

Regular meeting of the Planning Board of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, August 11, 2008 at 7:00pm.

PRESENT: Chair Charles Switzer, Member Annette Locke, Member Arthur Appleby, Member Kent Blair, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe.

EXCUSED: Member R. Scott Winner

ALSO PRESENT: Joan Hamlin, Jim Hamlin, Robert Webster, Hollis Webster, David Enos, Wendy and Chris Cody, A.J. Barea, Don Hibsich, Fred Webster

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

WELCOME: The Board extended a warm welcome to new member Kent Blair.

SELECTION OF CHAIR AND VICE-CHAIR THROUGH AUGUST 2009.

→ Member Locke moved, Member Blair seconded, carried 4-1 to approve Charles Switzer as Chair and Arthur Appleby as Vice-Chair. Member Winner abstained by absence.

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

→ Member Locke moved, Member Appleby seconded, carried 3-2 to approve the minutes of the meeting held July 14, 2008 as written. Member Blair abstained as he was not a member at the time, Member Winner abstained by absence.

CORRESPONDENCE: Chair Switzer noted members have been given a breakdown of the new Board members recently elected/appointed and noted as well that Trustee Hal S. Legg is the Village Board liaison to the Planning Board. He also noted receipt of a proposal of the Selection Process from former Village Board Trustee Hanny Heyen and wondered whether or not this is a policy. (Note: This proposal was adopted by the Village Board of Trustees in March and outlines the process for electing and appointing members to various village boards. It was given to Planning Board members for reference.)

PUBLIC HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS:

1. Application of:	Name:	Robert & Hollis Webster
	Address:	31 King Street
	Tax Map #:	068.60-1-6
	Zoning:	Business
	Parcel size:	.17 acre
	Property Class:	210
	Purpose:	driveway

Applicant Presentation:

Robert Webster state he would like to install a 20'x40' driveway at 31 King Street.

Continued Board discussion on application:

Member Appleby referenced the map and clarified that the driveway would be on the west side of the property, R. Webster affirmed. Member Appleby stated he walked by there today and asked confirmation that the area in question is currently a lawn area. R. Webster confirmed. Member Appleby continued by asking if the neighboring property also belonged to R. Webster. R. Webster replied that it belongs to ZBA Chair John Bush.

Chair Switzer voiced that the Board had received correspondence from Village Engineer Jason Foote containing several questions, the first asking if an additional curb cut would be necessary. Code Enforcement Officer Scott Zarnstorff stated the curb is asphalt and Chair Switzer informed R. Webster that he would have to do a curb cut. Chair Switzer continued that Chatfield Engineers also wanted to confirm what the driveway will be made of. R. Webster explained it will be a hard-base material, stone. Chair Switzer went on to say the engineer recommended an 8" base of stone to which R. Webster commented okay. Chair Switzer continued, asking for verification that the proposed driveway does not encroach onto the adjacent property or right-of-way and asked for a drawing to scale to verify the dimensions. CEO Zarnstorff noted the survey map is attached and he could go get his scale to verify. He added that the map shows the dimension of 26.7' on the west side and with the driveway being 20' wide, that would leave 5' to the house and 1.5' to the property line.

Chair Switzer noted that the property does look deceiving and that there is a stockade fence there. He added that the Board would have to verify that the driveway is within the 25% of the lawn area per Code. Member Appleby wondered whether or not this was one lot—194 as referenced on the map--or had it been two lots, to which R. Webster explained it is just one lot, #194, and lot 193 is beside it. Chair Switzer asked if the intent was to park 2 cars there. R. Webster affirmed. Chair Switzer continued, asking if additional vehicles would use the municipal parking and again, R. Webster affirmed.

Member Locke inquired where the current tenants are parking. R. Webster stated the house is vacant right now, but that previous tenants had used the municipal lot as well as one car in the garage. Member Locke inquired how long R. Webster had owned this property and he stated 3 or 4 years. She continued by asking in the last 3 or 4 years, had the tenants always parked one car in the garage and others in the municipal lot. R. Webster replied correct, that his son and his family had lived there. Member Locke noted that had been just one family and then inquired as to the owner of the property previously and R. Webster responded Sherman. She asked if they had rented it out to just one family at that time and R. Webster said he did not know. Member Locke went on to say she wondered how parking had been accommodated in the past as there was not much room to park. R. Webster thought perhaps they utilized the municipal lot.

