

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, June 9, 2008 at 7:00pm.

PRESENT: Chair Charles Switzer, Vice Chair John Brugger, Member Annette Locke, Member Arthur Appleby, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe.

EXCUSED: Village Engineer Jason Foote of Chatfield Engineers

ABSENT: Member R. Scott Winner

ALSO PRESENT: Joan Hamlin, Gino Romano, Mike Ferraulo, Michael Voos

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

REVIEW OF MEETING MINUTES: Approval of minutes from the meeting of April 29, 2008 was tabled until a quorum is present of those who attended that meeting.

Chair Switzer called for a motion to approve the minutes of the May 12, 2008 meeting.

➔ Member Appleby moved, Member Locke seconded, Chair Switzer abstained, carried to approve the minutes of the meeting held May 12, 2008 as written.

CORRESPONDENCE: None

OLD BUSINESS:

| | | |
|--------------------|-----------------|--|
| 1. Application of: | Name: | Kevin & Michael Voos |
| | Address: | 56 Liberty Street |
| | Tax Map #: | 069.37-2-9 |
| | Zoning: | Residential |
| | Parcel size: | .25 acre |
| | Property class: | 210 – single family |
| | Purpose: | site plan – driveway / parking expansion |

Applicant Presentation:

Michael Voos explained that he found previous proposals for his driveway expansion to be cost prohibitive, so he is proposing a simpler plan. As there is no raised curb in front of his entire driveway area, including around the corner to the access road, he would like to put in a straight 16' wide driveway from the road to his garage. He stated he is not sure if that will meet the code or not. He also noted his disappointment that his previous plan could not be approved unless an encroachment agreement was drawn up between himself and the owner of the Villager Apartments property. M. Voos also inquired whether or not the Village could "shut down" the neighboring driveway across the street that encroaches on the access road.

Continued Board discussion on application:

Code Enforcement Officer Scott Zarnstorff stated he believed the other driveway had been there since the access road was installed. Member Locke asked how this plan differs and if a 16' wide driveway would be sufficient for the parking needs of the property. M. Voos replied that it would be adequate as one car would be in the garage and then there would be two 10'x20' spaces for the other two vehicles as the drive is 86' long. He added that when he bought the house, his intent was to clean up the driveway including patching the large puddle. Member Locke noted that that type of deterioration is what happens to an unpaved surface. M. Voos mentioned that paving had to be addressed, as he did not plan on paving the driveway, at least not this year. Member Locke informed M. Voos that the Board grants applicants a two-year grace period in which to pave.

Member Appleby inquired whether or not M. Voos planned on putting in railroad ties or other objects to ensure cars stay on the driveway. Member Locke concurred, stating large stones could be used as well. Member Brugger interjected that M. Voos might want to contact the DPW Superintendent and ask if he has large rocks available. M. Voos also asked about a low-lying spot in the tree lawn area and whether or not the Village could add some extra dirt to raise it up and if the Village could repair the pavement at the end of the driveway. Member Brugger suggested that M. Voos call the 637-5300 x311 number to report both situations and they will be acted upon right away.

M. Voos brought up the fact that he mows the Villager Apartments property that adjoins his, which is approximately 167' long by 40' wide because Villager doesn't do it. The Board informed him that he can either take that up with the Apartments or leave it and the DPW will mow it if it becomes overgrown and then bill the Villager Apartments for it.

M. Voos reiterated that his original plan had been to stone the drive because it was so large. Member Locke restated that the paving does not have to be done right away. M. Voos noted that it is less expensive to get the stone and blacktop done all at once. He summarized that what he would like approved is for him to clean up the driveway this year by planting grass seed where necessary and to fill the hole and then to blacktop next year. Member Locke indicated that would be wonderful and would make the Board happy. She expressed her appreciation of M. Voos meeting the Board half way. Chair Switzer concurred, adding that Mr. Voos' plan is very reasonable. He then asked for a motion.

⇒ Member Appleby moved, Member Locke seconded, Member Brugger abstained, carried to approve the proposed 16' wide driveway from the road to the garage with the following stipulations: 1) it meets with the approval of Code Enforcement Officer Zarnstorff; 2) the driveway will be paved within two years; and 3) that there will be a physical barrier put in place that defines the eastern edge of the driveway.

