

Special 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, April 22, 2002 at 7:30pm.

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

EXCUSED:

ALSO PRESENT: Frank A. Aloj, Deputy Village Attorney, Tom Carpenter of Chatfield Engineers (Village Engineer), Acting DPW Superintendent Harry Donahue, Kris Schultz and Sam Liberatore of Schultz Associates, Mark Calcogno, Jean Sauberan, Fred Webster, Joan Hamlin.

CALL TO ORDER: The meeting was called to order by Chair Winner.

REVIEW OF MEETING MINUTES: Chair Winner reported that due to the resignation of part-time secretary Sandy Prince, the minutes of the March 11 and April 8 meetings have not yet been transcribed. The recently created position of part-time secretary to the Planning Board, Zoning Board of Appeals and Building Department has been eliminated. The work load reverts back to Leslie Morelli and Betty Coopenberg.

Chair Winner welcomed back Clerk Morelli. The Board said they were glad to have her back. Clerk Morelli said she enjoys working with the Planning Board and will do her best to juggle the additional work load again.

CORRESPONDENCE: Chair Winner reviewed several conference offerings, notification of meetings with County Executive Doyle regarding Metro Government, and a letter of complaint from Mort & Diane Wexler at 20 Oxford Street regarding Agrilink expanding its parking lot at 4:30am. This is a pending application before the Planning Board that has not been approved due to the contamination issue. Vice Chair Brugger commented that it does appear that the barricades have moved and the area has grown. Deputy Attorney Aloj agreed. Chair Winner said this directly undermines the work of the Planning Board. He asked F. Aloj and S. Zarnstorff to do whatever is necessary to get them to cease and desist. Chair Winner also asked them to begin necessary proceedings on the Heaster building where Advantage Auto Parts recently moved into. S. Zarnstorff said he is working on it.

PUBLIC HEARINGS: None

NEW BUSINESS:

1. Application of: Name: Jean Sauberan – Tea For Two Antiques
 Address: 88 Main Street
 Purpose: possible change of use permit

Applicant Presentation:

Jean Sauberan of West Avenue in Clarkson shared that she and Josephine Matela, current Village of Brockport Mayor, have looked for 12 years for an opportunity to go into business together. They both have an interest in antiques and J. Matela has an on-line e-bay business. They have rented 88 Main Street. It used to be Travel Designs. It will be for a retail consignment antique and on-line e-bay business. They will not be refinishing furniture.

Continued Board discussion on application:

Chair Winner said there is a question as to whether this application for a change of use is necessary. Building/Zoning Officer Zarnstorff shared that several months ago, Jo Matela spoke with him about the use of 88 Main Street for retail antiques. He reviewed the Village Code and the New York State Building Code. He also reviewed the space. Very minor work needed to be done. He determined a building permit was needed, but it did not qualify as a change of use. Then a member of the public questioned the Planning Board at a recent meeting about 88 Main Street needing a change of use permit. By Village Code, it is a permitted use in the Business District. By Building Code, fire safety – it is a low hazard. There is no impact to the Village. S. Zarnstorff suggested the Planning Board look at change of use and what they are trying to accomplish. Chair Winner asked him as an advisor to the Planning Board what he suggests. S. Zarnstorff said he does not feel this application is necessary. He commended the applicant for coming of their own volition.

Vice Chair Brugger said the former appliance store is now a bicycle store, the former Moose Lodge is now Sassie's Chicken, the former real estate office became a place to build a small airplane and now Seaward Candy. None of these have come before the Planning Board. Vice Chair Brugger said it should only be considered a change of use if it is outside the permitted uses. Chair Winner said no, that would require a variance by the ZBA. Member Locke asked if there is a list of retail. S. Zarnstorff said the Village Code outlines permitted uses in each zoning district. The State Building Code primarily concentrates on fire codes. The Village should concentrate on those unique situations that cause a review. Member Locke said the applicant came before the Planning Board and said they were not refinishing furniture. If they did not come before the Planning Board, how would we know? S. Zarnstorff

said he asks the proprietor a series of questions. However, recently Sassie's Chicken indicated they would be take out only. Then upon inspection, S. Zarnstorff noticed many tables and chairs and learned that they decided to have eat in as well. That makes a difference.

