

**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 9, 2002 at 7:30pm.**

**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:**

**ALSO PRESENT:** Frank A. Alois: Deputy Village Attorney, Tom Carpenter and Jason Foote of Chatfield Engineers (Village Engineer), Bradley B. Upson; DPW Superintendent, Patrick Laber, Christopher Carter, Mark Koke, Mike Guerreri, Joan Hamlin, Rudy Aceto, Fred Webster.

**CALL TO ORDER:** The meeting was called to order by Chair Winner.

**REVIEW OF MEETING MINUTES:** Chair Winner called for a motion to approve the minutes of the previous meeting.

➔ Member Appleby moved, Member Locke seconded, unanimously carried to approve the minutes of the meeting held August 12, 2002 as amended.

**CORRESPONDENCE:** None

**PUBLIC HEARINGS:** None

**NEW BUSINESS:**

1. Application of:	Name:	Eric Koke
	Address:	79 Kenyon Street
	Purpose:	driveway expansion

**Applicant Presentation:**

Mark Koke was in attendance for his brother Eric. He said Eric owns the house and he and his other brother live with him. He said he has a legal document stating that he can act in Eric's place when he is out of town. He said there are three living there and each has a girlfriend that visits. He said there is only enough parking for three cars. Their girlfriends have nowhere to park since they can't park on the lawn or on the street overnight or at SUNY without the proper parking permits. He said Eric had spoken to the former Zoning Officer, Bill Weber, about a year and a half ago and got verbal permission to expand the driveway. Recently S. Zarnstorff sent a letter stating that he needed to apply to the Planning Board for a driveway expansion.

**Continued Board discussion on application:**

Member Locke said it appears that part of the driveway is taken up by a hot tub and a fence. M. Koke said they have moved it and increased the parking area by less than one space. Member Locke also noted the carport on the north side of the house for one car. M. Koke said there is room for 3 cars without the expansion. It is tighter for 3 in the winter due to snow. Member Locke said the Code requires approved driveway expansions to be paved. B. Upson said concrete or asphalt. Member Switzer said like materials as to what exists. If the existing driveway is asphalt, any approved expansion needs to be asphalt. Member Appleby said their gravel has been down over a year and should be settled by now. M. Koke said it has settled. Member Locke referred to the code which indicates one parking space per bedroom. She said the applicant meets the code without the expansion. Member Locke said her concern is that additional parking sometimes equals additional people living in a house and the further degeneration of the community. Chair Winner said the original driveway fits 3 cars for 3 tenants which meets the code. The issue of overnight visitor parking is really not a hardship situation. That it is inconvenient for an overnight guest to park in a municipal parking lot is not the Board's problem. Member Locke said she and many property owners in the Village face the same problems.

M. Koke said he was aware of a code on how much yard space can be turned into parking. He said they made sure they were okay with that. Member Appleby asked how many spaces were gained by the gravel expansion. M. Koke said two. Chair Winner asked S. Zarnstorff if this was the result of observation or complaint. S. Zarnstorff said he received a complaint from a neighbor concerned that the parking expansion was leading to more tenants in the house. M. Koke said he and his 2 brothers live there. His sister visits occasionally and their girlfriends occasionally stay over. His brothers are often away for their jobs, one is in the military. He is the permanent resident, working at Eastman Labs. They have no intention of taking in additional renters. He said right now a boat is taking up one of the parking spaces. Chair Winner said that's a self-imposed hardship. There is a code on boats that they must be stored in the rear yard November through May. Member Switzer asked where the brothers cars are when they are away for work. M. Koke said sometimes they leave them home. Member Locke said the questions may seem invasive, but the Village has in the past allowed parking expansions in good faith only to find that the number of tenants in the homes increase.

Member Appleby said he would not be averse to approving the parking expansion if it were paved immediately. Member Switzer concurred.

