

Meeting of the Zoning Board of Appeals of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, August 23, 2004 at 7:00pm.

PRESENT: Chair Jennifer Skoog-Harvey, Member John Bush, Member Charles Switzer, Member David Wagenhauser, Building/Zoning Officer Scott C. Zarnstorff, Clerk Leslie Ann Morelli.

EXCUSED: Vice Chair / Member Irene Manitsas, Deputy Village Attorney Frank A. Aloï

ALSO PRESENT: Steven Ray, Mark Edwards, Kevin Nacy, John Stapleton, Jim and Joan Hamlin, Fred Webster, Elliotte Bowerman (Brockport Post).

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

REVIEW OF MEETING MINUTES: Chair Skoog-Harvey called for a motion to approve the minutes of the June 28, 2004 and July 26, 2004 meetings.

- ➔ Member Bush moved, Member Switzer seconded, Member Wagenhauser abstained due to absence, carried to approve the minutes of the meeting held June 28, 2004 as amended.
- ➔ Member Wagenhauser moved, Member Switzer seconded, Member Bush abstained due to absence, carried to approve the minutes of the meeting held July 26, 2004 as written.

CORRESPONDENCE:

Chair Skoog-Harvey referred to a letter received from Art Brennan regarding the Lakeside Memorial Hospital application.

NEXT MEETING: Monday, September 27, 2004 at 7:00pm if needed

OLD BUSINESS:

1. Application of: Name: Douglas VanDetta
 Address: 26 Holley Street
 Tax Map #: 068.60-3-23
 Property Code: 220
 Zoning: Residential
 Lot size: .20 acre
 Purpose: continuance of non-conforming use as 2 family
 Provision of Zoning Ordinance: 58-20 A (1)

Applicant Presentation:

Applicant did not show. S. Zarnstorff will contact him and let him know that he must attend the next meeting and provide any outstanding documentation previously promised.

2. Application of: Name: Steven L. Ray
 Address: 52 King Street
 Tax Map #: 068.52-4-33
 Property Code: 220
 Zoning: Business
 Lot size: .09 acre
 Purpose: continuance of non-conforming use as 2 family
 Provision of Zoning Ordinance: 58-20 A (1)

Applicant Presentation:

S. Ray said he submitted additional documentation to S. Zarnstorff some time ago including tax bill and reassessment information and picture from the Town of Sweden, insurance papers, a 1 to 4 family rider form, statement from the bank and lending papers. Chair Skoog-Harvey thanked him for the additional documentation and said she had been expecting to see documentation with a particular bank name on it that he referred to, but it was in a different name. S. Ray said the mortgage was bought out by one bank from another.

Continued Board discussion on application:

Member Wagenhauser said the real property transfer report of November 1998 indicates the property as a single family. He also referred to a building and fire inspection report of 1981 from the Village records under the owner name of Meyers. It appears that part of the house was vacant for some time. He questioned if it lost its use as a two family and reverted back to a single family home. S. Ray said that was before he owned it and he has no idea. Member Wagenhauser said that if he changed his multi-family home to a single family home tomorrow, he would not be able to change it back to a multi-family the day after.

S. Ray became flustered and said that he owns 90 or so properties throughout Monroe County. This one property is peanuts in the whole scheme of things. He questioned what the Village wants from him

regarding this property.

Member Bush asked if the property has always been two-family since he has owned it. S. Ray said yes.

Jim Hamlin commented that two-family houses are legal in Business zoning, which this is, under certain restrictions placed in the code in 1995. Chair Skoog-Harvey agreed and questioned how far back the Business zoning goes.

Member Wagenhauser questioned if the application needed to be before the ZBA.

Member Bush asked how often S. Ray checks on this property. S. Ray said he employs one full time and one part time person and that someone visits twice a week for repairs and such. Member Bush asked if the tenants at this property are on public assistance. S. Ray said one just went on public assistance. Member Bush said he also owns a rental house on King Street and has been doing some exterior painting. He commented that the tenants in S. Ray's house are the wildest he has ever seen and use extremely profane language. S. Ray asked if he is sure it is not the house owned by Norm GianCursio. Member Bush said no, he is sure it is S. Ray's house. S. Ray asked which house J. Bush owns. Member Bush said 35-37 King Street. S. Ray commented, "There is a lot of riff-raff on King Street including Mexicans". S. Ray said the house is assessed at over \$60,000, but he can't even get \$35,000 for it. He had 2 offers on it, but he lost the sale due to the Certificate of Occupancy being labeled "conditional". He asked how the Village wants this resolved so he can move on and stop being bothered with this. He commented that the Village probably does not have a leg to stand on if they make him convert it back to a single family. He said he does not have time to waste coming to Village meetings.

Chair Skoog-Harvey explained that the ZBA has a responsibility to all residents of the Village to grant continuances to non-conforming uses if so justified. Some homes have been inappropriately switched from single family to multi family over time. She said she understands that he is busy and appreciates his time, but the ZBA is just trying to do its job.

Chair Skoog-Harvey said she is inclined to approve the application, but wants Deputy Village Attorney Aloï to review the latest documentation, in particular the mortgage information provided. S. Ray asked how he can avoid postponing the decision another month.

⇒ Member Switzer moved, Member Bush seconded, Chair Skoog-Harvey in favor, Member Wagenhauser opposed, carried that the application be approved subject to Deputy Village Attorney Aloï's review of documentation and concurrence.

