

**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, April 28, 2003 at 8:00pm.**

**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:**

**ALSO PRESENT:** Frank A. Alois: Deputy Village Attorney, Tom Carpenter of Chatfield Engineers (Village Engineer), Bradley B. Upson; DPW Superintendent, Marc Calcagno, Sam Liberatore.

**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 March 10<sup>th</sup> and March 31<sup>st</sup> meetings.

- ➔ Member Switzer moved, Member Appleby seconded, unanimously carried to approve the minutes of the meeting held March 10, 2003 as written.
- ➔ Member Appleby moved, Member Locke seconded, Members Brugger and Switzer abstain due to absence, carried to approve the minutes of the meeting held March 31, 2003 as written.

**CORRESPONDENCE:** None

**PUBLIC HEARINGS:** None

**OLD BUSINESS:**

1. Application of:      Name:            Remington Woods  
                                 Address:        West Avenue (remaining Farash property)  
                                 Purpose:        overall preliminary subdivision and site plan approval

Chair Winner noted that at the last meeting (3/31) the Planning Board declared itself lead agency and made a SEQR determination. He commented that in reviewing the past meeting minutes he found that they had declared themselves lead agency on this project in April 2002.

**Applicant Presentation:**

Sam Liberatore thanked the Board for the special meeting. He said they have made substantial progress and have been working closely with Tom Carpenter of Chatfield Engineers regarding the overall subdivision and site plans and Section I details. They met April 24<sup>th</sup> and generated a list provided today. The majority of those items have been tackled. Developer Mark Calcagno is anxious to take advantage of the weather and begin clearing and grubbing to get a head start while the labor and equipment is available. S. Liberatore said they would like to get a feel for the Planning Board's thoughts on the plans.

**Continued Board discussion on application:**

Member Appleby said notwithstanding the engineering details, he questioned who owns the property at this time and to what extent the developer is authorized to work on the property. M. Calcagno said his agreement with Farash is that once final approval is granted on Section 1, he has 30 days to close on the property. No building can take place until he owns the property. Ryan Homes will not begin marketing until such time either. He anticipates two or three weeks of clearing and four weeks of earth moving.

Member Brugger asked if there is a written agreement in place between M. Calcagno and Farash. M. Calcagno said yes. He said Farash understands the process and has no problem. He is eager to sell the property. Chair Winner asked for either a copy of the agreement or a notarized statement from Farash as to this.

Member Appleby said they have been through the SEQR process, but he has lingering doubts as to whether the future individual homeowners with conservation easements will honor them. M Calcagno said the DEC is very strict about this and people can be fined or jailed if they mess with such an easement. M. Calcagno shared an example where a sub-contractor in Perinton cleared too far. S. Liberatore shared an example of someone erecting a fence over a utility easement and having been fined and the fence ripped out. Chair Winner said it would be a deed restriction. S. Liberatore said yes and it is filed with Monroe County and shown that they cannot build on or modify. Member Appleby said he feels better about it now. S. Zarnstorff said structures are regulated by the code. However, small structures, grass or landscaping would not be.

S. Liberatore said state regulated wetlands allow nothing in the buffer. M. Calcagno said federal

easement. M. Calcagno said it could be 10 years by the time the development gets back that far, and the wetlands may shrink a bit by then.

S. Liberatore asked if all items on the engineering list were addressed and okayed by the Village Engineer, would the Planning Board vote in favor of the project? Chair Winner said the Planning Board will entertain overall conceptual approval tonight, but they must rely on the support staff members Carpenter, Upson, Zarnstorff, and Aloï being satisfied before granting preliminary approval. Member Appleby said he would like to see the project happen. Other than what has been mentioned tonight, the only thing he has left to address is the DOT's requirement of a left turn lane. A brief discussion took place on road access. Of course a road cut permit will be required of DOT. Chair Winner said the access road must go in prior to other work on the site. M. Calcagno said they would like to clear and grub, remove top soil, and dig for sanitary sewer and pond areas before moving dirt for the road. Chair Winner said they need to minimize the impact on existing roads. M. Calcagno said they can use the Redman Road curb cut.

8:50pm – DPW Superintendent Upson and Attorney Aloï arrived from another meeting. Chair Winner brought them up to speed on the meeting.

B. Upson said they have already gotten calls from some residents at Willowbrooke expressing concern of construction traffic going by. M. Calcagno said they will not need to go all the way. He showed that it would be a very short run before the first house on the right. Chair Winner said it will be their responsibility to keep that stretch of road clean.

B. Upson asked about letters of credit at final approval. M. Calcagno proposed that he set up an account with the money in it needed for the work ahead. He would have the Village as joint on the account. He said posting cash would save him 1-½% letter of credit fees.

