

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, June 10, 2013 at 7:00pm.

PRESENT: Chair Charles Switzer, Member Arthur Appleby (arrived 7:04pm), Member Annette Locke, Member Bernard Daily, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe.

ALSO PRESENT: JP Schepp (Village Engineer), Ellen Coyne (Village Attorney), Jim Glogowski, Lindsay O'Reilly, James Zisovski, Steve Zisovski, Jim Lawson, Rich Miller, Stacey Sycycpaniak, Karen LoBracco, Annie Crane

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 meeting minutes.

➔ Member Locke moved, Member Daily seconded, carried 3-0 to approve the minutes of May 13, 2013 as written.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

Member Appleby arrived.

OLD BUSINESS:

1. Application of: Name: Jose Mendez
 Address: 24 North Main St.
 Tax Map #: 069.45-1-1
 Zoning: B-Business
 Parcel Size: ~1.7 acres
 Prop. Class: 465
 Purpose: Review site plan for proposed 56'x100' commercial building

Presentation/discussion:

Mr. Glogowski announced Mr. Strabel was not able to be here and Mr. Mendez has not been able to get in touch with the owners of Villager Apartments. Mr. Glogowski asked for approval of the application, contingent upon receiving the written agreement with Villager. Discussion followed between the village attorney, the code enforcement officer, and the board. VE Schepp confirmed all engineering concerns had been satisfied in the most recent set of drawings. VA Coyne informed it is acceptable to approve the application with a contingency – and she recommended imposing a time frame – unless the board feels they want to reserve decision until the agreement is in place. Mr. Glogowski said he is not sure what the holdup is. The board suggested sending a certified letter instead of exchanging phone calls. Chair Switzer suggested a 30-day window to get the agreement; unsure whether anything could be drawn up and executed within that brief time. Mr. Glogowski reminded that no building permit could be pulled until the agreement is received. CEO Zarnstorff said he has spoken with Mr. Nichols, VP of Longley-Jones who owns Villager Apartments, and he has been amenable to talking with Mr. Mendez about the proposal.

SEQR was brought into question and according to the draft application it would be a Type I. Formally making that decision would start a clock which is only 30 days. The board indicated it was not comfortable granting approval and starting that clock given the fact that the applicant has had well over 60 days to date with no agreement in place. Chair Switzer stated he could call a special meeting to decide on approval if the agreement materializes.

No other action was taken.

With Member Appleby now present,

➔ Member Locke moved, Member Appleby seconded, carried 3-0 with Member Daily abstaining due to absence to approve the minutes of April 8, 2013 as written.

NEW BUSINESS:

1. Application of: Name: Lindsay O'Reilly
 Address: 51 Clinton St.
 Tax Map #: 068.52-4-3
 Zoning: B-Business
 Parcel Size: 69' wide x 198' deep
 Prop. Class: 483
 Purpose: Change of use – proposing to operate a dog training and

grooming facility, and store. Property is currently vacant.

Presentation/discussion:

Ms. O'Reilly referred to the documentation submitted and explained she will provide training classes Wednesday and Friday evenings, to be wrapped up by 9pm, and on Saturday afternoons. Grooming would be by appointment a couple of nights a week. Both the applicant and groomer have clients currently. The front of the building is residential and will remain that way, the back half is the business portion. There are 4 1-bedroom apartments in the front. Parking is available in front and in the back. There would be only one grooming appointment and only about 6 dogs in for training at a time. No dogs would be housed overnight.

When asked about certification, the applicant replied certification is optional for trainers but the groomer is certified. The entire large space will be used for agility training, etc.

Trash will be minimal and there are 4 or 5 garbage totes on site to be shared with residents. There would be dog hair, but very little. The groomer has been in business for 5½ years. Ms. O'Reilly currently trains privately.

It was noted there is a small chain link fence near the back of the property. Any dogs going outside would be leashed and walked.

➔ Member Appleby moved, Member Daily seconded, unanimously carried to approve the application for the purpose of a dog training and grooming facility.