Member Appleby asked the CEO if he had done any calculations to see about the portion of the lot the driveway would cover. R. Webster interjected, wondering if, because the home is in a commercial area, that would affect anything. Chair Switzer noted that the property is listed as a 210, single-family, and wondered if the intent is to rent it out to a single family again. R. Webster replied it would be rented to whomever qualifies to live there. He added that there is only a side yard there, no backyard. Chair Switzer commented that the Code says no more than 25% can be driveway and Member Appleby added that that was for residential. Chair Switzer mentioned that if the house is 210, it would have to go before the ZBA. R. Webster voiced that the home is a single-family inside a commercial area.

CEO Zarnstorff referenced the Code section 58-22 B, (2), (i) on page 58-66. Member Appleby read the section out loud. Upon finishing, CEO Zarnstorff added that the property has no rear yard. Chair Switzer noted that on one side, it looks like there are two garages and a barn, or 3 garage spaces and that no more than 50% of the side yard can be used. CEO Zarnstorff stated it would not be more than 50% and Chair Switzer disputed that, referring again to the memo from Chatfield Engineers asking for actual dimensions. R. Webster stated they are on the map. Member Blair asked the actual footage of the driveway now and Member Locke stated it's currently grass and the proposal is a 20'x40' driveway. She also asked R. Webster if that would be for 2 cars and he replied maybe 3 or 4, which Member Locke said would be possible if the driveway is 40' deep.

Chair Switzer suggested a site meeting to verify the dimensions of the driveway as the engineer proposed. R. Webster reiterated he has provided the Board with a site map to which Chair Switzer replied that something just doesn't look right. R. Webster pointed out there is a stamp on it and everything. CEO Zarnstorff offered to go get his scale. Chair Switzer reminded R. Webster that when the driveway receives approval, it must be paved or have some other material put on within two years. R. Webster commented that there are 16 houses on that street and only one of them has a blacktop driveway. Chair Switzer said the Board is here for this property, not for the others. R. Webster asked if the Code says "blacktop" and Member Locke read "an all-weather dust-proof material." Chair Switzer asked CEO Zarnstorff if he was okay with the dimensions and the CEO replied yes, that the scale was right on.

Member Locke referenced the same section of the Code, reading that there shall be two parking spaces per unit per family, which means two spaces are all that is required. R. Webster asked if Member Locke is limiting him and Member Locke stated it was not her, it was the Code. R. Webster questioned if that is a minimum or maximum to which CEO Zarnstorff opined a minimum. Member Locke disputed, stating the Code does not say minimum. Member Appleby requested the section number and Member Locke informed him it was 58-22 B (2) (m). Member Appleby clarified that the building is not being altered, as is stated in the Code. Chair Switzer stated he did not think that mattered because it is still within the 50%. He then asked for a motion. Member Locke asked for clarification on the percentage and Chair Switzer answered about 60/40, backyard to driveway.

⇒ Member Appleby moved, Member Blair seconded, carried 3-1 to approve the driveway as proposed with the added stipulation that within two years it will be paved with something other than stone that is impervious. Chair Switzer, Member Appleby and Member Blair voted aye, Member Locke voted nay.

R. Webster thanked the Board.

2. Application of: Name: David Enos
 Address: 39 N. Main Street
 Tax Map #: 068.44-2-15.1
 Zoning: Business
 Parcel size: .48 acre
 Property Class: 484
 Purpose: parking lot

Applicant Presentation:

David Enos stated he would like to pave the stone area with blacktop and that he had dropped off sketches to CEO Zarnstorff.

Continued Board discussion on application:

Chair Switzer stated the Board had correspondence from the Village Engineer with a couple of questions. He stated the Board would need a scale drawing showing the buildings and their dimensions, sidewalks, grass areas, neighboring streets, curb cuts, parking spaces, travel lanes, utilities, etc. and told D. Enos that he may have to hire an engineer. Chair Switzer continued, saying parking spaces have to be a minimum of 10'x20' and 34 spaces would be required, based on the square footage of the building. Chair Switzer then went on to read the remaining points of the Chatfield communication. D. Enos asked if he could get a list of the requirements and Chair Switzer affirmed and D. Enos was given a copy.

