

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 23, 2005 after the 7:00pm ZBA meeting.

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

EXCUSED:

ALSO PRESENT: Deputy Village Attorney Frank A. Aloï, Village Attorney Keith O'Toole, Village Engineer Tom Carpenter of Chatfield Engineers, John Bush, Joan Hamlin, Steve Locke, Rich Maier, Robert Peterson, Gifford Mosher, Andrew Willmes, Duane Beckett, Fred Webster, Kris Schultz, Mike Ferrauilo.

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

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

- ➔ Member Appleby moved, Member Switzer seconded, Member Locke abstained due to absence, carried to approve the minutes of the meeting held March 28, 2005 as written.
- ➔ Member Switzer moved, Member Appleby seconded, Member Locke abstained due to absence, carried to approve the minutes of the meeting held April 11, 2005 as written.
- ➔ Member Brugger moved, Member Locke seconded, Members Switzer and Appleby abstained due to absence, carried to approve the minutes of the meeting held April 25, 2005 as amended.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

NEW BUSINESS:

1. Application of: Name: Josephine C. Matela
 Address: 25 Main Street
 Purpose: change of use – Tea for Two Antiques / The Red Bird Tea and Coffee Shoppe

Applicant Presentation:

J. Matela thanked the Board for the opportunity and reviewed her application for a change of use to relocate her store from 88 Main Street to 25 Main Street. The space at 25 Main Street was used for many years as the YMCA and most recently as a financial services office. She presented the application, short form environmental assessment form, schematic of the space, proposed signage and will provide copies of the Monroe County Health Department permits for the file. J. Matela said all would meet MCDOH standards. There will be no frying or open cooking. She said S. Zarnstorff conducted a pre-inspection for State and Village Codes.

Continued Board discussion on application:

Member Locke asked if there is already a kitchen. J. Matela said there is a small kitchen from when the

Y was located there. She will be bringing it up to code with appropriate fixtures and such. Member Appleby asked if the kitchen would be removed at her current location. J. Matela said yes. J. Matela said it is subject to MCDOH approval. There are currently 2 bathrooms, 1 being ADA compliant. She said the non-compliant bathroom will be removed and turned into a coat closet. She said she and the proprietor of the antique shop next door plan to install a French door between the two with the property owners approval. Chair Winner asked the size and location. J. Matela said it would be standard door size mid-wall to the North. S. Zarnstorff confirmed there are no fire code issues with this.

Board asked about the rear and side doors. J. Matela said the rear door would be used for deliveries. The front door and side door would be entrances. The side door enters the tearoom, not the kitchen. From the tearoom would be an open arch to the kitchen. Member Locke asked the number of tables and chairs. J. Matela said she anticipates 8 tables, some square and some round, with 4 chairs each. Member Brugger questioned the threshold of the side entry door as it relates to ADA compliance. He questioned if a motorized chair could get over it. Member Locke concurred that the lip might be a problem. S. Zarnstorff said a ½ inch lip is allowed. J. Matela said the Y used it successfully.

Chair Winner questioned the hours of operation. J. Matela said maximum hours of operation would be 8am to 10pm 7 days per week. Chair Winner asked if there would be any service of alcohol. J. Matela said absolutely not. Chair Winner asked if the food would be brought in or prepared on site. J. Matela said the MCDOH permits will allow either except no frying. That would require a fire suppression

system.

Chair Winner questioned signage plans. J. Matela reviewed the computer-generated renderings. There would be a teapot sign on the front and side as well as the door and windows with professionally painted signage similar to her current location. J. Matela said she plans to replace the side light fixture as well.

⇒ Member Locke moved, Member Brugger seconded, unanimously carried to grant the change of use for 25 Main Street.

2. Application of: Name: Robert H. & Sheila G. Peterson
 Address: 19 Mercer Street
 Purpose: parking and driveway expansion

Applicant Presentation:

Earlier in the evening the applicant was granted a continuance of non-conforming use as a 3 family by the ZBA. R. Peterson reviewed his application to lengthen the driveway to the rear and relocate the parking. He said he is not adding parking, but relocating it due to a proposed addition.

