

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, August 12, 2002 at 7:30pm.

PRESENT: Chair R. Scott Winner, Vice Chair John Brugger, Member Arthur Appleby, Member Annette Locke, Member Charles Switzer, Building/Zoning Officer Scott C. Zarnstorff, Village Clerk Leslie Ann Morelli.

EXCUSED:

ALSO PRESENT: Frank A. Aloj, Deputy Village Attorney, Bradley B. Upson, DPW Superintendent, Paul Chatfield of Chatfield Engineers (Village Engineer), David Samer, Joe & Allyson Quader, Jonathan Mendez, Jeff Clark, Rich Andrews, Joan Hamlin, Anne Panning, David Strabel, David Maw, Doug Dimitroth, Patrick Laber, Don Schuff, C. Cats.

CALL TO ORDER: Chair Winner called the meeting to order.

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

➔ Member Appleby moved, Member Brugger seconded, unanimously carried to approve the minutes of the meeting held July 8, 2002 as amended.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

NEW BUSINESS:

1. Application of: Name: Mark Rice
 Address: 47 Park Avenue
 Purpose: front yard fence

Applicant Presentation:

Anne Panning was in attendance since Mark Rice could not be. She reviewed her application and asked for a 42-inch high fence in the front yard. She said S. Zarnstorff's review memo said similar fences in the area are 3' high as the code requires and that there could be an obstruction of traffic concern. A. Panning said they measured other front yard fences in the area to be 42 inches high, not 36 inches high. Further, the driveway provides for a full car space without fence before entering the street. Therefore, there should be no concern of traffic obstruction.

Continued Board discussion on application:

Chair Winner asked the type of fence. A. Panning said wooden gothic picket fence style, painted white. Member Locke said it appears they are looking for approval to place the fence 2' from the sidewalk instead of the 3' required by code. A. Panning said yes, and they agree to release the Village from potential liability of damage caused to the fence by the sidewalk snow plow. Chair Winner asked if the front yard would be fully fenced. A. Panning said one side is enclosed by shrubs. Member Locke asked if there would be a gate. A. Panning showed that there would be 2 gates, one on the east side of the driveway and one by the front of the house.

S. Zarnstorff asked if they had tested backing out of the driveway and what the visibility for pedestrians would be as they approached the sidewalk. A. Panning said they did test it and there is fine visibility. There are gaps between the fence pickets. Member Locke asked if she thought it would impede the neighbors visibility. A. Panning said not at all.

Member Appleby said the last front yard fence the Planning Board approved was on State Street. An 18 inch setback from the sidewalk and a 42-inch fence height was approved. Chair Winner agreed and stressed the importance of consistency. Member Appleby said there are several places in the Village where shrubbery goes right to the sidewalk. He questioned whether the code should require a setback. Anne Panning said their yard is fairly shallow and to place the fence 3 feet from the sidewalk would eat it up and not look good.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to approve the front yard fence as applied for with a 2-foot setback from the sidewalk and a fence height of 42 inches.

2. Application of: Name: Joe & Allyson Quader
 Address: 54 South Street
 Purpose: front yard fence

Applicant Presentation:

Joe and Allyson Quader were in attendance and reviewed their application for a front yard fence. It would be 3 feet high unfinished cedar picket fencing with dog-eared top. This is at the corner of Park

Avenue and South Street. They would enclose the entire front yard except the alleyway between the two houses. They would be replacing existing 2-rail fencing that is falling apart. It would keep the dog in and garbage out. There would be two gates by the sidewalk and by the driveway.

Continued Board discussion on application:

Member Appleby commented that the current 2-rail fencing is only inches from the sidewalk. J. Quader said the new fence would be 3 feet from the sidewalk as the code requires.

⇒ Member Appleby moved, Member Brugger seconded, unanimously carried to approve the front yard fence as applied for.

3. Application of: Name: David Samer
 Address: 96 Barry Street
 Purpose: new driveway

Applicant Presentation:

David Samer explained that his property does not have a driveway of its own, so for the past 15 years his neighbor on one side allowed him to share their driveway. They are no longer willing to share, which only leaves him with 6 ½ feet. However, the neighbor on the other side is willing to grant him an easement so he can have a driveway of his own. He reviewed the plan and said he would use 2' x 3' paver stones with crushed stone underneath.

Continued Board discussion on application:

Member Appleby asked if the paver stones would have grass in between. D. Samer said yes. Member Switzer asked if the neighbor needs to come before the Planning Board. S. Zarnstorff said he has been working with them on this. He has a notarized letter of intent regarding the offer of an easement. Member Brugger commented that this must be a very nice neighbor. S. Zarnstorff said it is a practical difficulty. S. Zarnstorff said he would need to address the curb cut with DPW Superintendent Upson.

