

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, March 8, 2004 at 7:00pm.

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: Deputy Village Attorney Frank A. Aloï, Village Engineer Tom Carpenter of Chatfield Engineers, DPW Superintendent Bradley B. Upson, Robbi Hess (Suburban News), Bruce Levine, George Pappas, Mary Lynn Siciliano, Bill Weber, Norm GianCursio, Fred Webster, Jim & Joan Hamlin, Robert Seguin, Liz Blasco.

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 Appleby moved, Member Brugger seconded, Member Locke abstained due to absence, carried to approve the minutes of the meeting held February 9, 2004 as written.

CORRESPONDENCE:

Chair Winner reviewed several pieces of correspondence including workshop offerings for Zoning & Land Use on May 7th and the Cornell Land Use and Community Development Seminar Series. The Village of Brockport also needs at least one representative to serve on the Sweden/Brockport Comprehensive Plan Review Committee. The first meeting is Thursday, March 25th at 4:30pm at the Sweden Town Hall. Please advise Mayor Matela if you are interested. The Monroe County Planning Board has 3 opportunities this week to hear about their proposed Capital Improvement Project. Chair Winner shared that S. Zarnstorff followed up in writing with 58 N. Main Street requiring five outstanding issues, 4 of which were conditions of Planning Board approval, to be completed by June 1st. S. Zarnstorff also wrote to Camross Development who owns the plaza behind the restaurant regarding the condition of use of their dumpster enclosure. Chair Winner reported that the plans for the Village's only pump station at Remington Woods have been approved. Chair Winner said Member Switzer's term on the Planning Board expires July 1st. He asked that he begin thinking about whether he wishes the Village Board to consider him for a 5-year renewal.

OLD BUSINESS:

1. Application of: Name: Belmont Development Corp.
 Address: 222 Main Street
 Purpose: construction of 32 bedroom senior citizen apartments in a single two-story building and related site infrastructure improvements. Site preparation includes demolition of a single story, wood frame commercial building.

PUBLIC HEARING:

→ Member Brugger moved, Member Locked seconded, unanimously carried to close the regular meeting and open the public hearing regarding 222 Main Street.

Clerk Morelli read the legal notice that was published in the February 16th edition of Suburban News and mailed to property owners within 500 feet as a courtesy.

**VILLAGE OF BROCKPORT
LEGAL NOTICE**

PLEASE TAKE NOTICE that the Planning Board of the Village of Brockport will hold a PUBLIC HEARING on Monday, March 8, 2004 beginning at 7:00pm in the Conference Room of the Village Municipal Building at 49 State Street, Brockport, New York. Said public hearing is for the purpose of reviewing and, if appropriate, approving the plan of Brockport BDC Limited Partnership to construct and develop 32 rental units of senior citizen housing on certain real property located at 222 Main Street in the Village of Brockport, pursuant to Article V of the Private Housing Finance Law.

Application of: Belmont Development Corp.
Address: 222 Main Street
Tax Map #: 068.68-3-1
Zoning: Business / Residential
Lot size: 2.136 acres

Purpose: construction of 32 one-bedroom senior citizen apartments in a single two-story building and related site infrastructure improvements. Site preparation includes demolition of a single story, wood frame commercial building.

All interested parties will be given the opportunity to be heard. Application is available for review at the Village Clerk's Office.

Chair Winner read into the record a February 11th letter regarding this application from Brockport Police Chief Daniel P. Varrenti. It read as follows:

Dear Mr. Winner: It was brought to my attention that 3d Development Group, LLC has proposed the building of a 32-unit complex located at 222 Main Street in the Village of Brockport. I have reviewed the plans for this project and have no objection to them. I also examined the calls for service that have occurred at the Park Place Apartments, an existing complex built and managed by 3d Development Group, LLC, and find them well within an acceptable range. Based on this and the positive manner in which the Park Avenue apartments are managed, I don't believe that this proposed complex would create any substantial calls for service for the Brockport Police Department. I would, therefore, support the building of a 32-unit complex at 222 Main Street, Brockport, NY. If I can be of further assistance to the Brockport Planning Board, please don't hesitate to contact me. Sincerely, Daniel P. Varrenti Chief of Police.