F. Aloï commented that the driveway issue and the issue of number of tenants are bleeding into each other. The owner needs to know that the Village is concerned with the correlation. Chair Winner said "once bitten, twice shy". He wouldn't want the Planning Board to aid and abet the occupancy issue. B. Upton asked if the Brockport Police Department allows any "special dispensation" during non-snow season to allow parking on the streets. S. Zarnstorff said no. Member Switzer asked Chair Winner if a site visit would make a difference. Chair Winner said he did not believe so.

M. Koke said his brother has no idea that the driveway expansion would need to be paved, what it would cost, and if he could afford it this fall. Member Brugger asked how late the asphalt plants are open. B. Upton said through November and reopen late April to early May.

⇒ Member Appleby moved to approve the driveway expansion on the stipulation that it be paved within 30 days or the applicant must return for a paving extension for Spring 2003. Chair Winner said he is not convinced the need for additional parking is genuine. Three people live there and there is parking for three cars. The location of their hot tub and boat are separate issues. No second. Motion died.

⇒ Motion by Member Brugger, second by Member Switzer, unanimously carried to table the application until the next meeting.

The applicant was advised to obtain estimates from paving companies to determine if he wished to proceed with the application. He was also instructed to contact Clerk Morelli prior to the October 15<sup>th</sup> meeting to get on the agenda.

**OLD BUSINESS:**

- |                    |          |  |
|--------------------|----------|--|
| 1. Application of: | Name:    | Michael Guerrieri                              |
|                    | Address: | 36 Erie Street (last known as Angus O'Brien's) |
|                    | Purpose: | site plan approval for restaurant              |

**Applicant Presentation:**

Michael Guerrieri (Flash), thanked the Planning Board for making a site visit on Wednesday, August 28<sup>th</sup>. He asked if the Board had any concerns or issues.

**Continued Board discussion on application:**

Member Appleby asked if he had contacted the garbage hauler regarding dumpster location. M. Guerrieri said he did call Waste Management and they will get back to him regarding their accessibility if they turn the dumpster 90 degrees. Member Switzer asked if he had considered dropping or changing the word "Tavern" from the name of the restaurant since Flash's Tavern sounds more like a drinking establishment than a family restaurant with a bar. M. Guerrieri said he really would like it to be "Flash's Tavern". He said one definition for tavern is drinking establishment, but another is food and lodging. He feels it is a matter of presentation.

Member Appleby reviewed the punch list from S. Zarnstorff regarding handicap access and ramp to the building and abandoning the apartments upstairs at the end of the lease in May 2003. Member Brugger said he took the measuring wheel out and measured the distance to the Methodist Church and to the Nativity School. The distance is 10 feet over what the Code allows, so it is fine. Member Locke thanked Member Brugger for verifying that. Member Locke questioned the hours of operation. M. Guerrieri referred to his tentative kitchen schedule. He hopes to keep the kitchen open as late as possible. The earliest he plans to close the kitchen is midnight. He added that there is no reason to stay open later if it costs more than the electric to keep it running. Chair Winner informed the applicant that he would need to apply for a sign permit through S. Zarnstorff and that backlit signs are discouraged. M. Guerrieri said no problem.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to grant site plan approval to open a restaurant to be known as Flash's Tavern at 36 Erie Street contingent on the following: satisfaction of the Building Inspector, appropriate dumpster location and enclosure and adequate pick up, handicapped access at front entrance, abandon the renting of apartments upstairs at the end of the lease (May 2003), maximum 3' x 5' sign (apply to Building Inspector for sign permit).

Standard note: Approval is granted with the understanding that said plans are subject to review and change after two years from the date hereon if installation is not completed by that time.

The Board wished him well.

2. Application of:      Name:            Christopher Carter of Champion Moving & Storage  
                                 Address:        100 Owens Road (last known as Celt Specialties)  
                                 Purpose:       site plan approval for business

**Applicant Presentation:**

Patrick Laber of Schultz Associates and Christopher Carter of Champion Moving and Storage were in attendance to further review the site plan application to relocate the business from Gates to 100 Owens Road in Brockport. Application has been made to the Zoning Board of Appeals for a use variance to allow warehousing at the location. C. Carter thanked the Planning Board for conducting a site visit. P. Laber reviewed the site plan which indicates adding a 400' x 175' stone parking lot for storage of the trucks and future truck scale. A handicapped space is indicated in the existing parking lot which is gravel. Chair Winner asked S. Zarnstorff if handicapped parking spaces need to be paved. S. Zarnstorff said stone based is considered acceptable, but he is not particularly in favor of it. The current gravel is too coarse and fine material gets dislodged by snow plowing. He strongly recommends paving any handicapped parking spaces. C. Carter said the corner area is concrete – ramped from east to west.

