

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, September 29, 2008 at 7:00pm.

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

EXCUSED: Village Attorney David F. Mayer

ALSO PRESENT: Village Engineer Jason Foote of Chatfield Engineers, Jim Hamlin, Ed Fuierer, Nancy and J.J. VanZetta, Trustee Scott Hunsinger

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 the minutes of the previous meeting.

➔ Member Appleby moved, Member Locke seconded, Member Winner abstained, carried 4-0 to approve the minutes of the meeting held September 8, 2008 as written.

CORRESPONDENCE:

-Invitation from Mayor Wexler regarding a Monroe County Association of Village Mayors dinner meeting on October 16th which features a presentation by Genesee Finger Lakes Planning. Member Winner stated he would attend, Chair Switzer stated he is unavailable.

-Review letters received from Chatfield Engineers regarding 39 N. Main Street and 235 West Avenue.

-Member Winner asked to have Clerk Morelli notified that he would attend the November 14th Local Government Workshop in Mount Morris.

PUBLIC HEARINGS: None

OLD BUSINESS:

1. Application of:	Name:	Buddy Lester, Esq. re: Nativity BVM Church / Jose Mendez
	Address:	138 Main Street / 17 Holley Street
	Purpose:	6 month time extension on 9/06 approval regarding re- subdivision / site plan for parking – no changes requested

Applicant Presentation:

Ed Fuierer stated he came before the Planning Board two years ago with this original application and factors including issues at Nativity, approval from the mortgage holder for Mr. Mendez, and diocesan approval have combined to lengthen the closing process on the piece of property. Because of that, work has not yet started on the new parking area and with blacktop plants shutting down operations for cold weather soon, Nativity would actually like to request a longer extension than the six months requested by Attorney Lester. He reiterated there are no changes to the original proposal, just a time extension.

Continued Board discussion on application:

Chair Switzer asked E. Fuierer to refresh the Board members on the particulars, as well as bring Member Blair up to speed. E. Fuierer showed members a site plan, pointing out the parcel being transferred, the location of the 24'x24' garage which is being kept right now for storage, the new parking area which will accommodate about 8 spaces, the parish center, a stockade fence that will be removed and a grassy area in which to push snow. He added that the property line on the north would now be a straight line.

Member Winner surmised it would be at least 8 months before work could start and noted the major grade change. Chair Switzer asked for a timeline and E. Fuierer stated now they won't be able to start until spring and they still need time to close, approval from the mortgage holder and to receive diocesan approval and wondered if two years would be too long. Member Appleby stated two years is the time limit and Member Winner opined two years would be for a new application and because this is a different situation it would be at the Board's discretion. Chair Switzer asked if a full two years would be necessary and E. Fuierer replied one would probably be sufficient, but added things could change again.

Member Appleby asked if Mr. Fuierer is looking for approval or an extension and Chair Switzer voiced it would be an extension. E. Fuierer stated Attorney Lester had originally asked for six months but taking the installation into account, a year would be more appropriate. Member Appleby voiced his opinion that because the garage is now staying on the property, it could be considered a new application. Member Locke inquired on the timeline for razing the garage and E. Fuierer replied there is not one at this time. She asked if they would just patch the area under the garage once it is removed and E. Fuierer affirmed.

MINUTES OF PLANNING BOARD MEETING held September 29, 2008 continued.....page 2

Member Appleby mentioned prior discussions regarding drainage issues and Member Winner asked E. Fuierer to look at the site map with Village Engineer Foote. Member Blair noted the higher grade on the north side of the property. Engineer Foote explained that everything drains toward the catch basin and he would not require any changes.

Chair Switzer commented that perhaps the original application could be given an extension of two years as long as the garage came down within that time. If not, then a new application would have to be submitted for the removal of the garage. Member Winner stated he is in no hurry to see the garage come down if the eight extra spaces are adequate.

⇒ Member Appleby moved, Member Winner seconded, unanimously carried to extend the application for an additional year, with no more changes, and if the project is not complete in one year's time, the whole thing will have to be reviewed.

Member Winner asked if financing was in place and E. Fuierer affirmed. E. Fuierer thanked the Board.

2. Application of:	Name:	David Enos
	Address:	39 N. Main Street
	Tax Map #:	068.44-2-15.1
	Zoning:	Business
	Parcel size:	.48 acre
	Property Class:	484
	Purpose:	parking lot

Applicant Presentation:

Frank Ritano stated he is standing in for D. Enos and referred to the site map and stated the parking lot would be paved.

