

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, March 13, 2017 at 7:00pm.

PRESENT: Chair Charles Switzer, Vice Chair Kevin McCarthy, Member Ronald Staub, Member Lyle Stirk, Member Patricia Baker, CEO David Miller, Clerk Katie Brown, Village Attorney Dan Mastrella

EXCUSED:

ABSENT:

ALSO PRESENT: Joan Hamlin, Chris Mazzarella, Eileen Ryerse, Gordon Fox, David Strabel, Katherine Kristiansen, Annie Crane, Norman GianCursio, Bruce Leslie, Don Voorheis, Maureen Lowery, Bud Lester, Carly Truelson

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

REVIEW OF MEETING MINUTES: Chair Switzer called for a motion to approve minutes.

➔ Member Staub moved, Member Stirk seconded, unanimously carried to approve the minutes of February 13, 2017 as amended.

CORRESPONDENCE: none

NEW BUSINESS:

1. Name: Carly Truelson
Address: 97 West Ave
Tax Map #: 068.44-2-2
Zoning: Business
Parcel Size: 54 x 152.5
Prop. Class: 484 – One Story Small Structure
Purpose: Commercial change of use

Presentation/discussion:

Carly Truelson explained her business proposal for Truly Pampered Salon & Day Spa at 97 West Ave Ms. Truelson is planning minor interior renovations for the building including wall removals, paint, and new flooring. The salon will offer hair care (cuts/coloring), nail care, and waxing. Salon will be open Tuesday through Saturday with fluctuating hours of operation dependent upon appointments. She does not believe the hours of operation will impact the neighbors. Ms. Truelson plans to refresh the exterior with lighting and landscaping upgrades. She plans to have a sign on the front of the building with her salon's logo.

Ms. Truelson does not anticipate any traffic or parking issues as her salon relies primarily on appointments with very little walk-in customers and product vendors. She expects to staff 3-4 beauticians. All will be renters who hold New York State mandated licenses and will carry their own insurance. Ms. Truelson will hold insurance for the building. She provided the Board with a copy of her license and advised that she has been a beautician for 8 years. Ms. Truelson plans to apply for any necessary building permits. She noted that the building is handicapped accessible and there is an exterior ramp as well as compliant bathrooms. The building has two exits and has updated smoke alarms, carbon monoxide detectors, and fire extinguishers.

Member Staub advised the applicant that the planned exterior lighting should be "down" lighting as not to disturb neighboring properties. Lighting should be installed near the exterior ramp as well as the front and rear of the building.

Chair Switzer questioned the number of parking spots and believes there needs to be a minimum of 8 spaces to accommodate customers and staff. Ms. Truelson specified there are 10 parking spots – 4 in the front and 6 in the rear of the building. She plans to designate a handicapped spot as well.

Member McCarthy mentioned that he drove by the location and believes it will work well for Ms. Truelson's business. Member McCarthy clarified with the applicant that there will be 4 stylist chairs for herself and 3 other employees as well as 2 hair washing sinks. He inquired about a ventilation system and product disposal. Ms. Truelson explained that she will not be offering acrylic nails, so a ventilation system isn't necessary. She added that she is not using any chemicals that require special disposal procedures. She will take all garbage to her home for disposal on a daily basis.

Member McCarthy noted the reception area on the floor plan and asked if she will staff a designated receptionist. Ms. Truelson does not plan to staff a receptionist at this time. Each beautician will be responsible for booking their own appointments.

Member McCarthy further reviewed the floor plan with the applicant and discussed the dimensions and

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layout. Ms. Truelson mentioned that she is working with a consultant to ensure any required chair/hair station spacing is compliant.

Member Staub advised the applicant to ensure any handicapped access or parking spots are properly identified. CEO Miller assured the Board that he will verify all renovations are done to code and any handicapped access is sufficiently marked.

Chair Switzer called for a motion to approve the application.

➔ Member Staub moved, Member Stirk seconded, unanimously carried to approve the application as submitted.

OLD BUSINESS: ---PUBLIC HEARING---

1. Name: Buddy Lester & David Strabel representing 141 S Main LLC/Norman GianCursio
Address: 141 Main St
Tax Map #: 069.53-3-22
Zoning: Business
Parcel Size: 51.48 X 159.06
Prop. Class: 210 Single Family
Purpose: Residential Change of Use

Presentation/discussion:

Attorney Buddy Lester addressed the Board representing Norman GianCursio. Mr. Lester addressed some questions the Board had at the last meeting regarding specific language in the property deed. Mr. Lester specified that there was discussion around the phrase "quiet enjoyment" and referred to Section 253, Subsection 2 of the Real Property Law which defines the "quiet enjoyment" language. Mr. Lester explained that the phrase simply means the purchaser of the property will quietly enjoy the title to the property such that no one else can require the purchaser to move out or be dispossessed by superior title. He noted that the grantee/buyer of the property didn't write the deed in question and that the document was prepared by the seller's attorney. Mr. Lester went on to address an additional concern regarding a possible deed restriction or covenant requiring the property to maintain a single family status. He said no such covenant exists for the deed in question. Mr. Lester confirmed that the Board is in receipt of his submitted affidavit that shows Norman GianCursio is the sole member of 141 S Main LLC. Member Staub agreed that the submitted affidavit shows that Mr. GianCursio is the owner of the corporation listed on the deed for 141 Main St.

