

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, September 13, 2010 at 7:00pm.

PRESENT: Chair Charles Switzer, Member Annette Locke, Member Arthur Appleby, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe.

EXCUSED: Member R. Scott Winner, Member Bernard Daily

ALSO PRESENT: Richard Miller, Joan Hamlin, James Hamlin, Carol Hannan, Pam Ketchum, Tom Mangan, Kent Blair, Pete Smith, Officer Michael DeToy, Robert Webster

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

REVIEW OF MEETING MINUTES: Chair Switzer called for a motion to approve previous minutes.

➔ Member Appleby moved, Member Locke seconded, carried 3-0 to approve the minutes of the meeting held July 12, 2010 as written.

CORRESPONDENCE: The college Alumni House has been nominated and accepted as an historic place.

PUBLIC HEARINGS: None

NEW BUSINESS:

| | | |
|--------------------|-----------------|--|
| 1. Application of: | Name: | Richard Miller |
| | Address: | 52 State Street |
| | Tax Map #: | 069.53-2-7 |
| | Zoning: | Business |
| | Parcel Size: | .29 acre, 82.5' x 155' |
| | Property Class: | 483 |
| | Purpose: | change of use to allow a first- and a second-floor apartment |

Applicant Presentation:

Richard Miller showed drawings of the 6000 square foot building. He showed the 2nd floor which contains 6 rooms and a bath. Two rooms are rented out in front as offices, leaving the bath and four rooms. He gave detail of square footage for each of the rooms, which total 620 sf and state this was previously Mr. Fowler's office. On the main level, there is approximately 2700 sf. The apartment on this level would have 5 rooms, for a total of 730 sf.

Continued Board discussion on application:

The Board expressed concern for privacy on 2nd floor as you must walk through a room to get to the next. Mr. Miller stated he would like to move the kitchen, but not right now, and stated he would rent to one person ideally. The board asked if he would have to move walls and he replied he could rent it as is. The board wondered how many bedrooms are on the 2nd floor and the applicant said he would classify this as one, maybe two bedrooms and that it would be up to the tenant and their needs. The Code allows a maximum of two bedrooms in two apartments. The group calculated that 1350sf of the 4600sf would be residential. First floor would have two bedrooms. It was agreed that the large storage area in the one bedroom would remain closet space rather than a "nursery" that would define it as a bedroom, leading to three bedrooms, which is not permitted.

The kitchen will remain angled and the current offices are Mr. Miller's business. There are a dozen paved parking spaces. There is a toter service weekly for trash, which is kept in the garage on the lower level. May need to increase to a second tote.

The Board asked Code Enforcement Officer Zarnstorff if he had any comments and he replied the numbers for size requirements are right on as per the code.

➔ Member Appleby moved to approve the application as submitted, with the stipulation that the applicant obtain final approval from Zoning/Code Enforcement office and secure applicable permits and a Certificate of Occupancy and provide the CEO with an adequate set of plans.

Concern arose over not having an exact layout of the 2nd floor, which would be subject to approval by CEO Zarnstorff. Zarnstorff stated he needs a clean set of plans with amenities, fire safety requirements, etc. He would need to issue building permits as this is changing from a business use to a residential use, and will need to consider both fire safety and habitability requirements such as windows, egress, bathrooms, kitchen, smoke detectors, etc. The building permit will lead to the Certificate of Occupancy. Mr. Miller explained that he is not changing anything physically, and did not understand why a building permit would be necessary. CEO Zarnstorff restated that a building permit is required. The applicant asked if he could then alter the kitchen under a building permit, which was affirmed by the CEO.

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CEO Zarnstorff brought up the weathering on the cupola and asked when it would be taken care of. Mr. Miller indicated he has hired a specialist from Albion who has been working on it for a year. It is delicate, and he will have it removed if it will hold up his project.

Member Locke questioned the kitchen on the first floor and what it would contain. Mr. Miller stated he would put in the basics for a kitchen as needed beyond the laundry amenities already there, and that it will be simple. There are no cupboards or countertops right now and there may not be any put in. There was concern over what constitutes a kitchen. Mr. Miller stated he wants to produce an income.

The Board stated their request for plans that include details so they know exactly what they are approving.

- ➔ Member Appleby withdrew his motion and asked the applicant to return with a better set of plans as all applicants in the past have been required to do.

The Board agreed to meet in two weeks on Monday, September 27, 2010 as a convenience to the applicant.

- ➔ Member Appleby moved, Member Locke seconded, unanimously carried to conceptually approve the application, pending Mr. Miller returning with a complete set of drawings with every detail in place.

OTHER BUSINESS:

Chair Switzer acknowledged correspondence from the Village Clerk stating Trustee Blair is our liaison.

Member Locke asked about the bollards at the corner of State Street and Park Avenue, which have been removed. She indicated the problem of tenants driving over the lawn to access the street has returned. CEO Zarnstorff said he has an inspection scheduled there in two weeks and will check it out at that time. Member Locke indicated she has nearly been hit by a car speeding out of there. Zarnstorff indicated the DPW had removed the bollards and he reminded Member Locke she could call 911. When asked why the bollards had been taken out, CEO Zarnstorff couldn't recall the reason. Member Locke stated she wants to see a more permanent solution.

Member Locke also questioned whether or not we have a definition of a church. She pointed out an old bank is now a church, a gas station is now a church, and a tanning salon is now converting into a church. CEO Zarnstorff stated he uses the NYS Uniform Code, made up of Building Code, Fire Code, etc. to define a church or other building. Chapter 10 of Village Code states he shall use the NYS Uniform Code. He explained a church could be an assembly occupancy or a business occupancy, depending on the number of attendees. Member Locke asked to get the definition of a church from the Uniform Code and was reminded the church group in question (Grace Bible Fellowship) had been before this board.

NEXT REGULAR MEETING: Tuesday, October 12, 2010 7:00pm (due to Monday holiday; may have to meet in kitchen as there is a VB work session scheduled in Conference Room). Application materials due by Noon the Tuesday before.

NEXT SPECIAL MEETING: Monday, September 27, 2010 at 7:00pm to continue Mr. Miller's application.

ADJOURNMENT:

- ➔ Member Locke moved, Member Appleby seconded, unanimously carried that the meeting be adjourned at 7:48pm.

Pamela W. Krahe, Clerk