

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, May 13, 2002 at 7:30pm.

PRESENT: Chair R. Scott Winner, Vice Chair John Brugger, Member Arthur Appleby, Member Annette Locke, Member Charles Switzer, Building/Zoning Officer Scott C. Zarnstorff, Village Clerk Leslie Ann Morelli.

EXCUSED:

ALSO PRESENT: Frank A. Aloï, Deputy Village Attorney, Tom Carpenter of Chatfield Engineers (Village Engineer), Susan Oschmann, Cory Brugger, Joe Jenkins, Tim Brugger, M. S. Schoeberl, K.A. Howard-Schoeberl, William Andrews, P. & Sharon Sailer, Mabel Koss, Joan Hamlin, David Strabel, Dave Mulac, Molly Mitchell, A.J. Barea, Pat Shannon, Kris Schultz, Don Schuff, Mary Briggs, Rick Bardney, Peter Rightmyer, Ron & Carole Tolster, Marilyn Osborn.

CALL TO ORDER: The meeting was called to order by Chair Winner. Chair Winner welcomed three members from Boy Scout Troop 111.

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

➔ Member Switzer moved, Member Locke seconded, unanimously carried to approve the minutes of the meeting held April 22, 2002 as written.

CORRESPONDENCE:

Chair Winner asked Member Appleby about the May 10th Local Government Workshop he attended in Mt. Morris. Member Appleby said it was not as useful as the overall Monroe County Planning Series and was geared more towards rural counties.

Chair Winner reported that a letter went out from Building/Zoning Officer Zarnstorff and Village Attorney Riley regarding the expansion of the Agrilink parking lot without approvals. They either need to restore the site or return to the Planning Board for approvals.

Chair Winner reported that Village Attorney Aloï researched the issue of easements and building along the canal in relation to the Havenwood Meadows Section III (Don Hibschi) plans. He said it is basically a "buyer beware" scenario meaning if there were ever any leakage problems with the Canal, the homeowner could not expect to look to the New York State Canal Corporation for help. Attorney Aloï recommended the Planning Board consider requiring similar indemnification of the Village before the final phase. Attorney Aloï said the easement does not prohibit construction, just stating that the owner bears any consequences.

OLD BUSINESS:

1. Application of: Name: Meli Enterprises
 Address: East Avenue
 Purpose: fill permit

Applicant Presentation:

Applicant or representative did not show.

Continued Board discussion on application:

Chair Winner shared that recommendations came in from the Village Engineer, Village Attorney, and Village Environmental Consultant regarding this application for a fill permit. The Village Engineer advised that the Planning Board should not entertain the application without appropriate plans. The applicant needs to display a need for filling the site, provide detailed plans, a topographical map, to not interrupt drainage pathways, or wetlands – all prior to environmental assessment. The SEQR short form was improperly completed and inadequate. A SEQR long form and wetland delineation would be required. Ken Pike of Earthworks Environmental, the Village's environmental consultant, shared of inadequate screening of the fill material, deficiencies in the scope of work, only VOC's (volatile organic compounds) were tested, not non-volatile. The fill is not clean and came from a heavy industrial and commercial corridor. TABLED until June 10th meeting.

NEW BUSINESS:

1. Application of: Name: David & Leisa Strabel
 Address: 110 Frazier Street
 Purpose: to merge two lots into one

Applicant Presentation:

Architect and property owner, David Strabel, shared that he and his wife own two lots on Frazier Street. One known as 110 with their house on it and the other known as 106 which is a side lot with no structures. When the assessment revaluation was done, there was a drastic increase in the value.

Continued Board discussion on application:

Member Appleby asked if they would build on the vacant lot. D. Strabel said they have no intentions to sell it or make it a building lot. They just like the extra lot next to them. It would remain a yard and would have no visual changes. Member Locke asked what happens if they sell the home. D. Strabel said the lot goes with it as one unified parcel. Member Brugger said this is a good way to prevent anyone from building next to him.

⇒ Member Appleby moved, Member Switzer seconded, unanimously carried approving the merger of the two parcels to be known as 110 Frazier Street. This must be filed with Monroe County.

2. Application of: Name: Michael & Kathleen Schoeberl
 Address: 17 Spring Street
 Purpose: fence permit

Applicant Presentation:

Michael Schoeberl reviewed his application for a 3 foot high picket fence in the front yard that is 3 feet from the sidewalk as per the code.