Continued Board discussion on application:

Member Locke asked what percentage of the rear yard will be parking and what percentage will be grass. R. Peterson said he would love to have no grass in rear. He said there is a low area that is caving in. He would like to plant a garden there surrounded by landscape blocks. The sides and front would remain grass. Member Locke shared that Village Code prohibits no more than 25 percent of the un-built upon rear yard be parking. R. Peterson said it is 30' x 50'. Member Appleby computed 3,750 square feet after the structure. This would be 2,500 square feet with payment, which is more than the 25%. Member Locke asked how many cars need parking. R. Peterson said 2 cars per apartment, so a total of 6. Chair Winner asked the nature of the addition he's planning. R. Peterson said a 750 square foot family room and bedroom addition for he and his wife. In the future, he would like to build a 2-car garage. Member Locke said if 2 cars were to park in the garage, then only 4 spaces would be needed.

Member Brugger said the code requires 10' x 20' parking spaces, so that would not work.

Member Brugger referred to the ZBA decision on the 3 family continuance and asked S. Zarnstorff the status of the certificate of occupancy. S. Zarnstorff said there never was one. Once the addition is started, he will do. Member Brugger asked Deputy Village Attorney Aloï if the Planning Board could approve an application for driveway and parking expansion when there is not a current certificate of occupancy. F. Aloï said it could be interpreted as premature. Member Brugger commented that if there is no c of o, no one should be allowed to reside in the structure. R. Peterson said that would not be fair.

He said the Federal government inspected it upon purchase years ago. He said he did not know of the Village requirement to have it inspected every 3 years. He said now that he does, he would do what is needed.

Chair Winner asked when he plans to build the garage. R. Peterson said probably next year if not sooner. Chair Winner said the current parking plan would require a variance by the ZBA for the more than 25% rule. The Planning Board does not issue variances and cannot approve the current plan. Village Attorney O'Toole concurred. Chair Winner said if he insists on this amount of parking, he would need to apply to the ZBA. If a variance were granted, then he would return to the Planning Board. Otherwise, he needs to re-work the plan to meet the code.

Member Brugger said he understands his plight, but would not be comfortable with the whole back yard being paved. Member Appleby agreed and commented that many other property owners would want approval to do the same. Member Locke said she applauds the applicant for improving the property and investing in the community. However, there are quality of life issues. The neighbors should not have to look at a paved rear yard.

⇒ Member Brugger moved, Member Locke seconded, unanimously carried to table the application until either ZBA approval or modification of the existing plan to conform to code.

3. Application of: Name: Gifford Mosher
 Address: 77 State Street
 Purpose: driveway expansion

Member Locke recused herself from this application since she lives next to the property in question.

Applicant Presentation:

G. Mosher said he is not expanding the driveway or parking, he only wishes to maintain what has been there. He said the barn on the property burnt in 1970. The property owner at that time made the space

the barn occupied into parking. He said the ground would get mushy there so he put stone there. He said it has been parking for 30 years.

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Continued Board discussion on application:

Chair Winner asked the applicant if he would object to the Planning Board doing a site visit. G. Mosher said no, but he would like to be there. Chair Winner said that would be fine. Chair Winner said he just received some abstract notes, photographs and a CD with photos before the meeting. G. Mosher asked where they came from. Chair Winner said Steve Locke who lives next door. G. Mosher asked if they were only about the driveway or about other issues and said he would like to see them. Chair Winner said he could stop in to view them or get a copy.

Member Brugger asked S. Zarnstorff if this rental property has a current certificate of occupancy. S. Zarnstorff said no, it is now in the works.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to table the application to conduct a site visit. Review of the application will continue at the next meeting.

4. Application of: Name: Duane Beckett
 Address: 203 Main Street
 Purpose: change of use – sale of computer equipment & peripherals

Applicant Presentation:

Duane Beckett said he recently opened Sunnking Recycling at the north end of the building and would now like to open Sunnking Computers in the rest of the building behind Domino's Pizza. He said the space was last used by a Church (assembly). He would take in, sell and service new and surplus computers and peripherals. He was told he would need change of use approval from assembly to retail.

His hours of operation would be Monday through Saturday Noon – 8pm and Sunday Noon – 5pm.

Continued Board discussion on application:

Chair Winner inquired about signage. D. Beckett said he would be submitting a sign permit application to S. Zarnstorff.

