

**Village of Brockport
Zoning Board of Appeals Meeting Agenda
Monday, June 30, 2014 7pm**

CALL TO ORDER / PLEDGE / ROLL CALL:

APPROVAL OF MINUTES: March 6, 2014

NEW BUSINESS APPLICATIONS: (PUBLIC HEARING)

1. Name: Duane Beckett for Vulcan Ventures
Address: 80 Clinton Street
Tax Map ID #: 068.52-2-3
Zoning: B-Business
Parcel Size: 66' wide x 112' deep
Property Class: 464
Purpose: Use variance to allow a multiple dwelling; Area variances to allow 4 apartments, more than two bedrooms, offstreet parking for tenants, and setbacks
Zoning Ordinance: Chapter 58-11 B (4) – use variance; Chapter 58-11 A (10) – area variance for 4 apartments and more than two bedrooms; Chapter 58-22 B (2) (a) – area variance for offstreet parking; and Chapter 58-11 E – area variance for setbacks

2. Name: Hollie Geitner
Address: 192 Clark Street
Tax Map ID #: 068.11-3-3
Zoning: O-Residential
Parcel Size: 1.1 acres
Property Class: 210 Single-family
Purpose: Special Conditional Use Permit for home occupation
Zoning Ordinance: Chapter 58-9 A (5)

3. Name: David Strabel for James Zisovski
Address: 24 Market Street
Tax Map ID #: 069.53-1-3
Zoning: B-Business
Parcel Size: 22.18' wide x 77' deep
Property Class: 484
Purpose: Area variance for setbacks
Zoning Ordinance: Chapter 58-11 E

4. Name: Anthony Palumbo for Ellicott Development Corp
Address: 73 N. Main Street
Tax Map ID#: 068.44-2-12.1
Zoning: B-Business
Parcel Size: 2.3 acres
Property Class: 454
Purpose: Special Permit for children's nursery (daycare facility)
Zoning Ordinance: Chapter 58-11 A (11)

ADJOURNMENT:

UPCOMING REGULAR MEETINGS/DEADLINES (only upon application):

- Thursday, August 7, 2014 7pm Deadline: Tuesday, July 15, 12 noon

VILLAGE OF BROCKPORT
PAID JUN 19 2014
CHK # 103
PER \$200 (ph)

VILLAGE OF BROCKPORT

49 State Street, Brockport, New York 14420
Telephone: (585)-637-5300 Fax: (585)-637-1045
Website: www.brockportny.org

ZONING BOARD OF APPEALS APPLICATION

DEADLINE: By Tuesday Noon at least 3 weeks prior to meeting

Area Variance: X Use Variance: _____
Interpretation: _____ Special Permit: _____
Other: _____

Meeting Date: 6/30/14 at 7:00pm
Application Fee: \$ 200
Date Submitted: 6/9/14
Plans Submitted (10 copies): _____
Environmental Assessment Form Submitted: X

Please note:

- Applicant must attend meeting(s).
- Failure to show, withdrawal of application, or denial will result in forfeiture of fee.
- Applicant may be billed for Village Engineer fees related to the review of application.

PROPERTY ADDRESS: 24 MARKET STREET - BROCKPORT, NY

Tax Map Parcel #(s): 069,530.0001-003,000 Parcel size: 22' width 77' depth

Property Zoning District: BUSINESS Property Class: 484

Present Use of Property: COMMERCIAL Proposed Use of Property: MIXED COMMERCIAL/RESIDENTIAL

Provision of Code Appealed (give section and subsection numbers): 58-11 E 40' FRONT YARD SETBACK 11' REAR YARD SETBACK

Previous applications for this property: NONE Planning Board NONE Zoning Board of Appeals
If yes, provide results: _____

Description of Proposal / Detail of Request: BUILD SECOND FLOOR OVER ENTIRE FOOTPRINT

Value of Construction: \$ 100 K Building Permit required after ZBA approval: X yes _____ no

Certification of Statements:

The applicant(s) hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application.

I/We hereby certify that I/We am/are title owner(s) of the property identified in the above application and that the applicant(s) named is/are authorized to make the application described herein.

David Strabel
Applicant Signature

James Zisovski
Owner Signature

DAVID STRABEL
Applicant Name Printed/Typed

JAMES ZISOVSKI
Owner Name Printed/Typed

24 TUDOR RD - BROCKPORT, NY 14420

53 S. MAIN ST BROCKPORT NY 14420
Mailing Address

637-7060 / /
Phone # / Fax # / E-mail

AREA VARIANCE TEST

New York State criteria:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- 2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- 3) whether the requested area variance is substantial;
- 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
- 5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

USE VARIANCE TEST

New York State criteria:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- 1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence
- 2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- 3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- 4) that the alleged hardship has not been self-created.

The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

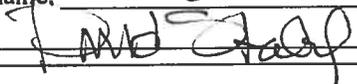
617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map): 24 MARKET STREET - BROCKPORT, NY			
Brief Description of Proposed Action: CONSTRUCT SECOND FLOOR ON EXISTING ONE STORY BUILDING			
Name of Applicant or Sponsor: DAVID STRABEL		Telephone: 585.637.5346	
		E-Mail: dstrabel@brockport.edu	
Address: 24 TUDOR ROAD			
City/PO: BROCKPORT		State: NY	Zip Code: 14420
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO YES
			X
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO YES
PLANNING BOARD & BUILDING PERMIT			
3.a. Total acreage of the site of the proposed action?		<u>0.038</u> acres	
b. Total acreage to be physically disturbed?		<u>0.038</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>0.038</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>DAVID STRABEL</u>	Date: <u>6/9/14</u>	
Signature: <u></u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

