

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 14, 2007 at 7:00pm.

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: Village Engineer Jason Foote of Chatfield Engineers

ALSO PRESENT: Village Attorney Raja N. Sekharan, Kerry Blocker, Ray Trim, Meg Burdick, Fred Montag, Mark Donahue, Jason Mott, Jim & Joan Hamlin.

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 meeting.

- ➔ Member Appleby moved, Member Locke seconded, Member Switzer abstained due to absence, carried to approve the minutes of the meeting held November 13, 2006 as written.
- ➔ Member Switzer moved, Member Appleby seconded, Member Brugger and Member Locke abstained due to absence, carried to approve the minutes of the meeting held April 9, 2007 as written.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

NEW BUSINESS:

1. Application of: Name: Kerry Blocker
 Address: 130 Park Avenue
 Zoning: Residential
 Purpose: driveway expansion

Applicant Presentation:

K. Blocker said they would like to expand their driveway to accommodate their vehicles. The driveway is currently a single lane that fits 2 vehicles. Their oldest child is now driving and has a vehicle that he has been parking at a neighbor's. She reviewed her plan and photographs.

Continued Board discussion on application:

Member Appleby asked about paving. K. Blocker said it would all be paved. As a matter of fact, the paving contractor is scheduled for early June. Chair Winner asked the current driveway width. S. Zarnstorff said approximately 9 feet. Member Brugger asked about the curb at the street. K. Blocker said they are supposed to have curbing, but it is practically non-existent. She said there is a sidewalk.

Member Switzer read Village Code Section 58-22B(i) which does not allow parking to occupy the front yard. This would require an area variance from the Zoning Board of Appeals. Member Locke concurred as the proposed plan puts a car parked in front of the house – in front of living space. K. Blocker said it would really be in front of the porch. Member Locke said there is living space directly behind the porch. Chair Winner said the Planning Board is not empowered to grant approval to the proposed plan until an area variance is obtained from the ZBA. S. Zarnstorff asked Village Attorney Sekharan if he believes (e) of that section of code carries through or if it ends there with the Planning Board making the determination. Chair Winner said the Planning Board could approve widening of the existing driveway in the other direction or to the back yard. R. Sekharan said he tends to agree that (i) shall not occupy does not give the Planning Board discretion. The applicant would have to apply to the ZBA, and if successful, return to the Planning Board.

K. Blocker expressed disappointment and stressed that the paving has been scheduled. Chair Winner said he would have no problem recommending a refund of the \$25 Planning Board application fee if she chose not to proceed since she should not have been directed to the Planning Board without having gone to the ZBA first. K. Blocker said they have no choice but to proceed since her son cannot keep parking in neighbor Fred Montag's driveway. Chair Winner said his inclination would be not to approve the site plan as currently proposed as the appearance of parking right in front of the house could potentially decrease the value of adjacent properties. K. Blocker said they really have no choice since the Village doesn't allow parking on the street between 2am and 6am, there is not enough room to expand in the other direction and there is a structure that prevents expanding to the rear. Member Brugger asked if the structure used to be a garage. K. Blocker said yes. It is now used as a foyer. Member Switzer said if that weren't there, she could expand parking to the rear. Member Locke asked if expanding 3 feet to the wooden post and 3 feet on the other side would help. Board agreed 6 feet

width wouldn't accommodate the width of a vehicle. She would need 9 or 10 feet.

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K. Blocker said they have put a lot of time and money into the house. It was a rental before they bought it. She said her property value is at stake due to the curb being practically non-existent and having to spread top soil and plant grass seed every year due to snow plowing and students walking over the lawn.

Chair Winner said he recognizes and appreciates the work on the house. Chair Winner asked the length of the driveway. K. Blocker said 47 feet. It just fits their Durango and Malibu. The third vehicle they need to accommodate is a GMC. Member Brugger said he could relate to the situation, as his driveway cannot accommodate additional vehicles. He said that is why his kids don't have vehicles. Member Locke said her kids have to take turns coming home on college break because all the vehicles don't fit in their driveway. This is a common problem with Village and City properties.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to table the application until applicant makes successful application to the ZBA for an area variance.

2. Application of: Name: Ray Trim
 Address: 4 South Avenue
 Purpose: replace existing fence and extend

Applicant Presentation:

R. Trim thanked the Board for entertaining his application on short notice. He said he would like to replace the existing fence and extend it at 4 South Avenue, which is on the corner of Main Street. He believes this will enhance curb appeal and add to his family's enjoyment of the property.

