

Regular meeting of the Village of Brockport Planning Board was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Tuesday, April 19, 2011 at 7:00pm.

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

EXCUSED: Chair Charles Switzer

ABSENT: Member Bernard Daily

ALSO PRESENT: Jason Foote (Chatfield Engineers), Kris Schultz (Schultz Associates), Robert Collier, Michael Ferraiulo, Giovanna Tuttobene, John French, Ed and Joan Benoit, John and Bonnie Erwin, Judy Perkins.

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

REVIEW OF MEETING MINUTES: Approval of the minutes of the previous meeting was tabled as there was not a quorum present from last meeting.

PUBLIC HEARING:

Vice Chair Appleby called for a motion to open the public hearing.

- ➔ Member Winner moved, Member Locke seconded, unanimously carried to close the regular meeting and open the public hearing at 7:05pm.

Clerk Krahe stated the legal notice was published April 4, 2011 in the Village's official paper, the Suburban News, and posted on the Village's official website and at Village Hall. As a courtesy, it was also sent to those property owners within 500 feet of the proposal. She read the legal notice as follows:

PLEASE TAKE NOTICE that the Planning Board of the Village of Brockport will hold a PUBLIC HEARING on Tuesday, April 19, 2011 beginning at 7:00pm in the Conference Room of Brockport Village Hall at 49 State Street, Brockport, New York.

Application of: Schultz Associates for Michael A. Ferraiulo – Canalside Developers, Inc
Address: Sunflower Landing off East Avenue
Tax Map #: 069.1-5-8.1
Property Class: Condos
Zoning: "Q" District
Purpose: Resubdivision of lots 2, 3, and 4

All interested parties will be given the opportunity to be heard. Application materials are available for review at Village Hall.

Clerk Krahe read NYCOM's guidelines for public comment:

- The public shall be allowed to speak only during the Public Comment period of the meeting or at such other time as the majority of the Board shall allow.
- Speakers must step to the front of the room.
- Speakers must give their name, address, and organization if any.
- Speakers must be recognized by the presiding officer.
- Speakers must limit their remarks to 5 minutes on a given topic.
- Speakers may not yield any remaining time they may have to another speaker.
- Board members may, with the permission of the Chair, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- All remarks shall be addressed to the Board as a body and not to any member thereof.
- Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity, and good taste.
- Interested parties or their representatives may address the Board by written communication.

OLD BUSINESS:

1. Application of: Name: Schultz Associates for Michael A. Ferraiulo – Canalside Developers, Inc.
Address: Sunflower Landing off East Avenue
Tax Map #: 069.1-5-8.1
Zoning: "Q" District
Property Class: Condos
Purpose: Resubdivision of lots 2, 3, 4

Applicant Presentation:

Mr. Kris Schultz posted a map of the subdivision. He noted current sales are reasonable and that

sac. Lots 2, 3, and 4 are the first 3 lots as you first pull in on the right, which is tonight's requested resubdivision. Originally those lots were to contain single-family dwellings, but as those are not in high demand they would like to convert the lots to similar units as elsewhere in the development. There would be a single and two doubles. Construction this year is moving further into the development and as it does, construction materials and storage will move with it. He added that Mr. Ferrauilo puts up a nice unit that is well landscaped and looks better than most other developments. The developer lives there and that is a plus.

Vice Chair Appleby invited the public to comment.

--Robert Collier, 476 East Avenue, stated he has the unlucky house that is right next to this project. In the beginning, the Northrup widow had trees torn down, that they dynamited incorrectly, and that the berm was supposed to be nice with flowers on it but it has only one green bush every ten feet. The lot next door to him was sold to someone else and it's an albatross. There is unused material, construction debris, and trailers all next to his backyard and he has asked to have the trailers moved. He went to the inspector with his concerns. He concluded by saying the lots were supposed to be for single-family houses, and they should remain that way.

--John Erwin, 21 Cyrus Way. Asked for a recap of the previous meetings' minutes. Stated the previous gentleman has real grievances and he wondered how they will be addressed. The Vice Chair explained the public hearing is for the Board to listen to comments and then Board discussion will take place later in the meeting.