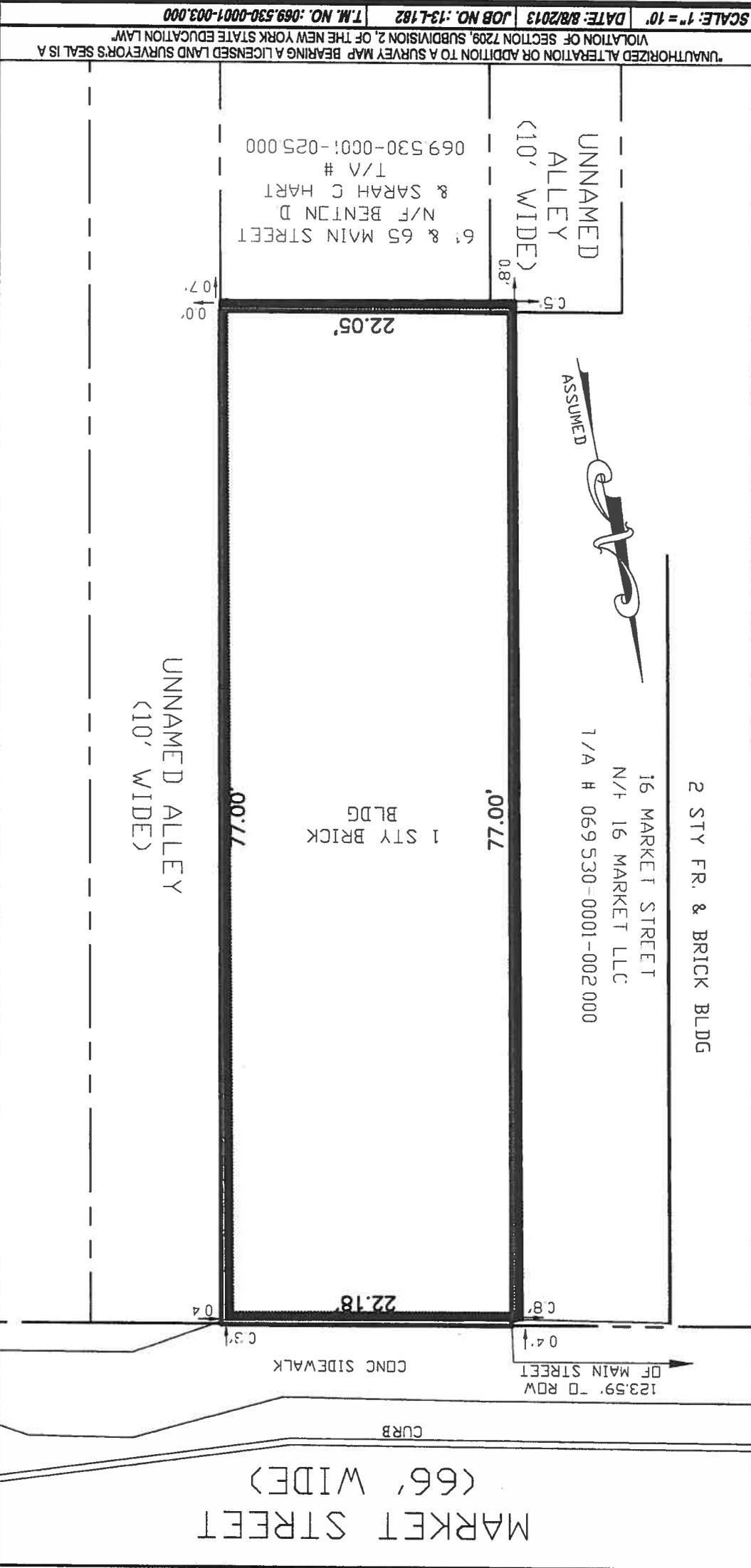
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>VILLAGE OF BROCKPORT ZONING BOARD</u>	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

- LEGEND**
- ▲ P.K. NAIL FOUND
 - ▼ P.K. NAIL SET
 - CONCRETE MONUMENT
 - ⊗ IRON PIN OR PIPE FOUND
 - ⊕ IRON PIN SET
 - ⊙ DRILL HOLE
 - UTILITY POLE
 - EASEMENT LINES
 - UTILITY LINES
 - R.O.W. LINE
 - PROPERTY LINE
 - CENTERLINE



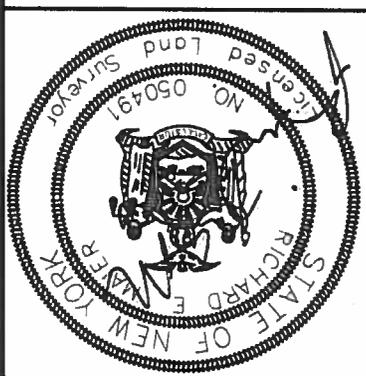
CERTIFICATIONS:
 JAMES ZISOVSKI
 NAT O. LESTER III, ESQ.
 STEWART TITLE INSURANCE COMPANY