Continued Board discussion on application:

Member Appleby noted the parking lot is in the process of being paved and noted the new site plan shows 10'x20' parking spaces as opposed to the former 9'x18' spaces. Chair Switzer asked if Village Engineer Foote had an opportunity to look at the new rendering. Engineer Foote stated the comments in his letter were based on the prior drawing, but that he had reviewed the new drawing this evening and referred to the seven points in his letter as follows:

1. satisfied
2. satisfied
3. satisfied but would like to see elevations for this to make sure it will drain properly
4. satisfied
5. done but would like to see elevations shown on the plans
6. wants erosion controls between the dry swale and creek and have them remain until vegetation is established
7. satisfied

Member Appleby asked if the piping referred to in #3 above had been installed already and F. Ritano replied no. Engineer Foote gave a copy of the letter to F. Ritano. Member Appleby questioned the parking spaces along Clark Street, where people would have to back out into the street and noted it is similar to Park Avenue where the Fire Department wanted to put parking spaces and the Board said no. He added that while Clark Street is not as busy, it is still risky. F. Ritano explained the main door to the gym is on the north side of the building and the office that is in the back of the building may utilize those spaces more. Chair Switzer noted parking on that side of the building has been there forever and Member Locke pointed out if those spaces are taken away, it will limit parking.

Member Winner asked if the front façade with all the windows would be the gym complex and F. Ritano affirmed. Member Winner then inquired if the front door is not on the front of the building and F. Ritano explained the membership door is on the north side while primarily walk-in guests will use the front door.

Member Locke mentioned she had been by yesterday and was pleased to see the cleanup that has been going on. She wondered about the stone on the front of the building and F. Ritano stated the bottom 30" would be stone with stucco above that. Member Locke also noted the lot was dry, even in the back, and yesterday was a rainy day.

Chair Switzer asked CEO Zarnstorff if he had any concerns and he replied no, that he had been by last week and thought the plan was working well for the parking, the drainage and the green space. Chair Switzer inquired about the interior and CEO Zarnstorff expressed the work is excellent; the walls are up for the office, bathrooms, and tanning room. He added the back office portion is going to be rented to a local builder, which leaves only the back garage area unused. Member Appleby asked if this Board

a board application up to this point.

Chair Switzer asked about plans for landscaping and F. Ritano commented that he could not speak for D. Enos on that, but would be surprised with the quality of work done so far that there would not be something done in that regard. Chair Switzer brought up the lighting and Member Appleby reminded the Board he had asked about the lighting facing the Clark Street neighbors and D. Enos stated those fixtures would direct light down so as not to be offensive while the lighting out back would be more broad. He added that he wonders if some additional lighting scattered around the parking lot would be better than just spotlights off the back of the building for safety purposes as well as keeping light directed down as opposed to pointing toward the neighbors. Member Blair noted the light covers on the south side of the building are directed down. Member Appleby asked if the Board could insist on those points and F. Ritano stated he would hate to sign D. Enos up for something without his consent. Member Appleby clarified that rather than huge spotlights on the building, he'd rather see dimmer lights there and more lights in the back to better illuminate the parking lot.

Chair Switzer asked if either Village Engineer Foote or CEO Zarnstorff had any questions, as the plans don't address lighting. Engineer Foote pointed out the "ladybug-looking" symbols on the drawing that are the lights. Member Appleby expressed his desire to have the Board specify the lighting requirements. F. Ritano stated there is electric running out to the back building and Member Winner responded the Board should specify two to three elements on the metal building. Member Locke concurred, stating if the facility is going to be used 24/7, lighting has to be adequate for safety reasons. Chair Switzer reiterated the Board would like to see a minimum of three additional lights on the metal building as well as the two lights currently indicated on the west side of the main structure and Member Winner clarified the elements would have baffles to keep the light restricted.

Member Appleby asked for confirmation that tonight's approval is just for the parking lot. Member Blair asked F. Ritano for clarification on whether the cement slab is being removed and F. Ritano responded by saying he thought it had already been removed, but he may be mistaken. There were no more questions.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to accept this proposal as written with the following caveats:

1. There will be three additional sources of light that will be mounted on the metal storage building. These lights will face east and will keep light focused down on the parking lot.
2. The elevations as well as drainage issues will be addressed related to items #3, 5 and 6 on the September 29, 2008 letter from Chatfield Engineers.
3. The Certificate of Occupancy will be issued contingent upon all these conditions being met to the satisfaction of Village Engineer Foote and Code Enforcement Officer Zarnstorff.

