

**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, September 13, 2004 at 7:00pm.**

**PRESENT:** Chair R. Scott Winner, Vice Chair John Brugger, Member Charles Switzer, Member Annette Locke, Member Arthur Appleby, Building/Zoning Officer Scott C. Zarnstorff, Village Clerk Leslie Ann Morelli.

**EXCUSED:** Deputy Village Attorney Frank A. Aloï

**ALSO PRESENT:** Village Engineer Tom Carpenter and Jason Foote of Chatfield Engineers, DPW Superintendent Bradley B. Upson, Ken Pike, William Sweeting, JoAnne Meyers, Gary Acres, Ryan Martin, Steve Pizza, Rich Miller, Robert Slocum, Kris Schultz, Norbert Hausner, Michael Ferraulo, Frank Trinkka, Jim & Joan Hamlin, Norm GianCursio, Linda Borrayo, Tony Perry, Fred Webster, Mary Jo Nayman, Jack Wahl, Betty Northrup, Russell & Carol Clothier.

**CALL TO ORDER:** Chair Winner called the meeting to order and led the Pledge of Allegiance.

**REVIEW OF MEETING MINUTES:** Chair Winner called for a motion to approve the minutes of the previous meeting.

→ Member Switzer moved, Member Brugger seconded, unanimously carried to approve the minutes of the meeting held August 9, 2004 as written.

**CORRESPONDENCE:** None

**PUBLIC HEARINGS:** None

**OLD BUSINESS:** None

Chair Winner shared that the application of Marv Duryea for Lockwood Precision Manufacturing to move into 85 Clinton Street has been verbally withdrawn.

**NEW BUSINESS:**

1. Application of:      Name:            William Sweeting  
   Address:        45 Centennial Avenue  
   Purpose:       front yard fence

**Applicant Presentation:**

W. Sweeting said there was an existing wood and metal fence along the east side of his property in the front yard. He took it down and replaced it with a nice vinyl fence recently. He did not realize fencing forward of your front setback needed Planning Board approval. He reviewed his application and photographs.

**Continued Board discussion on application:**

Chair Winner said he visited the site. That side of the street does not have sidewalks. It does not obstruct view or present any danger. He had no trouble backing out of the neighbor's driveway. It is actually further off the street than many fences approved by the Planning Board.

Member Locke asked how far it is to the street. W. Sweeting said 15' 6". Member Switzer asked if it is more for decorative purposes than keeping anything in or out. W. Sweeting said yes, decorative only. Chair Winner asked if the driveway in the photo is his or his neighbor's. W. Sweeting said it is his neighbor's driveway. Member Appleby said 15 feet is the length of most small cars. He asked if it would be a problem later in the day when the street gets busier.

Chair Winner said there is a tree, blue mailbox and telephone pole there that are closer to the street than the fence. W. Sweeting said the mailbox was moved there by the Post Office. It was in a neighbor's yard, but he didn't like it there. Member Locke asked if he installed the fence himself or had it professionally done. W. Sweeting said he had a company install it. Member Locke asked if the neighbor to the east has any problem with it. W. Sweeting said not at all. Member Switzer questioned the code regarding fences. Chair Winner said 3 feet from the sidewalk. The Planning Board has routinely granted approvals for 1 ½' from the sidewalk with a hold harmless agreement regarding snowplowing. It also routinely approves fencing 4' in height rather than 3' since that is the standard size

you can purchase. S. Zarnstorff read the code regarding front yard fences. It does not specify how far from the street, just 3' from the sidewalk.

There was some chatting in the rear of the audience. Chair Winner said, "Quiet please".

⇒ Member Appleby moved, Member Brugger seconded, unanimously carried to approve the application as applied and discussed.

2. Application of:      Name:            JoAnne Meyers for Villager Apartments  
                                 Address:        18 N. Main Street  
                                 Purpose:       site plan approval to add a 12' x 28' shed

**Applicant Presentation:**

Apartment Manager JoAnne Meyers and Apartment Superintendent Gary Acres were in attendance to review their application for a storage shed. J. Meyers said they would be removing the old small shed. The other, larger shed would remain. The proposed shed would be freestanding.