P. Laber said the grade is shown toward South Avenue. A dry pond is shown with an outlet pipe. There are two watersheds on the site. The proposed pond would have a 12 inch pipe to restrict the flow. This will decrease run off to Owens Road. P. Laber said Chatfield Engineers asked them to expand the pond a bit. They will take another look at this. The topography of the woods is very dense.

**Continued Board discussion on application:**

Member Appleby noted that part of the truck parking lot drains toward the employee parking lot. P. Laber said yes, but a small portion compared to what is heading to Owens Road now. They would like to keep the existing parking lot as close to current grade as possible. Chair Winner referred to the slight berm shown. C. Carter said he has contracted a Landscape Architect for plans. The 2-3' berm looks like more of a berm from Owens Road due to the ditch than it does from the building. T. Carpenter agreed that the perceived height is greater from the road. They would need greater than one on three slopes. They cannot stagger trees on a slope. P. Laber said they could get rid of the berm altogether and go more for landscaping. B. Upson said the screening plan is up to the Planning Board, but if there is a way to eliminate the berm, it makes for better plantings. Chair Winner said they don't want to create a visual hazard for the entrance/exit. B. Upson said the site distance is good. Member Switzer commented that there are pines that screen the condominiums. Member Switzer further commented that he would be in favor of landscaping since a parking lot full of trucks is rather unsightly.

C. Carter said the hours are primarily 6am to 6pm. P. Laber said no additional lighting is proposed. There is a large light on the side of the building. Chair Winner asked about the fueling and maintenance issues. C. Carter said thanks to Chair Winner's help, he connected with Tri Star Logistics who expressed interest in working with them in that regard. Therefore, they have abandoned the need for fueling. However, some basic maintenance would still need to take place on site. C. Carter said they use a vendor called Safety Clean for oil separation. Member Switzer said he can understand the need to do light maintenance right there. Chair Winner asked if they are able to outsource the scale. C. Carter said no. Member Brugger commented that everything planned is an improvement to the site. C. Carter said Clerk Morelli kindly re-scheduled the ZBA meeting so he could move forward with plans for the closing.

- ⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to declare the Planning Board Lead Agency, classify this an Unlisted Action and grant a Negative Declaration on SEQRA (no significant environmental impact.)
- ⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to grant site plan approval to relocate Champion Moving and Storage to 100 Owens Road contingent on the following: landscape architect plans for landscaping / screening, drainage calculations as requested by Village Engineer, oil separator plans to the satisfaction of the Building Inspector, paved handicap parking space and ramp, signage (apply to Building Inspector for sign permit), use variance from the Zoning Board of Appeals.

Standard note: Approval is granted with the understanding that said plans are subject to review and change after two years from the date hereon if installation is not completed by that time.

3. Application of:      Name:            Samuel Liberatore, PE – Schultz Associates for Mark Calcagno  
                                 Address:        West Avenue (remaining Farash property)  
                                 Purpose:       preliminary subdivision and site plan approval – 230 lot residential / 6 lot commercial subdivision and site plan now known as Remington Woods

**Applicant Presentation:**

Sam Liberatore of Schultz Associates and Mark Calcagno were in attendance to continue review.

**Continued Board discussion on application:**

Chair Winner started by saying that this is a big and ambitious project. Although it may not seem that the process is expeditious enough for the applicant, it truly is moving along at an appropriate pace. The Planning Board is being judicious and wants to do this right.

