

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, Tuesday, August 26, 2008 at 7:00pm.

PRESENT: Chair John Bush, Vice Chair / Member Irene Manitsas, James Hamlin, Member Sal Sciremammano, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe.

EXCUSED: Member Francisco Borrayo

ALSO PRESENT: Linda Bilak, Jim Bareis, Chris Lattimer, Fred Webster

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

SELECTION OF CHAIR AND VICE-CHAIR THROUGH AUGUST 2009. John Bush will remain as Chair and Irene Manitsas will remain as Vice Chair.

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

➔ Member Sciremammano moved, Member Manitsas seconded, unanimously carried to approve the minutes of the meeting held July 22, 2008 as written.

CORRESPONDENCE:

NEXT MEETING: Tuesday, September 23, 2008 at 7:00pm if needed

Public Hearings: None

NEW BUSINESS:

1. Application of:	Name:	Village of Brockport
	Address:	38 East Avenue (DPW)
	Tax Map #:	069.37-1-3.1
	Property Code:	651 (Hwy Gar)
	Zoning:	Business
	Lot size:	3.74 acres
	Purpose:	public facility – construction of a 60’x40’ salt storage facility
	Provision of Zoning Ordinance:	58-7

Applicant Presentation:

Jason Foote, Chatfield Engineers, stated the Village is proposing a 40’x60’ salt storage facility which will have a canvas top mounted to concrete walls, in the southwest corner of the property, angled to facilitate truck loading/unloading, with a floor slightly above grade so water does not run into it. The existing storage barn is adjacent and is in dire need of repair. There will be no impact to the stream and there is an existing wooden fence that will be utilized.

⇒ Member Manitsas moved, Member Sciremammano seconded, unanimously carried that the regular meeting be closed and the public hearing be opened.

Public Comment:

Linda Bilak, 37 Liberty Street, stated she is just seeing the proposed plans for the first time tonight and she would like more information as her property is immediately adjacent to the DPW property. She referred to the recent construction of a 911 communication tower on the DPW property and now this additional structure would be near her property. L. Bilak voiced concern that though the construction of the tower is complete, the site still looks like a construction site as the fence still needs work. There has been new fencing installed along the commercial side of the property, but none on the residential side.

Chair Bush asked when the fencing was supposed to be installed and L. Bilak replied she had spoken with Superintendent Donahue in June who stated the wooden-slat fence was on back order and would be completed. To date it has not. She added that she wants the homeowners taken into consideration, too. The Board clarified that the drawing shows the wooden fence along the west property line, then heading east where it turns into chain link near the cell tower. Chair Bush noted that when he surveyed the property in preparation for the meeting, there was no wooden fence by the creek.

L. Bilak continued, being concerned that during construction of the tower, the existing fence was destroyed, that the chain link fence is in disrepair and that there is a drainage pipe that flows into the creek with unknown substances draining from the site into the creek. She wants to ensure that before any new projects are started, the previous ones are completed. Chair Bush agreed.

Continued Board discussion:

Member Sciremammano asked which property was Ms. Bilak's and she indicated she backs right up to the cell tower, which has been completed. Member Sciremammano asked if there had been a hearing regarding the erection of the tower and Code Enforcement Officer Zarnstorff answered no. Member Sciremammano wondered if there had originally been a wood fence as part of the plan.

Jim Bareis of 41 Liberty Street offered that originally there had been a wood fence that had been torn down during tower construction, which hid piles of gravel, barrels, etc. The area is now wide open to vandalism from anyone who wanders down the creek. He added that he phoned the DPW earlier in the year to let them know that not only is the lack of fence not aesthetically pleasing, but also kids could get into the property. He shared photos taken of the area from his backyard.

Member Sciremammano inquired if the wood fence is supposed to go behind the cell tower and up to where it meets with a chain link fence. J. Foote pointed out both the wooden and the chain link fences on the site plan, which he noted had been drawn probably four or five years ago when the fences were probably intact. He added that he was unaware of the current condition. L. Bilak commented that the fence was destroyed when the footers for the tower were poured.