DEED REFERENCES:
 LIBER 10820 OF DEEDS PAGE 491

ABSTRACT REFERENCES:
 CROSSROADS ABSTRACT CORP.
 SEARCH NO. 405235
 DATED: AUGUST 1, 2013

**MAP OF SURVEY SHOWING:
 LANDS OF
 MARY L. WIECZOREK TRUST**

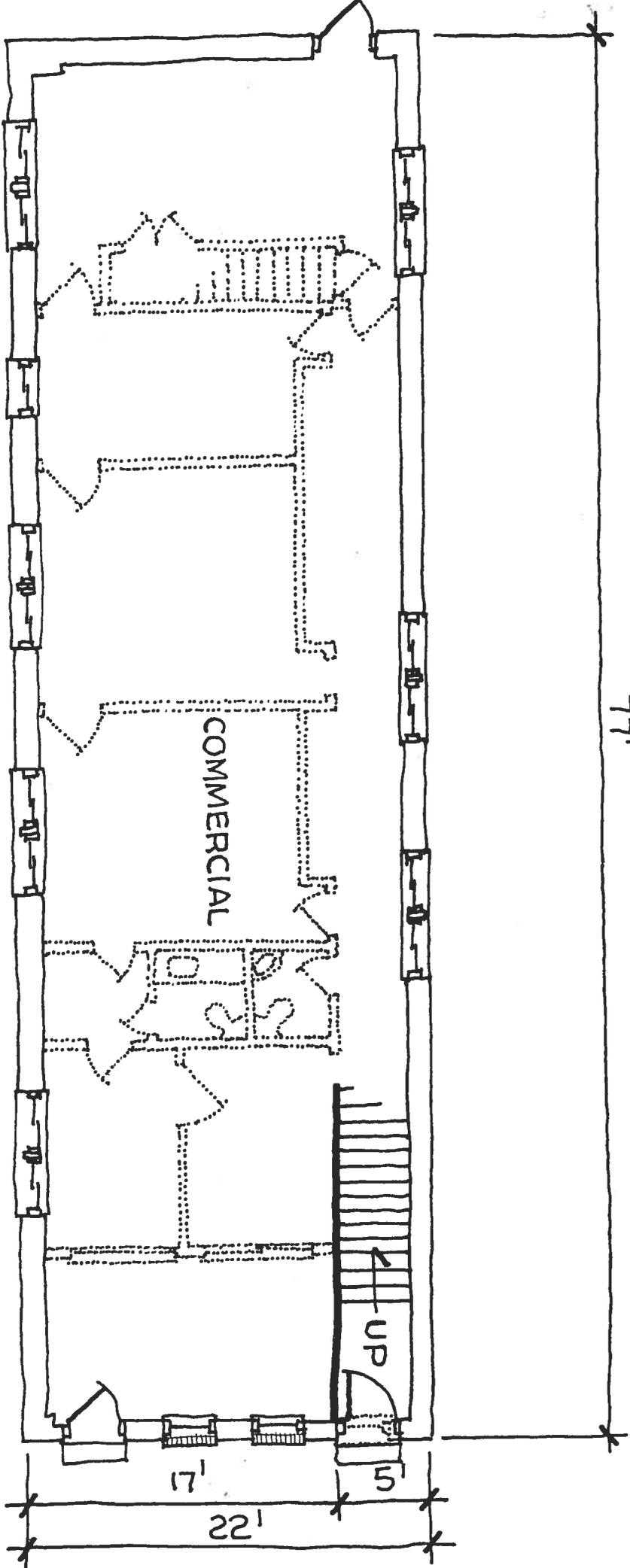
SITUATED IN PART OF GREAT LOT 8, SECTION 7,
 TOWNSHIP 3 OF THE TRIANGULAR TRACT
 TOWN OF SWEDEN
 COUNTY OF MONROE STATE OF NEW YORK



ENGINEERS
 240 COMMERCE DRIVE
 ROCHESTER, NY 14623
 PHONE (585) 359-7540
 FAX (585) 359-7547



771



Scheme B:

Existing first floor remains commercial. A new second floor is constructed from front face of building to rear with a 792 SF two bedroom dwelling unit and a 737 SF two bedroom dwelling unit. Brockport zoning section 58-11 A (10) a-d allows two 800 SF two bedroom dwelling units as long as the first floor maintains 25% commercial space from storefront toward rear. Section 58-11 B (3) does not allow residential on first floors. Section 58-22 B (M) 3 exempt the buildings on Market Street from Main Street to Water Street from on-site parking requirements. Because the west wall is on an abutting property line, the new second floor wall would be required to be a 1 hour fire rated party wall.

Required Variance:

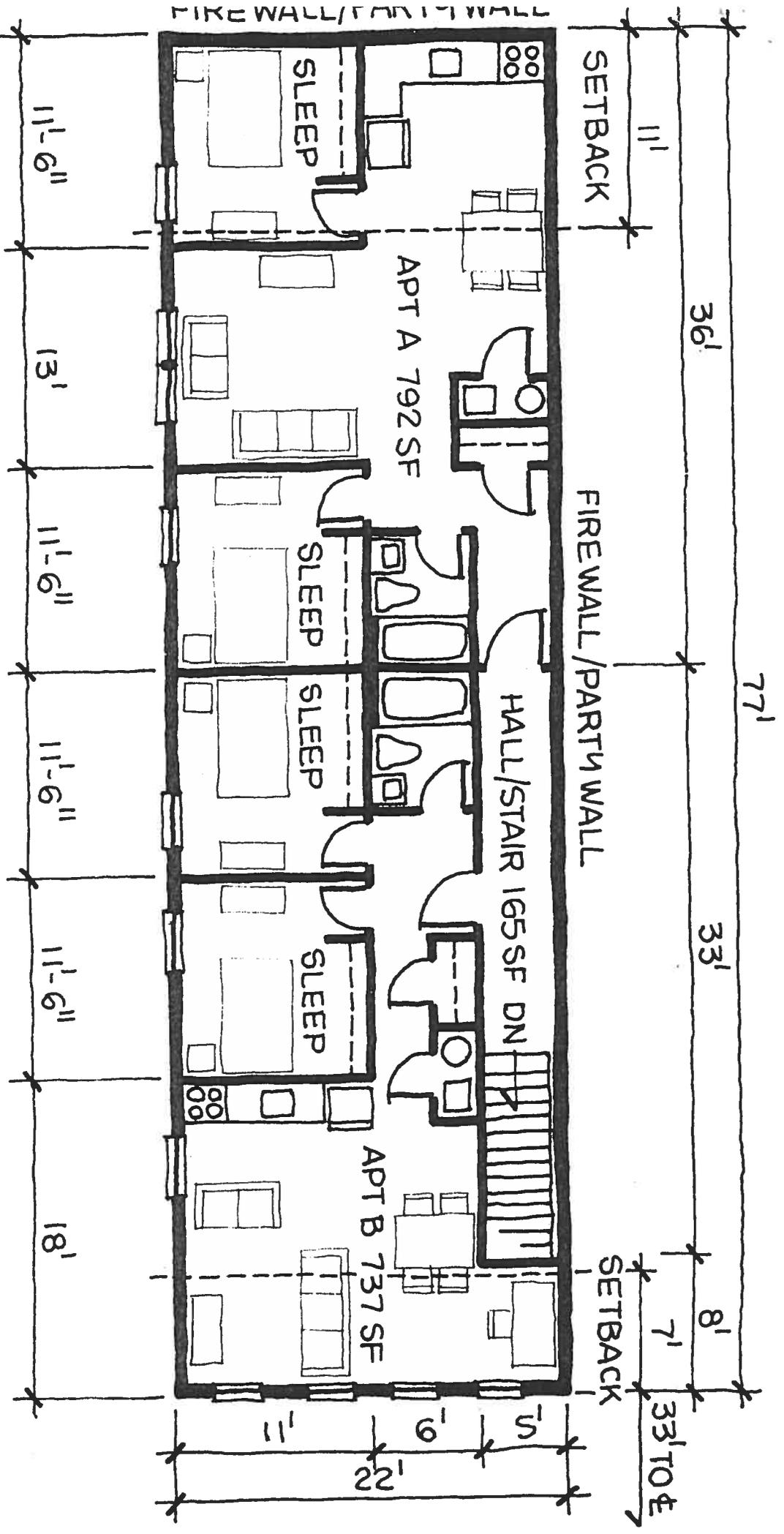
- 58-11 E;
- Setback 40' from centerline of 66' wide street and 11' from rear property line
- second floor shown 7' into front set-back and 11' into rear set-back.