S. Liberatore said he wished he had a letter from the Army Corps of Engineers (ACOE), but the representative is on active duty and has not yet generated a letter. He walked the site two weeks ago and confirmed the accuracy (more or less) of the wetlands delineation. The 1.11 acre small wetland was eliminated – no mitigation needed. One wetland was extended. Some concessions were made to the plan. One lot was eliminated since 90 percent of it was in a wetland. Now they are down to 229 residential lots. They also added a couple of conservation easements to prevent people from disturbing the area. The total wetlands are 14.77 acres, 2.18 acres is being disturbed, and 8.4 acres is being mitigated. This is within the 4 to 1 ratio of disturbance to mitigation.

S. Liberatore said they received Chatfield Engineer's review of September 3<sup>rd</sup>. They have been working diligently to incorporate a lot of those revisions in tonight's plans. T. Carpenter wanted a really detailed pond plan, but they figured that would be part of the Section I drawings. The issues of the water model were ironed out. There was fear that the storm sewer system would dry out the wetlands, so they may pipe a few catch basins to the wetlands. T. Carpenter was concerned about the sanitary sewer systems' peaking factor. S. Liberatore went into a lengthy explanation of what a peaking factor is. T. Carpenter clarified pump capacity vs peaking factor for S. Liberatore. In summary, they can build 168 homes (two-thirds of the project) before the peaking factor kicks in and the existing sanitary sewer system is no longer adequate. Therefore, they propose to recheck after 160 homes to see if a system upgrade is needed. T. Carpenter said he is interested in working with S. Liberatore on this.

S. Zarnstorff suggested the pump house have masonry walls, split face or brick, instead of wood frame for longevity and maintenance since the building will essentially belong to the Village. M. Calcagno said whatever the Village prefers. B. Upson commented that it needs to blend into the neighborhood. Chair Winner reviewed a letter from NYSDOT regarding needing a turning lane.

S. Liberatore said their goal tonight would be to get a SEQR determination. S. Liberatore said there are a lot of factors involved to keep this moving forward. He would hate to get nothing accomplished. Chair Winner said according to our records the agencies heard from include: New York State Canal Corporation, New York State Department of Transportation, Monroe County Planning and Development, Monroe County Soil and Water Conservation District, and the Town of Sweden Conservation Board. S. Liberatore said he also heard from New York State Historic Preservation Organization. T. Carpenter asked S. Liberatore if the comments from these agencies have been addressed. S. Liberatore said he has not responded to them in writing, if that's what he means. Chair Winner asked if he planned to respond to the Sweden Conservation Board. M. Calcagno said their letter was so negative, they basically just do not want the project. S. Liberatore said they are providing so much in the way of conservation, even taking away lots to keep more green space. Chair Winner referred to the County Soil and Water comments, which were more objective. T. Carpenter referred to one of those comments where they say uncontrolled storm water should never be introduced into wetlands by means of piping. S. Liberatore said the walkout basements back up to Star Pond. He double checked the grading plan and did not find any grading outside boundaries.

Chair Winner asked the Board and advisors if they were ready to take action on SEQR. T. Carpenter said he would advise against it since there is no documentation from Army Corps of Engineers and outstanding issues with the Sweden Conservation Board and County Soil and Water. They are the experts on wetlands. F. Alois said he understands that the developer wants to move forward, but they are not quite ready in regards to SEQR.

Chair Winner advised S. Liberatore to work with those involved agencies on resolving their concerns and obtaining a letter from ACOE. The Board would be willing to meet on September 23<sup>rd</sup> if necessary or at the next regular meeting, October 15<sup>th</sup>. S. Liberatore said he would most likely need until October. M. Calcagno asked if he can clear and do earthwork before snow flies. Chair Winner said precedent will not allow this until approvals and letters of credit are in place.

**NEXT REGULAR MEETING:** Tuesday, October 15, 2002 7:30pm (Monday, 10/14 Holiday)  
If a special meeting is needed on September 23<sup>rd</sup>, Member Switzer will be unable to attend.

**ADJOURNMENT:**

➔ Member Brugger moved, Member Appleby seconded, unanimously carried that the meeting be adjourned at 10:15pm.