Continued Board discussion on application:

Chair Winner said the Planning Board has the discretion to modify the code somewhat as it relates to front yard fencing. They offered an applicant several months ago the option of placing the fence 1 ½ feet (18 inches) from the sidewalk rather than 3 feet. However, any damage done by the Village snowplow would be the owner's responsibility. M. Schoeberl said that would be great. Member Brugger said he applauds the Schoeberl's efforts to spruce up Spring Street. It could use a facelift. Member Appleby commented that the fence could be as high as 6 feet in the rear. Member Locke asked if the fence would be painted or stained and if so, what color. M. Schoeberl said painted white. Member Appleby asked if there would be a gate. M. Schoeberl said yes.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried approving a white picket fence in the front yard at 17 Spring Street to be 3 feet high and 18 inches from the sidewalk at the owners liability.

3. Application of: Name: Susan Oschmann
 Address: 10 Brockview Drive
 Purpose: driveway expansion permit

Applicant Presentation:

Susan Oschmann reviewed her application to expand her driveway. She has a single width driveway at the dead end. She has an adult child driving and needs room for her boat and trailer.

Continued Board discussion on application:

Member Appleby asked if she would pave it. S. Oschmann said she would first lay stone and let it settle for a year. Member Brugger said the Planning Board usually places a condition of paving within two years of approval. Member Switzer suggested she work with Building/Zoning Officer Zarnstorff on where she can park the boat and trailer. The Code does not allow winter storage. Member Locke asked if the Code allows paving right to the property line. It appears it does, but only a certain percentage of a lot can be taken up by pavement. Member Locke asked if the applicant had spoken to her nearest neighbor. S. Oschmann said she had and they were fine with it. In fact, she plans to purchase a portion of her lot.

⇒ Member Switzer moved, Member Appleby seconded, unanimously carried to approve the widening of the driveway at 10 Brockway Place as proposed on the condition that it is paved within two years.

4. Application of: Name: A.J. Barea for Ray Sailer
 Address: 567 West Avenue
 Purpose: to merge two lots into one

Applicant Presentation:

A.J. Barea, PLS, reviewed his application and plan to merge two lots on West Avenue. The Sailer's own both lots. One is number 567 with the house and the other is vacant land known as 575.

Continued Board discussion on application:

Member Appleby asked if the owner had any intentions to build on the vacant parcel. A.J. Barea said there may be future consideration of a detached garage. At this point, they simply wish to combine the two parcels into one. Chair Winner said it makes sense rather than building a garage on a separate lot. Then the Village runs the risk of someone buying the separate lot and opening a business in the garage. Merging the lots should also provide tax savings. Member Appleby asked if this lot would have benefited from the sewer potential of the Brockport Village Landing proposal. A.J. Barea said no.

A.J. Barea said the lot is kept mowed. Member Appleby said he thinks it was part of a farm. A.J. Barea said it was part of a farm in the 1950's and was subdivided into a strip of lots towards Redman Road.

⇒ Member Appleby moved, Member Brugger seconded, unanimously carried approving the merger of the two parcels to be known as 567 West Avenue. This must be filed with Monroe County.

8:00PM – PUBLIC INFORMATION MEETING:

- 1. Application of: Name: Schultz Associates for Mark Calcogno
 Address: West Avenue
 Purpose: 236 lot residential / commercial subdivision named Brockport Village Landing

Applicant Presentation:

Sam Liberatore and Kris Schultz of Schultz Associates were in attendance as well as developer Mark Calcogno and realtor David Mulac. S. Liberatore shared that M. Calcogno plans to purchase from Farash the remaining 117.32 acres. He reviewed the overall subdivision plan of 230 residential lots and 6 commercial lots. Four of the commercial lots will have 8,000 square foot buildings and two of them will have 4,000 square foot buildings. There are 15.85 acres of wetlands where there will be no building. They are applying under New York State Village Law Section 7-738 for cluster zoning. He distributed handouts to the Board and some for the audience to share. Under regular residential zoning they figured they could subdivide into 290 lots maximum. They figured minimum lot size allowable under the cluster development calculation. This would be approximately 80' x 135'. Cluster zoning allows for open space. S. Liberatore said the development will have a pump station with force main connecting to the Willowbrooke development. Property owners on West Avenue will have an opportunity to tie in to the sewer, most likely along their rear property lines unless it is determined to house the sewer along West Avenue. S. Liberatore said they would also have access to the Erie Canal trail system and the development's open space.

S. Liberatore reviewed the preliminary plans for Phase I which entails 29 residential lots and 1 commercial lot. Full build out could take as long as 15 to 20 years in approximately 10 sections. On average, a home builder builds 12 to 18 homes in 12 to 18 months. He said the interested homebuilder is Ryan Homes who have a good and long-standing reputation in the County. S. Liberatore said he hopes the Planning Board will grant concept approval on the entire plan, declare itself lead agency on SEQR, and grant preliminary approval on Phase I contingent on reviews by the Village Engineer and Monroe County Development Review Committee.