NEW BUSINESS:

Public Hearing:

- 1. Application of: Name: Lakeside Memorial Hospital
 Address: 156 West Avenue
 Tax Map #: 068.08-1-1
 Property Code: 642
 Zoning: Business
 Lot size: 608' x 1,300
 Purpose: Area Variance to replace 12 of 70 parking spaces
 displaced by the proposed construction of a new Surgical
 Center with 9' x 20' parking spaces
 Provision of Zoning Ordinance Appealed: 58-22 (b) (2) (b)

Applicant Presentation:

Mark Edwards of Lakeside Memorial Hospital was in attendance and introduced Kevin Nacy of LMH and their Engineer John Stapleton. He explained that LMH is looking to demolish the 1948-1950 building on the east side of the property toward West Avenue. Then they will construct a 23,000 square foot building, larger than the existing building. This will impact the parking. He said they have done their best to manage parking over the years, and it has always been a concern for the Village Planning Board and ZBA. The project will impact 70 parking spaces. The only issue before the ZBA is whether the small decrease in parking lot dimensions of 12 spaces from 10' x 20' to 9' x 20' would result in a detriment to the community which outweighs the benefit to Lakeside. Please note that Lakeside provided upon application a 3 page written response to the 5 criteria when considering an area variance.

M. Edwards said the employees would be asked to park farthest away so that visitors and patients have the closest available parking to direct access points. M. Edwards said they are still working within their 5-year plan with the ZBA to go from 477 to 509 parking spots. They will look to create new parking, which will meet the 10' x 20' code.

MINUTES OF MEETING HELD August 23, 2004 continued.....page 3

⇒ Member Wagenhauser moved at 7:30pm, Member Bush seconded, unanimously carried that the regular meeting be closed and the public hearing be opened.

Public Comment and Continued Board discussion on application:

Joan Hamlin of 50 Park Avenue asked if only 12 parking spaces will be 9' x 20'. M. Edwards said yes. J. Hamlin asked if the 5-year plan is still in effect. M. Edwards said yes. Jim Hamlin said the 5 year plan calls for all parking spaces to be 10' x 20'. He asked, if approved, would the 12 parking spaces being addressed tonight remain 9' x 20' or be brought up to 10' x 20' by the end of the 5 year plan.

S. Zarnstorff said he was under the impression that within the 5-year plan all parking spaces would be 10' x 20'. M. Edwards said that is still the plan. Member Switzer asked if all parking spaces are currently 9' x 20'. M. Edwards said yes. They need to deal with the immediate construction needs and current financial burden. Member Switzer said he also serves on the Planning Board and does not recall site plan for this proposal coming before them. M. Edwards said it has not. He was instructed to go before the ZBA first.

Member Bush said they would only lose 1 space if they made the spaces 10' x 20'. S. Zarnstorff said they would lose 2. M. Edwards said each and every space is crucial.

Chair Skoog-Harvey gave M. Edwards a copy of a letter from Art Brennan of Bev Lane. The first point is that the plan blocks the parking for the professional office building, not allowing traffic through to the rest of the parking. This makes people have to go back out onto West Avenue to get to the rest of the facilities. M. Edwards said they could take a look at that. S. Zarnstorff asked about signage to cut down on confusion. M. Edwards said there is clear signage in place.

Member Wagenhauser asked if the front row of parking by the laboratory would still be marked Dr.'s only. Member Wagenhauser said he is one of LMH's biggest supporters. He has had two children born there, utilizes many services, his mother sits on the Board and his company does business with LMH. Therefore, he will be recusing himself from any vote. However, he commented that the prime spots are for the Doctors. Although it is important to keep the Doctors happy, the outpatients and elderly should not have to walk farther. He questioned where the employees park. M. Edwards said they park farthest away. Member Wagenhauser asked where they really park. M. Edwards said they do not have security to monitor parking. Member Wagenhauser asked if they had considered employee parking passes. M. Edwards said parking stickers were tried once. However, because they do not have 24/7 security and Human Resources ran into issues of how many cars are in an employee's family, it didn't work. Member Wagenhauser suggested issuing a parking tag that hangs from the rear-view mirror for employees, similar to what is used for handicapped parking permits.

Trustee Maziarz asked if they had considered sectioning off employee parking with a swipe gate. K. Nancy said the Doctors requested the signs. It is not enforced, but most people abide by it. The medical staff is a cross section of the community. M. Edwards said those spaces are primarily for the Doctors that are in and out to visit their patients. The employees of the medical building tend to park in the south lot. S. Zarnstorff asked how the parking space size was dealt with when the Care Center was built. M. Edwards said the 10' width was not Village code until 2000.

M. Edwards said 58 spaces will be constructed at 10' x 20' before the building demolition. 14 spaces will be at 10' x 24' – parallel. J. Stapleton said that is not Village code; it just makes it more convenient.

Jim Hamlin asked if employees are still using the 42 spaces at the old Cupolo. M. Edwards said yes. Joan Hamlin commented that it is safer and easier to all come out of one driveway. Member Switzer said he really would like to see the south lot separated. Joan Hamlin said it is sometimes easier to re-park than maneuver on foot through the building maze. Trustee Maziarz asked if the new layout would be more user friendly. M. Edwards said it would not change the distance from the professional office building to the lab or x-ray department. S. Zarnstorff asked how they computed the handicapped access aisles. They can reduce the number of spaces required to accommodate the access aisles.

⇒ Member Switzer moved, Member Bush seconded, unanimously carried that the public hearing be closed and the regular meeting be reopened.

⇒ Member Bush moved to grant the area variance as requested. No second. Motion died.

⇒ Member Switzer moved, Member Bush seconded, unanimously carried that the application be tabled until the September 27, 2004 meeting.

Adjournment:

➔ Member Bush moved, Member Wagenhauser seconded, unanimously carried that the meeting be

adjourned at 7:55pm.

Leslie Ann Morelli, Village Clerk