NEW BUSINESS:

1. Application of: Name: Gino Romano
 Address: 11 Burroughs Terrace
 Tax Map #: 069.17-1-14
 Zoning: Residential
 Parcel size: .05 acre
 Property class: 210 – single family
 Purpose: site plan - driveway
 Provision of Village Code: 58-22

Applicant Presentation:

G. Romano asked if everyone had a copy of his proposal.

Continued Board discussion on application:

Chair Switzer noted he had driven by this evening and asked for confirmation that there is currently stone in the entire crosshatched area on the diagram. G. Romano affirmed and continued stating he had spoken with CEO Zarnstorff, has ordered a dumpster, will be removing the shed at the end of the driveway and then he will extend the driveway to the end. It will be 47' long and 17' wide at the street and narrow to 9' wide next to the bollards. Chair Switzer asked if this is a rental property and G. Romano confirmed. Member Locke asked if the house is on the corner of Burroughs Terrace and Fair Street. G. Romano replied no. It is near the big industrial warehouse. Member Appleby asked if the road next to the driveway was access to the warehouse and G. Romano stated he was not sure. He noted that the property behind him has a garage.

Chair Switzer mentioned that where the stone is now seems to be the only place for a driveway for the property. Member Locke asked where the previous owner had parked. G. Romano stated he was unsure but thought it was possible they parked out back as there are pavers there that have sunk into the grass. Member Appleby added that some might have parked in a small lot across Burroughs Street.

Member Appleby asked if there would be timbers along the edge of the driveway and G. Romano confirmed. Member Appleby also referenced a memo from the Village Engineer whether or not an additional curb cut was needed. G. Romano stated no. There was no concrete or granite curb there. It was just rolled asphalt. CEO Zarnstorff corrected stating there had been a curb there, but that Mr. Romano removed about 6' of it. G. Romano stated he had since spoken with DPW Superintendent Donahue who had set him straight on removing the curb.

Member Appleby questioned if the surface, which is stone now, would be paved in the future. G. Romano replied maybe in the future he would pave, but noted that his neighbors all have stone. Member Brugger mentioned that paving must occur within two years with Member Locke adding that that is part of the code. G. Romano asked to be shown where that was written in the code and Member Locke complied and read that it "...shall be paved or otherwise covered with an all weather dustproof material." She noted that it could be bricks, concrete, asphalt, etc. G. Romano stated that he would put something down. Chair Switzer reiterated that it should not remain gravel.

Member Locke asked G. Romano when he purchased the property. G. Romano said about a year ago. Member Locke passed photos of the property to other Board members.

Member Appleby referenced a memo from Village Engineer Jason Foote that asked about the depth of the stone in the driveway and recommended that it be a minimum of 8". G. Romano replied that it is probably a couple of inches and also stated that he would bet no one in the village has a driveway that is 8" deep with stone and that something like a town highway garage might be built on 8" of stone. Member Appleby indicated that the stone currently there may sink down after being driven on, to which G. Romano replied that if that happens, he would add another layer of stone to make sure it becomes a

good hard base. He said usually you use a couple inches of stone, a binder, then a topcoat.

MINUTES OF PLANNING BOARD MEETING HELD June 9, 2008 continued.....page 3

G. Romano then noted he would be taking down the shed this weekend. Member Brugger reiterated the only place to put the driveway is where it is currently proposed. Member Appleby asked how G. Romano had improved the house so far. G. Romano answered that he had polished it up, put in some new drywall, made it livable, and had done some plumbing and electric.