proposed first floor plan 0' 4' 8'

PROJECT: 24 Market Street
 SKETCH: Proposed Scheme B
 DATE: 6/2014 SHEET: 1 of 3

DAVID STRABEL R.A.
 24 Tudor Road
 Brockport, New York 14420
 585-637-5346

architect



Proposed second floor plan 0' 4' 8"

PROJECT: 24 Market Street

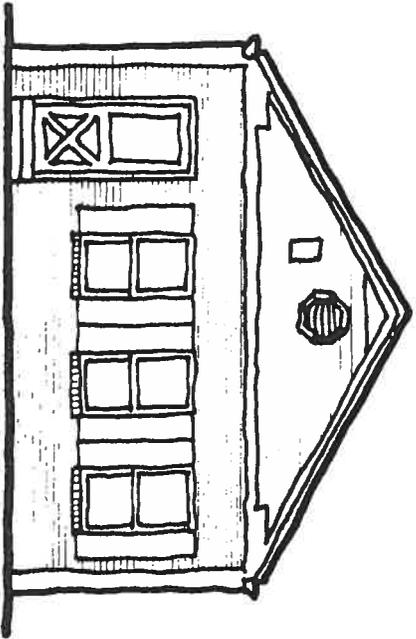
SKETCH: Proposed Scheme B

DATE: 6/2014 SHEET: 2 of 3

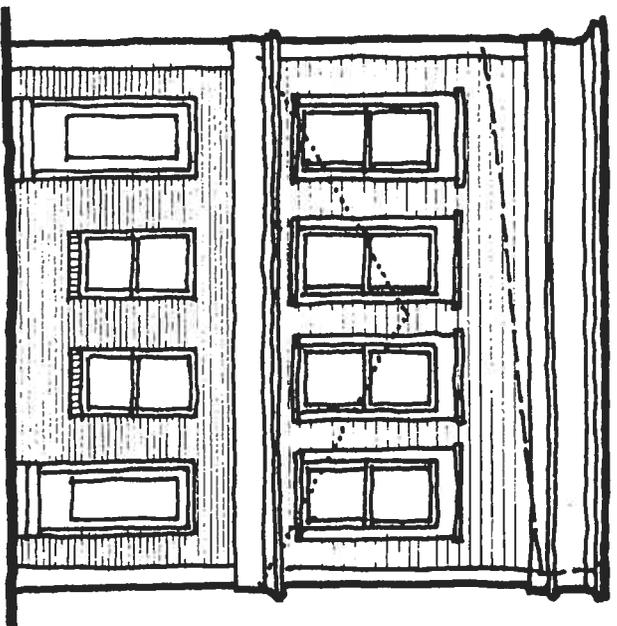
DAVID STRABEL R.A.

24 Tudor Road
 Brockport, New York 14420
 585-637-5346

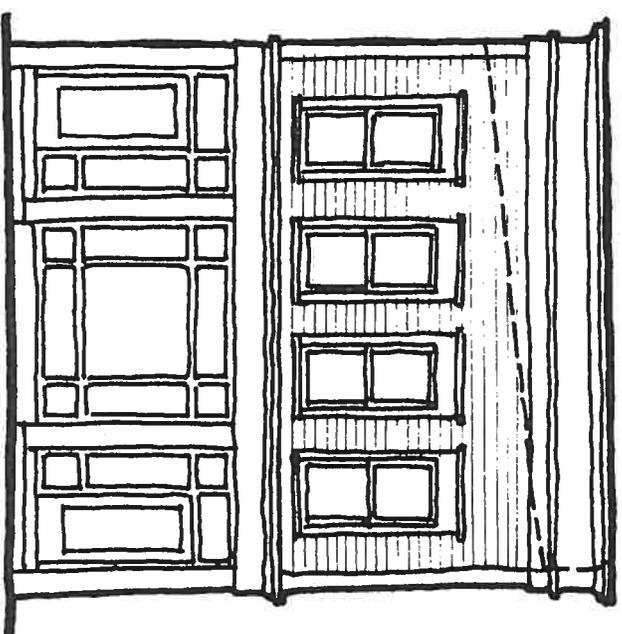
architect



existing
elevation 0' 4' 8'



proposed
elevation 0' 4' 8'



future
elevation 0' 4' 8'

PROJECT: 24 Market Street

SKETCH: Proposed Scheme B

DATE: 6/2014 SHEET: 3 of 3

DAVID STRABEL R.A.