Chair Winner said everyone needs to realize that there are differences in handling things between former Building/Zoning Officer Weber and current Building/Zoning Officer Zarnstorff. Chair Winner said it sounds like an opportunity to work on code clarity with S. Zarnstorff and F. Aloï. F. Aloï agreed they need to put together a standard. F. Aloï further referred to Section 58-11-A-2 and concurred that this situation is not a change of use. The Village Code even lumps retail and personal service businesses together. He said the NYS Building Code regulates building permits, fire hazard and such and defines and separates business and mercantile. The Code Enforcement Officer looks at it for fire safety impacts. Based upon the Village Code, NYS Building Code and the presentation, a permit or approval is not necessary from the Planning Board.

Joan Hamlin of 50 Park Avenue said it makes it seem suspect since one of the applicants is the Mayor. The Planning Board has made others come before them for questionable changes of use. She said the Planning Board is her favorite board and she would hate to see their decisions come into question. She asked how much the application fee was. Chair Winner said \$25 and commented that it is not an issue of the application fee. Chair Winner said historically, this has been a highly subjective portion of the Code Enforcement Officer's job. J. Hamlin said years ago the Boards decided that permits for retail to retail changes were not necessary. Chair Winner thanked J. Hamlin for her comments and stated that typically the Board does not allow public comment outside of public hearings.

Member Brugger said he does not see a difference of walking out with a travel ticket or an antique table. Furthermore, on the advice of the Village's Building/Zoning Officer and Deputy Village Attorney, it does not appear that there is a change of use at issue here. Chair Winner asked for a motion to dispose of the application.

Applicant Jean Sauberan said she understands the potential political ramifications since the Mayor is a co-applicant, but they have sought to do this for many years. In four years, J. Matela may not be Mayor. Perception is everything. She asked that the Board avoid the appearance of favoritism and act on her application, whether warranted by codes as a change of use or not. She said it has nothing to do with a \$25 application fee. Chair Winner summarized that she asked that it be treated as a legitimate application on its merits.

F. Aloï said he understands her point, but said there is no change of use here. Chair Winner said the change of use process has become somewhat of a regulatory exercise. Member Appleby said he wonders how long Brockport has been handling change of use this way. Member Locke said it sometimes caught points that maybe the Building/Zoning Officer did not catch. S. Zarnstorff said other municipalities in Monroe County are pretty consistent about this, but Brockport has been unique.

Member Switzer suggested the Planning Board approve the application and welcome the new business to the Village. Chair Winner agreed although the Planning Board's advisors say it is unnecessary and question the practice historically. F. Aloï said past practice certainly needs another look. Chair Winner said two wrongs don't make a right.

⇒ Member Switzer moved, Member Appleby seconded, unanimously carried to accept the application of Tea For Two Antiques at 88 Main Street as a retail store, changing from a service business based on past Planning Board practice. Welcome to the Village.

OLD BUSINESS:

- 1. Application of: Name: Schultz Associates
 Address: West Avenue (remaining Farash property)
 Purpose: ... concept review 236 lot residential / commercial subdivision
 named Brockport Village Landing
 NEXT STEP: public information meeting at May 13th meeting – 8pm

Applicant Presentation:

Kris Schultz and Sam Liberatore of Schultz Associates were in attendance as well as developer Mark Calcagno. S. Liberatore distributed a packet to each Planning Board member. He reported that the first 1/3 of the subdivision application fees (\$4,000) has been paid at concept phase. The next 1/3 will be paid by 5/13 for the preliminary phase. The final 1/3 will be paid at submission of final approval. This will cover all Planning Board application fees. Chair Winner shared that the public hearing on amending the subdivision application fee section of the code is at the May 6th Village Board meeting.

He reported that he and Chair Winner had a conference call last week with key officials at NYS Department of Transportation regarding ingress/egress points on West Avenue. The applicant and Planning Board wanted 3 points on West Avenue and one on Redman Road. The NYSDOT will not allow this many on West Avenue. They eliminated two. They will allow one on West Avenue and a cross connection on the current Willowbrooke Drive. Then there is one on Redman Road.

Regarding the size of the project, S. Liberatore said the original plans for this land showed a 900 lot subdivision. This proposal is for 230 residential lots and 6 commercial lots. Therefore, it has been scaled back greatly. The property would not pay for itself with any less lots. The average lot size is 80' x 135' to 140'.