Mr. Lester advised the Board that he met with Mr. Voorhees, President of the Morgan Manning House, to assess the drainage issues at the property. Mr. Lester recommended to Mr. GianCursio that he engage the services of engineer, Chris Schultz, to complete a drainage study. As of today, Mr. Lester is in receipt of correspondence from John Paul Schepp of Chatfield Engineers (Village Engineer) which he will deliver to Mr. GianCursio's engineer. He noted that Mr. GianCursio owns numerous properties in the vicinity of the Morgan Manning House and intends to be a good neighbor. Mr. Lester requested that the Board stay focused on the intent of tonight's application which is a permitted use allowed under village code.

Dave Strabel informed the Board that the exact location of the dry well has been identified and the pump is burnt out. The pump is located a few feet into the Morgan Manning property but it is powered by the electricity at 141 Main St. Mr. Strabel noted that Mr. GianCursio has offered to replace the pump and continue to supply power to it.

Chair Switzer confirmed that Mr. Strabel received a copy of Mr. Schepp's correspondence regarding the application. Mr. Strabel said that he and Chris Schultz will address the specific requests contained in the letter.

Chair Switzer read the correspondence from John Paul Schepp of Chatfield Engineers for the record:

Dear Charles and Planning Board Members:

I have reviewed the application materials for the proposed change of use at 141 Main Street. Based upon my review, I have the following engineering comments:

1. A site plan should be provided showing the following:
 - a. Proposed site changes.
 - b. Existing and proposed grading and finished floor elevations
 - c. Resident parking, customer and ADA parking.
 - d. Customer and resident walkways.
 - e. ADA ramps.
 - f. Existing and proposed utilities and drainage facilities.
 - g. Proposed lighting.
 - h. Proposed signs.
2. A calculation showing the number of parking spaces available and required should be provided.

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3. Engineering calculations should substantiate whether the existing utilities will be sufficient for the proposed change and additional uses at the site.
4. An analysis of the existing and proposed drainage conditions should be provided for review. It is my understanding that porous pavement has been proposed. If that is the case, analysis of the underlying soils will need to be completed to determine if this is a viable option. Likewise, it is my understanding that there is an exterior sump on the site that pumps groundwater and building sump water to the NYS DOT drainage system. Analysis of this sump should be made to determine if it will be sufficient for the proposed site changes.

Upon your review, should you have any questions, please do not hesitate to call.

Sincerely,

John Paul Schepp, P.E.

Chair Switzer called for motions to close the standard meeting and move to a public forum.

- ➔ Member Baker moved, Member Stirk seconded to close the standard meeting.
 - ➔ Member Stirk moved, Member Staub seconded to open the public hearing.
- The motions unanimously carried, opening the public hearing at 7:21pm.

Donald Voorhees (360 Gallup Rd, Spencerport) addressed the Board representing the Morgan Manning House and the Western Monroe Historical Society. Mr. Voorhees informed the Board that the society supports the educational mission and spends thousands of dollars annually to maintain the property at 151 Main St. Such an effort is made possible through monetary donations and volunteered time so that the Morgan Manning House can continue to be a community treasure. The Western Monroe Historical Society is concerned about the drainage from the proposed parking lot at 141 Main Street as well as the encroachment of the property line between 141 and 151 Main St. The Society is requesting that the Planning Board exercise its option to protect the historic property of the Morgan Manning House, which is listed on the National Register of Historic Places. Mr. Voorhees referenced the Brockport Village Code Chapter 17A-2 which discusses Environmental Quality Review and requested the Planning Board require an environmental impact study for this application.