Public Comment:

Liz Blasco of 177 Utica Street said the zoning is referred to as part business and part residential. She asked what this means. S. Zarnstorff said upon surveying the parcel was determined to be 54% business and 46% residential zoning. Therefore, the business zoning dominates and the proposed use is a permitted use with a special permit from the Zoning Board of Appeals. A joint public hearing was held November 24th with the ZBA and the Planning Board. L. Blasco said she attended that meeting and questioned when the decision was made. S. Zarnstorff said the public hearing was held and closed November 24th and the ZBA announced that they would continue the application at its regular meeting January 26th. They granted the special permit at that meeting. Chair Winner said this public hearing is to consider final site plan approval.

L. Blasco said she is concerned about traffic problems in the area since Main Street is already congested. It will be hard to turn left into or out of the complex. She questioned how the problem would be remedied. Member Brugger said the developer alleviated the Board's concerns in this regard at the last meeting with some statistics regarding traffic flow, number of active drivers, peak periods and such. Member Appleby agreed and commented that there will likely be less traffic from the proposed complex than the current student rental house next door that uses this property for access and parking. Member Brugger said meeting minutes are available for review on the Village website: brockportny.org.

Bill Weber of 333 Main Street asked how the Village is handling the dual zoning issue and if it will re-zone the property to one zoning. S. Zarnstorff said there are no plans to re-zone.

L. Blasco asked what would become of the senior apartment complex if the management company went out of business. Could it be sold for student housing? Bruce Levine shared that they have been at Park Place Apartments for 6 years and have been in business over 20 years. These two properties are the most regulated properties in the Village. They have to file an extended use contract with the Monroe County Clerk that allows it only to be used as proposed for the next 50 years. It acts as a deed restriction. A buyer could not get financing for anything but seniors. Bruce Levine shared that the federal definition is 62 years of age or older or handicapped or disabled regardless of age. He said the PILOT program that the Village Board will consider at its meeting next Monday night gives the Village supervisory powers to enforce and guarantee its use. The Village, USDA, NYS Division of Housing and Community Renewal as well as some private investors must fulfill their obligations.

→ Member Locke moved, Member Brugger seconded, unanimously carried to close the public hearing due to no further public comment.

Applicant Presentation:

Bruce Levine shared that the asbestos and lead paint report came back for the existing building that is to be demolished. It was negative for asbestos and had very minimal lead paint. No mitigation is required prior to demolition. Once the closing takes place, the Brockport Fire Department is welcome to use the building for training purposes for at least two weeks until the contractor is ready to demolish it. Chair Winner said the Fire Chief has expressed interest in using the building for training.

B. Levine received the latest review comments from Chatfield Engineers today. It had four points. The first is that utility easements shown on the property should be 20' wide. B. Levine said they were aware of that and the plans will be corrected. Skipping to the third point – the outlet pipe for the proposed detention pond is 8" in diameter. For maintenance purposes it is suggested that an outlet structure be utilized with a 12" diameter outlet pipe. B. Levine said that is no problem. The fourth point – the project will require a SWPPP from the NYS DEC. The applicant should provide the Village with any correspondence with the DEC and submit any design changes. B. Levine submitted those tonight.

The second point - information regarding the route and condition of the existing storm sewer pipe still needs to be determined to assess the impact of the storm sewer system for the property being connected to the existing storm sewer. B. Levine shared that a meeting was held recently with all involved players.

Continued Board discussion on application:

B. Upson shared that they televised the storm sewer. The section on this property is clean and in good shape. It t's in to another pipe at the north end of the property and heads west then north to the College Street storm sewer. It has been learned that the Village has a problem on its portion. However, it has no easements. The Village will need to take care of the problem. B. Upson asked the developer to relocate a proposed manhole to the northerly end to the edge of the property. B. Levine said that should be no problem. B. Upson further shared that they also televised the sanitary sewer. A 4" lateral leaves the existing building and goes to Main Street and changes to a 6" lateral. However, it was discovered that the adjoining Webster rental property next door is hooked into this. The ordinance says only one entity per lateral. Therefore, the sewers need to be separated. The best solution is for the rental house to put in a new lateral to go to the main. There is potential for backup onto their property otherwise. Chair Winner asked Attorney Aloï if this is a Planning Board issue. Attorney Aloï said the Village will need to contact the property owner and it will need to be resolved, but it is not the purview of the Planning Board to deal with it. Chair Winner thanked B. Upson for making them aware of the situation. B. Upson said he would contact the property owner and find a way to resolve the situation. Member Appleby asked if the 6" sanitary sewer on the north side of the proposed drive should be made an 8". B. Upson said no.

