living spaces in this application are not in the area where the chemicals were used. Member Winner asked about heating. Mr. Miller explained the heating units are in the basement and are forced hot air, installed in 1998. When asked where embalming was done, the applicant stated in the lab in the basement and fluids went down the sanitary sewer. Mr. Miller clarified that Mr. Fowler took all of his equipment with him except some cabinets. The Board asked Mr. Miller when he purchased the property, and he replied he has owned it since 1996, had lived there part of the time, and had his real estate business there. Currently has a surveyor occupying Suite C. Member Winner asked if Mr. Miller had any health concerns or any complaints of illnesses from those using the space. Mr. Miller declared there were none.

Chair Switzer asked Village Attorney Mayer what exactly NYCRR 617.5 (c) 25 referred to and Mayer explained it would be for the purchase for sale of materials by an agency, for example if we were

buying pesticides. Member Daily remarked that due to the nature of construction of an 1800's building, there

MINUTES OF SPECIAL PLANNING BOARD MEETING held November 23, 2010.....page 2

would be plenty of ventilation and there would not be any gasses trapped.

- ➔ Member Appleby moved, Member Daily seconded, unanimously carried determining this a Type II Action on SEQR per NYCRR 617.5(c)(7) and 617.5(c)(2).

Chair Switzer called for any further discussion and asked Village Attorney Mayer to read Village Code 58-11A(10):

(10) A building may be used for a combination of residential and commercial uses, subject to the following: [Amended 4-17-1995 by L.L. No. 3-19951]

(a) No more than two single-family dwellings.

(b) Maximum square feet of unit: 800.

(c) Maximum number of bedrooms: two.

(d) At least 25% of the total building square footage shall be allocated as commercial space. This space shall occupy the first floor from the front of the building toward the rear. [Amended 12-20-1999 by L.L. No. 7-19992]

Chair Switzer commented that while we don't need more apartments, the Board must uphold this as a permitted use. Until the codes are changed, there is not much the Board can do. There may be those of us who don't want to approve the application, but we have a fiduciary responsibility to act as the code dictates. Member Appleby agreed.

Member Winner remarked he had spoken with Member Locke on some of the aspects of the building, and said he agrees with Chair Switzer. He asked Mr. Miller to execute the conversion of this property in a professional manner. On the plans, he and Member Locke noted the doors located between the dwelling space and the commercial space, stating they would like to see a more permanent solution so that these existing doors do not allow an expansion of the area, while still allowing it to be reverted to a single dwelling if that time ever comes again.

Pam Ketchum of 91 Park Avenue requested permission to ask a question; Chair Switzer stated he would entertain one question. Ms. Ketchum asked if the apartments would have to comply with the "no more than 3 unrelated" and Chair Switzer affirmed, adding the apartments will have to comply with all applicable codes, as would any other property. Member Winner asked about the kitchen amenities and whether or not cupboards would be installed. Mr. Miller clarified there would be a cupboard to hold the sink for now and perhaps after the appliances are installed, there may be room for other cupboards.

Chair Switzer asked for a motion on the application of 52 State Street.

- ➔ Member Appleby moved, Member Daily seconded, carried 3-2 with Members Winner and Locke opposing, to approve the application for change of use to allow a 2nd story and a 1st story apartment, subject to Code Enforcement approvals for the Certificate of Occupancy, specifying any and all doors between the residential and commercial spaces do not remain functioning doors, subject to fire codes, with a clear delineation between the residential and commercial space, and that Code Enforcement inspect regularly.

Member Winner explained his vote to oppose, stating his belief that the proliferation of the conversion of properties to rentals is not in the best interest of this community.

NEXT REGULAR MEETING: Tuesday, December 21, 2010, 7:00pm (2 applications submitted so far) Application materials due by Noon, Tuesday, December 14, 2010.

Mr. Miller asked if he might ask the Board a few questions about another property. Chair Switzer declined and asked for a motion to adjourn.

ADJOURNMENT:

- ➔ Member Locke moved, Member Appleby seconded, unanimously carried that the meeting be adjourned at 7:36pm.
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Pamela W. Krahe, Clerk