

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, April 10, 2017 at 7:00pm.

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

EXCUSED:

ABSENT:

ALSO PRESENT: Norman GianCursio, Joan Hamlin, Gordon Fox, Nat Lester Esq., David Strabel, Kathryn Lake, Alicia Fink, Ann Frey, David Matt, Carol Hannan, Fred Webster, Kathy Kristiansen

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 Stirk moved, Member Baker seconded, unanimously carried to approve the minutes of March 13, 2017 as written.

CORRESPONDENCE: None

NEW BUSINESS:

1. Name: Kathryn Lake
Address: 69 Liberty St
Tax Map #: 069.37-1-12
Zoning: O-Residential
Parcel Size: 35.77 x 154.6
Prop. Class: 210 – Single Family
Purpose: Front yard fence

Presentation/discussion:

Kathryn Lake informed the Board that she is scheduled to close on the purchase of 69 Liberty St. in early May 2017 and wishes to install a front yard fence. The fence will assist with containment of her dog, but its primary purpose is for privacy.

Member McCarthy informed the applicant that he met with the neighbor at 85 Fayette St., who currently has a side/backyard fence. Member McCarthy believes a new fence alongside the neighbor's existing fence it would be both visually unappealing and hard to maintain. He informed Ms. Lake that the owner of 85 Fayette St is willing to allow her to abut the new fence up to the existing fence. Member McCarthy believes this option to be more logical and added that it will save the applicant money. Member McCarthy advised Ms. Lake that the existing fence is about 6 inches inside the neighbor's property line, so the two parties will need to reach a written agreement prior to installation. Chair Switzer mentioned that the existing fence is a customer design which might conflict with the dog-eared style of the proposed new fence. Ms. Lake said that she preferred a custom design, but it was too expensive. The Board noted that abutting to the existing fence may reduce the required length of new fence enough to make a customer design more affordable.

Member Staub asked if the applicant would consider a hedge instead of a fence. Ms. Lake declined that option, noting that she is single and does not have the time or means for the upkeep. Member Staub expressed concern over the proposed placement of the fence, noting that if it is placed on top of the stone wall that stands in the front of the property, it will be nearly 6ft tall. This height will block the line of sight of traffic turning west onto Liberty St from Fayette St., as the street won't be visible backing out of the driveway until the vehicle has crossed over the sidewalk. Likewise, traffic turning onto Liberty St will not be able to see a vehicle pulling out of the driveway. Ms. Lake asked if it would be acceptable to the Board if she increased the front setback of the fence. The Board agreed that increasing the front setback is ideal. The Board recommended she use her car to back out of the driveway and measure a distance that will not interfere with the visibility of oncoming traffic.

➔ Chair Switzer informed the applicant that her application will be tabled until she can determine the appropriate setback and has a chance to consult with her neighbor.

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OLD BUSINESS: ---PUBLIC HEARING---

1. Name: Nat Lester Esq. & Dave 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:

Mr. Lester addressed the Board in response to the Village Engineer's concerns regarding drainage at 141 Main St. Mr. Lester noted that Mr. GianCursio's engineer has completed a proposal to address the concerns. This proposal has been reviewed by the Village Engineer. Dave Matt of Schultz Associates is in attendance to discuss the proposal for the Board.

Mr. Matt presented the Board with a copy of the proposal as well as a drainage map and site plan of 141 Main St. Mr. Matt explained that his proposal offers two options. The first uses the current sump pump location on 151 Main St property, but replaces the current pump with one that is more robust with a deeper installation. The new pump is in a fiberglass enclosure and placed 6ft down to ensure it is protected and below the frost line. The second option is to install the pump on 141 Main St property and tie into the drainage system in the right of way, before the state structure. Mr. Matt noted that the proposal and drainage report has been reviewed by village engineer, JP Schepp, who provided a letter that states the report is satisfactory. Mr. Matt went on to say the proposal includes the addition of catch basins on the property line that will collect runoff from the parking lot as well as the down spouts on the house and barn. The water will move from the basins to the sump pump, then into the storm sewer.

Member Staub inquired about the pipe size that will go into the right of way. Mr. Matt stated it will be 1.5" PVC, the same size that is currently in place.

Member Staub commented that he is partial to option 2 – moving the pump onto 141 Main St property – because it alleviates the Morgan Manning representatives from being involved in a maintenance agreement. He added that tying in the down spouts from the house and barn is a good idea. Member Baker agreed.

Chair Switzer noted that the post-conditions of the field inlets show significant improvement from what currently exists and should help resolve the issue.

Member Staub noted that there is not adequate space for a vehicle to access the proposed 5th & 6th parking spaces. David Strabel advised the Board that tonight's presented site plan shows the addition of a turnaround to address that issue.

