

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 8, 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: Daniel Mastrella Esq., John Paul Schepp, Norman GianCursio, Joan Hamlin, Chris Hamlin, Kathy Lake, Shannon O’Keefe, Kathy Kristiansen, Gordon Fox, Keith O’Toole Esq., David Matt, Alicia Fink, Deanna Shifton, Harry Shifton, Herb Fink, David Strabel, Patty Good, Merrill Melnick, Mary Lynne Turner, Annie Crane, Craig Holt, Don Voorheis, Rich Miller

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 Baker seconded, unanimously carried to approve the minutes of April 10, 2017 as written.

CORRESPONDENCE: Chair Switzer received a pamphlet on local planning activity as well as two letters from Chatfield Engineers regarding the application of 141 Main Street.

NEW BUSINESS:

1. Name: Craig & Elaine Holt
Address: 85 State St
Tax Map #: 069.13-1-10
Zoning: Residential
Parcel Size: 50 x 186
Prop. Class: 210 – Single Family
Purpose: Driveway expansion – amendment to previous approval

Presentation/discussion:

Mr. Holt advised the Board that he was granted approval for a 17ft driveway expansion on 12/12/16. He was asked at the time if he planned to remove the arborvitaes, which he did not. Upon speaking with contractor, the dimensions for the planned expansion changed and now require the removal of 3 of the arborvitaes. Approximately 14 plants will remain.

Member Staub commented that the viewed the property and the arborvitaes take up a lot of space. He thinks the revised plan will result in a better outcome without taking away from green space. He has no objection to the change.

Chair Switzer asked what is on the backside of the arborvitaes. Mr. Holt replied a chain link fence and the neighboring property. Chair Switzer asked if anything else will be planted along the driveway and Mr. Holt explained that there will not be room for planting there, but there will be space for plants near the garage. Chair Switzer asked if the neighbors objected. Mr. Holt said they did not.

Member McCarthy will advise the Historic Preservation Board of the change to issue the certificate of appropriateness. He sees no problem with the change.

➔ Member Staub moved, Member Stirk seconded, unanimously carried to approve the amended application for driveway expansion.

OLD BUSINESS:

1. Name: Kathryn Lake
Address: 69 Liberty St
Tax Map #: 069.37-1-12
Zoning: Residential
Parcel Size: 37.77 x 154.6
Prop. Class: 210 – Single Family
Purpose: Front yard fence

Presentation/discussion:

Ms. Lake introduced Shannon, her daughter who also resides at 69 Liberty St. Shannon addressed the Board on Ms. Lake’s behalf. Shannon advised that the planned setback for the fence has been changed from 3ft to 10-12ft to resolve the Board’s concerns regarding visibility leaving the driveway. Shannon spoke with their neighbor about building off of his existing fence. Ms. Lake and Shannon decided

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against this option due to height differences between the two fences. Instead, the applicant would like to run the fence off the front corners of the house, extending out 24ft. This plan leaves 5ft of space between the new fence and the neighbor's fence, which is sufficient room for mowing and maintenance of the yard. Using a survey map, Shannon and her neighbor confirmed that the neighbor's fence is on the property line.

Member Staub clarified that the applicant plans the 10-12ft setback from the top of the retaining wall. Shannon advised she tested that setback visibility by backing out of the driveway in three different style vehicles and experienced no issues.

Member McCarthy asked about the design of the fence. Shannon advised it is a simple, stained wood stockade fence. The same design as what was presented at the last meeting.

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

2. Name:	Norman GianCursio/141 S Main St LLC	--Public Hearing--
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:

Keith O'Toole Esq. advised the Board he is representing the applicant on attorney Nat Lester's behalf. Mr. O'Toole reviewed the details of the application. He noted that the 141 Main St property is surrounded by several other rentals and commercially used properties. Mr. O'Toole presented the Board with Exhibit 6, a tax map of Main St with present property uses added which indicates there is only one single family house nearby. Mr. O'Toole reviewed the planned renovations for the house, noting there are no planned changes to the driveway, barn, or curb-cut. All of the proposed changes comply with village code and results in a permitted use in a Business district. Mr. O'Toole discussed the planned changes to the parking area, specifying the addition of (6) 10' x 20' spaces as is required by code, located behind the house and in front of the barn. The house, along with trees and brush, will screen the parking area from general public. Mr. O'Toole provided the Board with updated site plan maps and reviewed the functionality of the new parking area. He pointed out that the expanded parking area allows cars to exit the driveway facing forwards, which improves driver and pedestrian safety. Mr. O'Toole believes that the planned development does not result in any negative impacts and is consistent with the development in the area.

