

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, May 12, 2003 at 7:30pm.

PRESENT: Chair R. Scott Winner (arrived at 8:30pm), 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. Aloï: Deputy Village Attorney, Tom Carpenter of Chatfield Engineers (Village Engineer), Bradley B. Upson; DPW Superintendent, Mark Holcomb, Scott Warthman, Michael (Flash) Guerreri, Patrick Laber, Christopher Carter, Todd Eging, Mark Calcagno, Sam Liberatore, Joan Hamlin, Bill Weber.

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

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

➔ Member Locke moved, Member Appleby seconded, unanimously carried to approve the minutes of the special meeting held April 28, 2003 as written.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

NEW BUSINESS:

1. Application of: Name: Mark & Betsy Holcomb
 Address: 129 Barry Street
 Purpose: front yard fence

Applicant Presentation:

Mark Holcomb of 129 Barry Street was in attendance to request permission to install a fence in his front yard. It would be 93 feet across the 99-foot frontage and 6 feet off the sidewalk. It would be 3 feet high and made of maintenance free vinyl. Both neighbors have expressed that they are fine with the proposal. It will cross the property line at one point so as to meet the neighbor's fence.

Continued Board discussion on application:

Member Appleby asked if they have a written agreement with that neighbor about crossing the property line. M. Holcomb said it is a verbal agreement, but he could get it in writing. Attorney Aloï suggested that he make the agreement in recordable form and file it with the County Clerk's office. That will simplify things down the line if and when property owners change. It is practical to do it now, rather than later. This way it runs with the land and clarifies the issue for all time. He said he would be glad to look at it.

Member Brugger said the proposal is well within code requirements except for the fence height. The code states 32 inches high and the proposal is 36 inches high. Member Brugger commented that the fence is back from the sidewalk much further than required. S. Zarnstorff agreed and said the 36 inch height should pose no site distance problems. Member Brugger thanked the applicant for the impressive drawings. Member Locke asked if the applicant planned to do the work himself. M. Holcomb said at this point he does. Member Locke asked how long they have lived there. M. Holcomb said they have lived there four years and have four children ages 5 months and older. Member Appleby asked if many on Barry Street have front yard fences. M. Holcomb said no.

⇒ Member Appleby moved, Member Switzer seconded, unanimously carried to approve the front yard fence at 129 Barry Street as applied for.

2. Application of: Name: Scott Warthman – Capen Hose Company
 Address: Main Street at 5 corners
 Purpose: parking plan

Applicant Presentation:

Scott Warthman reviewed his drawing and asked if everyone got it and a letter from Larry Vaughan. All indicated that they received both. He said due to the memorial monument, the cut through from Park Avenue to Main Street is going to be eliminated. Eventually this will be brick. This and the no right on red there slows down firefighter response time getting to this station. Parking at headquarters on Market Street is very difficult. They would like to have 3 parking spaces on the Park Avenue side of the building behind the fire escape of 9' widths. This will also help citizens with a convenient place to load and unload tables and chairs when they borrow them. Further, those wishing to visit the monument

could use these spaces. Some grassy area and a tree that is half dead would be removed.

MINUTES OF MEETING HELD May 12, 2003 continued.....page 2

S. Warthman said an Eagle Scout candidate would landscape all around this firehouse as a project. Arborvitaes will be used for greenery and to make a buffer zone.

Continued Board discussion on application:

Member Appleby commented that the proposed 3 parking spaces look cramped. He said most vehicles are longer than 16 feet. He also expressed concern of vehicles having to back out onto Park Avenue traffic. This could be dangerous. He said he would rather see a small area of pavement under the fire escape and a through road into the existing parking lot from Park Avenue.

Member Brugger shared that the Village code requires parking spaces to be 10 feet by 20 feet in size. S. Warthman said he was not aware of that. Member Brugger said he agrees with Member Appleby's concerns. He further shared that he has lived here 12 years and has rarely ever seen the Capen Hose parking lot full. He would also prefer a through lane into the parking lot. He said this should not be difficult since the Capens own the rental property right next door on Park Avenue. It could be done through deeds and easements. S. Warthman said he would be concerned about people using it as a cut through to avoid the light. Already some people cut through the rental house lawn and place children and pets at that house in danger. Member Switzer said that is all the more reason to put in a paved lane. S. Warthman said if they ever sold the rental property, they would have to have another survey.

S. Warthman asked if the Board would consider 2 parking spaces instead of 3. Member Brugger said there is still the issue of backing out onto Park Avenue. Member Brugger said they are also adding pavement for a burden that really is not there. Member Brugger asked where they would put snow from the proposed 3 parking spaces. S. Warthman said they would have to snowblow the area instead of plow it.