Chair Bush explained that the public hearing is still in process and that the proceeding would continue on in this fashion. He also mentioned the section of the code with which he was concerned and he read Chapter 58-7, which states,

“Nothing in this ordinance shall restrict the construction, use or maintenance of public or municipal buildings, structures or facilities, parks or other publicly owned properties, except the sewage disposal plant, in any district nor the installation, maintenance and operation of such public utilities and facilities as may be essential to the servicing of any district or area in which it is located; however, the permit for such construction must be approved by the Board of Appeals after public hearing upon due notice.”

Chair Bush then asked for the matter of the salt runoff from the site into the creek be addressed. J. Foote replied that the purpose of the larger, covered building is to properly house the salt. He noted that in the past, excess salt had to be stored outside the building. Chair Bush inquired about how high from grade the floor of the building would be as the whole site is sloped toward the creek and any runoff from a rainstorm would carry salt residue directly into the creek. J. Foote reiterated that the floor of the building would be 6" higher than the existing grade to prevent water from running into the building. He pointed out that they intend to plant grass, as the site size would not permit a retention pond. He added that they could put in a berm about one foot higher than grade to help. Chair Bush inquired about the effect of salt brine in the stream, which runs all the way to East Avenue, and J. Foote replied that it would kill vegetation.

Member Sciremammano asked if the base of the building would be concrete and J. Foote corrected, stating the base is asphalt with the side walls being concrete so no saltwater should leech out and any water would sheet away from the building. Member Sciremammano continued, asking if the building has end walls and J. Foote confirmed there is one closed end and one open end. Chair Bush asked if it would look similar to the structure in Clarkson and J. Foote affirmed. Chair Bush noted his concern that this Board put it's stamp of approval on something that may later on contaminate the creek. He asked CEO Zarnstorff if the Planning Board would not be involved in this matter and the CEO affirmed.

CEO Zarnstorff then brought up that he has had conversations with the DPW Superintendent regarding Stormwater Best Management Practices and he noted there are many goals that need to be developed for the DPW facility that may or may not involve permits and/or approvals from the DEC. Chair Bush asked what the Environmental Form was for and CEO Zarnstorff said it has nothing to do with the DEC; it is merely a brief environmental review.

Chair Bush addressed the Liberty Street residents, stating that their concern is the Board's concern as well and when the Board approves the project, it should come with the contingency that the wooden fence be installed. Member Sciremammano expressed that the Board should state exactly what it wants as contingencies if it gives its approval. He asked the Liberty Street residents if the continuation of the current wooden fence would be acceptable and J. Bareis stated that he believed the original expectation was a stockade fence and he feels that would be fine. He continued that in listening to the preceding conversations, however, he questions the 6" berm around the building and the 1' berm to protect the creek. He added he has lived there for 14 years and has seen rain come flooding off that hill toward the creek. Chair Bush concurred.

Member Sciremammano asked for clarification from the engineer about the base of the building and the berm by the creek. J. Foote summarized that the floor of the building would be built 6" above the existing grade and would be crowned in the middle so water will be diverted around the building rather than flow into it. Chair Bush stated it would be problematic if we had more than 6" of rainfall so that the

water could then back up into the building. Member Sciremammano reminded the Board that the salt is

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currently stored outside and J. Foote noted that they are drastically improving the current conditions by keeping the salt enclosed rather than having it out in the open and raising the base of the building from grade. Chair Bush expressed that he just wants the concerns noted on the record.

L. Bilak then stated that the existing salt storage facility is considerably further away from the creek and it faces east, whereas the new structure would be closer and face west, where the rain generally comes from. She had been hoping the new building would be placed closer to the commercial side of the property, not jammed into the back corner near residences. Chair Bush said she brought up a good point.

The Board discussed how to word the approval with contingencies so that the project is completed to everyone's satisfaction. Member Hamlin posed a question about whether or not the Board can place contingencies on an approval or if they can only approve and make a recommendation to the Village Board on the concerns. He also wondered if the tower was complete. CEO Zarnstorff was not sure but noted there are antennas in place. L. Bilak mentioned the generator near the tower runs daily. Member Sciremammano brought up the fact that the village has no control over the tower, as it is the county's responsibility. Chair Bush again suggested the residents come before the Village Board and reiterate their concerns about the non-completion of the tower project and the condition of the DPW grounds.