**Continued Board discussion on application:**

Chair Winner asked if they planned to attached the shed to the existing shed. G. Acres said maybe in the future, but not at this time. The doors would face 180 degrees from how it is shown. They reviewed photos of the shed taken at the manufacturer's lot.

S. Zarnstorff said the shed they plan to keep is in good shape. The one they plan to take down is pretty worn out. Member Locke asked what would be kept in the shed. J. Meyers said lawn mowers, maintenance equipment and extra heaters and refrigerators for the apartments. Member Appleby asked if it would be on a concrete slab. J. Meyers said it would have a wood floor and set on the paved parking lot. Member Locke inquired as to the location. J. Meyers clarified. Member Switzer asked if using up two parking spaces would leave them with enough parking. J. Meyers said more than enough. B. Upson confirmed that there is an abundance of parking there.

Member Appleby questioned the easement noted on the plan. He asked if the shed would be sitting on it. B. Upson said he is not sure what the easement is for, but if the shed had to be moved, it could be. Member Locke asked if the shed would be painted or stained. J. Meyers said stained to match the apartments.

S. Zarnstorff and B. Upson had no concerns. Member Brugger asked if there are any special guidelines for storing mowers and such that they need to be aware of. S. Zarnstorff said no. The shed will be far enough away from the building. B. Upson said it is better to store these items in a shed than in the apartment buildings. Chair Winner asked if they would have power to the shed. J. Meyers said C. Marks would install the electric.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to approve the application for a shed as applied and discussed.

3. Application of:      Name:            Grandpa Martin's Gourmet Pickles  
                                 Address:        49 Clinton Street  
                                 Purpose:       change of use for commercial pickle production

**Applicant Presentation:**

Rich Miller introduced himself, attorney Bob Slocum and applicants Ryan Martin and Steve Pizza of Grandpa Martin's Gourmet Pickles. R. Miller owns 49 Clinton Street, which has been vacant for almost a year. He has had several inquiries of various uses of the property, but the best use so far is for this pickle production business. R. Miller said he wanted the right tenant with the right use. This would be an asset for the property and the community. He said Mayor Matela and Economic Development Coordinator Winner invited Grandpa Martin's to bring their business to the Village from its present location in a home in Ogden. The property at 49 Clinton Street is 3,670 square feet in 2 parts. Part for a front office and the rear for production. The property has previously been used as a steam laundry. It has large water service and floor drains. These points as well as the square footage will fit this applicant's needs. Besides Tuttle Laundry, it was used for Fitbro Clothing, D&M glass windows, and American Acoustic guitar manufacturing to name a few. There are no changes proposed for the building. The parking may need to be changed for the residential side of the property.

**Continued Board discussion on application:**

Member Locke inquired about delivery trucks. R. Martin said they own their own box truck and make their own deliveries. There would be no tractor-trailer delivery. Member Brugger asked where the deliveries would take place. R. Martin said the rear where the 2 overhead doors are located. Member Locke asked for clarification on the residential use. R. Miller said there are 4 1-bedroom apartments that were improved 20 years ago. He said S. Zarnstorff has been there. Each apartment is occupied. Member Appleby asked where the residents park. R. Miller said currently they park in front. However, with this use they will be asked to park in the rear, parallel fashion, along the southeast corner of the lot.

That way they will be out of the way of the business. There is room for 5 cars there. It is mostly blacktop with some gravel areas. Member Appleby commented that he looked at the property last year and commented on the overhead door. He asked where the office would be located. R. Miller showed this on the basic map provided. He said it meets fire code since it is separated from the residential portion.

Member Locke asked if this would be solely manufacturing with no retail sales on site. R. Martin said at this time that is correct. In the future, they may want approval for retail sales on site.