2. Application of: Name: James Zisovski
 Address: 60-62 College St.
 Tax Map #: 068.60-6-21
 Zoning: O-Residential
 Parcel Size: 66' wide x 148.5' deep
 Prop. Class: 220 2-family
 Purpose: 22' x 18' paved driveway expansion

Presentation/discussion:

Mr. Zisovski referred to the documentation submitted and explained he recently bought the house and has room for 3 vehicles, but they can't back in or out. There are 5 tenants and with the amount of property, he could easily create extra parking and it would fit with the house and the neighborhood. The house faces College Street, the driveway faces Utica Street.

Member Locke counted 5 paved, lined spots when she went by the house. If they are all full, doorways would be blocked. Mr. Zisovski explained how the proposed spots would line up and let the cars move comfortably. Member Locke said according to code it says 2 spaces are allowed per residence, which means 4 spaces. Mr. Zisovski wants to make it look like it's done right, and is willing to spend the money to make it nicer for his tenants as there is plenty of grass there. The board reminded him parking spots must be 10' x 20'.

The board wondered if the garage is used for parking. The applicant said he just purchased the property in November and no one has used the garage for parking. It only fits one car with the other items in there. He said after researching the code, with all the grass there, he should be allowed to enlarge his driveway. Concern arose about runoff and possible flooding. Mr. Zisovski noted he owns the surrounding properties. He identified and described the neighboring properties. He described the code as stating 25% of the rear yard is allowable, CEO Zarnstorff went through the calculations, and he is within the allowable percentage. VE Schepp suggested looking at the definitions of a corner lot regarding side and rear yards. Chair Switzer read Ch 58-22 B(2)(j) *"On corner or through lots, parking space may not be included as part of the required yards lying adjacent to either street."* Schepp stated it is generally accepted for corner lots that both the lawns facing the streets are considered front yards. Chapter 58-2 defines front yard as *"That area of the lot extending across the entire front of the lot, bounded by the street line and the front building line between the two side lot lines."* Chapter 58-9 F(5) states *"For corner lots, there shall be a yard of not less than 30 feet in width along the side lot line, adjacent to the side street and extending from the front line of the lot to the rear line of the lot."*

Member Locke reiterated 2 spaces per residence are allowed by code, and that is what should be. Mr. Zisovski reminded the board he does have enough lawn to allow him to expand, and he would like to do that, modernizing the house. VA Coyne asked if the existing driveway has been there for some time; Zisovski and CEO Zarnstorff affirmed. When asked if he had a survey map, Zisovski was not sure. VA Coyne said the map might be helpful. CEO Zarnstorff doubts there is one in the property file.

VE Schepp went through Chapter 58-22 B(2)(i) *"For residential use, such off-street parking shall not occupy any part of any required front yard except that portion of the front yard which may be construed as the logical extension of the side yard, being in particular from the extreme or side of a structure on the premises or garage thereon to a street or alleyway. No more than 50% of any side yard, or 25% of*

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any rear yard other than the required driveway, shall be permitted for a parking area. Such off-street parking space may be included as part of a required open space for side or rear yards.” He stated the applicant could use 50% of the side yard and is not even close to this percentage. Mr. Zisovski believes he is still in the guidelines and he'd like approval. He could come back with a better drawing. The board would like to clarify the side yard / front yard issue as there is no rear yard. CEO Zarnstorff says the side yard available percentage is 50 and the rear yard is only 25%. VE Schepp stated the front yard can't be used and you would be left with an L-shaped side yard. An abstract with a survey would be very helpful. The property owner will inquire at his lawyer's office and attempt to locate one. He would like to come back next month with the survey map.

➔ Member Appleby moved, Member Locke seconded, unanimously carried to table the application pending the submission of scale drawings of all parking spaces and a survey map of the property.

3. Application of: Name: James Zisovski
 Address: 51 Monroe Ave.
 Tax Map #: 068.60-6-2
 Zoning: O-Residential
 Parcel Size: 40' wide x 135' deep
 Prop. Class: 418 – rooming house
 Purpose: 20' x 18' paved parking area in the rear yard

Presentation/discussion:

Mr. Zisovski referred to the documentation submitted and explained 47 Monroe Avenue is to the left (east) and the two driveways are combined. Tenants park their cars at an angle along 51 Monroe, using the driveway of 47 Monroe to access the parking spots. The new owner of 47 Monroe wants to put up a fence to stop this practice or continue to charge Mr. Zisovski rent and require insurance to drive across his property. To date, Mr. Zisovski has paid the rent and added insurance as asked of him. To solve the problem, he wants to put a couple of parking slots in the rear yard. The garage that had been on the property was taken down over the weekend. Cars that won't fit out back will have to line up in the driveway. The board confirmed this is a boarding house and a nonconforming use that's continued. There are seven bedrooms with 1 person per bedroom. Mr. Zisovski speculated he could probably get 6 cars in tightly.

