

**Special 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 27, 2004 at 7:50pm.**

**PRESENT:** Chair R. Scott Winner, Vice Chair John Brugger, Member Annette Locke, Member Arthur Appleby, Village Clerk Leslie Ann Morelli.

**EXCUSED:** Member Charles Switzer, Building/Zoning Officer Scott C. Zarnstorff

**ALSO PRESENT:** Deputy Village Attorney Frank A. Aloï, DPW Superintendent Bradley B. Upson, Village Engineer Tom Carpenter of Chatfield Engineers, Ken Pike, Richard Miller, Robert Slocum, Ryan Martin, Mark Edwards, Kevin Nancy, Elliotte Bowerman (Brockport Post), Jim & Joan Hamlin, Norman GianCursio, Fred Montag, Fred Webster, Bob Webster, MaryJo Nayman.

**CALL TO ORDER:** Chair Winner called the meeting to order at 7:50pm 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 Brugger moved, Member Locke seconded, unanimously carried to approve the minutes of the meeting held September 13, 2004 as written.

**CORRESPONDENCE:** None

**PUBLIC HEARINGS:** None

**OLD BUSINESS:**

1. Application of:      Name:            Alan Beideck (from January 2003)  
   Address:        46 Monroe Avenue  
   Purpose:       driveway expansion

**Applicant Presentation:**

Fred Montag was in attendance as the new property maintenance agent for the owner. An application for a driveway expansion came before the Planning Board in January 2003. The application was heard, but Mr. Beideck never pursued it. F. Montag resubmitted an application with a bit different plan. They would like to take out the west driveway and replace it with fill and grass boxed in by landscape timbers to prevent parking there. There are massive roots there. The east driveway would be used as drive only which would lead to a 5 space parking area in the rear of the house. There is an existing hedgerow, but he is willing to erect a fence to further block the parking and any concern of shining headlights.

He said he walked the site with Chair Winner today. They would stay at grade. The neighbor to the west is about the same grade. They propose digging 20 inches and installing 16 inches of stone and 4 inches of crusher run. There would be no water run off onto other properties.

F. Montag said A. Beideck plans to make improvements to the property including siding and trim, pulling out overgrown landscaping and replanting, and the driveway and parking.

**Continued Board discussion on application:**

Member Brugger said he recalled some issue with the east property using their driveway. F. Montag said A. Beideck owns 2/3 to 3/4 of the driveway. Chair Winner said it is a double driveway. He said the neighbor to the east is quick to let anyone know that they are on his side. That neighbor has the same situation with the neighbor to the east of him.

Member Brugger said there should be no parking on the driveway since it will serve as access to the rear parking. F. Montag said that is correct. Member Brugger asked if there is still a sufficient percentage of green space to meet code requirements. Member Appleby said yes since 2,200 square feet of parking are proposed. He said 2,700 square feet would be the limit.

Member Locke asked how many cars currently park at the address. F. Montag said 4. Member Locke asked what the 5<sup>th</sup> space is for. F. Montag said it is for him to have somewhere to park when he does maintenance there. Member Locke asked about paving. Chair Winner said the Planning Board will require paving, but gives one year to do so to allow the crusher run to settle in. F. Montag agreed. Member Locke asked if the cars currently have to park in a "stacked" fashion. F. Montag said currently one parks on the west driveway and 3 park on the east driveway with one having to be behind another.

Chair Winner said the lot would need to be graded with a slight grade to the northwest to assure no drainage off the property. F. Montag said they would take fill from the rear and fill in the west driveway.

They will use timbers to retain the soil and prevent parking there. Member Appleby asked about the

stressed the importance of keeping the water on the site. Chair Winner commented that eliminating the west curb cut and cleaning that up will make it safer as well as look better. Chair Winner said the house is in decent shape and is glad to hear of the siding plan.

Chair Winner asked Superintendent Upson if DPW could install a new asphalt curb after the parking lot is completed in the rear. B. Upson said yes. He said they hope to resurface Monroe Avenue next year.

Member Brugger asked if there would be a new area for garbage receptacles. F. Montag said it would be by the bay windows between the cellar windows. Chair Winner commented that a dry well would help as well. F. Montag agreed.