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Member Brugger asked the number of employees. R. Martin said he and Steve are the current employees. They would need to hire 2 part time employees. Member Locke asked the hours of operation. R. Martin said 9am to 5pm. They may need to add a "B" shift in the future if business improves greatly. Member Appleby asked where they sell the product. S. Pizza said approximately 40 stores such as small grocery stores, the public market and festivals. The biggest store is the Hilton Big M. Member Appleby asked if they sell on-line. S. Pizza said their website is more informational than it is sales oriented. Member Locke asked if they truck the deliveries themselves all year round. S. Pizza said yes. They use Fed Ex when needed. Member Locke asked where they get the cucumbers in the winter. R. Martin said they use a food buyer. Spring and summer are their busiest production time.

Member Locke asked if there is any smell during production. R. Martin said there is a sweet smell of garlic, onion and sugar. R. Miller said there is a ventilation system built in. Member Locke asked about noise. R. Martin said it is pretty quiet. It is currently done in S. Pizza's home. Member Locke asked if there would be a commercial kitchen. R. Miller said the Health Department looked at the site and found it more than adequate. R. Martin said the health department inspects them yearly in their current site. S. Pizza said it is a simple operation, but a lot of work. The product is hand fed into the slicing machine. The slicing machine would be the noisiest thing. Member Locke asked if it would be like a big food processor. S. Pizza said yes. You should not be able to hear much, if anything from outside.

Member Locke asked about signage. R. Miller said there is an existing 4' x 8' sign holder out front. He asked if that could be utilized. Chair Winner said signage would be S. Zarnstorff's purview. The maximum square footage is almost half that. Member Appleby suggested toning down the signage from 4' x 8'. R. Miller said they would work within the code. Member Brugger said the current sign frame could use some rehab.

Member Locke asked about garbage. R. Miller said there is a 6 cubic yard dumpster on site and he picks up garbage once per week and also recycles cardboard. Members Switzer and Appleby both said the code requires the dumpster to be enclosed. R. Miller said they could do that as long as the truck can get at it. It is located on the southwest corner.

Member Brugger asked if there is fencing to the west. R. Miller said the next-door neighbor has a partial fence that has fallen into disrepair. There is a chain link fence on the other side owned by the other neighbor. R. Miller said they will remove the fenced in paddock area in order to maximize parking.

Member Switzer referred to the memo from S. Zarnstorff. S. Zarnstorff said it outlines the history of the property use and zoning district. He read a section of the code related to Business Use district permitted uses. The code is unclear regarding food processing. S. Zarnstorff said he would make an internal informal referral to the ZBA for an interpretation to see if they come up with the same interpretation that he did. He will also have Deputy Village Attorney Alois take a look at it.

Member Appleby said it appears to be a change of use (under permitted uses) from manufacturing of guitars to manufacturing of pickles. Member Switzer said he sees it as manufacturing to manufacturing and therefore, no change of use. Chair Winner said since there is a range of manufacturing; it is best to safeguard the greater community so the use is not obnoxious.

R. Miller said there has been a lot of interest in the property for a variety of uses. Many of them would have required zoning work. This is the cleanest use. Member Appleby said he would be in favor if it is not a zoning issue. R. Miller's Attorney, Robert Slocum reviewed S. Zarnstorff's memo and commented that it is not a change of use. This is a good fit for the zoning.

Member Switzer said he would like to see some simple plans that show the exterior and proposed interior layout, dumpster with enclosure, exterior lighting, plan to pave gravel sections, and ventilation. Chair Winner agreed. R. Miller said he would be happy to provide those details.

Member Appleby inquired about the floor drain. B. Upson asked if they are on septic in their current location in Ogden. R. Martin said yes. B. Upson asked said they would need a backflow preventer. B. Slocum said Monroe County Health Department requires it.

⇒ Member Appleby moved, Member Brugger seconded, unanimously carried to table the application and hold a special meeting on Monday, September 27<sup>th</sup> after the 7pm ZBA meeting.