Member Switzer suggested working with the parking they have and putting up signage. He said there is a lot of parking available and no demonstrated need for additional parking. S. Warthman said he feels the Planning Board's recommendation is a hazard. C. Switzer said having three parking spaces backing out onto Park Avenue is what would be a hazard. S. Zarnstorff agreed that maneuvering there would be an accident waiting to happen. Besides, the Village code prohibits parking spaces exiting directly onto a highway in this way. He cited and read the particular section of the code. B. Upson said it is also too close to the intersection. A curb cut further north would be favorable.

T. Carpenter suggested a fence or landscape buffer between the rental property and the firehouse property. Member Appleby suggested considering some parallel parking for monument visitors. S. Warthman said there are certain hours when parking on Park Avenue (further back) is allowed.

B. Upson said the angle of the lot requires turning movements northbound on Park Avenue at a 120 to 130 degree angle. If they could put in a perpendicular drive to Park Avenue south of the basketball court. They would pull in and get parallel to the northeast side of the engine room. S. Warthman said there might be an elevation problem. B. Upson said it could be graded out.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to table the application until the applicant has had an opportunity to rework the plan with DPW Superintendent Brad Upson.

3. Application of: Name: Flash's Tavern – Michael (Flash) Guerreri
 Address: 36 Erie Street
 Purpose: proposed renovations and/or construction to exterior

Applicant Presentation:

M. Guerreri shared that he has been open since October and done a lot to improve the interior of the building and provide a good business. In the next 8 to 16 months he would like to make some improvements to the exterior. The original approvals required handicap accessibility. He has obtained several designs and cost estimates for the installation of a handicap ramp.

M. Guerreri said in the 9 months he has been open; he has complied with everything and is not aware of any complaints. Member Locke asked S. Zarnstorff if he has received any complaints. S. Zarnstorff said no. Member Brugger said the property is certainly improved. M. Guerreri said he has proven he is capable of running a good establishment, policing the area, and he would not want to do anything to ruin his reputation.

In the short-term, he would like approval to use the existing front porch and grassy area for outdoor dining. He also reviewed a list of items he plans to do to clean up the property including painting, patching the driveway and parking and maybe opening up the driveway two to four feet into the grassy area to the east. He also proposes a deck attached to the front porch that would encompass the handicap ramp.

Continued Board discussion on application:

Member Switzer expressed confusion over the application and list of ideas provided. Member Brugger said some of the items do not require Planning Board approval, but they appreciate the information.

Handicap Ramp:

Member Brugger said the handicapped ramp should be done sooner than later. S. Zarnstorff said he is obligated to provide it, but there is no set time frame.

Driveway / Parking:

Member Locke commented that any removal of green space or expansion of driveway or parking would need Planning Board approval. Member Appleby said the drive is narrow, particularly if cars park along side it. M. Guerreri said one side is the fire lane.

Outdoor Dining:

At least inside, the "party" is contained. Providing seating outdoors just moves the "party" outside. Member Switzer asked if the Village Board would have to issue a sidewalk use permit. S. Zarnstorff said no since the property is not Village-owned. Member Brugger said the idea of outdoor dining concerns him. He shared that this was to be primarily a restaurant with an accessory bar. He and his wife and children ages 16, 13, 10 went in after Christmas around 9pm for coffee and dessert and it was dark and loud, there was no dessert offered, and it did not seem like a family atmosphere. M. Guerreri said they now carry desserts and that plenty of families come in.

8:30pm – Chair Scott Winner arrived.

Member Locke said she would not be in favor of outdoor dining if there was to be music outdoors. The Board needs to be concerned with the quality of life for its residents. M. Guerreri said there would be no music. It would just be an option to eat outside and enjoy the nice weather. Member Locke said she would want some type of barrier by way of privacy fencing or landscaping if alcohol were to be served on the front porch. M. Guerreri said there is already a row of hedges in place.

In the meantime, he asked for approval to use the existing porch for dining. Member Locke asked how many tables would fit on the porch. M. Guerreri said 3 or 4. Chair Winner said the useable space is only about 20 feet. Chair Winner further said although many of the neighboring houses are used as residential, the area is zoned Commercial on both sides of the street.

S. Winner said he understands the concern about noise. The Planning Board would like to see people enjoy dining outdoors enjoying nice weather without having it become a block party. Chair Winner suggested placing limitations on any approval for outdoor dining on the existing front porch (not grassy area). Such as that the porch be properly railed, lit, and hours be limited to 10pm weekdays and 11pm or midnight on weekends. Member Switzer also suggested alcohol only be served outdoors with dining, no drinking only. This will prevent people from sitting on the front porch drinking for hours, creating noise and such.

Proposed Deck:

C. Switzer said the proposed deck takes up basically what little front yard there is. M. Guerreri asked if he would need a privacy fence to the west. Member Locke expressed concern of providing seating outside to eat and drink. This will increase the noise level in a fairly residential area.