24 Tudor Road
Brookport, New York 14420
585-637-5346

architect

VILLAGE OF BROCKPORT

49 State Street, Brockport, New York 14420
Telephone: (585)-637-5300 Fax: (585)-637-1045
Website: www.brockportny.org

ZONING BOARD OF APPEALS APPLICATION

DEADLINE: by Noon Tuesday at least 3 weeks prior to meeting

Area Variance: _____ Use Variance: _____
Interpretation: _____ Special Permit:
Other: _____

Meeting Date: 6/30/14 at 7:00pm
Application Fee: \$ 150.00
Date Submitted: 6/30/14 6/9/14
Plans Submitted (10 copies): _____
Environmental Assessment Form Submitted:

Please note:

- Applicant must attend meeting(s).
- Failure to show, withdrawal of application, or denial will result in forfeiture of fee.
- Applicant may be billed for Village Engineer fees related to the review of application.

PROPERTY ADDRESS: 73 N. Main & 41 West Ave.

Tax Map Parcel #(s): 068.44-2-12.1 / 68.44-2-12.1 / 68.44-2-8 Parcel size: 2.3 acres 3.7 Acres - total width depth _____

Property Zoning District: Business use Property Class: Supermarket, pharmacy, Greenhouse 454

Present Use of Property: Retail Proposed Use of Property: Daycare

Provision of Code Appealed (give section and subsection numbers): _____

Previous applications for this property: Planning Board _____ Zoning Board of Appeals
If yes, provide results: Approved

Description of Proposal / Detail of Request: Special use permit for daycare facility

Value of Construction: \$ 175,000 Building Permit required after ZBA approval: yes _____ no

Certification of Statements:

The applicant(s) hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application.

I/We hereby certify that I/We am/are title owner(s) of the property identified in the above application and that the applicant(s) named is/are authorized to make the application described herein.

[Signature]
Applicant Signature

William A. Palumbo
Owner Signature

Anthony Palumbo
Applicant Name Printed/Typed

William A. Palumbo / 2968 Group, Inc.
Owner Name Printed/Typed

295 Main St., Suite 210, BFL, NY 14203
Mailing Address

Same
Mailing Address

716-891-0060 / 716-852-2829 / apalumbo@elliottdevelopment.com
Phone # / Fax # / E-mail

Same
Phone # / Fax # / E-mail

Copies to: _____ ZBA _____ B/Z Officer _____ Village Attorney _____ Village Engineer _____ DPW Spt.

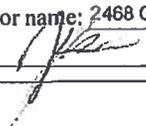
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Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Special use permit for proposed daycare facility			
Project Location (describe, and attach a location map): 73 North Main Street, 41 West Avenue			
Brief Description of Proposed Action: A daycare facility will be occupying 6,500sf of existing space at the subject center. The Village will need to grant a special use permit for the facility's operations.			
Name of Applicant or Sponsor: 2468 Group, Inc.		Telephone: (716) 854-0060 E-Mail: apalumbo@ellicottdevelopment.com	
Address: 295 Main Street, Suite 210			
City/PO: Buffalo		State: NY	Zip Code: 14203
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 0.04 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 3.7 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: 2468 Group, Inc		Date: 6/6/14
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

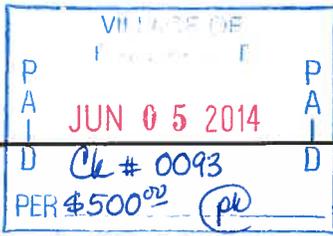
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT



VILLAGE OF BROCKPORT

49 State Street, Brockport, New York 14420
Telephone: (585)-637-5300 Fax: (585)-637-1045
Website: www.brockportny.org

ZONING BOARD OF APPEALS APPLICATION

DEADLINE: By Tuesday Noon at least 3 weeks prior to meeting

Meeting Date: Mon. June 30 2014 at 7:00pm

Application Fee: \$ 200 (Area) 4300 (Use)

Date Submitted: 6/5/14

Plans Submitted (10 copies): _____

Environmental Assessment Form Submitted: _____

Area Variance: x Use Variance: x
Interpretation: _____ Special Permit: _____
Other: _____

Please note:

- Applicant must attend meeting(s).
- Failure to show, withdrawal of application, or denial will result in forfeiture of fee.
- Applicant may be billed for Village Engineer fees related to the review of application.

PROPERTY ADDRESS: 80 Clinton Street, Brockport, NY 14420

see attached survey

Tax Map Parcel #(s): 068.52-2-3 Parcel size: 66' width 112' depth

Property Zoning District: Business Property Class: 464

Present Use of Property: Office Bldg Proposed Use of Property: mixed office & apartments

Provision of Code Appealed (give section and subsection numbers): 58-11AC10

Previous applications for this property: N Planning Board N Zoning Board of Appeals
If yes, provide results: _____

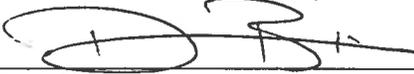
Description of Proposal / Detail of Request: See attached

Value of Construction: \$ _____ Building Permit required after ZBA approval: yes no

Certification of Statements:

The applicant(s) hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application.

I/We hereby certify that I/We am/are title owner(s) of the property identified in the above application and that the applicant(s) named is/are authorized to make the application described herein.