Mr. O'Toole went on to discuss the need for parking and provided examples of historic properties that have expanded parking while still maintaining their historic beauty, integrity, and character. The examples include:

Exhibit 1- an aerial view of the Brockport Village Hall take from the Monroe County GIS pictometry database

Exhibit 2 – an aerial view of 133 S Fitzhugh St in Rochester, which serves as the headquarters of the Landmark Society of Western New York. The picture is from the Monroe County GIS pictometry database

Exhibit 3 – an aerial view of the Morgan Manning House at 151 Main St in Brockport. Mr. O'Toole pointed out that the parking lot on this site isn't striped, but he estimates it could hold 20 vehicles. He noted that this property is on the Historic Register.

Mr. O'Toole provided the Board with Exhibit 4- a revision to the applicant's site plan proposing a 6 foot tall fence running from the front of the barn, along the property boundary, to the rear of the house. The fence design will depend on the options available from the chosen contractor. However, the lower 2/3 will be solid board construction to obstruct the view of the parking area and block light from headlights at night. The fence will have a lattice cap on top to soften the look. Mr. O'Toole provided the Board with Exhibit 5- an extract from the City of Rochester's Historic Preservation Guidelines that addresses fencing. The City of Rochester encourages the use of fences similar to what is proposed in Exhibit 4.

Mr. O'Toole went on to discuss the issue of drainage, reviewing the two options originally proposed and informing the Board that the applicant has chosen to proceed with option 2, relocating the pump onto 141 Main St property. Mr. O'Toole reminded the Board of correspondence dated 4/10/17 from John Paul Schepp, Village Engineer, in which Mr. Schepp indicates both options for drainage are suitable, but he had a preference for option 2. Mr. O'Toole added that option 2 improves drainage over current standards and, in terms of SEQR, the plan goes beyond mitigating impacts to actually improve the conditions of the environment.

Member McCarthy agreed option 2 is a good drainage solution, but he is concerned about snow build-

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up and removal in winter, as there is only 5 feet from the end of the parking area to the neighboring property to the north. Dave Matt from Schultz Associates responded to this concern by explaining that the 5 feet of space available is an adequate area for a typical 2 to 4 inch snow accumulation. Large quantities of snow would need to be removed by truck, as is standard with many commercial properties in the village. Member Staub agreed that snow removal by truck is common practice for commercial properties.

Member Staub asked about handicapped access to the office. Mr. Matt explained that the northwest parking spot will be labeled handicapped and there is a concrete sidewalk with a labeled accessible entrance on the north side of the building. The front of the building is not changing and there is a porch on the north side of the house where the wheelchair lift will be located to avoid the need for a wheelchair ramp.

CEO Miller advised that the handicapped accessible access aisle is only 5ft wide, which is not suitable for code requirements as the aisle has to be the same width as the parking space (10ft). Mr. Matt responded that they can reconfigure the parking spots in order to comply. Dave Strabel added that the onsite office is a rental office, typically operating by appointment. If a client requires wheelchair access, a representative from the office can arrange to meet them at a location that meets their needs for accessibility. Chair Switzer questioned whether an exception to the parking requirement can be made considering there is municipal parking nearby. Mr. Strabel responded that they have to comply with the code requirements, but accessibility issues can be addressed in other ways.

CEO Miller read a note on the applicant's site plan which states "This project is considered a duplex with a home occupancy office. The home occupancy shall comply with section AJ102.5 of the 2015 International Residential Code as adopted by NYS." CEO Miller wanted to put on the record that this office would not be considered a home occupation. Mr. Strabel responded that the note is an error on the site plan and he is aware the office is considered a "business use". CEO Miller advised the note will need to be corrected prior to the approval of the site plan.

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

Mr. Fox expressed concerns regarding Part 1 of the SEQR Full Environmental Assessment Form completed by Schultz Associates. He referred to the following items:

- D.1.C that asks for an estimate of the proposed expansion which was answered with 27sqft of pavement. Mr. Fox believes that is an erroneous estimate.
- D.2.E that asks if the proposed action will disturb more than one acre and create storm water runoff which was answered "No". Mr. Fox consulted legal counsel who advised that the "one acre" is a recommended guideline, but consideration of any disturbance or runoff can be evaluated.
- D.2.J.iv. which asks if the proposed action includes shared use parking which was answered "Yes". Mr. Fox desires more clarification on what is considered shared use.
- E.1.a which identifies existing land uses in the area. Mr. Fox believes "residential" should be checked.
- E.1.b. Mr. Fox points out that the planned lawn area after completion is 0.037 acres and questions if this is sufficient for code requirements.
- E.2.c. which identifies the soil types present on site as Ontario Loam and Cazenovia Gravelly Loam. Mr. Fox state there is clay present in the area and questions the accuracy of the sample.
- E.2.e which states the drainage status on the site is "well drained" and "moderately well drained". Mr. Fox believes this status is misleading as it drains onto Morgan Manning property.