--Michael Ferrauilo, 129 Anitas Lane, responded to Mr. Collier's comments indicating the blasting happened three years ago and to his knowledge there had been no damage. He said he had never been asked to move the trailers. He did tell CEO Zarnstorff that he will move the trailers now because the construction will be moving. There will be no further blasting. Trees were put in as they had been directed by the Village and if Mr. Collier is concerned about the trees camouflaging the area, it will eventually do that. He opined the current landscaping looks better than the previous weeds, etc. Regarding Mrs. Northrup's trees, they were replaced, as well as were cottonwood trees that had been messy, and grass has been planted and is mowed. He feels he has improved the property 500% and that no one should have a complaint. The Village should be proud of what he has done. He chastised the Board for never having been there when they sit on this committee.

Vice Chair Appleby reminded speakers the public hearing is only on the resub.

As there was nothing further, Vice Chair Appleby thanked the public for their comments and called for a motion to close the public hearing and reenter the regular meeting.

➔ Member Winner moved, Member Locke seconded, unanimously carried to close the public hearing and reenter the regular meeting at 7:20pm.

Continued Board discussion on application:

Kris Schultz said they have looked at plantings recommended by the Tree Board. He showed a sketch of alternating red and white pines (indicated by circles) that will be added as a buffer. Schultz said the board had questions on existing landscaping so he brought pictures of existing houses to show the landscaping in the front, driveway, out front next to roadway, and next to the gazebo, all of which is in excess of what was originally mandated. The large blasted rock has also been integrated in the landscaping.

Member Winner assured Mr. Ferrauilo that he does periodically drive through; Member Locke said she does the same and also bikes through there. Member Appleby said he also drives through, though he has not yet done so this spring. Member Winner said he would certainly notify the CEO if anything was out of order. Member Winner asked Ferrauilo if there had been any issues with the fact that this is for ages 50+. Ferrauilo said no, stating the residents are aged 53-93, everybody is happy, and they have picnics, Christmas parties, and such together. Winner asked the CEO if he had received any complaints. Zarnstorff noted he had been in touch with Mr. Collier last summer about the storage trailers, and that he had gone through the development today, taking pictures of what the trailers look like. He submitted those photographs to the Board along with applicable codes addressing construction materials, trailers, etc. He encouraged Ferrauilo and Schultz to move the items as they said they would, except for the construction trailer, and this summer would be appropriate. Schultz indicated there would be no construction or grading for lots 2, 3, or 4, but there will be for section 3. Vice Chair Appleby asked what would be moved and Mr. Ferrauilo said all except the office trailer will be moved southwest to behind the topsoil pile, and won't be seen from East Avenue nor by the homeowners. The office trailer will stay. Community garden is going in this year of about 50'x20' for vegetables, flowers, etc. in that area. As soon as is not real muddy and he can drive on the grass without ruining it, they will move the items, perhaps in 3-4 weeks or so.

Schultz believes Engineer Foote has completed his review and they received the Monroe County report. Of note was the east boundary of farming lands. The developer must inform buyers of those lots that

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there is farming next door and they should be aware of potential dust, tractor noise, etc. Most developments in Monroe County have similar statements as we have an abundance of agricultural land. This is standard procedure and is not a big deal.

Vice Chair Appleby asked if there is a flood plain issue. Schultz indicated on the far west side is the creek that runs under the canal and comes from Owens Road. There are wetlands associated with that and we will speak to those when we get to perhaps sections 8 or 9 or 10. Original plans and review did show all those wetlands, the County just likes to keep it in everyone's mind. That same creek goes to the east of the Hibs property and goes by the Northrup driveway. Schultz pointed that out on the map.

Member Winner stated he is not sure this is relevant to the resubbing of lots 2, 3, and 4.

Member Locke asked Mr. Collier's opinion on the original designation of lots 2, 3, and 4 as single-family and why he feels they should remain as such. Mr. Collier said he doesn't want more families near him and he doesn't want them crowded in. The original plan was what was accepted and that's the way it should stay. Member Locke asked if he felt doubles would negatively impact his quality of life and Collier responded yes, indicating he has an acre and someone buying it would see the backyard with houses sardined in. Member Winner asked Mr. Schultz to clarify what was originally proposed, and Schultz stated 3 single-family houses. Member Winner continued, asking if the board were to say no to this resub proposal, then those who purchase the lots could put a single-family dwelling on each parcel, and they could potentially be 2-story homes with decks, pools, swing sets, etc. similar to what was built on the corner lot now. Mr. Schultz concurred, indicating that with the resub, these lots would contain single-story units for seniors as opposed to perhaps families in two-story structures, and that even though two of the units would be doubles, they would be similar in square footage to a single-family house. Schultz reminded the Board of the one lot that had been sold by Mr. Ferrauilo and because it left his control, it became a big problem. Member Winner repeated that if the board approves the resub, then the lots would remain under the control of Ferrauilo and any structures would be built in a similar style; Schultz affirmed. Winner indicated it will be the best use of the land to fit in 5 units as it is a higher density, and that is the nature of village living. He told Mr. Collier he understands where he is coming from.