Applicant Signature



Owner Signature

Duane M. Beckett
Applicant Name Printed/Typed

Vulcan Ventures, Inc.
Owner Name Printed/Typed

45 State Street, Brockport, NY
Mailing Address

45 State St., Brockport, NY 14420
Mailing Address

_____/_____/_____
Phone # / Fax # /

Copies to: _____ ZBA _____ B/Z Officer _____ Village Attorney _____ Village Engineer _____ DPW Spt.

KENNEDY AND SCHUM
Attorneys and Counselors at Law
43 Nichols Street
P. O. Box 102
Spencerport, New York 14559

Area Code: (585) 352-0700
Fax: (585) 352-0701
Email: kennedy2@rochester.rr.com

Jeremiah M. Kennedy (1920-1994)
Daniel G. Schum

Carl A. Coapman

May 30, 2014

Village of Brockport
Attn: David C. Miller, Building Department
49 State Street
Brockport, NY 14420

RE: 80 Clinton Street ZBA Application
Owner: Vulcan Ventures, Duane Beckett

Dear Mr. Miller:

Thank you for taking the time out of your schedule to review the proposal of Mr. Beckett for the mixed use of his office building located at 80 Clinton Street. The mixed use will be business on the first floor and the proposed four residential apartments on the second floor. In furtherance thereof, I am pleased to enclose an original, and seven copies of the application along with copies of the respective maps and application check.

Mr. Beckett is proposing to construct four upscale apartments on the second floor. These will not be used for college housing. The developer is hoping for rents in the neighborhood of \$800-1,000.00 depending on circumstances.

The developer also owns the adjacent enclosed parking lot, which abuts Clinton Street and Main Street consisting of 0.156 acres. There are guardrails already installed. The developer believes there is sufficient private parking for the residential units to answer any of the Village's concerns.

The applicant believes there will be no undesirable changes produced in the character of the neighborhood and this change will not be detrimental but actually beneficial to the nearby properties and the Village. The applicant believes that the variance is not substantial and will not produce any adverse effect or impact on the physical or environmental condition of the

neighborhood or district. The applicant has tried to obtain other businesses to rent the second story without success. This applicant believes granting the variance will not alter the essential character of the neighborhood.

Lastly, the applicant believes the overall concept is in line with the current developments in the Village but without the use of tax abatements, COMIDA money, etc. The developer is using a novel approach: use of his own funds.

We understand the Village may require the merger or consolidation of the parking lot tax account number and the tax account number for 80 Clinton Street. This will not be an issue or a problem.

I look forward to meeting with you on June 30, 2014 at 7:00 p.m. for discussion.