Public Comment:

Bill Weber of Main Street asked the applicant why they need to file under the cluster zoning law. S. Liberatore said it gives them a little more play on how they can design the lots, setbacks, and such. He said they are really not making the lot areas smaller, just different shapes and a bit narrower. He also said it provides open space. Bill Weber said it sounds like they will maintain lot area but not setbacks. Deputy Village Attorney Frank Alois said the lots are proposed at 80' wide rather than 85' wide, but the area of 10,000 square feet or more complies. S. Liberatore said they are mimicking somewhat the development down the street with no cul-de-sacs or winding roads. Bill Weber asked if they will be proposing a sewer district. S. Liberatore said there is one.

Paul Williams of 469 West Avenue asked what would occupy the commercial lots. S. Liberatore said professional or medical offices. It would not be something like a convenience store. P. Williams asked where the pump station would be located. S. Liberatore said behind 501 West Avenue. It will be underground gravity flow to pump station. It will be located in a small shed like structure. P. Williams asked if there would be any potential problems with it. S. Liberatore said there would be back up power. P. Williams commented that the property is very wet and that he fishes in the pond. M. Calcogno said the storm water would be directed to the creek.

Pat Shannon of 501 West Avenue asked the noise level of the pump station. K. Schultz said he toured the factory where they make these and it was amazing how little noise they make. Residents will not be able to tell if the pumps are running. P. Shannon asked if there would be any buffer zone between the existing West Avenue homes and the first row of proposed homes. K. Schultz said the property lines will abut, because they can not leave a strip of "no man's land". Even if the developer leaves trees, buffering or screening, there is always the potential that property owners will cut the trees or screening down. Developers try wherever possible to preserve trees since they make lots more valuable. P. Shannon expressed concern that construction could go on forever. K. Schultz said once the new road is in, a construction entrance will be used off of Redman Road. Approximately 90 days in the first year are for infrastructure construction then it turns to housing construction. P. Shannon asked if they considered starting nearest Willowbrooke and the Canal and working toward West Avenue. K. Schultz said that was considered, however, a housing development is more marketable when it can be seen from the main road. Therefore, they would start at West Avenue and work toward the Canal and Redman Road.

P. Shannon inquired about traffic. S. Liberatore said a traffic analysis was done.

D.O.T. determined no signal lights are needed on West Avenue. They said at most they may require a left turn lane. S. Liberatore said they and Planning Board Chair Winner worked with D.O.T. to allow an additional access onto West Avenue. They are only allowing one onto West Avenue, one onto Redman Road, and a cross access from Willowbrooke. NYSDOT always tries to limit access onto their roads because they are considered "highways". S. Liberatore said they are not expecting heavy volumes of traffic – mostly the to and from work hours. P. Shannon said if they can't have a "no man's land" buffer between the West Avenue homes and first row of new homes, he would like the proposed houses moved approximately 50 feet. S. Liberatore said providing that much space could cause them to lose 20 houses. Financially, the project would not work if they had to lose that many lots. The property has been vacant a long time. P. Shannon said he knows the Village needs the tax base, but does not think anything besides the sewer will help his home value. K. Schultz said they often meet neighbors in their back yards to work on screening issues to provide a decent visual barrier. P. Shannon said the creek is already pretty full, and wonders what will happen if the drainage is purposely directed toward the creek. S. Liberatore said they try to capture and mitigate so water leaving the site leaves at a lesser rate post development than pre development. S. Liberatore said storm water and drainage is the first thing on their list. Tom Carpenter confirmed that they are required to be at or below existing runoff rates. They hope for a decrease of at least 1%.

Ray Sailer of 567 West Avenue questioned the lot width. Chair Winner said nothing is proposed under 80 feet wide. The code ordinarily requires 85 feet wide, but this is a cluster zoning application.

Eric Duncan of 23 Brook Terrace asked if the residential will all be single family homes, if there would be any doubles. S. Liberatore said all single family homes. E. Duncan asked if there would be homes on spec or if they would all be built to suit. S. Liberatore said built to suit. E. Duncan asked if easements would be paved or left gravel and dirt. S. Liberatore said trails would be left natural. E. Duncan asked the price range of the homes. David Mulac, realtor for Ryan Homes shared that Ryan Homes has been in business more than 40 years. The proposed homes would be mid-range 1,600 to 2,200 square feet in size and \$130's to \$170's in price. It is a good base package with a 10 year warranty and fully energy star compliant. There will be a model home in front, landscaped and sodded, fully decorated and furnished interior and the garage converted into a sales office that will be staffed full time. There will be a good deal of marketing. They have their own mortgage company and their own lumber company. They have rated successfully with JD Powers surveys.

Member Brugger asked if there was any reason Ryan Homes do not have eves. D. Mulac said he thinks it depends on the product or style. S. Liberatore said for what it is worth, he lives in a Ryan Home.