Member Switzer said he remembered a previous applicant for the space for martial arts but the property owner was unwilling to do what was needed to bring it up to code. D. Beckett said he solved that problem by hiring his own contractor to get the work done. S. Zarnstorff and S. Winner concurred that past concerns have been addressed nicely. Member Locke asked if that work included an ADA compliant restroom. D. Beckett said yes. Member Brugger said he applauds him for making that happen. It was quite a hurdle with the property owner the last time an applicant wished to rent the space. D. Beckett said he is now waiting for a contractor to mark the handicapped parking. Chair Winner asked when he would have that done. D. Beckett asked that he be given until June 15th. Member Brugger said he wouldn't be able to open until then. S. Zarnstorff suggested the Planning Board condition their approval on striping and signage.

Member Locke asked about the dumpster. D. Beckett said there is one behind Dominos. He said he has a Rochester operation and uses space at the Brockport Allied warehouse for storage. He said there is very little trash to dispose of. He said he has been in business for 6 years. The main warehouse in Holley is 15,000 square feet. The warehouse in Rochester is 10,000 square feet. The storage at Brockport Allied is 40,000 square feet. He said this is an offshoot for value-added resale of non-scrapped equipment. Chair Winner shared that he visited the operation and it is pretty impressive.

He said this would be a good location with the student population.

⇒ Member Switzer moved, Member Locke seconded, unanimously carried to approve the change of use for 203 Main Street from assembly to retail.

5. Application of: Name: Andrew J. Willmes
 Address: 1 Main Street
 Purpose: interior alteration – bar / restaurant

Applicant Presentation:

A. Willmes said he spent a year in culinary school and has food service experience. He is taking the space formerly used by Jimmy Mac's and opening Fibbar Magee's, a restaurant and bar. He reviewed his application, plans and photographs to show that he has added 5 feet onto the bar on the lower level to cover the dead space and use the rear for storage. He is not increasing the seating capacity at the bar. There are still 8 stools. He said the area was a catch all near the entrance to the kitchen and

aesthetically looks better.

Continued Board discussion on application:

Chair Winner asked if this area would be used as a service bar for the wait staff. A. Willmes said yes. Chair Winner said it makes sense so close to the kitchen. A. Willmes said he has applied to New York State Canal Corporation and received permission to utilize the outside area. He has also received Health Department approvals and Certificates of Authority. He is awaiting elevator inspection and fire safety permit. He anticipates the liquor license any day.

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Member Locke inquired about the NYSCC permit. A. Willmes said he is allowed to use the area for food and beverage service weekdays until 11pm and weekends until Midnight. He said he may remove the 4 existing picnic tables that are in disrepair and replace them with 4 round tables. He said he understands that there were some concerns when the previous tenants were there. He said he believes the time limit will help with nuisance and litter problems.

A. Willmes reviewed the floor plans. He said the first floor (Main Street level) will be considered the dining room. He added 5 booths and 4 elevated tables around posts. There is seating for 48. Downstairs will have 8 stools at the bar and 4 elevated tables to seat 16. Both restrooms have been made ADA compliant. Handicapped signage has been added to the elevator and ramps. The kitchen has been completely renovated right down to replacing the walls. The equipment is all new within the year. The only things kept were a dishwasher, hand sink and walk in cooler.

Chair Winner asked the hours of operation. A. Willmes said Monday through Saturday 11am to 2am. Sunday Noon to 2am. Member Locke asked if food would be served all the time. A. Willmes said yes. The full menu will be offered until 10pm. A shortened menu, all but the entrees, will be offered 10pm to 2am. Member Switzer asked when he hopes to open. A. Willmes said as soon as tomorrow. The elevator and fire system inspections are to be done tomorrow.

Member Brugger said he appreciates that patrons will be pulled in off the canal by 11pm or Midnight.
A.

Willmes said he used to operate Froggy's on Empire Boulevard on the bay and knows that noise travels by the water. Member Brugger said he is a member of SPARTAC and knows that noise travels well north of the canal. A. Willmes said 5 of the 6 speakers have been removed. Member Locke referred to the noise ordinance and asked if he would consider no music outside. A. Willmes said yes. He said his location in the city does not have that benefit. It will help steer away from chaotic gatherings like the previous tenant had. Member Locke said she lives on the Canal and has seen lots of glass and pitchers and even picnic tables end up discarded in the Canal. A. Willmes said he assured NYSCC that he would not allow any glass or pitchers outside. Only plastic will be allowed outside. He said glass shatters and he does not want that liability. He said there would be a trash receptacle that would be emptied. The area would be cleaned up every night. Member Locke said she appreciates that. Member Brugger asked if the patio area is his. A. Willmes said no, it is NYSCC's. Member Brugger commented that it is used as public access by pedestrians. A. Willmes said he is aware of the many walkers.