K. Schultz reviewed the overall plans for the Sweden Town Park on 150 plus acres on the west side of Redman Road. They bought the property for \$1, did extensive studies as to the needs and wants of the community, studied other parks in Monroe County, and designed an amazing park in many phases. This park will be within walking distance from the proposed subdivision. Chair Winner agreed it is a very impressive and ambitious plan. He wonders if it's too much park and too much money for only 14,000+ people of Sweden and Brockport. S. Liberatore said due to this huge park, a small recreation area within the subdivision would be anti-climactic. They would rather have well-treed areas.

S. Liberatore said they contacted the NYS Canal Corporation who indicated they do not wish to deter development along the Canal. They want people to be attracted to it. He sent them a set of plans to review. Chair Winner asked if the NYS Canal Corporation explained why the Hibsich subdivision on East Avenue is not being treated that way. K. Schultz commented that it is an unusual agency to work with. There are no easements of record. Chair Winner commented that it appears there is a good buffer zone from the houses to the Canal. S. Liberatore said it is approximately 100' from the Canal path. There is a ravine there.

S. Liberatore reviewed preliminary plans for Section I which consists of 29 residential lots and 1 commercial lot. The lots will end with a hammerhead for easy plowing. The water report shows adequate flow and pressure and no need for looping the system, although it will be looped. The sanitary sewer layout shows 1 pump station to be sufficient for the entire development.

Continued Board discussion on application:

Member Appleby asked if they had any tenants lined up for the commercial buildings. S. Liberatore said they are exploring needs with Lakeside Memorial Hospital for one building. M. Calcogno said he is waiting until further into the approval process before putting the realty team together. Chair Winner asked if they truly anticipate breaking it into 9 phases. K. Schultz said yes, with approximately 24 lots per phase.

Member Switzer suggested showing the proposed trails on the plans as well as any buffering plans. K. Schultz said they like to bring existing residents in early for feedback on landscaping and buffering. Chair Winner said they will want to be prepared to explain to existing residents how they could tie into the sewer. Member Switzer said they will want to show sidewalks and street lighting on the plans. Chair Winner said this is consistent with what has been asked of other developers. The Village needs to be looked at as a whole and as contingent as possible to foster community and safety.

Clerk Morelli reported that she has published the legal notice for the May 13th public information meeting in the Suburban News and sent it to all property owners within approximately 500 feet. Plans are posted for viewing at the Village Hall. She suggested they leave the updated, color plans for people to look at. Two questions that came up today were: What price range are the homes? and What type of businesses would occupy the commercial lots? M. Calcogno said the homes will range from \$125,000 to \$180,000. The commercial buildings will be very low key and blend in with the residential look. There will be no retail, simply professional and medical offices.

S. Zarnstorff commented that the shape of lot 5 could be problematic. M. Calcogno said he does not like it either and commented they can work on that. Tom Carpenter asked for reports on water, sewer, drainage and traffic as well as an updated SEQR. K. Schultz said all will be supplied in advance of the May 13th meeting.

H. Donahue asked if the sewer lift station would have a generator back up. K. Schultz said yes. They will use a self-priming pump that pulls the water up. The maintenance on these are much better. The system has been priced with back up power.

F. Aloj said he is glad the NYS Canal Corporation had some positive input, but regrets that the NYSDOT did not see fit to warrant more curb cuts onto West Avenue. Chair Winner said the fight should continue since they are grossly inconsistent. Chair Winner said they could see if the Monroe County DOT would allow an additional curb cut on Redman Road.

T. Carpenter asked about inner subdivision traffic and the potential for stop signs since there are a lot of long, straight roads. S. Liberatore said crosswalks and 3 way stops to slow traffic down would work. Chair Winner said he would rather see this than curvy roads. Vice Chair Brugger asked H. Donahue about plowing. H. Donahue said they prefer no cul-de-sacs. S. Zarnstorff asked if the roadway to the commercial lots would be private or dedicated. M. Calcogno said dedicated with cross access easements.

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NEXT SPECIAL MEETING: Monday, April 29, 2002 at 7:00pm – joint public hearing with Sweden Planning Board regarding updated comprehensive plan (held in Village Hall conference room)

NEXT REGULAR MEETING: Monday, May 13, 2002 at 7:30pm

ADJOURNMENT:

➔ Chair Winner moved, Member Switzer seconded, unanimously carried that the meeting be adjourned at 9:15pm. Board stayed for a workshop discussion.

WORKSHOP DISCUSSION: Sweden / Brockport updated comprehensive plan

Leslie Ann Morelli, Clerk