

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, July 11, 2005 at 7:00pm.

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

EXCUSED: Building/Zoning Officer Scott C. Zarnstorff, Deputy Village Attorney Frank A. Aloï

ALSO PRESENT: Village Engineer Tom Carpenter of Chatfield Engineers, Giff Mosher, Kris Schultz, Christine Hamlin, Fred Webster

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 Appleby seconded, Member Brugger abstained due to absence, carried to approve the minutes of the meeting held June 13, 2005 as written.

CORRESPONDENCE: Chair Winner shared information on a Planning/Zoning Summer School to be held July 28th. Those interested should contact Clerk Morelli by July 15th. Chair Winner shared correspondence from the Donk's regarding a continued noise problem at Allied. There is no Planning Board action to be taken. Member Appleby referred to similar correspondence from Terrin Hover. Allied has been notified and has indicated receptiveness to responding to noise complaints. Chair Winner shared correspondence from S. Zarnstorff regarding code enforcement follow up on 288 Main Street and its illegal driveway expansion that came before the Planning Board a year and a half ago. Board indicated an appreciation for the follow up.

PUBLIC HEARINGS: None

OLD BUSINESS:

1. Application of: Name: Giff Mosher
 Address: 77 State Street
 Purpose: driveway / parking

Applicant Presentation:

G. Mosher said he was told to return to the Planning Board.

Continued Board discussion on application:

Member Locke recused herself as the property is next to hers. Chair Winner asked the applicant if he had any success in regards to a survey map for the property. G. Mosher said no. However, he found a survey stake in the front and rear of the property.

Chair Winner shared that besides expanded parking, the applicant has now proposed to remove a section of brick and build a deck / landing to the east where some of the parking takes place. Board tried to review a hand drawn sketch. Member Appleby asked if front setback will be impacted and how close the proposed deck would be to the sidewalk. G. Mosher said it will expand to the side, not the front. It will not go past the front of the house, therefore, no closer to the sidewalk. Member Appleby said the plans look like it will be partially roofed. Member Brugger asked if the existing roof would remain. Chair Winner said he would not be satisfied with clear fiberglass that is indicated on the hand drawn sketch. He would like to see real roofing. G. Mosher agreed. G. Mosher said Teddy Mosher submitted the application and plans to S. Zarnstorff and he thought it was approved. Chair Winner said it was not approved. S. Zarnstorff referred it to the Planning Board to deal with in conjunction with the parking issue.

Chair Winner referred to a memo of June 13th from next-door neighbor Steve Locke that outlines his belief of the history regarding the driveway / parking expansions over the years. The applicant received a copy upon request. Member Appleby said the letter indicates the driveway had been expanded 2 feet to the east lot line. He asked why. G. Mosher said it never was and that S. Locke does not approve of anything regarding 77 State Street. He has made lots of calls to the police that had no merit. He commented that if the Locke's were so interested in the property, he would be happy to sell it to them for

cash. He said according to legal counsel, he does not have to seed the property to the west. Member Appleby questioned the code regarding side setbacks for driveways. Chair Winner said there is none. Member Appleby said that clears it for him.

Member Switzer said he had no further questions regarding this application. Member Brugger said a few members of the Planning Board conducted a site visit with G. Mosher. He reminded them that there was an option of replacing some of the area used for parking into green space. He asked if such option

had been turned into a plan, particularly in lieu of having a survey map. G. Mosher said Chair Winner has it. Chair Winner said it was copied for the Board, but is very hard to decipher. A survey map would
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really be best. Member Appleby suggested the applicant have one done. G. Mosher said he should not have to go to such an expense. Chair Winner said the Planning Board might be receptive to a proposed solution. However, it can not approve a plan that would be in violation of the code in regards to the regulation that no more than 25% of a rear yard is parking. If the applicant is unable or unwilling to produce a survey map that properly delineates the proposed plan, the Planning Board cannot act on the application. Chair Winner said if the applicant were not willing to adhere to the 25% rule, then he would have to apply to the ZBA for an area variance. The ZBA would likely require a survey map.

G. Mosher said he doesn't understand. He bought the property in 1974 and there was the same amount of parking then. He said a barn on the property burned in 1962 or 1963 under the former owner. The area where the barn was became parking. It has been an apartment house for many years no change. Member Appleby asked if he was suggesting that the property should be "grandfathered" regarding parking. G. Mosher said yes, just like many others in the Village.

Chair Winner referred to a tax map that shows the property as 49.5' wide by ~165' and changing depth.

Member Appleby said the rear line probably changes because the canal is on an angle. G. Mosher said his property does not go to the canal. Chair Winner said the bottom line is the Planning Board needs an accurate map that clearly shows the proposal. Either the applicant can provide a survey map that clearly shows the plan, cut parking back to meet the 25% code, or make an application to the ZBA for an area variance. Chair Winner said he knows that is not what the applicant wanted to hear, but that's where it stands.

⇒ Member Brugger moved, Member Appleby seconded, Member Locke abstained, carried to table the application until a ZBA determination is made on the 25% rule and a survey map is provided.