B. Levine said there are no other changes. Member Appleby asked B. Upson if once the storm blockage in the northwest corner of the property and the Village line to College Street is resolved if that takes care of the drainage problem. B. Upson said the applicant's drainage plans would resolve it. The Village's work will make it even better.

Member Switzer said he knows it is not a Planning Board issue, but questioned the sanitary sewer hook up of the adjoining property. B. Upson said he does not know how the connection got made. If there is no easement, the Village has the right to disconnect it. If there is an easement, the adjoining property may need to put in valves at their own expense. B. Upson said he will further research the situation. He has not contacted the property owner yet since he just learned of this on Thursday. B. Levine said he doubts there is an easement on it since it did not come up in the title search.

Chair Winner said he would discuss the existing sign with the Village Board next week. B. Levine reiterated that the Village could have it if it so wishes; otherwise, they will take it down.

⇒ Member Appleby moved, Member Brugger seconded, unanimously carried to grant final site plan approval on the project.

**RESOLUTION APPROVING PLANS FOR PROJECT
SUBMITTED BY BROCKPORT BDC LIMITED PARTNERSHIP
A REDEVELOPMENT COMPANY**

At a meeting of the Planning Board of the Village of Brockport, held at the Village Hall in said Village, County of Monroe and State of New York, on the 8th day of March, 2004 at 7:00pm there were:

PRESENT: Chair R. Scott Winner, Vice Chair John Brugger, Member Charles Switzer, Member Annette Locke and Member Arthur Appleby.

→ Member Brugger offered the following resolution and moved its adoption:

WHEREAS, the Brockport BDC Limited Partnership a Redevelopment Company, has submitted to the Planning Board the plans for the development, construction at 222 Main Street located in the Village Brockport, New York, of 32 units of housing for low and moderate income elderly (the "Project") pursuant to Article 5 of the Private Housing Finance Law (the "Law"); and

MINUTES OF MEETING HELD March 8, 2004 continued.....page 4

WHEREAS, a public hearing was held, more than 10 days after notice of the hearing was published in the official publication of the Village of Brockport, on February 16, 2004 for the purpose of reviewing the plans for the Project; and

WHEREAS, the Board has reviewed the plans for the Project relating to (A) the height and bulk of the structures, density of population and percentage of land covered by the structures, (B) the relationship of the population density contemplated by the plans for the Project with the distribution population of the Village of Brockport, New York, in other areas or parts thereof, and (C) the provision, if any, for business or commercial facilities appurtenant to the Project, the relationship to existing and planned public facilities, adequacy and planned rearrangement of street facilities and provisions for light, air, cultural and recreational facilities as to the conformity with the purposes of the Law and the adequacy for accommodation of the population density contemplated by the plans for the Project;

NOW, THEREFORE, be it resolved by the Planning Board of the Village of Brockport (the "Board"), a body politic, a lawful quorum of which is duly assembled, as follows:

1. That the Board hereby approves in all respects and without qualification, the plans for the Project submitted by Brockport BDC Limited Partnership.
2. That the Board authorizes its Chairman to execute a certificate stating that the Board has reviewed the plans for the Project submitted by the Company, in accordance with the criteria set forth in Section 114 of the Law, and that the Board approves the plans.
3. That it is found and determined that this resolution came before the Board after the Board held a public hearing for that purpose of reviewing the plans for the project submitted by the Company and that the public hearing occurred more than 10 days after notice of the hearing was published in the official publication of the Village of Brockport, New York.
4. That it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of the Board and any of its committees, that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements.

THIS RESOLUTION shall be in full force and effect from and after its passage in accordance with the regulations of this Planning Board.

SECONDED by Member Appleby, and duly put to a vote which resulted as follows:

Ayes: Member Brugger, Member Appleby, Member Locke, Member Switzer, and Chair Winner.