Mr. Fox asked questioned if permeable asphalt is still the planned material for the pavement and the Board advised him that has changed to impermeable asphalt. Mr. Fox stated the Morgan Manning Society had a survey completed that shows .4ft of the driveway on 141 Main St is owned by 151 Main St.

Chair Switzer invited Alicia Fink (34 Lancet Way, Town of Sweden) to address the Board.

Ms. Fink introduced herself as the immediate past president and current historian of the Western Monroe Historical Society (WMHS). Ms. Fink a brief history of the WMHS acting as caretaker of the Morgan Manning House. Ms. Fink advised the Board that the WMHS is a nonprofit relying on donations, therefore the organization cannot afford experts to represent them in cases like Mr. GianCursio's application. The WMHS relies on representatives, like the Planning Board, to deliver a just verdict.

Chair Switzer invited Rich Miller (16729 Lakeland Beach Rd, Kendall) to address the Board.

Mr. Miller complimented the application's representatives on their presentation and efforts to address code requirements and the Board's concerns. Mr. Miller noted that he sold 141 Main St to Mr. GianCursio. He compared Mr. GianCursio's application process to an experience he had 8 years ago when he owned 52 State St and wanted to incorporate two apartments in the building. Mr. Miller discussed the challenges he faced during his change of use application. Mr. Miller questioned why there

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is no handicapped access required currently at 52 State St if it is required at 141 Main St. CEO Miller answered the access is not required at 52 State St because it is an existing commercial space and 141 Main St is applying for a new commercial space, therefore it has to comply with the current code. Mr. Miller claimed that CEO Miller's answer is insufficient and further questioned the code requirements in regard to handicapped access at 141 Main St. CEO Miller offered to provide Mr. Miller with a copy of the code. Mr. Miller became disorderly. Chair Switzer requested that Mr. Miller leave the meeting.

Dan Mastrella, Village Attorney, addressed the Board and the audience. He provided a brief summary of the application's progression. He made note of a letter from Peter Weishaar Esq, on behalf of the WMHS regarding the classification of the application under SEQR. Mr. Mastrella spoke with Mr. Weishaar, Mr. Nat Lester Esq., and John Paul Schepp, and came to the determination to recommend that the Planning Board treat the application as a Type I Action. Mr. Mastrella explained the SEQR process for the audience. In this instance, the property at 141 Main St is contiguous to a property listed on the National Register of Historic Places which changes the application from what would usually be an Unlisted Action to a Type I Action. Mr. Mastrella noted that upon conveying his opinion on the SEQR status, the applicant filed a Full Environmental Assessment Form (EAF). This document requires the Planning Board to complete parts 2 & 3 of the Full EAF and determine if the application warrants a negative or positive declaration. Mr. Mastrella noted that the applicant's decision to relocate the drainage pump onto 141 Main St property will require approval from New York State Department of Transportation (NYS DOT) because work will occur in a state right-of-way. The village is required to notify all interested agencies that they intend to act as lead agency for SEQR review and allow 30 days for the agencies to comment or object. As long as there are no variances requested by the applicant, this matter does not need Zoning Board approval. Mr. Mastrella recommended that the village complete at 239-m referral to the Monroe County Planning & Development Division and allow the required 30 days for a response.

Mr. Mastrella commented on the boundary line issue raised by Gordon Fox stating it is a matter that should remain between the adjacent property owners and be resolved by their private agreement or in court. Schultz Associates has submitted site plan and survey to the Board on behalf of the applicant which shows no encroachment. The village is bound to accept the site plan, but welcomes information from the neighboring property regarding the boundary line.

Mr. Mastrella recommended the Planning Board designate the application a Type I Action under SEQR, notify interested agencies of its intent to act as lead agent, and carry the application over to the next meeting.

- ➔ Member Staub moved, Member Baker seconded, unanimously carried to classify this a SEQR Type I Listed Action per 6NYCRR 617.4(b)(9) as the site is substantially contiguous to a historic building that is listed on the National Register of Historic Places.
- ➔ Member Stirk moved, Member Staub seconded, unanimously carried to notify any interested parties the intent of the Brockport Planning Board to act as lead agency for SEQR.

Chair Switzer advised that this matter will be tabled until the next regular meeting.

Member Staub expressed concern about getting application materials and correspondence in a more timely fashion to allow for proper review prior to meetings.

UPCOMING MEETINGS/DEADLINES:

- Monday, June 12, 2017, 7pm; applications due by Noon, May 30.
- Monday, July 10, 2017, 7pm; applications due by Noon, June 26.

ADJOURNMENT:

- ➔ Member Stirk moved, Member Baker seconded, unanimously carried that the meeting be adjourned at 8:05pm.

Katie Brown, Clerk