⇒ Member Locke moved, Member Brugger seconded, unanimously carried to approve the plan to install a parking area for 5 cars in the rear of the property with the following stipulations: the existing west driveway is to be eliminated and returned to lawn, the Village will replace the curbing, parking on the front lawn is to be eliminated and landscaping timbers are to be installed to discourage illegal parking. The driveway is to be regraded and the parking area in the rear of the building is to have proper drain tile and dry well, 4 to 8 inches of crusher run topped with 4 to 8 inches of stone dust properly compacted as directed by the Village Building Inspector. The total area of the lot is not to exceed 30' x 50'. A solid wood fence will be erected to screen the impact of headlights from neighboring properties. The drive and lot are to be paved with asphalt within one year. Garbage must be enclosed and out of public view in a four-foot wooden, gated fence enclosure located to the north of the bay window on the east side of the house and between the two cellar windows.

This was reviewed with and agreed to by Fred Montag, agent on the property owner's behalf.

Joan Hamlin commented that her father owns the property to the west and questioned where the fence would be located. F. Montag showed her the plan.

2. Application of:      Name:            Russell & Carol Clothier  
                                 Address:        288 Main Street  
                                 Purpose:       driveway relocation / expansion  
                                                    - Board feedback on site visit

**Applicant Presentation:**

Applicants were not in attendance.

**Continued Board discussion on application:**

The Planning Board continued review of the application for approval of the driveway relocation / expansion the property owner implemented at 288 Main Street approximately a year ago without benefit

of prior Planning Board approval. Planning Board members conducted a site visit at their individual convenience.

Chair Winner and Member Brugger commented that they were discouraged by the current condition of the property including gutters, paint, storm door not on and such. They said the Clothier's made it clear at the last meeting that they want to sell it and get out of it. Member Appleby noted sufficient room to pull in and get out. Member Brugger agreed.

Member Brugger drew up a plan and proposed it to the Board. Chair Winner said backing out onto Main Street is a safety concern, so the proposed turn around is good. Member Locke encouraged paving since gravel migrates and parking expands.

Chair Winner told Deputy Village Attorney Aloï that the property is up for sale. He asked how the Planning Board could insure their decision moves forward if there should be a new owner. F. Aloï said the decision could be made binding on any new owner by making it a signed, notarized recordable document. He and Clerk Morelli can work on this.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to the current stone areas need to be returned to grass as depicted on the diagram Member Brugger drew up from the southeast corner of the garage east to the fence abutting the property line. A two parking space area will be allowed 5 feet from the rear of the house extending 20 feet to the west following the north line of the house. Paving will be required within one year. Upon suggestion of Deputy Village Attorney Aloï, this decision will be notarized and made a recordable document for chain of title purposes, thereby making it a condition of sale. If you sell prior to the work being completed, the next owner will be compelled to adhere to this decision and make the required changes.

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 was in attendance and re-introduced Attorney Robert Slocum and Ryan Martin, Proprietor of Grandpa Martin's Gourmet Pickles. R. Miller said they met with the ZBA earlier this evening and were victorious with them agreeing with S. Zarnstorff that application to the ZBA regarding change of use is not necessary. (Most Planning Board members were present for that meeting.)

R. Miller reviewed the exterior site plan. R. Martin provided a rough interior layout. R. Miller said they removed the 6 yard dumpster and will have 5 90 gallon and 2 80 gallon totes enclosed in a 10' x 20' area. There is lighting on the east side of the building. Each tenant has his or her own porch light. He shared details and location regarding the ventilation system. It is at the south end out through the wall and up 25 feet high. It can be relocated if needed. It will vent out over the totes trash pad. There is not a lot of waste (just cucumber nubs). It will be placed in bags, then in the totes and picked up weekly. R. Martin said he anticipates filling less than 1 toter per week. Cardboard would be separated.

**Continued Board discussion on application:**

Chair Winner asked for a brief explanation of the pickle production process. R. Martin said juice is boiled and poured into holding bins. The cucumbers sit in it for a week initially. They sit in house for 15 days to make sweet pickles and 10 days to make other pickles. The juice includes vinegar and sugar. They boil on and off every day. They vent (emit) an hour then off an hour. Currently they are 5 to 7 days per week 8am to 5 or 6pm. R. Martin said they chop garlic, onions, and dill within the facility.

Tom Carpenter referred to SEQR which questions emitting objectionable odors more than one hour per day. Objectionable odors are subjective here. The impact could be mitigated. T. Carpenter said this could be considered an Unlisted Action with a short environmental assessment form, not a coordinated review. However, due to the location being across from a historical site (70 Clinton Street) it may make it a Type I action with a long environmental assessment form with coordinated review.