Nos: None

PASSED, this 8th day of March 2004.

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| 2. Application of: | Name: | Brockport Federal Credit Union |
| | Address: | 16 Liberty Street |
| | Purpose: | interior and exterior renovations |

Applicant Presentation:

George Pappas and Mary Lynn Siciliano were in attendance to review the exterior and interior plans for the front of 16 Liberty Street for the relocation of Brockport Federal Credit Union. G. Pappas said he designed the 1,700 square feet. They will be shortening the existing front window size from 5' 10" to 4' and replace with new windows. The space below will be brick and painted to match the building. The windows on the west side will also be shortened to be aesthetically pleasing.

The size of the handicapped restroom was an issue, so they determined the utility room did not need to be as large as planned. Therefore, the handicapped restroom and utility room have been revised. The restroom will be 7' x 7' with a 5' turning radius for wheelchairs.

G. Pappas said there is a firewall between the two businesses. It is currently 1 hour rated. They will be adding security mesh and additional drywall to make it 2 hour rated. S. Zarnstorff concurred.

G. Pappas said L. Goforth is not responsible for the countertop and workspace. The Credit Union plans to get 3 quotes for this work.

Continued Board discussion on application:

Chair Winner said he met with Larry Goforth last week regarding the reduction of the window height. G. Pappas said L. Goforth is a conscientious property owner. Chair Winner agreed and commented that his interior work is top of the line.

Chair Winner asked about signage. M.L. Siciliano said they would use the windows for signage. They may consider a sign above the door in the future. They will work with S. Zarnstorff when the time comes.

Member Appleby asked if the metal studs go all the way to the roof. G. Pappas said yes.

Member Locke questioned exterior lighting. G. Pappas said there are 2 70-watt lights at the doorway and left corner now. The handicapped parking has also been labeled.

Member Appleby asked the hours of operation of the Brockport Federal Credit Union. M.L. Siciliano said Monday through Thursday 9:30am to 5pm, Friday 9:30am to 6pm and Saturday 9am to 1pm with the staff there 30 to 60 minutes before and after hours.

Member Appleby asked if the parking is adequate. G. Pappas said he has been a member of the credit union for many years. The current location in the small plaza behind Pizza Hut allows only 1 or 2 spaces in front of the office. This is a vast improvement.

Member Brugger asked Chair Winner if he should recuse himself from voting since he works with George. Chair Winner said the approval was actually granted at the last meeting. They returned as a courtesy regarding the change in the exterior windows. No motion is necessary. However, the Planning Board was in agreement that they were fine with the window changes.

NEW BUSINESS: None

MISCELLANEOUS:

41 Park Avenue - Member Brugger noticed that the property on the southeast corner of Park Avenue and State Street is now up for sale. The property owner never went through the Planning Board process for approval to expand his driveway. Member Brugger questioned the status of the unauthorized driveway expansion. Attorney Alois said if it is a certificate of occupancy issue, the new owner may inherit the problem, but it does not necessarily stop the sale. S. Zarnstorff said the property would require a certificate of occupancy at transfer. F. Alois said the c of o can be withheld and the bank will usually not finance a multiple family dwelling without a c of o.

48-50 N. Main Street – Chair Winner said the Dollar General and Fab Books stores are coming along. Member Locke said the front of the building looks good and questioned if the other 3 sides will match. Chair Winner said they would be painted to match the front. Chair Winner asked the Planning Board to take a look at the exterior lighting when they are out at night. Member Switzer commented that the tall sign is awful. Chair Winner said it could have been much worse and gave an example of another new Dollar General.

Canalside Pub – Member Locke commented that there are still no cigarette butt receptacles on the new deck. This was clearly a condition of approval. There are cigarette butts all over the sidewalk. Chair Winner and S. Zarnstorff said Jon Mendez hopes for a July opening on his new restaurant behind Canalside. They will talk with them about following through on promises made.

Maliboo Lounge – Member Appleby questioned what the status is of Maliboo Lounge. S. Zarnstorff said there is an unconfirmed rumor that they were refused their liquor license. However, the Village has not received any notification.

NEXT REGULAR MEETING: Monday, April 12, 2004 at 7pm

ADJOURNMENT:

➔ Member Appleby moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 8:20pm.