Member Brugger posed a question to CEO Zarnstorff regarding the requirement of parking 3'-5' away from a structure. CEO Zarnstorff replied that G. Romano is going to put in pipe bollards to protect the Bilco basement entry door that sticks out on the side of the house about 5' or so and that he should maintain a grass area on the side of the house somewhere in the 3'-5' range and place the stone straight in, then he won't have the close proximity of parking next to the structure. Member Brugger asked about stone going the whole way up the driveway. CEO Zarnstorff answered that driving straight in would be fine, but that past the Bilco door would be problematic. Member Brugger asked if it was alright if the bollards came so close to the basement door as in the sketch, to which CEO Zarnstorff replied it would be better if they were backed off 3'-5'. Member Brugger explained to G. Romano that according to code, vehicles are not allowed to park too close to a structure. CEO Zarnstorff continued, saying that having a non-impervious surface near the house would not be helpful in mitigating surface water and may cause such water to drain onto neighboring properties. By maintaining some green space next to the building better meets the intent of the code. G. Romano mentioned that his plan did not include green space next to the home. Member Brugger acknowledged that, but stated the proposal must meet the approval of the Code Enforcement Officer in order to be approved. Member Brugger modified the drawing to show a 3'-5' grassy area adjacent to both the home and the edge of the Bilco door and asked CEO Zarnstorff if that would better meet the code. CEO Zarnstorff affirmed.

G. Romano then inquired why the Board was asking him to give up 6' of parking space and he also wondered if his property is actually industrial, given its close proximity to the warehouse. Member Brugger clarified that there is currently no driveway on the property and seeing how this is a new application for a driveway; it must follow the code currently in place with few exceptions. He went on to say that typically parking is not allowed in front, but because of the way this property is, that is being allowed. He added vehicles cannot be too close to the building in the event that a vehicle may overheat, catching the structure on fire which is why they are asking for a grassy buffer area. G. Romano asked if the Board was going to take away 8', then he would like to pave or put concrete near the cellar door to help keep water away from the house. Member Brugger replied that that would then cause water to shed. G. Romano stated that his is the only house there and the whole area is asphalt and he would like a little leeway. He added that there are no neighbors there looking at his property and he has fixed it up. Member Brugger continued, stating that if the Board is to approve the proposed plan, the responsibility for any variation from the Code has to be shouldered by the Code Enforcement Officer. Member Brugger clarified that he is simply asking for the opinion of the CEO on this matter. CEO Zarnstorff replied that he is not comfortable having the hard surface next to the house. G. Romano answered that he would agree to leave 2'-3' unpaved. CEO Zarnstorff brought up that 3' would not leave enough room to open a car door and that a little bit more than that would provide positive drainage. G. Romano expressed that the water currently sheds to the back yard and it would continue that way. Member Brugger confirmed that there are gutters and he noted that the driveway should be pitched properly.

Member Appleby voiced his opinion that a little bit of green space between the driveway and the house would allow the water to be soaked up rather than trusting the slope of the driveway to accomplish that. Member Brugger added that it doesn't have to be grass. It could be a garden for example. G. Romano asked for clarification of the 3' strip of grass and Member Brugger called CEO Zarnstorff forward to clarify on the drawing. The CEO pointed out the house, the shed, the green space in front of the house, and the pipe bollards to be placed even with the front of the house to protect the basement entry. Member Brugger reiterated the need for timbers on the far side of the driveway to define it and also asked where the driveway had been originally. G. Romano pointed out on the drawing and photos and stated that he then popped out the 5' piece of rolled asphalt, which is when the DPW Superintendent became involved.

⇒ Member Appleby moved, Member Brugger seconded, unanimously carried to approve the driveway proposal with the stipulation that there will be a three-foot (3') wide strip of green space along the side of the house, that pipe bollards will be put in, even with the front of the house, to guard the Bilco door, that there will be two years in which to pave the drive with a dustproof material and that the edge of the driveway will be defined with timbers as shown in the drawing.

| | | |
|--------------------|------------|---|
| 2. Application of: | Name: | Schultz Associates for Canalside Developers |
| | Address: | Sunflower Landing – Anita's Lane |
| | Tax Map #: | 069.100-05-050 |
| | Zoning: | Q District |
| | Purpose: | resubdivision of Lot 44 |

Applicant Presentation:

Michael Ferrauilo indicated he was present for the resubdivision of Lot 44. He stated that the plans have already been submitted.