Member McCarthy inquired as to whether permeable asphalt will be used for the parking area. Mr. Matt replied that permeable asphalt is no longer needed, as all the runoff will go into the catch basins. The area will slope from northeast to southwest into the basins.

Member Staub confirmed with Mr. GianCursio that he plans to use the existing barn for storage.

CEO Miller discussed the pipe sizes that will be used for drainage. Mr. Matt clarified that there will be a 6" pipe between the catch basins and a 4" pipe from the basins to the sump pump which will pump into an 1.5" line. Mr. Matt claims the cubic foot per second flow of a 4" gravity pipe will be compatible with the higher velocity of discharge that the pump will produce, working similar to a forced main. The system will have a check valve to prevent back flow.

Member McCarthy noted that, per the proposal, the majority of the remaining grass will be removed. He inquired if the property line between 141 Main and 151 Main has been determined. Mr. Matt replied that two different surveyors had been consulted to determine the property line. Initially the surveyors had differing opinions, but came to the conclusion that the edge of the driveway is directly on the property line of 141 Main St and does not infringe on 151 Main St property.

Chair Switzer inquired of Gordon Fox, representative for the Morgan Manning House, if they also had a survey done. Mr. Fox stated that he consulted a surveyor who informed him that the only way to get an accurate survey of the property line between 141 Main St and 151 Main St is to survey 23 houses in the block between Main St, Park Ave, Union St, and South St. Mr. Fox's surveyor claimed any other means will only result in an estimation, which is why the Morgan Manning representatives did not have a survey completed.

Member Staub remarked that the majority of the maps denoting original lot lines in the village were created in the early 1800s. Any original markers or monuments of the time are gone and it's not necessarily true that the center line of today's streets is the actual center line originally used. He agreed that, to get an accurate survey, it would require the evaluation of an entire block or two.

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Mr. Matt noted that while the age of the properties poses a challenge, many surveyors in the area have already surveyed many of the streets in question. He added that the surveyor at Schultz Associates consulted with several other surveying offices and has compiled an extensive collection of lot surveys in the area of 141/151 Main St.

Mr. Lester requested that the Board consider the validity of the submitted documentation and not the opinions regarding possible boundary lines. He noted that the applicant has provided an official survey from a licensed surveyor in an effort to resolve the issue.

Chair Switzer noted the public hearing remains open from the previous meeting. He invited the first speaker, Alicia Fink (34 Lancet Way), to address the Board. Ms. Fink deferred to Gordon Fox.

Chair Switzer invited Ann Frey (33 Highview Circle) to address the Board. Ms. Frey deferred to Gordon Fox.

Chair Switzer invited Gordon Fox (27 Havenwood Dr) to address the Board.

Mr. Fox address the Board as follows:

The New York State Environmental Quality Review Act (SEQR) requires a Type 1 review since the planned project is "in or substantially contiguous to a historic registered site". As you know, the Morgan-Manning House is listed on the National Register of Historic Sites. Therefore, the applicant must file a full environmental assessment form (EAF). It must also be realized that the "environment" does not pertain to just natural resources, but also includes how people use and relate to their natural surroundings. This form must be reviewed by the Planning Board and a copy may be obtained by the Western Monroe Historical Society (WMHS) for review.

We feel that SEQR is triggered by the purposed modification of a garden to a parking lot on the project's site. Also, Part II of the EAF requires the applicant to deal with "aesthetics". Is the project's use going to be different from its existing use? Is the proposed action visible from any officially designated federal, state, or local scenic or aesthetic resource? Does the proposed action cause a diminishment of the public enjoyment and appreciate of the designated aesthetic resource? The answer to all these questions is likely, yes. Another part of SEQR asks if the affect would be limited to a small number of people? A significant number of people visit the surrounding area to see and enjoy the historic aspects of the Morgan-Manning House.

This language was found in the SEQR Act on the web: "If an agency makes an improper decision or allows a project that is subject to SEQR to start and fails to undertake a proper review, citizens or groups who can demonstrate that they may be harmed by this failure may take legal action."

The results of the Environmental Assessment Form may be a positive declaration meaning that no further environmental review is necessary, but maybe not. One significant adverse environmental impact would trigger an Environmental Impact Statement (EIS).

The WMHS requested a "change of use standard" from the Village of Brockport regarding drainage issues when changes in the use of a property occur. Apparently, none exist at this time, however there is code language about runoff that I will discuss later. I was informed that the Planning Board must review the available information to make a determination regarding the change of use pertaining to water issues on and around the proposed site. One of the main issues regarding the ownership and maintenance of 141 Main Street is the water problem both 151 Main and 141 Main St have experienced over the years. We must be assured that the water issues will be adequately addressed when the proposed plan is completed.

Major water was in the basement this past weekend. There was about 2-3" present on Friday night, and I have not seen water in the basement in a few years. There is a water problem present over where they drilled a hole and water from the village comes in and that has been an ongoing problem every spring – we get some melt water. Over by the furnace, on the 141 Main side, I have not seen water in quite a while until Friday night.