D. Enos questioned #7 asking for a catch basin instead of a grassy area and CEO Zarnstorff suggested debating the need for a catch basin with the engineer. He stated that the catch basin would drain directly into the creek without any filtering whereas a grassy area would filter the runoff. Chair Switzer interjected that a plan is needed for drainage and CEO Zarnstorff concurred, stating that the letter from the Village Engineer just arrived and he would need to speak with Engineer Jason Foote about it. Member Locke asked the CEO's recommendation on drainage. CEO Zarnstorff replied that there is an increasing movement across the country for controlling stormwater and sediment flow. He added that more filtering is recommended. Member Locke asked if that meant a grass median and CEO Zarnstorff replied that grass acts as a good filter. Member Locke inquired as to how wide that would have to be and CEO Zarnstorff stated that it would depend on a number of factors, but that improvements could be made. He added that he would speak with Chatfield and come up with a solution.

Member Locke asked what is at the back of the property and D. Enos replied it is storage. Member Locke continued, saying there is a lot of water there and it is smelly. D. Enos replied there is debris that is causing the odor. Member Locke inquired if there are doors at the back and D. Enos answered that there are three doors in the back, two will be blocked off and one will remain as an emergency exit. Member Locke noted that on the south and north sides there are garage bay doors and D. Enos replied those would be filled in.

Chair Switzer offered that this will be good for the village. He summarized the need for the Board to have a more detailed drawing with plants and signage and that they want it to look nice. Member Appleby also brought up the need for property lines on the drawing as well as existing drainage and such. CEO Zarnstorff informed the Board that he had already visited the site and reviewed the drainage with the DPW Superintendent and that there is no village infrastructure out back. He added there is one drain up front by the sewing machine repair shop that drains directly into the creek. Member Appleby asked if D. Enos owns the parking spaces to the north of the building and D. Enos affirmed, noting the property line goes to within about six feet of the sewing machine repair shop. Member Blair stated that while looking at the property yesterday, he thinks the creek bank is deteriorating and noted there might be a collapse issue.

Chair Switzer finished the discussion by stating the application would be tabled and the Board next meets on September 8, if D. Enos wants to come back then or he could request an earlier meeting if he desires. He reminded D. Enos to work with CEO Zarnstorff on the issues. D. Enos thanked the Board.

3. Application of: Name: Donald Hibsich
 Address: 25 Cyrus Way (lot 43 McCormick Place)
 Tax Map #: 069.10-5-8.21 (overall rear section)
 Zoning: Residential - cluster
 Parcel size: 15.72 acres (overall rear section)
 Property Class: 311
 Purpose: re-subdivision of lot 43 – to add 5.65' to length of existing west property line & increase area from .246 acres to .254

Applicant Presentation:

Don Hibsich and A.J. Barea stated they were here seeking an increase in size for Lot 43 in Phase II of Havenwood Meadows, section 3. A. J. Barea pointed out that the current property line was noted on the drawing as well as the proposed property line and they would be adding 5.65' to the current property line.

Continued Board discussion on application:

Member Appleby asked why they want to enlarge the property and D. Hibsich answered that the house is too big for the lot. He added they tried rotating it, but that didn't work either. A.J. Barea noted that it's not the main house itself, but is the porch that is the problem.

Member Appleby asked if where the lot is to be extended is just open space and both D. Hibsich and A. J. Bared affirmed. Chair Switzer asked if there is a pond there, too and A.J. Barea stated yes. He explained that the dotted line represents the existing line and that all other property lines remain the same. Member Appleby inquired as to who will own the space to the south when the project is complete and D. Hibsich stated it would belong to the neighborhood association. He added that the oversight was just one of those things, that it looked fine on paper and then when they got out there, the house just wouldn't fit. Chair Switzer mentioned that they could have gone to the ZBA for a variance, but it appears this is the best way to go. D. Hibsich replied that they did not want to take their chances on a variance. Member Locke interjected that this doesn't affect anyone seeing how it is just open space and she stated she has no problem with it.

⇒ Member Locke moved, Member Appleby seconded, unanimously carried to approve the resubdivision of lot 43 – to add 5.65' to the length of the existing west property line and increase the area from .246 acres to .254 acres.

The Board wished them well and D. Hibsich and A.J. Barea thanked the Board. Chair Switzer added they could sign the drawing at this time.

NEXT REGULAR MEETING: September 8, 2008
(Application materials due by Noon Tuesday, September 2, 2008)

ADJOURNMENT:

→ Member Locke moved, Member Appleby seconded, unanimously carried that the meeting be adjourned at 7:40pm.

Pamela W. Krahe, Clerk