Joan Hamlin of 50 Park Avenue commented that there are no less than 7 zoning codes that will not allow this use at this property. B. Slocum said the NYS Fire and Building Code was modified in January 2003. S. Winner encouraged her to speak with S. Zarnstorff about this and provide any documentation she has to him and to the ZBA.

4. Application of:      Name:            Schultz Associates for Canalside Estates  
                                 Address:        East Avenue  
                                 Purpose:        concept review of 40 single family homes and 141 1-4 unit senior houses with homeowner's association

**Applicant Presentation:**

Kris Schultz introduced himself, Norbert Hausner of NH Architects, Developer Mike Feraiillo and Realtor Frank Trinkka. He provided an updated concept plan for Canalside Estates. This property is 53 acres adjacent to Havenwood Meadows Section III (McCormick Place) that is currently under construction by Don Hibsch. It is a proposed mixed development of single family and senior housing. There will be single family homes on individually owned lots as well as single family, duplex, and 4 unit buildings for seniors that would be part of a homeowner's association. There is more variety proposed here than is currently available in the area. It would be a cluster development – smaller lot sizes, setbacks and separations, just like McCormick Place.

There will be two points of ingress/egress. Just across East Avenue is Wedgewood Estates in Clarkson. The new road into that subdivision will align with the proposed road in this subdivision. They have verified that there is adequate site distance. The second point would be linked to the stub road required by the Planning Board towards the rear of McCormick Place. There is a new water main down East Avenue. Sanitary sewer, gas, electric, cable and such are available. They are gathering survey information. They wanted to present a concept before beginning engineering design.

There will be potential for passive recreation. The sidewalk system will be on one side of the road. They will set aside a recreational area that loops around the pond. They propose a picnic area and gazebo. The pond and retention facility are planned for a natural low area. There is a drainage ditch along the creek.

K. Schultz said they are fortunate to follow the planning process for McCormick Place because now they know what issues there will be with the Canal Corporation. The houses will be well setback from the canal bank. They propose access to the canal with a walking path. Access in this location is realistic since there is not a huge embankment there.

K. Schultz said this would be a true condo development where the senior owns the unit from the walls in, but not the lot. The exterior will be maintained through a homeowner's association. This development will integrate different unit types and generate a nice traffic flow. The senior portion is market driven and will mesh the development with demand. The concept plan shows the highest density they would consider. The single-family homes by the canal will be for families or seniors. There may be seniors that still want to own their own house and yard. Those along the canal would be of higher value.

K. Schultz said there is a nice view coming in to the site. They will consider a gazebo, picnic tables and fishing docks for a recreation area. He said they spent some time with Village staff and property owners regarding the idea of tying in to the existing private drive off East Avenue. However, the residents of the private drive were not receptive since it would greatly disrupt them by way of traffic. Therefore, they will leave the private drive alone and generate sufficient buffering for those homes. It is a large enough site to be able to access sewer where they need to. K. Schultz said everything to the east of this site is in the Town of Sweden (Sodoma farm land).

K. Schultz distributed photographs of other projects to give the Planning Board an idea of the 1-4 unit style possibilities. There would be 4 to 6 base plans with many options and extras available. N. Hausner said the architectural style would be consistent and obvious to a community style. The landscape vegetation will be consistent as well as sidewalks, mailboxes, lighting, etc. He said he is excited to be involved in this project.

K. Schultz said at this point they look to be placed on the Planning Board's running agenda for overall preliminary design then final approval in phases.

**Continued Board discussion on application:**

Chair Winner asked if the single-family homes would be part of the homeowner's association. K. Schultz said no, just the 1-4 senior units.

Member Appleby referred to the flood control ditch near the canal at McCormick Place. K. Schultz said they have put more space in and have talked with the Canal Corporation right up front. This is why he feels they are fortunate coming second. Member Appleby asked if they see a market for this kind of

housing. K. Schultz said he has a good deal of experience in senior developments. He worked on his first one in Greece in 1985. The whole senior community concept has caught on. He has worked on 3 more in Greece and one in Hilton that consists of 90 acres and is on section 7. They are building one section every other year. K. Schultz said the McCormick Place houses are selling well. K. Schultz said this area is untouched regarding senior demand. Greece is looking for more senior housing. Spencerport has a senior community in which half the lots have been reserved before final approval has

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even been granted. They are very confident that this is really what a lot of seniors are looking for. Many go south for the winter and will not have to worry about exterior maintenance.