Member Appleby questioned the deck plans and suggested he consider locating it off the east side of the building toward the drive and parking. This will save the little green space in front. Member Brugger agreed this would be a lot more attractive as well as not being so close to the residential neighbors. Member Brugger questioned how the proposed deck would be in keeping with the Colonial Williamsburg look that M. Guerreri referred to. M. Guerreri said the colors would be in keeping.

M. Guerreri said he would consider the suggested deck location. Chair Winner said there is a historic significance to the building. Although the overall deck design is tasteful on paper, the scale of it is not really appropriate for the building. He recommended that the Historic Preservation Board review and approve any deck plans when they come about. Chair Winner said he agrees with Member Appleby that the deck on the east side makes more sense. This may prove true even from a management and function perspective. Member Locke agreed the deck to the east is a great compromise. M. Guerreri said the quotes for decking are quite pricey, so it will be a while before he is ready for that. He would like to see an outdoor presence created, but he needs to be able to utilize the property without jeopardizing the neighborhood.

M. Guerreri said he is and has been open to suggestions and likes to be proactive. Chair Winner commented that he has delivered on his target audience and has a good balance of patrons. B. Upson asked if his liquor license allowed serving outdoors. M. Guerreri said yes, since it comes from the

same bar. No separate bar will be set up outside.

MINUTES OF MEETING HELD May 12, 2003 continued.....page 4

Upstairs Rental Units:

M. Guerrerri said he realizes that he told the Board he had no interest in being a landlord and would not renew the upstairs apartment leases after May 2003. The Planning Board made that a condition of its approval. However, he said he needs the rental income until the business does better. Member Locke asked how many apartments there are. M. Guerrerri said it is one large space with 8 total rooms including a kitchen and bathroom. There are 6 tenants. Chair Winner said there is the issue of more than 3 unrelated persons. He would need to work with S. Zarnstorff on this.

Member Locke asked where the tenants park. M. Guerrerri said parking is provided for them by the dumpster. Chair Winner suggested the Planning Board rescind the timeframe on abandoning the rental as long as he works with S. Zarnstorff on occupancy issues.

→ Chair Winner moved, Member Appleby seconded, unanimously carried that the Planning Board rescind its prior condition of approval regarding vacating the second floor rental unit provided that it meets all certificate of occupancy and code requirements.

Dumpster Enclosure:

Chair Winner said the issue of enclosing the dumpster still needs to be addressed. Quite often the gates are found open. M. Guerrerri said he usually has to pull the gates closed when he gets to work and is working with Waste Management on this. Chair Winner said this issue really needs to be buttoned up.

→ Chair Winner moved, Member Appleby seconded, unanimously carried to permit food service and alcohol service only in conjunction with food on the front porch until October 31st, 2003 until 10pm on weeknights and 11pm on weekends as long as there is a limit of 3 tables, railings are in place, and adequate style and coverage of lighting is provided.

The Board stressed that he is to carefully monitor the noise level of the outdoor dining.

→ Member Locke moved, Chair Winner seconded, unanimously carried that the other items mentioned on the applicant's proposed short and long term plans be tabled until the applicant returns with more concrete plans.

OLD BUSINESS:

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| 1. Application of: | Name: | Patrick Laber of Schultz Associates |
| | Address: | Champion Moving and Storage
100 Owens Road |
| | Purpose: | updated landscape / parking plan |

Applicant Presentation:

Patrick Laber of Schultz Associates returned and introduced Christopher Carter of Champion Moving and Storage and Todd Efung of Van Putte Landscaping. P. Laber shared that the site layout is basically the same as the Board last saw. There have been some modifications to the ponds due to new stormwater regulations. Some of the parking configurations have been changed for better maneuvering. Small details were added per Chatfield Engineers, and landscaping has been shown on the plans. The DEC review took a long time, but has come out fine. The notification was just placed in the paper for a stormwater permit.

Continued Board discussion on application:

S. Zarnstorff questioned the status of the dumpster enclosure. P. Laber said they are open to suggestions. S. Zarnstorff said either fencing or plantings or a combination of both is fine as long as it is screened from public view.

Chair Winner said the Town of Sweden engineers of MRB Associates provided a comment letter at 4:30pm today. T. Carpenter of Chatfield Engineers verified that items numbered one and two are satisfied. Christopher Carter said item number three regarding vehicle maintenance is not a concern because they utilize Tri Star for their fueling and inspections and Champion's floor drains have been sealed. Item number four regarding providing a 10-foot wide shoulder for a passing lane confused all. There is not enough room to do this. The construction entrance referred to in item number five will be stabilized and mud would be minimized. A note is on the plans. Therefore, the only outstanding issue is number four, which is not doable. The hours of operation and truck traffic figures have been shown. T. Carpenter said he would talk to MRB.