NEW BUSINESS:

- 1. Application of: Name: Schultz Associates for Sunflower Landing Subdivision
 Address: East Avenue
 Purpose: continue SEQR, site plan and subdivision review

Applicant Presentation:

Kris Schultz went through the Monroe County Development Review Committee's June 14th review point by point. He provided copies of written responses to many of the points.

He reviewed correspondence from Deputy Fire Chief Vaughan in which he suggests lessening confusion regarding street names Alexandria and Anita's Way. 911 has approved the names. Chief Vaughan indicates a preference of the entire outer loop being called Alexandria.

Member Locke referred to Anita's Way and said she thought a street can't change names crossing the creek. It would be called one thing in Don Hibsich's development and another here. She thought whoever "got there first" would name it. K. Schultz said he is comfortable with the Planning Board making the decision. Chair Winner said none of the houses in D. Hibsich's development would face that road. Member Switzer suggested a more defined "T" be made there. Chair Winner said a 3 way stop might help.

Member Brugger questioned whose responsibility it is to maintain the retention / detention ponds to have them do the work they are designed to do. T. Carpenter said often ponds are dedicated to the municipality. However, there is a Homeowner's Association involved here. K. Schultz said in the Remington Woods plan on West Avenue, the pond was built and assured to be put in correctly before the Village takes dedication. Then finish work is done. There should be no silt here due to lack of slopes. It is customary to dedicate ponds to the municipality because they are part of the storm sewer system. There will be an easement there for HOA maintenance ability. Long-term maintenance of the pond can easily be spelled out in the HOA. Approximately every 25 years a pond should be dredged out. The HOA will build up money for this future work.

T. Carpenter questioned status of storm water management approvals. K. Schultz said they would not be impacting any federal wetlands. Monroe County Soil and Water Conservation District will look at the plans, but is not a review agency. Standard review agencies include the Village Engineer, Monroe County Health Department and Monroe County Pure Waters. Member Appleby questioned the need for ACOE permits. K. Schultz explained if the banks are high and thin walls, then procedures are followed as if they were building a dyke or dam. That is not needed here. There is room to make berm

width wider to avoid dyke/dam calculations.

K. Schultz said once the Village Engineer completes its detailed review, he would be ready to go to Monroe County Health Department for approvals. A point on the DRC review related to monumentation. K. Schultz said they could be very precise in Monroe County as monumentation is tied in to the network. A point on the DRC review referred to the "Nodding Pogonia". Due diligence has been done with environmental research and it has proven not to be a concern.

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Continued Board discussion on application:

Chair Winner shared that the Town of Sweden submitted a letter saying they defer to the Village Planning Board regarding SEQR.

K. Schultz asked the Planning Board to render a SEQR decision so that it may attend the July 18th meeting of the Village Board to request an August 15th public hearing on the proposed re-zoning. He reminded the Planning Board that the Village Board wanted them to handle SEQR and the first public hearing. K. Schultz said he would love preliminary approval on the overall plans and final approval on Section I, however, he understands that the Village Engineer still needs to do more review on the technical aspects in order to feel comfortable recommending such.

T. Carpenter recommended the Planning Board render a SEQR decision and the applicant move forward with a rezoning application to the Village Board. He said he is comfortable with the granting of a Negative Declaration as long as the Village continues to receive any follow up documentation from re DEC and storm water management. He said there is still a lot of detailed engineering review to do. He recommends concept approval on the overall plan.

Member Appleby said it is nice not to have to talk pipe sizes with this subdivision. K. Schultz agreed and said they are not dealing with a pump station here. He said the Town of Clarkson and Village of Brockport have been cooperative in signing off on the gravity sewer plan.

Member Switzer commented that he thinks the overall concept is good. He said he is disappointed that the Planning Board has acquiesced to sidewalks on one side only and gutters instead of curbs in the three new subdivisions: McCormick Place, Remington Woods, Sunflower Landing. Chair Winner asked what he objects to. Member Switzer said curbs and sidewalks on both sides of the street are more Village-like. He believes it is an aesthetic issue as well as a safety issue. He further commented that sidewalks on only one side of the street and gutters are more like a housing tract than Village. He said he feels the Planning Board caved to DPW's maintenance preference of gutters and less sidewalks.

Chair Winner said that is a fair criticism, although a predominate style over the last 25 years or more. Member Locke said 100 years ago there weren't cars and snowplows to consider. She said she feels it is important to keep the Village "Village-like" where it can. Chair Winner said he, too, would love sidewalks on both sides of the street. Member Appleby said there are no sidewalks in his neighborhood (Beverly Drive) and it is problematic.

Member Appleby questioned street lighting. K. Schultz said it would provide street lighting like McCormick Place. Member Locke asked about a tree in every unit's right of way. K. Schultz said they might need to be ornamental tree size.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to grant a Negative Declaration on SEQR.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to grant concept approval to the overall plans.

K. Schultz thanked the Board and said he would not need to attend the August Planning Board meeting, but would return in September.

NEXT REGULAR MEETING: Monday, August 8, 2005

ADJOURNMENT:

→ Member Brugger moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 8:15pm.

Leslie Ann Morelli, Village Clerk