Member Appleby asked the proposed price range. Realtor Frank Trinka said between \$130,000 to \$160,000 depending on the selection and extras chosen. He concurred that there is nowhere for senior citizens to go out here under the level of assisted living. This will allow a variety of options and staying in their own community. Member Appleby said he likes the variety idea and the prices need to be a bit lower here than in Greece or east side communities.

Chair Winner said he would like to emphasize porches. Porches really fit in with the Village atmosphere and people are ready to go back to porches like CityScape. N. Hausner agreed that porches are becoming popular again and they can be a target element here.

Chair Winner asked how young families would fit in the community in single-family homes. K. Schultz said the single-family homes would be open to young families and seniors. It gives the opportunity for multi-generational living in the same neighborhood. A young family could be within walking distance to grandma and grandpa. Member Locke asked if they feel there is a segment of the senior population that would like to live among young people. K. Schultz said definitely. He has always thought a great pairing would be a daycare center next to senior citizens. It gives the seniors another reason to get up in the morning and is great for children. K. Schultz shared that a Hilton senior community is near a single-family subdivision and it is the senior area that has the parties.

Member Brugger said McCormick Place did some interesting things with sidewalks on at least one side of the road. Chair Winner said Remington Woods did as well. Member Brugger said the Planning Board wants to keep the Village a contiguous walking community. Chair Winner said he likes the idea of connecting to the spur at McCormick Place. It keeps the Village interconnected. Chair Winner asked about the proposed street layout as opposed to grid type. K. Schultz said the road down the middle just flows. The grid pattern would lose the cul de sacs.

Mary Jo Nayman of Carolin Drive commented that she is a senior and it sounds lovely. She lives on a cul de sac now and loves it. However, she has been told that they are damned by the DPW due to the maintenance of them. She said the DPW told her they hope never to have anymore cul de sacs. B. Upson said they are a maintenance problem. K. Schultz said developers love cul de sacs. Further, the homeowner's association will care of them. B. Upson said they could use reverse plowing methods. K. Schultz said they could be designed so there are more pros than cons.

T. Carpenter said the stub road connection at McCormick Place stops just short of the creek. They will need a culvert or creek crossing. B. Upson asked if the developer would be willing to share the cost of the creek crossing. N. Hausner asked if it was part of the McCormick Place approvals. K. Schultz said whoever "owns" the creek usually puts in the crossing. They are willing to work with Don Hibsich.

T. Carpenter commented that driveways are not shown on the concept plan. K. Schultz said they would be shown on preliminary plans. The driveways for end units would be off to the side. The 4-unit buildings would have the driveway in the center. Therefore, they cut down on the amount of blacktop.

Chair Winner suggested that the Village Engineer, Building/Zoning Officer, and DPW Superintendent create a punch list from the concept plan.

S. Zarnstorff said he would want to see plantings to screen the private road. He would want to see those existing homes not serviced by sanitary sewer be able to connect and deal with existing leach fields. He asked if there has been any consideration into looking at having an assisted living building on site. K. Schultz said no. A lot of those facilities want an existing neighborhood to draw on. However, he knows there is often a waiting list for them and like St Anne's communities; it takes seniors step by step. This area could potentially support an assisted living facility. S. Zarnstorff said he knows they are doing some land clearing. He asked if any soil testing has been done yet. K. Schultz said they have done many deep hole tests and some topographical work. T. Carpenter asked about rock. K. Schultz said they hit rock at one point at 4.5 feet; otherwise it is down 6 to 12 feet.