CEO Zarnstorff asked if the village engineer had any comments; Engineer Foote denied having any.

Mr. Schultz requested final approval of the Sections 3A and 3B. Vice Chair Appleby asked if SEQR is finished; Engineer Foote confirmed. Schultz said they have received preliminary approval and would now like final approval, explaining he needs signatures on the plans for the county. He will take care of getting the plans signed by Supt. Donohue, Engineer Foote, and then Chair Switzer. The letter of credit process can begin after we get final approval. They will provide recommendations of costs to the village engineer so he can get those to the village board.

Member Winner suggested perhaps waiting for Members Switzer and Daily so they can voice their opinions, but hates to delay this application any longer. Clerk Krahe noted she had not received any written comments from either member. Winner asked about rental units but Mr. Ferrauilo said he would only be selling the units and if the owner then chooses to rent it out, he would have to obey codes, etc. Mr. Ferrauilo thought the village would like to have some rentals, but that's not what he intends for these lots. Member Winner thinks current residents would not appreciate rentals.

Member Winner asked about the square footage of the doubles. The area would be 1300-1500 sq.ft. each, the two villas would be 1150 sq. ft. each, and the two on the west side would be about 1300 square feet each, depending on what the buyer wants. Square footage calculations do not include the garage. It was indicated some units have full basements, others have just a crawl space. All have gas forced air heat and air conditioning.

➔ Member Winner moved, Member Locke seconded, unanimously carried to approve the resubdivision of lots 2, 3, and 4.

Mr. Schultz gave a brief summary of sections 3A and B where they have eliminated the 4-unit structures and have opted instead for singles or doubles. They have sold 18 units (13 buildings) so far. Schultz showed what's proposed on the map. CEO Zarnstorff asked about tree plantings and whether or not those are on the drawings. Kris replied they do have the recommendations of the Tree Board and they will be put on the drawings. Zarnstorff asked about grading and Schultz said they may not have to.

➔ Member Locke moved, Member Winner seconded, unanimously carried to grant final approval of Sections 3A and 3B.

OTHER BUSINESS:

- ▶ Mr. Benoit of 143 Anita's Lane said how pleased he is with his home, the development, the builder - everything. It's nice that the builder lives there and it's the best kept secret in the village.
- ▶ Member Winner noted the Town of Sweden is putting together a comprehensive plan review committee. Vice Chair Appleby hopes the Village will do the same. Member Winner concurred, hoping the Planning Board is part of it. CEO Zarnstorff said Trustee Hannan is spearheading a similar effort.

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The board voiced that the Village should develop its own plan and it should be a chapter in Sweden's plan. Vice Chair Appleby stated his hope that Planning Board would be asked to have a representative on the Village committee.

▶ Regarding Christ Community Church, CEO Zarnstorff stated the Town has to grant its approvals first and he hasn't heard anything one way or other at this time.

▶ CEO Zarnstorff noted the veterinary clinic of Dr. Orr's is still viable. She is wrapping up final financing at this point.

▶ CEO Zarnstorff has mentioned to the Board of Trustees that they might sit down with subdivision developers and listen to what they have to say. Last year Mr. Ferraiulo added about \$460,000 in assessed value to the tax roll, which is huge. Mr. Hibsich is working again and hopes to start up in his subdivision soon. A call was received from Tra-Mac, whose subdivision is not very viable, and they want to explore new options though they didn't mention what that is. They do have "Q" zoning as well. Member Winner indicated we should always be interested in talking. Zarnstorff said he has heard from all three developers that the Board of Trustees could consider assistance such as suspending Village taxes for the first year.

NEXT REGULAR MEETING: Tuesday, May 17, 2011 at 7:00pm. Application materials due by Noon on Tuesday, May 10.

ADJOURNMENT:

- ➔ Member Locke moved, Member Winner seconded, unanimously carried that the meeting be adjourned at 8:24pm.

Pamela W. Krahe, Clerk