

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, May 9, 2016 at 7:00pm.

PRESENT: Chair Arthur Appleby, Vice Chair Charles Switzer, Member Kevin McCarthy, Member Patricia Baker, Clerk Katie Brown

EXCUSED: CEO David Miller **ABSENT:** Member Peter Selig

ALSO PRESENT: Katherine Kristansen, Rosa Maria Fernandez, Annette Crane, Carl Davila

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

REVIEW OF MEETING MINUTES: Chair Appleby noted that Member Selig might join the meeting and have the ability to approve the minutes of February 8, so the approval will be postponed until the end of the meeting. Chair Appleby called for a motion to approve the minutes of March 14, 2016.

➔ Member Switzer moved, Member McCarthy seconded, unanimously carried to approve the minutes of March 14, 2016.

Correspondence: Chair Appleby noted the receipt of the Cornell local roads newsletter.

NEW BUSINESS:

1. Name: Rosa Maria Fernandez for Aromantium
Address: 5 Market St
Tax Map #: 069.45-2-22
Zoning: B-Business
Parcel Size: 0.10 acres
Prop. Class: 481
Purpose: Change of use from photography studio to day spa

Presentation/Discussion:

Ms. Fernandez is proposing to open a business based on skin aesthetics with an apothecary and clinical element. She has been working in the industry for approximately 20 years, making potions & lotions for clients. She started her career in massage therapy overseas but her license is not valid in the U.S., so when she relocated she retrained in aesthetics and aromatherapy. Her business plan includes customized services as well as making products the “old” apothecary way. Her products are organic and all natural skin care solutions and she will specialize in skin analysis and oncology- helping clients with the trauma of radiation and chemotherapy. Her plan is to have the business be open either 10am-5pm or 10am-7pm M-F, depending on demand.

Member Appleby confirmed that the store front is on the western most end of the building near Bittersweet. He asked where customers will park. Carl Davila (Ms. Fernandez’s business partner) responded from the audience that there is no parking belonging to the storefront, but customers can use Village parking on Water St. and across from Market St.

Chair Appleby asked if the location is vacant. Ms. Fernandez explained that there is a photography studio currently occupying the space, but should be moving out this month. She is hoping to start setting up next month with a grand opening planned for September.

Chair Appleby asked about any necessary permits for her business. Ms. Fernandez stated she has a license already and her services do not require approval or inspection from the Health Department. Member McCarthy added that, per CEO Miller, a new fire inspection is not necessary because one was just completed at the location. Ms. Fernandez will only need a sign permit from the Building Department.

Member Switzer asked where trash will be disposed. Mr. Davila stated there is a dumpster belonging to 3 Main St that they have permission to use (3 Main St & 5 Market St have same property owner). He explained the dumpster is not enclosed due to the location and it is his understanding this location was “grandfathered” and exempt from needing enclosure. Member Appleby and McCarthy expressed knowledge of this location and circumstance for enclosure exemption.

There were no further questions from board.

SEQR was discussed with Board agreeing this is a Type II action requiring no further review.

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- ➔ Member Switzer moved, Member Baker seconded, unanimously carried determining this a Type II SEQR action per NYCRR 617.5 (c-1).
- ➔ Member McCarthy moved, Member Baker seconded, unanimously carried to approve the application as submitted.

OTHER BUSINESS:

1. Approval of February 8, 2016 minutes

Discussion:

The Board noted that this was Member Selig's last in-service meeting and he is not present, requiring Chair Appleby to participate in approval of the minutes, as Member McCarthy and Member Switzer were not present at the February meeting.

- ➔ Chair Appleby moved, Member Baker seconded, unanimously carried to approve the minutes of February 8, 2016.

2. Board Discussion of SEQR Type II List

Discussion:

Member Appleby provided Board members with a copy of Village Code Chapter 17a-2(d) which reviews the qualifications of SEQR Type II actions

Member Switzer commented that item 1(c) does not seem appropriate, as it indicates an environmental impact. Member Appleby clarified that item 1(c) is designating an exception that would disqualify item 1, construction/alteration of residences or structures, from being a Type II action.

Chair Appleby stated the items he is concerned with are the ones he highlighted (items 3, 6, 7, & 12), as the remaining items will rarely, if ever, be circumstances the Board deals with. He is also interested in reviewing and approving two scenarios that have been determined Type II actions per past decisions of Planning Board members, but are not listed in Village Code:

- (1) Changes of use among non-restaurant retail, or office uses, provided the structure(s) involved are not adjacent to a stream or body of water, or a wetland, or an archeologically sensitive area.
- (2) Changes of use among restaurant uses where there is no significant change in preexisting conditions.

Chair Appleby felt these items need more specific definitions and wishes to consult with CEO Miller before the Board approves them.

Member Baker questioned what is meant by the term "appurtenant uses" in item 1 under 17a-2(d). Fellow Board members believe the term refers to structures like garages or sheds. Member McCarthy asked for clarification on item 3. Chair Appleby explained that the action contains numerous caveats because the Type I list dictates that construction projects that will disturb a certain amount of acreage or a watershed automatically require SEQR review. Member Baker suggested that item 3 might benefit from rewording to better outline the caveats.

The Board agreed that items 6 and 7 are satisfactorily worded and fairly simple to comprehend.

Member Baker asked what constituted "regulatory activities" under item 12. Chair Appleby answered inspections, certificates of occupancy, and general code enforcement. Member McCarthy commented that it seems SEQR requirements are generally reserved for new construction. Chair Appleby replied that the requirements can apply to remodeling/renovation. He used the renovations of the Red Jug Pub at 38 Merchant St as an example because the business is adjacent to the canal. Chair Appleby pointed out SEQR should be considered for restaurants, regardless of location, to ensure there are no hazardous practices associated with discharging cooking grease, etc. Member McCarthy confirmed that minor renovations, like updates to existing utilities, really do not need SEQR review. The Board concluded that a restaurant could be a Type I, Type II, or an unlisted action depending on the amount of renovation, the location, and the potential for hazardous practices.

Member Switzer questioned whether change of use approval is necessary in situations of minor renovation. Member McCarthy stated that it is CEO Miller's preference that the Board be involved with any change of use to aid in the awareness of what businesses are coming into Brockport. Chair Appleby agreed that approving change of use is a good role for the Planning Board.

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3. Planning Board Application Submission Requirements list review (created by former clerk Pam Krahe)

Discussion:

Clerk Brown explained the list is given to Planning Board applicants alongside the official application. Members state the list is still relevant and complete. Chair Appleby requested the members review the list over the coming weeks and make note of any needed changes.

UPCOMING MEETINGS/DEADLINES:

- Monday, June 13, 2016, 7pm; applications due by Noon, Tuesday, May 31.
- Monday, July 11, 2016, 7pm; application materials due by Noon, Monday, June 27.

ADJOURNMENT:

➔ Member Switzer moved, Member McCarthy seconded, unanimously carried that the meeting be adjourned at 7:41pm.

Katie Brown, Clerk