I suppose the runoff issue from the barn will be addressed. It is going to be channeled into a catch basin instead of discharged onto our land. Right now there is a downspout that discharges water directly onto the Morgan Manning property, which is a violation of the Village Code.

The WMHS seeks a fair and reasonable arrangement with the owner of 141 Main St regarding the issue of the change of use application. We will meet with Mr. GianCursio, his lawyer, and the engineers, at a mutually agreed upon time, to discuss the issues that concern the WMHS in regard to this plan. We were advised by counsel that whatever arrangements are worked out at such a meeting would be reviewed by the Planning Board. If any issues arise, the code enforcement officer of the Village of Brockport would be called to intercede. These negotiations will involve the rights of the driveway ownership, the well operation and its maintenance, the

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parking lot and its maintenance and view obstruction of the parking lot from the Morgan-Manning House.

Chair Switzer invited Carol Hannan (292 S Main St) to address the Board. Ms. Hannan advised the Board that she would like to offer the Board some insight regarding the concern of ground water and runoff issues. When she was a village trustee, she took on the task of organizing property files. Prior to the task, she had a number of conversations with the former code enforcement officer regarding the construction of a parking lot at 133/135 Main St. The parking lot was constructed over a weekend. Ms. Hannan felt that because the parking lot covered the majority of the backyard, it was probably not to code. The code enforcement officer at the time refused to investigate the matter and it was dropped. She paid particular attention to the 133/135 Main St property file during her organizing project and discovered that the Planning Board had been approached twice for approval of the parking lot. The application was denied in both instances due to drainage concerns. After construction of the parking lot at 133/135 Main St, Ms. Hannan conversed with Andrew Saul of 141 Main St. who mentioned that he experienced an increase in drainage problems. Ms. Hannan wants the Board to be aware that it does make a difference to cover the soil and create parking lots in certain parts of the village. Though she is a member of the Morgan-Manning Society, her concern extends beyond the historic site to private home owners in the area whose property may be affected. She noted that the area being proposed for a parking lot in tonight's application is much larger than what was constructed at 133/135 Main St. Ms. Hannan urged the Board to very carefully consider their decision - not just for Morgan-Manning, but also for private houses in the area to avoid property damage or devaluation.

Chair Switzer sought input from CEO Miller on the application. CEO Miller had no further comment on the application currently, but requested time to review the new site plan and drainage reports received today.

Mr. Lester requested to keep the decision making before the appointed Planning Board, not delegate it. The applicant is requesting a change that is permitted by the Village Code. The village engineer has reviewed the updated reports and proposal and indicated there is no impact. There have been concerns regarding the encroachment of the driveway, which is why the applicant hired a licensed surveyor to conduct a proper inspection. Mr. Lester urged that the decision be made on the record, not matters of opinion. He added that Type I SEQR actions typically apply to major projects whereas 141 Main St has long established structures on the property. He offered the demolition of the barn as an option to resolve parking concerns, which is allowed per Village Code. He reminded the Board that the Village Code allows for the zoning designation and use. His client has acquired the property based on the laws in place and is not asking for special changes or accommodation. Mr. Lester requested the record show that the previous owner, Colleen Donaldson, signed a Property Condition Disclosure Statement as required by real estate law. The disclosure makes no reference to any water problems on 141 Main St. There is no mention of a well on adjoining property to alleviate water concerns.

Member Staub noted that, despite what the disclosure statement says, the whole purpose of the well installation was to resolve a water issue at both properties. Mr. Lester reiterated that Ms. Donaldson signed a document attesting to no water issues on the property. Mr. Lester reminded the Board that Ms. Donaldson served as Morgan-Manning President in the past. He informally requested a copy of a resolution showing that the Morgan-Manning Society voted to allow the well installation on the property and was not provided with any such document. Further, the presence of the well was not disclosed as an easement on the property disclosure statement.

Member Staub felt that the Board should consider the requirement of an EAF to evaluate the impact on the historic property next door and to satisfy the concerns of the Morgan-Manning representatives. Chair Switzer would like the village attorney's input on the completion of an EAF and the requirements of SEQR as it applies to this application. Clerk Brown advised the Board that the information will be provided to the village attorney and his input on SEQR will be requested.

➔ Member Stirk moved, Member Baker seconded, unanimously carried to table the application.

UPCOMING MEETINGS/DEADLINES:

- Monday, May 8, 2017, 7pm; application materials due by Noon, April 24.
- Monday, June 12, 2017, 7pm; applications due by Noon, May 30.

ADJOURNMENT:

➔ Member Staub moved, Member McCarthy seconded, unanimously carried that the meeting be adjourned at 7:45pm.

Katie Brown, Clerk