P. Shannon asked if they conducted studies to show there is a demand for these homes in this location. D. Mulac said it was hard to gage the Village since there is not much being built. They based data on the neighboring towns of Sweden and Clarkson where there is a good deal of building.

Don Schuff of 220 Clark Street asked if there is sufficient access for fire trucks and if they plan on connecting to Clark Street. S. Liberatore yes there is sufficient access for fire trucks, although they would like one more, and no, there are no plans to connect to Clark Street. Chair Winner said fire safety is not endangered, it is an issue of greater convenience to minimize bottlenecks by having another access. D. Schuff said they referred to modeling after a neighborhood down the street, which one? M. Calcagno said just east of Willowbrooke in the Idlewood Drive area. D. Schuff said they are modeling after 40 year old homes and lots. Why not make the lots bigger. Member Switzer said the total area of the lots is greater (10,800 average), but the width is 80' instead of 85'.

Mary Briggs of 357 West Avenue said there should be a stop light. Chair Winner re-iterated that so far the NYSDOT said no. No one at this end is opposed to an additional access or a stop light. M. Briggs asked why DOT won't allow them. Chair Winner said DOT wants as few access points as possible because each access point represents a safety issue. Each intersection slows down traffic and their goal is to keep traffic moving. Chair Winner said they may have lost the battle, but there are more discussions to be had.

P. Shannon asked at what point does the DOT become involved. Member Switzer said the overall preliminary plans will be referred to Monroe County DRC (Development Review Committee) which has representatives from many agencies including DOT.

Pete Rightmyer of 27 Beverly Drive asked at what point they would install the Redman Road access. S. Liberatore said they would get there by Section 3. P. Rightmyer said that means all will access onto West Avenue for the first 3 years. S. Liberatore said 3 to 5 years, depending on home sales. P. Rightmyer asked about the gravity flow and sewer system. K. Schultz said it is up to the existing residents on West Avenue to ask the Village Engineer to look at their tying in to the sewer. It's best done soon, because if people wait until their leach system fails, it can be very costly. P. Rightmyer asked if the sanitary sewer will have capacity to handle the existing residents. S. Liberatore said yes. The design will be overkill and there is great water pressure. The Village Engineer would need to look at the most efficient way to accomplish. Easements would need to be provided. Almost everyone

needs to want it. A district needs to be formed in which the cost is spread out over a number of years. It is best to use the resources of the Village so they are unbiased and not tied to a developer.

Roger Hale of 31 Beverly Drive asked where the other possible access point on West Avenue would be. S. Liberatore showed and said they could agree to not build on the most westerly lot. By then they would know if DOT will bend on their decision. R. Hale asked the sewer location and suggested they not put sewers in the back yards like the Beverly Drive and Clark Street area.

Don Schuff said a long straight road makes for a drag strip. S. Liberatore said they would be willing to install 3-way stop signs which helps slow traffic. D. Schuff asked if the side setback requirements would be the same if the lots are allowed to be narrower. Deputy Village Attorney Alois said the Planning Board can alter the setbacks in cluster zoning as well. S. Liberatore said the houses range from 48 to 62 feet wide. There are not too many at 62 feet wide. M. Calcogno said they would shoot for 7.5 foot side setbacks. This way any Ryan home would fit.

M. Calcogno further shared that in order for him to purchase the land from Farash, there are restrictions on the terms of the sale. These include not being able to build rental units (apartments) and allowing Farash to donate the green areas to the Village.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to close the public information meeting at 9:30pm.

Continued Board discussion on application:

Chair Winner thanked everyone for their input. He told S. Liberatore that since he just submitted the updated plans today, the Planning Board would not be in a position to give much in the way of approvals. Again, the Planning Board needs preliminary plans on the entire subdivision to begin the SEQR process and consider overall preliminary approval. Then, final approval is done in building phases.

Member Brugger said he is comfortable with the concept. Chair Winner said the Planning Board will defer to the Village Engineer and Building/Zoning Officer as to the level of detail needed on preliminary plans.

Chair Winner said once the Planning Board takes lead agency, it begins the SEQR clock ticking and allows 65 days for a decision. Member Brugger noted some inconsistencies and inaccuracies on the long form SEQR on pages 3, 4, 5. T. Carpenter asked that SEQR be updated.

S. Liberatore agreed to submit updated plans and SEQR by May 28th for consideration at the June 10th meeting.

⇒ Member Appleby moved, Member Brugger seconded, unanimously carried granting overall concept approval.

NEXT REGULAR MEETING: Monday, June 10, 2002 7:30pm

ADJOURNMENT:

➔ Member Locke moved, Member Appleby seconded, unanimously carried that the meeting be adjourned at 10:00pm.

Leslie Ann Morelli
Village Clerk