Continued Board discussion on application:

Chair Winner asked who occupies the property. R. Trim said he didn't think the occupants of the property would be open to question. Chair Winner said it might be a factor in what drives the application. R. Trim said he lives there part time and other relatives including his mother reside there. Chair Winner asked R. Trim if he also owns the property to the east, which is a rental property. R. Trim said yes.

Member Appleby said he does not recall a fence on the property before R. Trim purchased. R. Trim said that is correct. R. Trim said the fence needs to be replaced and he would like to do so with a white vinyl fence like the one at 3 Coleman Creek Road, which is also on the corner of Main Street. Member Brugger said without latticework. R. Trim said correct. It would be 6 feet high and comes in 6-foot sections attached with posts. It is solid, but softer than stockade fencing. Member Appleby said the current fence is green. R. Trim said correct.

Member Brugger wondered if the proposed 21-foot setback would affect visibility. Chair Winner questioned setbacks. S. Zarnstorff said since this is a corner lot, what is considered the front yard can be debated. Member Locke said the address is South Avenue and the front of the house faces South Avenue. S. Zarnstorff agreed and said he did not feel comfortable making a determination on this one and felt a referral to the Planning Board was wise. He said the Village Code does not have language for corner lots and fencing. Member Brugger said when he sat on the Code Review Committee, language was drafted. S. Zarnstorff said he realizes that, but it hasn't come out of committee yet and they have to work with the Village Code as it currently exists.

Member Switzer read Village Code Section 6-3F regarding fences. He commented that he believes it is a visibility issue. Member Switzer said he sits on the Main Street Rehabilitation Committee and the NYSDOT may widen Main Street in this area by 5 feet. He said a picket fence would not pose potential visibility issues like a solid fence.

Chair Winner asked if there is any intention for a gate. R. Trim said yes, a gate would face South Avenue and be used for yard maintenance. Chair Winner asked the setback of the house façade to the fence. R. Trim said 4 feet. Chair Winner asked the current color scheme of the house. R. Trim said green, maroon and white. R. Trim said the fencing would coordinate nicely. Member Locke said the fencing needs to be uniform and questioned the existing fencing coordinating with the new. R. Trim clarified that the existing fencing would be removed and replaced – so it will all be nice, new, matching white vinyl.

Member Switzer said he believes the issue boils down to whether the proposed fence extension would obstruct site distance for pedestrian and vehicular traffic. Chair Winner said he is most concerned of vehicular traffic being able to get out onto Main Street. R. Trim shared that there is a posted sign that vehicles not block the side street. Member Appleby asked the distance to South Avenue. R. Trim said approximately 30 feet. Member Brugger said he thinks the line of sight at that corner is good. The only potential hitch is the possible future widening of Main Street by 5 feet. Member Switzer clarified that the proposal is 2 ½ feet on each side. Member Brugger commented that there would be little tree lawn

left.

Member Brugger said he looks at this as a side yard fence. If the road gets closer, height may be an issue in the future. At this point he said he is comfortable with the proposal.

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Member Switzer said although it is a nice looking fence, he thinks it is out of place on Main Street. He said there is little code to work with on fencing as it relates to corner lots. He said the current fence seems to work well and wondered if fencing couldn't be combined for 4 and 10 South Avenue since he owns both houses.

Member Brugger asked the current fence height. R. Trim said 5 feet. The proposed fence is 6 feet high. Member Appleby said he would feel better if it were green instead of white, as it wouldn't stand out as much. Member Locke said she noticed that R. Trim had sustained some damage to the current fence. R. Trim said yes. There is a lot of activity in the area with college students walking, playing Frisbee and jumping on his roof to retrieve the Frisbee. Member Locke said this may be a continuing problem and she wouldn't want to see damage to the new fence. R. Trim said the current fence is overdue to come down. He said he would be spending a sizeable amount of money to do it right with vinyl. He is confident that it will look great.

Member Brugger recalled a corner fence approval at Maxon Street and Kenyon Street. S. Zarnstorff concurred.

Chair Winner said he simply struggles with the issue of visibility for vehicles, as there are 20,000 cars on Main Street every day. He said he would hate to see a motor vehicle accident, which could cause lawsuits. Chair Winner, Member Brugger and Member Locke indicated that they had visited the site. Member Locke asked R. Trim if he would be open to a height less than 6 feet. R. Trim said that would be difficult since the vinyl fencing comes standard at 6 feet high. Chair Winner said picket fence would provide better visibility than solid fencing. Member Switzer said it is a beautiful house and is well taken care of. Chair Winner said it epitomizes the architecture of that era. He said he and his family had looked at it when it was for sale some years ago, but he needed more yard space for the children. He said his house is not as large or on a corner, but they came up with a fencing solution that worked for them. He welcomed R. Trim to visit to consider another alternative.