Member Locke commented that the tables in the restaurant are small and asked how he would accommodate larger parties. A. Willmes said some of the tables upstairs are movable.

Member Brugger asked about the dumpster. A. Willmes said there is one behind Lorenzo's next door. He approached him about sharing. Lorenzo contracts Waste Management to empty it every other week. A. Willmes said he has contracted Waste Management for the opposite weeks of Lorenzo. Therefore, it will get emptied weekly. He said he has cleaned up, planted flowers and laid mulch where possible. He said Lorenzo had installed an air conditioning unit in the rear that prevents the dumpster from being pushed back all the way. He said he has worked with the situations as best he can.

Member Locke asked if there would be just one television in the basement level. A. Willmes said there will be 4 televisions and 1 quick draw monitor on that level and 3 televisions and 1 quick draw monitor on the upper level.

⇒ Member Appleby moved, Member Brugger seconded, unanimously carried to approve the application pending successful elevator inspection, fire safety inspection, and liquor license.

6. Application of: Name: Rev. Peter Enyan-Boadu
 Address: 138 Main Street
 Purpose: add part of 17 Holley Street to 138 Main Street

Applicant Presentation:

Rich Meyer, P.L.S. introduced himself as representative for both parties, Nativity Church Main Street and Jose Mendez for his property at 17 Holley Street. He said the church wishes to purchase a portion of the parcel from 17 Holley Street.

Continued Board discussion on application:

Chair Winner asked the intention. R. Meyer said for parking for the church. Member Locke asked if it would tie into the current parking. Mr. Fuierier in the audience said yes. Member Locke asked if it would access to Holley Street. Mr. Fuierier said no. Member Locke asked if it would be paved. Mr. Fuierier said yes. Member Appleby asked if they would remove the garage. R. Meyer said yes.

Member Brugger asked if there are any other alterations planned. R. Meyer said no. Chair Winner said

that is contrary to plans floating around the community that involve removing the parish house and expanding the church. Mr. Fuierier said those are concept only and they have a long way to go.

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Chair Winner asked if all codes are met if a portion of 17 Holley Street goes to 138 Main Street. He expressed concern that the plan creates a substandard lot for 17 Holley Street in regards to the Village Code requirement that no more than 25 percent of a rear yard be parking. S. Zarnstorff agreed that an area variance would be required from the ZBA. Member Locke commented that since 17 Holley Street is a rental property, the owner would probably be unwilling to cut back on parking. S. Zarnstorff said 17 Holley Street has 3 units and 6 cars and a c of o. Member Switzer said since this would be a self-created hardship, it is unlikely they would get a variance. Village Attorney O'Toole said whether the hardship is self-created does not preclude the granting of an area variance, but it is another hurdle.

T. Carpenter commented that if and when they return to the Planning Board it would be helpful to see the parking layout, grading and drainage plans.

⇒ Member Switzer moved, Member Brugger seconded, unanimously carried to table the application.

OLD BUSINESS: 9:20pm

- 1. Application of: Name: Schultz Associates for Sunflower Landing Subdivision
- Address: East Avenue
- Purpose: continue SEQR, site plan and subdivision review

Applicant Presentation:

Kris Schultz was in attendance with developer Mike Ferraulo to continue review of Sunflower Landing Subdivision for 40 single-family homes and 134 senior single units on 52.92 acres. He summarized that at the last meeting they showed that they have maintained a 15 foot minimum separation between units, looked at high end floor plans that are not simple rectangle boxes, showed how each would have front and rear porches, fence section with house numbers and light in front of each unit, broke up the driveways with less blacktop and more green space and provide a passive recreational use instead of one central area so that the entire property is walkable. There are 2 accesses to the canal and walking trails that link the roads and three gazebos. This is a multi-generational development with a homeowners association for exterior maintenance, roofing, siding, mowing, plowing. Roadways will be dedicated. The single-family homes have the ability to join the HOA if they wish.

Continued Board discussion on application:

Chair Winner asked the pricing structure of the HOA. K. Schultz said there would be an upfront price associated with each service provided. He gave an example of a fertilizer company that charges per service or application. Chair Winner asked who runs the HOA. K. Schultz said as each unit is sold they become a member. Once 50% of each section of the development is completed, the developer no longer acts as majority holder. They anticipate 1 section being constructed each 12 to 18 months. Chair Winner asked how they control the construction of the single-family homes if they choose not to join the HOA. K. Schultz said an architectural review would be required upfront with NH Architecture. There would be deed restrictions regarding the storage of rv's and boats and the construction of sheds and such. Chair Winner asked when they would begin drafting the HOA. K. Schultz said an attorney has been hired and it is underway. It will available upon completion. Chair Winner said the Planning Board would like to see it.