Chair Bush made known to the Liberty Street residents that the Board shares their concerns and wishes they could do something about the placement of the new structure, but it is his belief that we can help with the fence. He asked J. Foote if the location of the new barn is set in stone. J. Foote noted they are limited due to the sanitary sewer, that the building has to be angled for the trucks to get in and out and there is no room for trucks by the water tower, and they have gone back and forth looking at different solutions on placement, but there are none. Chair Bush inquired about the old salt barn and J. Foote said they want to turn that into storage.

L. Bilak noted they do hear the trucks beeping when they back up and she reiterated that with the new facility, they would be even louder as they will be closer to the residences. Chair Bush asked what the timeline is on the project and J. Foote responded they would like to have it operational this winter. Chair Bush said if the board concurs, he would like to see the matter tabled until the concerns are answered, either next month or by calling a special meeting. Member Sciremammano noted the changes should be specified. J. Bareis interjected that the neighbors are not asking for anything unreasonable. Member Sciremammano wondered if they could include the finishing of the previous project in with the contingencies of this new project. Chair Bush replied that if the first project is still not finished, why should they approve another?

J. Foote expressed that the overall intent of the project is to improve the conditions. The salt will now be stored inside, kept dry and kept from freezing, which leads to other problems. He added they tried to cover all they could and this is the best they can come up with given the sewer, fence and creek. The DPW will do a lot of the work themselves and they are using grant money that needs to be used soon or they will lose it. He said he understands the concerns and thinks the runoff issue can be addressed some more. Chair Bush suggested raising the level of the floor to help with that. J. Foote said 6" of water is a lot. Chair Bush asked about drains in the area and J. Foote pointed out the location on the map.

L. Bilak again brought up drainage into the creek and stated she has seen things flowing directly into the creek from the pipe, causing trees along the creek to die and she has had DEC officials out to look at it. J. Bareis voiced that that is why they are here to address this new project because they were promised things with the last project that weren't completed and they want to ensure it doesn't happen again. He also added that maybe using information from 4-5 years ago is not adequate and that perhaps a reassessment should be performed.

Chair Bush asked for the opinion of the CEO, who stated there had been some very valid concerns brought up. Chair Bush continued that he personally would like to see the concerns addressed and maybe bring in the DPW Superintendent to answer questions.

The Board defined the following concerns:

1. The wooden fence (in the southeast corner of the property) will be repaired/replaced going east to the end of the property and then continuing north (like it used to be before the tower was put in), in part to prevent vandalism, as well as for safety's sake.
2. Look at the level of the building to see if it can be raised so that rain in excess of 6" would not get into the building and affect the runoff into the stream.
3. Reassess the proposed location of the new building perhaps placing it closer to the commercial side of the property, in part to help minimize noise for neighbors; and possibly to reassess the times for loading the trucks.

4. Look at the runoff from the lot toward the creek.
5. The open pipe that drains into the creek and whether or not that drainage will be redirected.

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J. Bareis noted that maybe they could get the guidelines for loading the trucks.

Regarding the open pipe, J. Foote noted there is a catch basin in the commercial lot that originally ran due east into the creek, but that has been altered to have a catch basin installed just inside the DPW property, put a concrete structure in there and ran the pipe due south into the creek, so it still goes into the creek. L. Bareis noted the pipe they see runs horizontal, not perpendicular.

Chair Bush suggested the discussion end as all points have been brought up. He asked for a motion to table the project. Member Hamlin noted that if the DPW has the list of concerns, they could start working on them and perhaps have some of them addressed prior to the next meeting and also, the way the code is written, this Board cannot approve with contingencies, they can only approve.

⇒ Member Manitsas moved, Member Sciremammano seconded, unanimously carried that the application be tabled until 7pm September 23, 2008, unless a special meeting date is requested and can be arranged prior to that.

The Liberty Street residents thanked the Board. Member Sciremammano reminded the group to come before the Village Board regarding the repair/replacement of the fence, as this board has no power except for what is in the Zoning laws.

Adjournment:

→ Member Manitsas moved, Member Hamlin seconded, unanimously carried that the meeting be adjourned at 8:06pm.

Pamela W. Krahe, Clerk