R. Miller reminded all of the air handler. T. Carpenter and F. Alois said a coordinated review would be overkill. Therefore, as long as any potential adverse impacts can be shown to be mitigated, they should

be fine. Member Brugger commented that there is nothing regarding Grandpa Martin's Gourmet Pickles

at 49 Clinton Street that would deteriorate the structure at 70 Clinton Street. Chair Winner said he consulted Historian Emeritus and member of the Historic Preservation Board, Bill Andrews, who said 70 Clinton Street would not be worse off with pickle processing across the street. Member Appleby said the building is set back from the street, which places it even further away from the historic site.

Member Appleby asked what would be going into the drains. R. Martin said 80% water, some salt and a

little vinegar. B. Upson said those items are highly acidic which should not create any issues with the Village sewers. Member Appleby asked how much would be going down the drains. R. Martin said 30-40 gallons per day maximum. R. Miller commented that when it was a laundry, the drains would become encrusted with soap. This applicant poses no potential hazards and will keep it running clear. He said there is a particularly large water line there. B. Upson questioned if there is a dedicated drain for the enterprise building separate from the residential side. R. Miller said yes. R. Miller said they will be installing a backflow preventer.

T. Carpenter said having explored everything; the short form environmental assessment form is fine. Chair Winner asked R. Martin if they have received any complaints in their current residential location in

Ogden. R. Martin said no. He said the Board even commented during his renewal process that no one would even know they make pickles there. Chair Winner said he believes the unique circumstance of one hour on and one hour off re ventilation will allow for dissipation and provides a higher comfort level. Member Brugger said he was more concerned about a 6 yard dumpster sitting with odors in the sun for long periods of time.

Member Locke questioned parking. R. Miller showed where the 4 residential parking spots would be located (one per apartment). R. Miller showed where the employee and potential customer parking would be. Member Locke asked about paving. Chair Winner said the Planning Board requires paving when there is a new installation of parking or a retail business. In this case, much of it is paved. Chair Winner said the remaining gravel does not bother him and could be left to the property owner and

tenants.

Chair Winner said R. Miller previously mentioned his involvement as Economic Development Coordinator. He said he was involved in encouraging Grandpa Martin's Gourmet Pickles to locate in the Village, but did not show them this site or refer them to R. Miller. However, to eliminate any possibility of perception of impropriety between his roles as Economic Development Coordinator and Planning Board Chairperson, S. Winner said he would refrain from voting on the application. R. Miller said he understands S. Winner's concerns, but has no problem with and would appreciate S. Winner's vote. S. Winner said he appreciates that, but will recuse himself from voting.

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⇒ Member Appleby moved, Member Brugger seconded, unanimously carried to approve the application for use of the existing enterprise building at 49 Clinton Street in the Business zoning district for Grandpa Martin's Gourmet Pickles for commercial pickle production provided that all state, local and health department codes are met.

**NEW BUSINESS:**

- |                    |          |                  |
|--------------------|----------|------------------|
| 1. Application of: | Name:    | Dr. Clasquin     |
|                    | Address: | 56 Market Street |
|                    | Purpose: | addition         |

**Applicant Presentation:**

Dr. Clasquin shared that he recently purchased 56 Market Street, last used as Freel Engineering, for his dental practice on the first floor and continued apartment rental upstairs. He reviewed his plans and provided photographs of an 11' x 13' concrete pad area in the rear underneath an existing porch. He wishes to enclose this area and use it for trash storage and handicapped access as well as allowing access to the basement without having to go outside. He would provide a door and a window.

**Continued Board discussion on application:**

Member Brugger asked if it would be used for office space. Dr. Clasquin said no. There will be no heat. It will just be a vestibule. Chair Winner asked if he is still planning on living upstairs. Dr. Clasquin said no, due to the size. The apartment is currently empty. He needs to do some updating.

Member Brugger asked if there is room to the right of the stairs for handicapped access. Dr. Clasquin said yes. Member Appleby asked if the back door is at grade or if a ramp will be needed. Dr. Clasquin said it is at grade, therefore, no ramp is necessary.

Member Brugger asked if the enclosure would match the building. Dr. Clasquin said it would be sided and trimmed to match. He said the roof angle might be different since it would be like a shed dormer.

Member Locke asked his timeframe. Dr. Clasquin said he would like to have the interior renovations completed by mid November.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to approve the application for an 11' x 13' rear addition at 56 Market Street in the Business zoning district as presented on the condition that the exterior matches the existing siding and trim and that all requirements of the Village code and building code are met.

On a different note, Dr. Clasquin thanked the Village for allowing the Brockport Symphony Orchestra to rehearse in the conference room on occasion.

**NEXT REGULAR MEETING:** Monday, November 8<sup>th</sup>

**ADJOURNMENT:**

→ Member Brugger moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 9:15pm.

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Leslie Ann Morelli, Village Clerk