Member Locke asked for clarification on the number of total units and breakdown of singles, doubles and quads. K. Schultz said 40 general single-family homes with the option of the HOA and 134 senior units. He said the ultimate breakdown of singles, doubles and quads would be market driven as will the lot count per section. He said this is the maximum number and layout of what really works. Member Locke questioned if there is a big enough market since there is a lot of building going on in the Town of Clarkson. K. Schultz said the construction in Clarkson is single family only. This is multi-generational and senior with good floor plans and lots of amenities. He said he feels this is substantially superior to anything here. The Brockport, Clarkson, Sweden area is a totally untapped market as it relates to seniors. The trend east of here is to build senior projects as fast as they can. He said the developer

has done a lot of research and talked to a number of real estate professionals.

Member Locke questioned how they achieved the minimum 15-foot separation between units. K. Schultz said they sacrificed 7 to 12 units since concept and got creative with spacing and curve setbacks. T. Carpenter said he gets 10', not 15' in some spots. K. Schultz said this scale is hard to read and that he would get him the CAD file.

Chair Winner asked if they would be built custom or built and then sold. M. Ferrauilo said they would build two models of a single a double and a quad and sell off of those. Each unit will be a little different by way of floor plan and amenities. Chair Winner said they have shown about 20 unit types. K. Schultz said yes and they will have the ability to showcase those. He said he is not sure how many people will be interested in the quad. People often do not like "common walls". Some will spend more for a single or double.

Chair Winner asked if gardening would be restricted. K. Schultz said against the individual buildings will be okay. M. Ferrauilo said they would start the initial plantings.

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Chair Winner said he was in Tucson, Arizona recently and noted similar driveway widths and lengths as being proposed here. He said it is important that there is enough room to park without hanging over onto a sidewalk or street. K. Schultz clarified the setbacks as 20' off right of way and said there could be 2 cars in the garage and 4 cars in the driveway.

Member Switzer referred to the cul-de-sacs and said there does not seem to be any defined pedestrian path. He questioned if the sidewalk is on the wrong side of the street. K. Schultz said in his experience seniors have asked the municipality not to plow the sidewalks because it fills in their driveways. He has never known of a senior community being upset that sidewalks are only on one side. Member Locke said that may be true elsewhere, but the Village of Brockport is a walkable community. She said they should not undermine the need for sidewalks. Some seniors do a lot by foot and don't even own a car.

Member Brugger suggested maybe there should be only one double unit on a cul de sac instead of two. K. Schultz said they could adjust this based on sales. T. Carpenter asked if they would be revising the unit types by section at final approval. K. Schultz said the developer wants to do whatever makes sense.

Member Switzer asked if any units would be rentals. M. Ferrauilo said no. They will all be privately owned.

Member Locke asked if four parties have to come in at the same time for them to build a quad. K. Schultz said not necessarily. He said they would build in sections and provide a variety of choices.

Member Locke referred to the proposed Neets Road that will connect with Don Hibsch's subdivision and asked if it would turn into something else across the line. K. Schultz said he imagines whoever dedicates the road first would get the name.

K. Schultz said they are anxious for a public hearing and for SEQR to proceed. S. Zarnstorff commented that they have not yet applied to the Village Board for rezoning from Residential to Q-District. K. Schultz said they met with the Village Board at one of their workshop meetings and the Village Board wants the Planning Board to hold a public hearing and deal with SEQR first.

Chair Winner reported that the following agencies responded that they have no objection to the Planning Board taking lead agency on the coordinated review for SEQR: New York State Department of Transportation, Monroe County Water Authority, Monroe County Department of Environmental Services, Town of Sweden Planning Board.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to declare the Planning Board Lead Agency on SEQR.

⇒ Member Locke moved, Member Appleby seconded, unanimously carried to schedule a public hearing on Monday, June 13th at 7:30pm.

NEXT REGULAR MEETING: Monday, June 13, 2005 7pm

ADJOURNMENT:

→ Member Locke moved, Member Switzer seconded, unanimously carried that the meeting be adjourned at 10:05pm.