Very truly yours,

Carl A. Coapman

CAC/jjm
Enclosure



A.J. BAREA - PLS

Professional Land Surveying

52 State Street - Unit C - Brockport, New York 14420
AJBareaPLS@msn.com (585) 750-4563



INSTRUMENT SURVEY

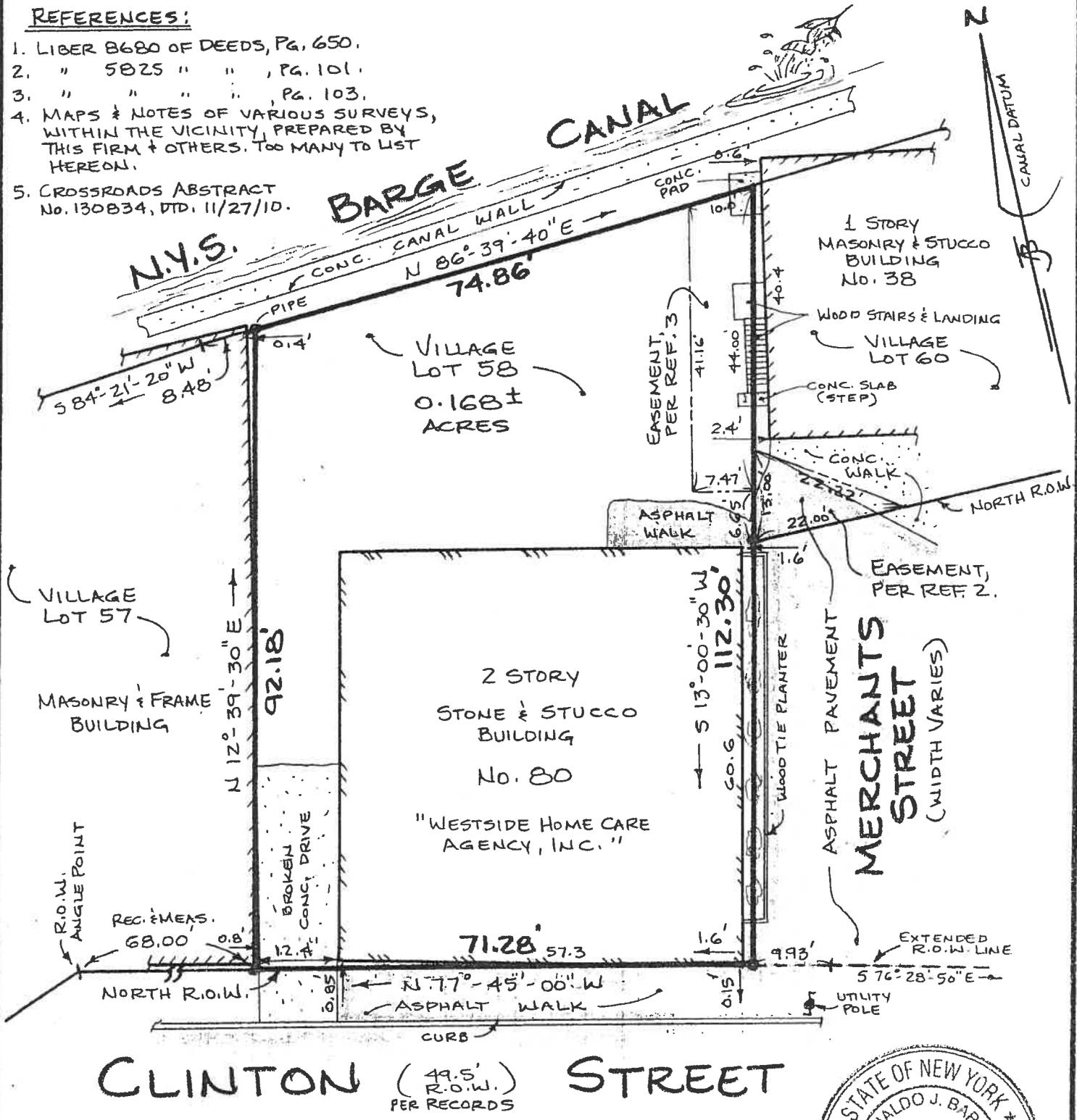
- VILLAGE OF BROCKPORT -

Parcel at TOWN OF SWEDEN - COUNTY OF MONROE - STATE OF NEW YORK

Subdivision WEST PART OF VILLAGE OF BROCKPORT, BY ZENASCASE, JR Street No. 80 VILLAGE
LIBER 4 OF MAPS, Pg. 66 CLINTON STREET Lot No. 58
S.B.L. No. 068.52-2-3

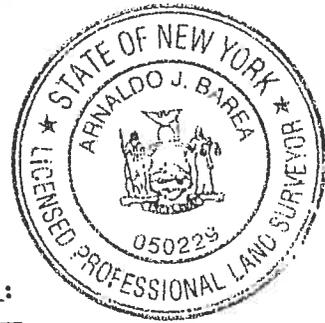
REFERENCES:

1. LIBER 8680 OF DEEDS, Pg. 650.
2. " 5825 " " , Pg. 101.
3. " " " " , Pg. 103.
4. MAPS & NOTES OF VARIOUS SURVEYS, WITHIN THE VICINITY, PREPARED BY THIS FIRM & OTHERS. TOO MANY TO LIST HEREON.
5. CROSSROADS ABSTRACT No. 130B34, DTD. 11/27/10.



CLINTON STREET

(49.5' R.O.W.) PER RECORDS



SCALE 1" = 20 FEET

"Only copies from the original of this survey map bearing the signature and an original stamp in blue ink of the Land Surveyor's seal shall be considered to be valid true copies."

"Certifications shall be valid only to the parties for whom this survey was prepared, listed hereon. Certifications are not transferable to additional institutions or subsequent owners."

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law." This map was made from notes of an Instrument Survey completed on JANUARY 03, 2010.

Certified to the following:

1. DUANE W. BECKETT
2. STEWART TITLE INSURANCE COMPANY
3. KENNEDY & SCHUM, ATTY'S.

Dated JANUARY 04, 2011

Signed

A.J. BAREA, NYSPLS No. 050229

6" SNOW COVER

REVISED 01/07/11

LESTER/MAXWELL



A.J. BAREA - PLS

Professional Land Surveying

52 State Street - Unit C - Brockport, New York 14420
AJBareaPLS@msn.com (585) 750-4563



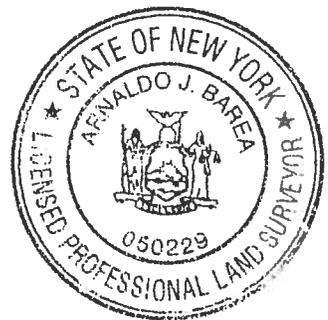
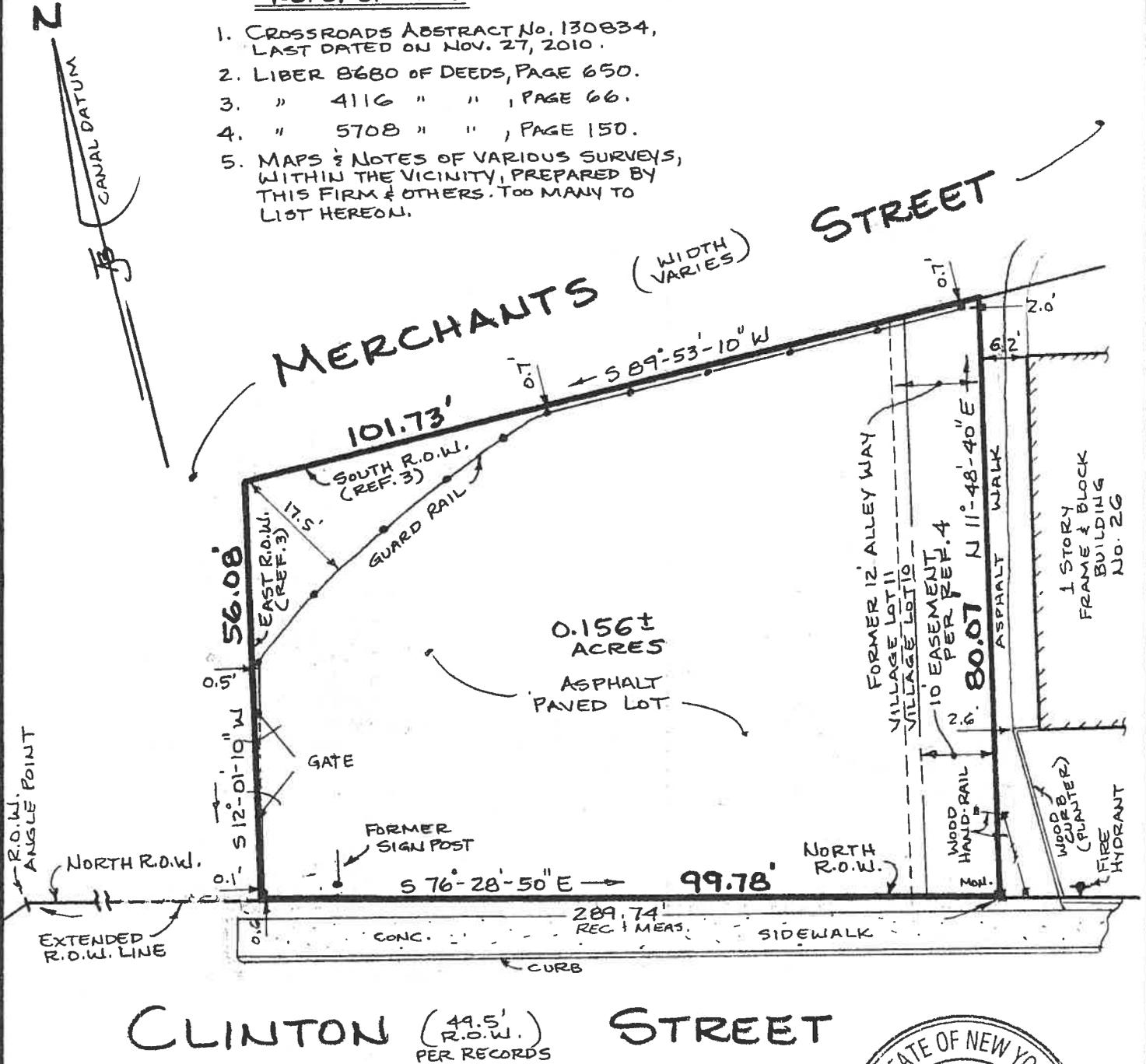
INSTRUMENT SURVEY