NEW BUSINESS:

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|--------------------|-----------------|------------------------|
| 1. Application of: | Name: | James & Nancy VanZetta |
| | Address: | 235 West Avenue |
| | Tax Map #: | 068.43-1-1 |
| | Zoning: | Residential |
| | Parcel size: | 130' x 130' |
| | Property Class: | 210 |
| | Purpose: | fencing |

Applicant Presentation:

Nancy VanZetta stated they have owned the property for 35 years and had trees lining it that were 20'-30' high and you could not see through them. The trees have been slowly dying off and they have been taken down. They were going to put up a 6' fence, but both they and their neighbors at 257 West Avenue have raised decks and if you're on the deck, you would be able to see over a 6' fence onto the neighboring deck. She added the tree line had been about 50' long and the fence will only be 32' in length and the fence will start by the edge of the house and go down the deck and breezeway. The fencing has gaps in it.

Continued Board discussion on application:

Member Appleby asked if it is a "peek-a-boo" fence and N. VanZetta stated it is no maintenance so both sides are finished, it is clay-colored and it has a 3" piece, a ¼" gap, then another 3" piece and so forth. Member Appleby questioned why this application is coming before the Planning Board seeing how it is a backyard fence and not a fence in front of the house. CEO Zarnstorff replied he'd never seen an application like this and deliberated where the application should go. He opined that seeing how this Board has expertise in front yard fences, it seemed most logical to have the Planning Board render the decision. Member Winner inquired which street the Rombaut house faces and N. VanZetta

replied both of them face West Avenue and Member Winner stated that the fence would actually be between their side yards. N. VanZetta affirmed, adding the fence would be behind the main house in the side and would shield both decks and the VanZetta's breezeway. She indicated they would be landscaping along the fence.

MINUTES OF PLANNING BOARD MEETING held September 29, 2008 continued.....page 4

Member Appleby suggested he still does not think it's in the purview of this board but Member Locke refuted, citing §6-3 B, which reads in part "No fence...shall be erected or maintained over six feet in height..."

Chair Switzer pointed out the neighbors had signed off on the fence and N. VanZetta confirmed.

⇒ Member Winner moved, Member Appleby seconded, unanimously carried to approve the fence as proposed.

N. VanZetta asked if she could have a letter stating the Board's approval and Chair Switzer said one would be forthcoming from the Village Clerk. N. VanZetta thanked the Board.

OTHER BUSINESS:

1. Member Appleby brought up the list of properties with prior Board approval that need follow-up. CEO Zarnstorff stated a number of the properties could be removed from the list as complete. He hopes to start reviewing the remaining properties by the end of this week. He will be setting up a tickler system for approvals. The Board hopes for a report at the November meeting.

2. Member Winner inquired whether or not a response was received by M. Bell of Country Treasures at 61 Main. CEO Zarnstorff replied no, that he would try to stop by the relocated store later this week. The Board discussed what could be done to ascertain compliance and stated her not appearing before the Board is setting a precedent, which could be very detrimental down the road. Members would like to discuss trash issues, hours of operation, etc., and would not intend to be unreasonable. CEO Zarnstorff stated the application procedure is a nice way to introduce new businesses and is meant to be helpful rather than authoritative. 61 Main Street was previously office and used by D. Windus-Cook, who submitted a Planning Board application when she moved in. Member Winner opined submitting an application for change of use is not clearly defined in our code, Member Appleby concurred, believing it to be tradition, which will not hold up in court. CEO Zarnstorff said the Code Review Committee knows they have opportunities for change and/or areas that needed tightened up.

3. Member Winner noted a proliferation of neon signs on Main Street, particularly at Jimmy Z's and wondered whether or not they can be prohibited. CEO Zarnstorff replied the code only prohibits exterior neon signs and does not regulate interior signs. Member Appleby stated the Code Review Committee had been discussing the signage chapter of the code.

NEXT REGULAR MEETING: Monday, November 10, 2008
(Application materials due by Noon Tuesday, 11/4)

ADJOURNMENT:

→ Member Winner moved, Member Appleby seconded, unanimously carried that the meeting be adjourned at 7:58 pm.

Pamela W. Krahe, Clerk