CEO Zarnstorff indicated he had read through the property file and back in the 1980s, the owner came before the Village Board and received approval to park diagonally and drive across someone else's property to get to those spaces. Member Locke asked to see those minutes. VE Schepp performed some calculations and surmised up to 800 sq ft of parking could be utilized, perhaps allowing for 3 spaces including a 5' setback. The board reminded parking area approvals must be paved within one year. Member Locke opined neighbors must have an opportunity to be heard at a public hearing and Village Code Chapter 58-8 says the Planning Board can call for a public hearing. Chapter 58-8 A (1) states in part *“Site plan and building approval by the Planning Board is required for all land use and/or development within the Village of Brockport, except for one-family dwellings not part of a subdivision. If, based on criteria as established by the Planning Board, the proposed use and/or development is deemed to have a significant impact on the site or surrounding area, a public hearing shall be required.”* Mr. Zisovski says most of his neighbors have similar situations but there is one neighbor lady across street who has a single-family non-rental. The applicant agreed that neighbors should have a say.

➔ Member Locke moved, Member Appleby seconded, unanimously carried to call for a public hearing to allow neighbors to offer comments.

The board also asked the applicant for scale drawings to help better understand exactly where parking spaces would go and that they would meet the acceptable size (10' x 20').

4. Application of: Name: James Lawson
 Address: 54 Brockway Plc.
 Tax Map #: 068.76-1-15
 Zoning: O-Residential
 Parcel Size: 54.1' wide x 65.5' deep
 Prop. Class: 210 – single-family dwelling
 Purpose: 10' x 10.5' driveway expansion

Presentation/discussion:

Mr. Lawson referred to the documentation submitted and added the existing garage is tiny and he wants the ability to park 4 cars, but right now can only park 2½ . He stated there is no parking allowed on Chappell or Brockway.

Member Locke indicated this situation might be different from the previous application. It was noted the applicant is asking to pave in front of living space. Alternatives were discussed including removing the existing Bilco door thereby allowing paving in that area up to the garage, and planting shrubs to ensure

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cars stay off the lawn.

Ms. Annie Crane, seated in the audience, asked when she might comment. Chair Switzer explained this is not a public hearing so comment is not taken. Member Locke asked if she has concerns, to which she replied she is concerned about more and more driveways being installed and about people not utilizing existing garages for parking. Mr. Lawson showed her the details of his compromise from the original submission.

When asked if a permit is necessary for taking out a Bilco door, CEO Zarnstorff replied no, he didn't see a need for one.

Mr. Lawson clarified he owns 47 Monroe Avenue that neighbors 51 Monroe that is owned by Mr. Zisovski. Mr. Lawson went on to recap for this project at 54 Brockway, he will reduce the amount of paving so it does not extend in front of the house, and he will put in shrubs if the board wishes to assure vehicles stay on the pavement. He inquired if the board would like the garage taken down. After a brief discussion, the board decided neighbors' opinions should also be heard on this application.

Mr. Zisovski interjected that he would like the public hearing for 51 Monroe Avenue on the same night.

→ Member Locke moved, Member Appleby seconded, unanimously carried to call for public hearing on this application.

Chair Switzer suggested board members go look at the lots in question if they have not already done so.

OTHER BUSINESS:

- Discussion of July meeting date. July 15 was unanimously decided upon for the next meeting.

NEXT REGULAR MEETING: Monday, July 15, 2013 7:00pm
Application materials due by Noon Monday, July 1.

ADJOURNMENT:

→ Member Locke moved, Member Appleby seconded, unanimously carried that the meeting be adjourned at 8:30pm.

Pamela W. Krahe, Clerk