Member Switzer commented that the elevation of the new trailer parking area seems above street level. T. Carpenter said it is slightly about the street level to the east, but it is a couple of feet below the berm. Member Switzer asked if the proposed trees are enough. Todd Efung of Van Putte Landscaping

reviewed the landscape plan and species to be used.

Member Switzer asked the timeframe. C. Carter said he should have the DEC permit by May 30th. The bank has already extended the loan period. Site improvements must start by July 1st.

MINUTES OF MEETING HELD May 12, 2003 continued.....page 5

Member Switzer said in driving by, it seems there are times that more than 24 car spaces are needed. There seem to be a minimum of 14 cars there regularly. C. Carter said they are all concentrated in front right now. Visitor parking is not an issue. P. Laber said he could show more if needed.

Chair Winner said site plan approval was granted 10 months ago with contingencies. No further motion is needed provided that all requirements are met. The necessary parties still need to sign off on the plans. Chair Winner thanked C. Carter and his consultants for sharing the updated information. The Board wished them well.

2. Application of: Name: Samuel Liberatore, PE of Schultz Associates for Mark Calcagno
 Address: West Avenue (remaining Farash Property)
 Purpose: overall preliminary subdivision and site plan approval

Applicant Presentation: (9:35pm)

S. Liberatore and M. Calcagno were in attendance. S. Liberatore said all Village Engineer and Planning Board comments of April 28th have been addressed. Separate detailed plans will be generated regarding the lift station. Issues have been resolved regarding the storm model. History of the pipe under the canal and site discharge has been gathered. Continued observations will take place. S. Liberatore said they have either received permits or approvals from ACOE, DEC, MCPW, MCHD or they are pending. Monroe County requires Village Planning Board overall preliminary approval to proceed. S. Liberatore said MCHD wants to be the last to sign off.

Continued Board discussion on application:

T. Carpenter said the Village might look at pursuing a sewer project out there. He will work up costs for current West Avenue property owners on septic systems to hook up to sewer. T. Carpenter reviewed his May 8th review letter. All that is left are a few detail items. The only large issue is the pump station in Section I. Separate plans are being reviewed. M. Calcagno said there are only fine details left such as building appearance, ventilation, cooling, and heating. Issues regarding calculations are done.

Member Appleby asked the size of the tree lawns and utilities to be buried there. S. Liberatore said the sidewalks are 5 feet wide, the tree lawn is 10 feet, gutter is 2 ½ feet and pavement is 20 feet. Chair Winner mentioned that the Genesee Transportation Council held a Walkable Communities workshop and tour in Brockport last week. The experts spoke of the narrowing perception that trees provide. This helps slow down traffic, etc. Chair Winner asked B. Upson if the Village could plant trees in a tree lawn 10 feet wide. B. Upson said it is doable and has been done elsewhere in the Village. As a matter of fact, Village Code requires one tree per lot. Chair Winner expressed concern about underground utilities. B. Upson said certain species will do fine. It depends on how shallow the rock is. T. Carpenter commented that the sanitary sewer is mostly under the sidewalks. Member Switzer asked if the widths of gutters and pavement could be any narrower. B. Upson said no. In fact, he would prefer 22-foot pavement, but 20 feet is acceptable. M. Calcagno said he would not want to put the sewers in and then have guys planting trees and popping holes in the pipe. S. Liberatore said once the utilities are in, there will not be a lot of room. There is 2 feet of cover over the storm sewer. S. Zarnstorff suggested restricting the water main to the south side of the road. Member Appleby suggested on the other side of the sidewalk. M. Calcagno said there are only 2 ½ feet there. S. Liberatore said NIMO might put the lighting trenches on the water main side or both sides of street. Chair Winner said this is not insurmountable. There has got to be a way to do it. Chair Winner questioned the cost responsibility. Since the tree issue is in the code... M. Calcagno asked how big a tree they are talking about. B. Upson said 1 ½ to 2-inch caliper. One scoop with a backhoe would do it. M. Calcagno said he would want consistency with the trees being planted prior to a section being dedicated or the road being topped in each section. This would involve notifying the property owners all at once. M. Calcagno suggested a 5-gallon bucket be buried when utilities go in to save room for the tree.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to grant overall preliminary site plan approval for Remington Woods on the condition that all Village Engineer review comments are satisfactorily addressed.

⇒ Member Brugger moved, Member Switzer seconded, unanimously carried to grant final approval to Phase I of Remington Woods on the condition that one tree is planted per house tree lawn.

S. Liberatore and M. Calcagno thanked the Planning Board and support staff for their assistance and making this a team effort. The Planning Board wished them congratulations and good luck!

NEXT REGULAR MEETING: Monday, June 9, 2003 at 7:30pm

ADJOURNMENT:

→ Member Locke moved, Member Brugger seconded, unanimously carried that the meeting be adjourned at 10:20pm.

Leslie Ann Morelli, Village Clerk