5. Application of:      Name:            Russell & Carol Clothier  
                                 Address:        288 Main Street  
                                 Purpose:       driveway relocation / expansion

**Applicant Presentation:**

Russ and Carol Clothier apologized for being late. They sat through the Sweden Planning Board by accident before realizing they were in the wrong place. He and his wife live 90 minutes away and bought 288 Main Street two years ago for their two daughters to live in while in college at SUNY Brockport and MCC. They could not find suitable off campus housing, so they purchased this house. They have put a lot of money into fixing up the house including 30 replacement windows, landscaping, clean up, plumbing, electric, paint and plaster, smoke detectors, etc. It needs painting and gutter work. **MINUTES OF MEETING HELD September 13, 2004 continued.....page 6**

The neighbor to the left put a planter in the driveway, making it difficult to pull in and open the car doors. Therefore they added stone and relocated the driveway. They did not realize they needed Planning Board approval to do so. R. Clothier said that communications broke down between he and S. Zarnstorff.

**Continued Board discussion on application:**

Member Brugger asked if they discussed with the neighbor the possibility of moving the planter. R. Clothier said the neighbor had been abused by student tenants for some time and was not receptive. Member Locke commented that the wall is on her property, so that means the Clothier's had been driving on the neighbor's property. R. Clothier said that's how the houses in that section go. The neighbor on the other side of them drives on his property.

Chair Winner asked if the wall was within setbacks. R. Clothier said it comes right to the line. He said they added stone, not knowing that was a problem. Member Locke explained that it changed and increased their parking area. R. Clothier said last year his two daughters and a couple of their friends lived there. He said they have the property up for sale and would like to sell it for a single family. Member Locke asked if the house next door is a single family home. S. Zarnstorff said yes. Member Locke commented that the house to the north put up a fence. She asked if the Clothier's driveway is gravel. R. Clothier said crushed stone. It really wasn't grass there. He cleaned it up and put stone to the fence line.

R. Clothier said it was a pretty run down house when they bought it. It was a college student house. He said he thinks it's crazy that the Village allows a mix of student rentals and single family homes in the same neighborhood. He asked what he needs to do so he can sell it and get out.

Member Locke asked how the interior of the house was organized.

There was some continuing chatter in the back of the room between Norm GianCursio and Tony Perry. Chair Winner said this is not a public hearing and he does not appreciate the disruptive chatter. He said he is running the meeting and if they cannot keep quiet, he will have them removed. T. Perry said he disagrees that they have been disruptive and encouraged him to call the police. The applicant, R. Clothier asked that the audience give him a break. It is his turn to speak.

S. Zarnstorff said the driveway expansion took place in November 2003 and he sent the Clothier's a letter to remove it or apply for Planning Board approval. He said he thought it was unlikely that the Planning Board would grant the expansion in its present condition. Several months went by with no action so S. Zarnstorff sent a violation letter. R. Clothier said they do not feel they are delinquent. They worked on landscaping, windows and interior work, but did not deal with the driveway issue. S. Zarnstorff said since the driveway issue is going on a year, it is time to rectify. The neighbors to the south have been patient with having gravel along the fence. R. & C. Clothier said the neighbor would not talk to them. R. Clothier said to put it back would be ludicrous. S. Zarnstorff said the neighbor to the south is not happy and brought it to a Village Board.

Member Locke asked if there is sufficient green area to meet code. C. Clothier said there is a generous back yard as well as side yards and behind the barn. She commented that the neighbor does not have much backyard, so they use theirs for activities.

⇒ Member Locke moved, Member Appleby seconded, unanimously carried to table the application until the special meeting of September 27<sup>th</sup> and to conduct a site visit before then.

**NEXT SPECIAL MEETING:** Monday, September 27<sup>th</sup> after the 7pm ZBA meeting

**NEXT REGULAR MEETING:** Monday, November 8<sup>th</sup> since Monday, October 11<sup>th</sup> is a Holiday and the Village Hall is closed.

**ADJOURNMENT:**

→ Member Brugger moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 9:10pm.