Gordon Fox (27 Havenwood Dr, Brockport) advised the Board that water collection in the basement of the Morgan Manning House has been an ongoing issue. The property was inundated with water when he started assisting with the building and grounds of the house 12 years ago. The house sits on a rock foundation that is pervious to water. There is presently one pump on site that is able to alleviate the water collection. Mr. Fox noted that Brockport has experienced a fairly snowless winter preceded by a dry summer, keeping the ground water to a low level. He is concerned about the longevity of the house's foundation if it is exposed to excessive or continual water damage. He added that the burnt out pump in the dry well was in operation while the previous owner occupied 141 Main St. That pump worked well to alleviate water collection, however at times it needed to be run 24 hours per day. Additionally, the downspouts on the barn at 141 Main St. drain onto Morgan Manning property. The Morgan Manning property is 1.5ft lower in elevation than 141 Main St. Mr. Fox went on to express an additional concern regarding the proposed pervious asphalt at 141 Main St, as it is a high maintenance product that can easily cause a water runoff problem if not properly preserved. Mr. Fox pointed out that there is no guarantee for the future. Mr. GianCursio can agree to comply with the request of the Morgan Manning House now, but there is nothing to stop a negative impact from occurring in the future. Mr. Fox informed the Board that the Landmark Society has a propriety right to the Morgan Manning House and if the Landmark Society disapproves of its care, it can reclaim control of its daily operations. The Landmark Society has notified Mr. Fox that they disapprove of the changes proposed in the application. Mr. Fox requested the Planning Board require an environmental impact study for this application, as he believes the application falls under Brockport Village Code Chapter 17A-2.C1(v), making it a Type I action. Mr. Fox added that he wasn't aware that an engineering study was planned and questioned how such a study differs from an environmental review.

CEO Miller clarified that the correspondence from Mr. Schepp pertains to concerns that impact the village in regard to the proposed site plan and change of occupancy. Such concerns are separate from an environmental impact study.

Mr. Fox affirmed he would like to request an environmental impact study to address his concerns.

CEO Miller questioned the original purpose for the installation of the pump in the dry well to which Mr. Fox replied it was installed to address flooding issues at both 141 Main St and 151 Main St. CEO Miller questioned if water runoff from 141 Main St is an issue for 151 Main St currently to which Mr. Fox replied not directly with the exception of downspouts on the barn. Mr. Fox noted that he is primarily concerned with ground water penetration.

Member Staub inquired if relocating the pump onto 141 Main St property is an option. Mr. Fox said there is no plan to do so at this time, as it connects directly to the storm sewer. Member Staub suggested the

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existing well be filled in and a catch basin be installed for drainage from 141 Main St that could then connect to the storm sewer. Mr. Strabel commented that the current location of the pump is the lowest point of drainage for both properties, which is why it was originally chosen.

Chair Switzer confirmed the Board understands that the previous owner of 141 Main St installed the pump to address drainage at 141 Main St. The pump offered an added benefit of controlling drainage at 151 Main St. The previous owner of 141 Main St did not realize the pump's location was on 151 Main St property.

Member Staub noted that, as it stands, there is no written documentation as to which party is responsible for maintaining the pump. If the pump is left in its current location then both parties' attorneys need to develop a legal agreement regarding its maintenance.

Member Staub asked about a solution to the driveway encroachment. Mr. Fox advised that, as it has only been a month since the last meeting, no solution has been reached. More time is needed to negotiate the issues. Chair Switzer believes the engineering studies will address several issues.

Mr. Strabel stated that representatives from the Morgan Manning House are requesting environmental impact studies to assess the drainage problem, but much of that problem will be assessed during the engineering study. He added that if the proposal includes pervious pavement, then the engineer must do his due diligence in determining if such a solution will succeed.

Member Staub and Member McCarthy reaffirmed that both parties need to develop legal agreements on the issues in question.

Chair Switzer inquired if the Morgan Manning members have hired a surveyor, as they indicated in their letter sent to the Planning Board on February 10. Mr. Fox and Mr. Voorheis informed the Board that they have contacted a surveyor, but the survey has not yet been completed.

Mr. Strabel summarized that the two main concerns are drainage and the property line. The feasibility of the impervious pavement or catch basin will be addressed by Mr. GianCursio's engineer. If the encroachment is an issue, the area can be supplemented off. Mr. Strabel reminded the Board that Mr. GianCursio has offered to replace the pump and leave it connected to his electricity. Mr. Strabel added that there is no desire to change the exterior of the house. The correspondence from Chatfield Engineers mentions an ADA ramp, but that is not a necessity for the apartments. If it is a necessity for the office space, there are other options that can be explored. Mr. Strabel noted his parking calculations comply with the code.

Dan Mastrella (Village Attorney) advised the Board against closing the public hearing because additional information pertaining to this application will be forthcoming. Further, once the public hearing is closed the Board is obligated to complete final site plan approval within 62 days. Much of the engineering data will help in determining if an environmental impact statement is needed.

Chair Switzer requested a motion to table the public hearing and reopen the regular meeting.

- ➔ Member Staub moved, Member Stirk seconded, unanimously carried to table the public hearing at 7:47pm.

Chair Switzer requested a motion to table the application.

- ➔ Member Staub moved, Member Baker seconded, unanimously carried to table application.

UPCOMING MEETINGS/DEADLINES:

- Monday, April 10, 2017, 7pm; application due by Noon, March 27, 2017.
- Monday, May 8, 2017, 7pm; applications due by Noon, April 24, 2017.

ADJOURNMENT:

- ➔ Member Stirk moved, Member Staub seconded, unanimously carried that the meeting be adjourned at 7:49pm.

Katie Brown, Clerk