Member Switzer asked if ending the fence at the tree would make the yard too small. R. Trim said yes. The rear yard is only 12 feet deep. They enjoy the landscape. Member Switzer said he imagines they are looking for some privacy so as not to be on display to Main Street. R. Trim said yes.

Board concurred that a site visit would be in order. R. Trim said he would be available tomorrow, Wednesday or Thursday. He then leaves for L.A. for business for 8 weeks.

Village Attorney Sekharan referred to the Village Code section 6-3D4 which requires the applicant to file an affidavit of service of property owners within 100 feet having no objections by more than 50%. Clerk Morelli said she would be happy to provide R. Trim with this section of the Village Code and a listing of property owners within 100 feet.

⇒ Member Brugger moved, Member Switzer seconded, unanimously carried to table the application in order to conduct a site visit tomorrow at 7pm.

Notes from May 15th 7pm site visit:

⇒ Member Brugger moved, Member Locke seconded, Member Appleby in favor, Member Switzer opposed, Chair Winner abstained, carried to approve the application with the following conditions:

*Diagonal relief of the 90-degree right angle at the northwest corner of the fence (facing intersection of Main Street and South Avenue) to be created by terminating north fence line and west fence line at a point six feet short of the originally proposed location of the 90-degree intersection. The gap created is to be closed by running approximately 9 feet of fence installed diagonally between those to established points. The purpose of this modification is to enhance sight lines from South Avenue for pedestrian and motor vehicle traffic.

*Submission of the required documentation that no more than 50% of property owners within a 100-foot radius of the property are opposed to the proposed fence.

*Construction shall not commence until the Village Clerk is in receipt of required documentation that no more than 50% of owners within a 100-foot radius of the property are opposed to the proposed fence, and all members of the Planning Board have been notified of that receipt.

*All applicable building and zoning codes are adhered to, and permits obtained, as interpreted by the Building Inspector / Code Enforcement Officer.

3. Application of: Name: Margaret M. Burdick & Lauren N. Carlo
 Address: 87 Main Street
 Zoning: Business
 Purpose: change of use – from photographer to hair salon

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Applicant Presentation:

M. Burdick said she and her daughter want to open a full service hair salon at 87 Main Street, formerly known as Helen E. Simpson Photography. The salon would have 4 stations, 2 shampoo sinks and a small waxing area.

Continued Board discussion on application:

Member Brugger asked who the principle owner would be. M. Burdick said both she and her daughter jointly. Chair Winner asked if they are currently in operation elsewhere. M. Burdick said she has a customary home occupation permit at 196 Evergreen Road.

Member Switzer asked if they would be renting from property owner W. Yantz who also runs the Strand Theater. M. Burdick said yes. Member Locke asked what they would need to do to convert the space to a salon. She said they would make it one open space, would expose the ceiling, put in new flooring and have some plumbing and electrical work done. Chair Winner said they would need to work with S. Zarnstorff and abide by all codes including fire safety.

Member Appleby asked if there is a cellar. M. Burdick said yes. There is wood plank flooring that has been covered up. Member Appleby said this would make plumbing work easier. Chair Winner asked if they plan on making any changes to the building's façade. M. Burdick said no. Chair Winner said that must mean that the hand drawing is wrong as the front door is in a different location. M. Burdick said yes, she must have transposed it. Member Locke asked if the current restroom would remain. M. Burdick said it would remain in the same location, but would be outfitted with new fixtures and door.

Member Brugger asked if there would be any office space. L. Carlo said there is a little room beyond the restroom. Chair Winner asked if customers would use the rear entrance. M. Burdick said probably not. Chair Winner recommended that they plan for rear entrance use since it will be important during the Main Street reconstruction. Member Switzer said the Village would like the sidewalks replaced, but it is not necessary in NYSDOT's plans. M. Burdick said she hopes that there will still be front access during the reconstruction. Chair Winner said there is some precedent with that in other communities. He suggested that they not rely on government agencies to make accommodations. Therefore, it is worthwhile to plan ahead. Member Appleby asked if there is room to expand in the rear, as it is a separate building from the theater. M. Burdick said they do not plan on rear expansion.