Chair Winner distributed M. Calcagno's rough concept for the subdivision sign and landscaping. He will need to work with S. Zarnstorff on obtaining a sign permit, but the Planning Board would like it shown on the plans.

S. Liberatore asked about final plans and signatures needed. B. Upson asked for 1 set of mylars and 2 sets of prints for original signatures on all 3. The Village would keep the 2 sets. S. Liberatore said that is no problem and that he has "read-only" ability on auto cad so details cannot be changed.

B. Upson asked about the installation of street lighting. M. Calcagno said they planned on having the electric company install. B. Upson shared that Niagara Mohawk has changed the rules. It used to be that if the developer installs, Niagara Mohawk operates and maintains while the Village pays the electric bills. Now, if the developer installs, the Village operates and maintains and pays the electric bills. If Niagara Mohawk installs, they will operate and maintain and charge the homeowners the capital costs over 15 years. M. Calcagno said this project is 4 times the size of the Hibsich project. He feels they have conceded on several issues. He would like for NiMo to do the work and have the homeowners pay. B. Upson said this is the best way to go, but the Village Board would have to create a district. He said he and the Planning Board can make the recommendation to the Village Board, but the developer needs to apply to the Village Board.

→ Member Brugger moved, Member Locke seconded, unanimously carried that the Planning Board recommend to the Village Board the creation of a special street lighting district having Niagara Mohawk do the installation just for the Remington Woods project.

→ Member Appleby moved, Member Switzer seconded, unanimously carried that the Planning Board recommend to the Village Board the creation of a special sewer district just for the Remington Woods project.

B. Upson asked when they would be ready to create the districts. M. Calcagno said not until final approval on phase one. Member Appleby asked if the sewer district would include current homes on West Avenue that are on septic systems. S. Zarnstorff said the property owner at 501 West Avenue, just east of the creek, has expressed an interest in hooking in. M. Calcagno said if they can accommodate them, they will, but he would like the Village to take the initiative to send a letter to the West Avenue property owners surveying their interest and do an engineering study. Then, of course, the cost will be borne by those hooking up. B. Upson said it would NOT be a DPW project, but the Village might consider contracting with M. Calcagno to do this. B. Upson said he will draft an informational letter.

Member Switzer said they talked about back yards backing up to the properties on West Avenue a long time ago. T. Carpenter asked what their intentions of "no landscaping" is. M. Calcagno said the only landscaping planned at all is around the subdivision sign and likely around the commercial buildings. Otherwise, the property is heavily wooded with creeks, wetlands, and canal. The Board questioned putting a tree on each 10 foot tree lawn between the gutter and sidewalk like the rest of the Village. T. Carpenter said there are a lot of underground utilities in that area. M. Calcagno said the Village right of

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way runs 2 ½ feet past the sidewalk. Chair Winner said it really would be up to the Village. B. Upson said there is really not a lot of funding set aside for this, but if a homeowner wanted to pay for a tree, the Village could install one that meets its approval and location. Member Switzer said trees are important in a Village. Member Appleby said the location of between street and sidewalk could be problematic causing heaving sidewalks and limbs over the street. B. Upson said those problems are factors of planting the right type of trees and forcing them to grow correctly. Member Switzer said if it added \$200 to the cost of a home it is worth it. Chair Winner agreed this is an important issue, but one that will not be solved tonight.

M. Calcagno said his negotiated price of lots was cast in stone over a year ago, before he knew of needing sidewalks, streetlighting, etc.

T. Carpenter said he is fairly confident the project will work. He knows all outstanding issues will get resolved. The timing is up to S. Liberatore. The major areas are drainage model, pipe calculations, pipe slope calculations, and pump station. T. Carpenter said he could see granting conditional overall preliminary approval in the near future. F. Alois agreed conceptual approval is appropriate tonight, and preliminary (with conditions) in two weeks. Clearing and grubbing is fine, but no earthmoving should take place until overall preliminary approval is granted.

9:40pm Board had nothing else.

→ Motion by Member Brugger, second by Member Switzer, unanimously carried to grant overall conceptual approval to Remington Woods.

→ Motion by Member Brugger, second by Member Appleby, unanimously carried permitting clearing and grubbing operations that would encompass Phase I and lift station and detention pond areas.

**NEW BUSINESS:** None

**NEXT REGULAR MEETING:** Monday, May 12<sup>th</sup> 7:30pm

**ADJOURNMENT:**

→ Member Appleby moved, Member Brugger seconded, unanimously carried that the meeting be adjourned at 9:55pm.

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Leslie Ann Morelli, Village Clerk