Continued Board discussion on application:

Chair Switzer asked if this is a standard resub. CEO Zarnstorff indicated it is the same as last time. Chair Switzer summarized that this is a double, the first to be divided into two separate parcels, A and B. He asked if there would be further subdivision of Lot 44. M. Ferrauilo affirmed. CEO Zarnstorff confirmed that to date there have been four resubs—two on Lot 44 and two on Lot 43 and now there is this one also on 44. Chair Switzer noted that he was trying to understand how many more there would be on Lot 44. CEO Zarnstorff continued that this is for 129 and 131 Anita's Lane and he explained that Lot 44 is a continuous lot containing all these structures. The resub is to carve out a lot with its own tax ID number, which will belong to an owner and the remaining land around the structure will go to the Home Owner's Association. Chair Switzer inquired again whether there would be additional resubs of Lot 44 in the future. M. Ferrauilo affirmed, stating there would be five more and Lot 43 also has five more.

Member Appleby asked to look at the CEO's full-scale drawing so Board members could get a look at the whole picture. M. Ferrauilo pointed out the pond and noted A and B are up, E and F are up and now they are on 44. Chair Switzer reiterated that there is a resub each time. Member Appleby noted that while there is a common wall between the two structures, each unit would have its own tax ID number. M. Ferrauilo questioned whether or not they have to come to a Board meeting each time or if this is something that can be done administratively. Chair Switzer replied that eventually it can be handled administratively, but the Board was asking him to come in the first few times.

Member Brugger asked for clarification on whether or not the lot line goes right up to the structure. Chair Switzer confirmed, noting that was completed years ago and that the HOA owns the surrounding land. CEO Zarnstorff added that there was originally a 4' buffer and Chair Switzer added that the Board decided that didn't make much sense and it was changed. Member Appleby asked if the homeowner is not able to plant flowers near the house, for example, as s/he does not own that property. M. Ferrauilo clarified by saying the Association would allow them to plant flowers and maintain them. Chair Switzer voiced that the homeowner could not put a porch or patio on. M. Ferrauilo confirmed, stating that could only happen with HOA approval. Chair Switzer added that the HOA would have to grant an easement. Member Appleby added that at that point it would become a Building Permit issue. CEO Zarnstorff affirmed, stating the owner would get permission from the HOA first, then file a Building Permit, then there would be a resub of the new footprint. M. Ferrauilo mentioned he spoke with the engineer today about not coming back and getting the stakeout originally inside this box and not to have to do this resubdivision. He added that he also talked with his attorney who said it could be done that way, which would give the homeowner the extra two or three feet but that the HOA would maintain it. It would be more cost effective that way than to come back each time for a resub. Chair Switzer questioned why the Board could not approve the resubdivision of all the lots all at once, even though there are no structures there yet. M. Ferrauilo concurred, stating the units would be built within a square box, but then he is being asked to come in again and resub each individual unit and paying for it a second time. CEO Zarnstorff interjected that you could stake out a box, then resub those boxes and be done. Chair Switzer asked if there were any other issues with it, for example SEQR. CEO Zarnstorff replied no, but being a resub, there can't be any negative environmental impact. Chair Switzer clarified that a motion for negative declaration would have to be called for on Lots 44A and 44B. Member Appleby added that it would first have to be declared that the Board is the lead agency for the project and the second would be the negative declaration. Chair Switzer asked for the motions.

- ⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to declare the Planning Board as the lead agency.
- ⇒ Member Appleby moved, Member Locke seconded, unanimously carried to declare no negative environmental impact and for a negative declaration for SEQR.
- ⇒ Member Appleby moved, Member Brugger seconded, unanimously carried to approve the resubdivision of Lots 44A and 44B as planned.

THANK YOU Planning Board's John Brugger for 10 years of service! All members of the Board thanked John for his involvement and hard work over the years.

NEXT REGULAR MEETING: Monday, July 14, 2008 at 7pm
Application materials are due by Noon, Tuesday, July 8th

ADJOURNMENT:

- ➔ Member Locke moved, Member Appleby seconded, unanimously carried that the meeting be

adjourned at 8:03pm.

Pamela W. Krahe, Clerk