Member Locke said she understands that hair and waxing will be done. She asked if there are any plans to do manicures and pedicures. M. Burdick said no. Member Locke asked about the closets. M. Burdick said they would simply be for coats. Member Locke asked the estimated value of construction. M. Burdick said up to \$10,000. Member Locke asked if she has a contractor. M. Burdick said she has only received one estimate so far from Kevin Truelson. Chair Winner said \$10,000 could be reached quickly, so he would recommend getting S. Zarnstorff's inspection soon as a fire retardant ceiling might be necessary. S. Zarnstorff said there are provisions in the state code for utilizing antiquity materials as long as they are in tact. Tongue and groove can be an inch thick, but can't be full of holes. Member Locke asked how they discovered the ceiling. M. Burdick said they simple removed some of the drop ceiling panels and found a beautiful wood ceiling 3 feet higher.

⇒ Member Switzer moved, Member Appleby seconded, unanimously carried to grant the change of use for a hair salon at 87 Main Street.

Chair Winner said they would need to work with S. Zarnstorff on any building permit requirements and signage.

4. Application of: Name: Kathleen Chapple
 Address: 26 N. Main Street
 Zoning: Business
 Purpose: change of use – from dry cleaner to book/gift store

Applicant Presentation:

K. Chapple thanked the Board for entertaining his application on short notice. She said she would like to open a Christian gift and bookstore at 26 N. Main Street formerly known as Perfecto Cleaners. She said a Christian gift and bookstore called The Message on Main Street is closing. She couldn't afford to buy that business, but is willing to start from scratch with her own business. The front would be retail space and the rear would be a reading room and storage space. The reading room would

accommodate book discussion groups. This portion of the business would not be income generating and would be open at specific times after the store closes. She would advertise the discussion group in the local papers. She said participants could enter the reading room from the rear entrance, rather than the front store entrance.

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Continued Board discussion on application:

Member Appleby said her plans show the door measuring 30 inches on one sheet and 32 inches on the other sheet. He said typically 36 inches is needed for a handicapped door. K. Chapple said she would re-measure and make whatever accommodation is required.

Chair Winner asked S. Zarnstorff if this would be considered public assembly space and if so, if it triggers special code compliance regarding A.D.A. S. Zarnstorff said it might depending on the size of the space and the anticipated attendance. K. Chapple said the room is 28 feet and she planned on 2 couches and a couple of chairs. She anticipates 10 or so people in the discussion groups. S. Zarnstorff said occupancy of 50 or greater would qualify as public assembly. K. Chapple said she definitely doesn't anticipate that size group.

Chair Winner asked if she had looked into renting the space where The Message is located. K. Chapple said she looked into it, but the rent was higher, there is limited parking and the possible loss of business due to the upcoming Main Street reconstruction scares her. She said her son owns Game Players on North Main Street and has done so well that he has opened a second location in Batavia. She said he is backing her since she has never owned a business. She said she has signed a lease and enrolled in small business courses.

Member Switzer recalled an applicant a few months ago interested in the space for a restaurant. The Board wondered at that time if there were any hazards for restaurant use since it had been a dry cleaner. S. Zarnstorff said it was confirmed that the dry cleaning was not done on site – only spot work.

Member Appleby said they are not dealing with food product here so it shouldn't be a problem. Member Switzer agreed. Member Appleby recalled the wooden floor in the rear covering dirt. K. Chapple said the floor is in tact and there is an overhead door since they used to back milk trucks up to the elevated loading dock many years ago.

K. Chapple said she spoke to the landlord who indicated that the building would be painted a neutral color and the parking spaces would be striped. The old signage would be replaced with new, attractive signage. Member Brugger shared that the parking spaces would need to be 10 feet by 20 feet in size to meet Village Code.

⇒ Member Switzer moved, Member Appleby seconded, Member Locke in favor, Chair Winner in favor, Member Brugger abstained (as the applicant is a friend), carried to grant change of use approval to use the building at 26 North Main Street as a book/gift shop and reading room.

Chair Winner said she would need to work with S. Zarnstorff on any building permit requirements and signage.

OLD BUSINESS:

- 1. Application of: Name: J. Mendez
 Address: 26 Clinton Street / Merchant Street
 Zoning: Business
 Purpose: site plan – rear entrance improvements
 Note: this is the return of a 2006 application – amended plans

Applicant Presentation:

Fred Montag, Jason Mott and Mark Donahue were in attendance representing J. Mendez to present modified plans for application made in August 2006 for site plan approval for a new entrance to Canalside Pub at 26 Clinton Street (25 Merchant Street). Chair Winner asked if J. & J. Mendez still own both Canal Side Pub and Merchant Street Smoke House. M. Donahue said yes.