Parcel at TOWN OF SWEDEN - COUNTY OF MONROE - STATE OF NEW YORK

Subdivision WEST PART OF VILLAGE OF BROCKPORT, BY ZENAS CASE, JR. Street No. 34 CLINTON STREET PART OF VILLAGE Lot No. 10 & 11
LIBER 4 OF MAPS, PG. 66 S.B.L. No. 068.52-2-12

REFERENCES:

1. CROSSROADS ABSTRACT No. 130834, LAST DATED ON NOV. 27, 2010.
2. LIBER 8680 OF DEEDS, PAGE 650.
3. " 4116 " " , PAGE 66.
4. " 5708 " " , PAGE 150.
5. MAPS & NOTES OF VARIOUS SURVEYS, WITHIN THE VICINITY, PREPARED BY THIS FIRM & OTHERS. TOO MANY TO LIST HEREON.



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Dated JUNUARY 10, 2011

Certified to the following:

1. DUANE W. BECKETT
2. STEWART TITLE INSURANCE COMPANY
3. KENNEDY & SCHUM, ATTYS.

Signed

A.J. BAREA, NYSPLS No. 050229

6" SNOW COVER

VILLAGE OF BROCKPORT
 P A JUN 09 2014 P A
 D Ck # 112 D
 PER \$25.00 (PW)

VILLAGE OF BROCKPORT

49 State Street, Brockport, New York 14420
 Telephone: (585)-637-5300 Fax: (585)-637-1045
 Website: www.brockportny.org

ZONING BOARD OF APPEALS APPLICATION

DEADLINE: By Tuesday Noon at least 3 weeks prior to meeting

Meeting Date: Mon June 30 at 7:00pm

Application Fee: \$ 25.00

Date Submitted: 6/9/14

Plans Submitted (10 copies): _____

Environmental Assessment Form Submitted: _____

Area Variance: _____ Use Variance: _____
 Interpretation: _____ Special Permit: X
 Other: _____

Please note:

- Applicant must attend meeting(s).
- Failure to show, withdrawal of application, or denial will result in forfeiture of fee.
- Applicant may be billed for Village Engineer fees related to the review of application.

PROPERTY ADDRESS: 192 Clark St Brockport NY. 14420

Tax Map Parcel #(s): 068.11-3-3 Parcel size: 1.1 acre width _____ depth _____

Property Zoning District: 0-Res Property Class: 210

Present Use of Property: Residential Proposed Use of Property: Residential w/ home occupation

Provision of Code Appealed (give section and subsection numbers): Ch. 58-9A(5)

Previous applications for this property: _____ Planning Board _____ Zoning Board of Appeals
 If yes, provide results: _____

Description of Proposal / Detail of Request: Special Use Permit for hair salon - home occupation

Value of Construction: \$ _____ Building Permit required after ZBA approval: ___ yes ___ no

Certification of Statements:

The applicant(s) hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application.

I/We hereby certify that I/We am/are title owner(s) of the property identified in the above application and that the applicant(s) named is/are authorized to make the application described herein.

Hollie Geitner
 Applicant Signature

 Owner Signature

Hollie Geitner
 Applicant Name Printed/Typed

 Owner Name Printed/Typed

Mailing Address
5880 Bird Rd. Byron NY. 14422

 Mailing Address

Phone # / / Fax # / / E-mail

Copies to: _____ ZBA _____ B/Z Officer _____ Village Attorney _____ Village Engineer _____ DPW Spt.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <p style="text-align: center; font-size: 1.2em;">in-home hair Salon</p>			
Project Location (describe, and attach a location map): <p style="text-align: center; font-size: 1.2em;">192 Clark St. Brockport NY. 14420</p>			
Brief Description of Proposed Action: <div style="background-color: #f0f0f0; height: 100px; width: 100%;"></div>			
Name of Applicant or Sponsor: <p style="font-size: 1.2em;">Hollie Geitner</p>		Telephone: E-Mail: r	
Address: <div style="background-color: #f0f0f0; height: 40px; width: 100%;"></div>			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO X
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO X
3.a. Total acreage of the site of the proposed action?		1.1 acre acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	✓	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____	Date: <u>6/9/14</u>	
Signature: <u><i>Hollie Gutru</i></u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)