

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, December 9, 2013 at 7:00pm.

PRESENT: Chair Arthur Appleby, Vice Chair Charles Switzer, Member Kevin McCarthy, Member Laurie LoMonaco, Member Kent Blair, Clerk Pamela W. Krahe

ALSO PRESENT: Gerald Timm, Daniel Hawken, Joan Hamlin

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

WELCOME: Chair Appleby welcomed member Kent Blair back to the board.

REVIEW OF MEETING MINUTES: Chair Appleby called for a motion to approve the minutes.

➔ Member Switzer moved, Member McCarthy seconded, carried 4-0 to approve the minutes of November 12, 2013 as written, with Member Blair abstaining.

CORRESPONDENCE: None

NEW BUSINESS:

1. Application of: Name: Gerald Timm
 Address: 93 Fayette Street
 Tax Map #: 069.37-1-10
 Zoning: O-Residential
 Parcel Size: 171' wide x 117.6' deep
 Prop. Class: 210
 Purpose: Conditional Use Permit for front yard fence

Presentation/discussion:

Mr. Timm plans to build a fence north of the driveway, parallel with Fayette Street with a 3' setback from the sidewalk. It will start at the edge of the drive and run north for 50'. Another 10' section will be placed 90 degrees to the first, and parallel with the drive. It's a split rail fence; stock from Lowe's. Posts will be sunk into the dirt.

Chair Appleby asked about the easement referenced in #3 on the bottom left of the survey map; Mr. Timm informed that is not where the fence would be.

Mr. Timm asked how long he would have to complete the fence; Chair replied two years. The Chair referred the board to the code to make sure there were no objections. Mr. Timm verbally talked to the neighbors to the north and south and they had no problem as the fence will not be near the neighbors' properties. Member McCarthy complimented Mr. Timm on the recent improvements to his home. He has owned the home for one year and is interested in making it look good.

➔ Member McCarthy moved, Member LoMonaco seconded, unanimously carried to approve the Conditional Use Permit for the application as submitted, with the standard two-year installation window.

2. Application of: Name: Daniel Hawken
 Address: 55 Park Avenue
 Tax Map #: 069.13-2-22
 Zoning: O-Residential
 Parcel Size: 50' wide x 266' deep
 Prop. Class: 210
 Purpose: Conditional Use Permit for front yard fence

Presentation/discussion:

Mr. Hawken brought a section of his fence; it is 4' high. He has had a problem with college kids, dogs, etc. that come into his yard. He would like to minimize the intruders and trash and feels a height of 48" would do that. As his front yard is not very deep, he would like less than the standard 3' setback.

It was noted no Hold Harmless Agreement would be necessary. Chair asked the applicant about an 18" setback to make it easier on the sidewalk snowplow.

The applicant indicated the posts will be set 2' deep in concrete and are 6' on center, which will make the fence fairly substantial. The board wondered if the fence comes in 42". Mr. Hawken stated he is recycling this fence, but he could cut the bottom to the desired height. Chair referenced a case in 2009 that went from the Planning Board to the ZBA for a variance. The applicant explained the fence will enclose the front yard including having a gate at the sidewalk leading to the house. Member McCarthy

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mentioned he spoke with Superintendent Donahue who is in favor of 2' setback. Vice Chair Switzer wondered what the street will look like with varied fence styles and setbacks. After a brief discussion, the board agreed on 42" high and a setback even with the neighbor, at about 18". Mr. Hawken agreed.

- ➔ Member LoMonaco moved, Member McCarthy seconded, unanimously carried to approve the Conditional Use Permit for a front yard fence subject to 42" in height and an 18" setback off the sidewalk.

OTHER BUSINESS:

- Chair Appleby distributed copies of changes to Chapter 58 regarding parking. They were approved by the VBOT last week.
- Chair Appleby distributed copies of a letter drafted to the ZBA as discussed last month. Members are to review it and email feedback.
- Member McCarthy recently attended a training workshop where they discussed the restriction of businesses allowed in the village that are not in keeping with the character of the village. They suggested having a Comprehensive Plan in place so there is a document that dictates what businesses can and cannot operate in the village. Vice Chair Switzer disagreed, opining the CP usually dictates land use. VOB is more in a preservation mode now as downtown is built out. With a comprehensive plan, grant money may be easier to obtain. It was noted our master plan, possibly from 2005, is being updated in conjunction with Sweden. Chair Appleby has advocated for VOB to author its own plan. The State Department insists if you want to make changes to your zoning code, you must have a CP. Member McCarthy also said it was stressed during the seminar that a strong CEO is necessary.

Discussion turned to the conversion of backyards into parking lots, including whether or not the driveway is part of the yard's square footage. Chair referred to the new amendments to Chapter 58 and how driveway/parking lot applications must come before the Planning Board. It was suggested the Zoning Board of Appeals and the Planning Board work together with the VBOT, maybe even hosting simultaneous meetings. It was asked if repaving had been addressed in the amendments to Chapter 58, but it had not. There was discussion about new driveways or any driveway expansions having a timeframe of two years in which to be paved. There was debate about the impacts of and recent thinking regarding impervious surface. Chapter 16-4 B states "...paving shall include the application or installation of any concrete, cement, tar, bituminous, asphalt or similar material." As well, the wording of Chapter 58-22 B (2) (k) which states in part "...shall be paved or otherwise surfaced with an all-weather, dustproof material..." was discussed. Follow up on driveway approvals and their paving is necessary on the Code Enforcement Officer's part.

Member McCarthy will talk with Trustees Hannan and Andrews about participation in authoring the Comprehensive Plan.

NEXT REGULAR MEETING: Monday, January 13, 2014 7:00pm
Application materials due by Noon Monday, December 30.

ADJOURNMENT:

- ➔ Member McCarthy moved, Member Switzer seconded, unanimously carried that the meeting be adjourned at 7:46pm.

Pamela W. Krahe, Clerk