F. Montag explained that the modified plan has no change to the footprint, only to the height. This would replace the existing 10-foot by 10-foot structure that is falling apart. He said they plan on 2 inch by 6-inch construction, which can be considered overkill. The door would be 5 feet wide and centered on the entrance.

Continued Board discussion on application:

Member Brugger said the original plan was to have one door as an entrance and one door as an exit.

F. Montag said yes, that was when they proposed a larger footprint. However, that encroached on setbacks and would have required applications to the ZBA. Chair Winner asked if this would still serve as the primary entrance/exit. F. Montag said yes. There would be double doors with a second set inside. Member Switzer said it is noted that the doors are double prehung metal clad solid wood exterior fire doors with no windows. Member Brugger asked S. Zarnstorff if windows are needed in the door to be able to see inside. S. Zarnstorff said no. F. Montag said the Police Department has no problem getting in. He said glass doors lend themselves to problems with college kids. He said often

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the outer door is left open to monitor people. F. Montag said the camera over the door takes pictures of patrons and their photo id's. Member Locke asked if there is a problem with noise when the outer door is left open. F. Montag said the inner door is kept closed to keep the noise in. and the inner door is left closed to keep the noise in. Member Brugger said in his experience as a SPARTAC volunteer, noise can be a problem there. The intent of the double door is to baffle the noise. However, some noise escapes out the roof hatch.

Member Brugger said the proposal would certainly be an improvement in appearance. Member Switzer said it looks similar to Merchant Street Smoke House. F. Montag said that is intentional. Chair Winner asked if it would have the same gooseneck lamps. F. Montag said it could.

Chair Winner said his only issue is the solid door. M. Donahue said they already have the door. They pre-ordered it. Chair Winner said it would have to meet building codes. S. Zarnstorff asked if it is a standard 6-foot door. M. Donahue said he was not sure. F. Montag said you really can't see through the portholes in the existing doors, as they are dark and high. The door sits below the ridge line of the existing roof. Member Switzer said they want it to look nice. Member Appleby said it doesn't solve the issue Canalside Pub had with lines of people hanging outside in the street. The original proposal had the entrance facing west. F. Montag said that proposal didn't meet setback requirements. Member Brugger said the Planning Board simply likes to move forward and beyond when there is an opportunity, not just maintain the status quo. F. Montag said this proposal will be both aesthetically pleasing and safe. F. Montag suggested the Planning Board approve the site plan with the stipulation that S. Zarnstorff approve of the door. He said if they have to change the door, they will. Chair Winner said the Planning Board has expressed some concerns and does not rubber stamp plans and send them on to the Building Inspector.

Member Switzer said he would like a better idea of the style of the door and asked if it would be like the door at Merchant Street Smoke House. M. Donahue said it is a nice looking 6-panel door. The Merchants Street Smoke House door would not work well in this application. Chair Winner said he is not sure that there is a significant difference in the clientele for the two establishments any longer. S. Zarnstorff asked if it is commercial or residentially framed. M. Donahue said he is not sure. He said his partner, Kevin Webster, ordered it from Matthews and Fields. F. Montag said he assumes it is commercial as K. Webster knows enough not to put a residential door in a commercial building. Chair Winner said he feels better knowing there is some architectural detail to the door.

S. Zarnstorff confirmed that you can only see inside when both sets of doors are open. Windows in the doors do not assist the Police Department or Code Enforcement Office. If they need to go in, they go in.

Chair Winner stressed the importance of the door being properly trimmed out. Chair Winner recommended they go with EIFES (drivit/stucco) rather than T111. It would help mesh the two properties together. Member Switzer recommended the colors and lighting fixtures coordinate with the neighboring property as well.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to grant site plan approval on the following conditions: that the exterior material would be EIFES (drivit/stucco), properly trimmed out and painted and outfitted with light fixtures to coordinate with the colors of the applicant's neighboring establishment, Merchant Street Smoke House. S. Zarnstorff must okay the exterior door that was purchased prior to approval

Chair Winner said they would need to work with S. Zarnstorff on any building permit requirements and signage.

NEXT REGULAR MEETING: Monday, June 11, 2007 7pm
(Application materials due by Noon Tuesday, June 5th)

ADJOURNMENT:

- ➔ Member Locke moved, Member Switzer seconded, unanimously carried that the meeting be adjourned at 9pm.

Leslie Ann Morelli, Village Clerk