⇒ Member Locke moved, Member Appleby seconded, unanimously carried to approve the driveway as applied for.

4. Application of: Name: Christopher Carter
 Business: Champion Moving & Storage
 Address: 100 Owens Road
 Purpose: parking expansion & installation of surface mounted truck scale

Applicant Presentation:

Christopher Carter of Champion Moving and Storage, currently located in Gates, said they have a purchase offer in on 100 Owens Road, formerly known as Celt Specialties. They are a moving and storage company. The existing parking is sufficient for the employees, but not the trucks. Therefore, they need to expand the existing parking. They also need approval for a surface mounted truck scale.

Continued Board discussion on application:

Member Appleby asked what type of trucks and how many. C. Carter said there would be a maximum of 30 trucks at any one time. These include pack vans, straight trucks, and tractor-trailers all from 16' to 53'.

Chair Winner noted that the existing parking is not paved. C. Carter said they are not proposing to pave. Chair Winner asked why not. C. Carter said right now it is an economic decision. Superintendent Upson stated that if properly installed and maintained, crushed stone should not be a problem. From an environmental standpoint, it helps with drainage. However, they would like to see detail on where the runoff would go.

Chair Winner said there appear to be two different elevations. C. Carter said there are two entrances with a circular route – in one end and out the other. Member Brugger questioned the swale area and creek along the southern property line. Member Appleby questioned the effect of diesel fuel and oil leaks into crushed stone. Superintendent Upson said it could become contamination concern. Asphalt would help with that. There are tradeoffs, pros and cons, to crushed stone and asphalt.

Chair Winner asked if fleet maintenance would be done there. C. Carter said they would have an in-house mechanic at the ground level dock on the north part of the building for a maintenance shop. S. Zarnstorff said the ZBA might need to look at this use. It is not listed as a permitted use in the Limited Industrial Zoning; therefore, the applicant may need to apply for a use variance.

Regarding the surface mounted truck scale; C. Carter said it needs 150' to pull on. The scale is 70' long and on a platform 6 to 8 inches above ground. There would be some foundation work required. He said they would need to work with S. Zarnstorff as they have never put one of these in before. C. Switzer suggested landscape buffering since this is an entrance into the Village. Member Brugger questioned whether the short form SEQR would be sufficient. Chair Winner said they should be able to do due diligence with it. Paul Chatfield said he would check to see if it exceeds any

SEQR thresholds. P. Chatfield commented that the site plan is fairly limited since it is basically an old tax map. He would like to see a site plan with existing and proposed grading, utilities, culvert needs, site distances and drainage calculations. Chair Winner agreed and also suggested a site visit. A site visit was scheduled for Wednesday, August 14th at 7pm. Then if a site plan could be submitted as well as application to the ZBA for a use variance, the Planning Board will continue review at its September 9th meeting.

OLD BUSINESS:

- 1. Application of: Name: Agrilink
 Address: State Street
 Purpose: parking lot expansion

Applicant Presentation:

Chair Winner welcomed the representatives from Agrilink and reviewed the history of this application. In summary, a parking lot expansion was started some time ago without approvals. Due to the contamination concerns, the project was halted and the Planning Board was not able to render a decision. Parking lot posts and stone migrated larger. Believing further expansion had taken place, still without approvals, the application was re-opened.

Patrick Laber of Schultz Associates distributed updated plans. Reports from Ken Pike of Earthworks Environmental and Chatfield Engineers were reviewed. P. Laber said the stone that was there was removed. Then more stone was put there than was there previously. As far as the NYSDEC is concerned, the contaminated area is remediated to the fullest extent of the plan and it is not a problem to proceed with the parking expansion. Agrilink is now proposing paving the lot at the same time they re-pave the existing lot. The expansion went from a proposed 18 parking spaces to 23 parking spaces. The DEC does not want the turf flooded, therefore, they approve of the swale.

Continued Board discussion on application:

Member Appleby asked if they propose the runoff go to the east. P. Laber said yes. There was an earlier condition due to the former houses on the east side of Oxford Street. Member Switzer said they still have some gravel around the paved area. Chair Winner asked what would prevent that from becoming more parking. P. Laber said they would pave and stripe and install fixtures.

P. Chatfield suggested installing a drainage catch basin by manhole # five. P. Laber said they can do that and commented that it sounds like the pipes along State Street may need to be replaced. B. Upson said yes, they are cracked and will probably be replaced soon. P. Chatfield reviewed particular comments of his and Tom Carpenter's review. This small parking lot should have an insignificant increase in runoff. Member Appleby said there has been a history of low pockets behind the Boy Scout Cabin. Member Brugger said there has also been a history of ponding/puddling at the entrance. P. Laber said they would agree to the catch basin and will revise the calculations to include 23 parking spaces. He asked when they should put the catch basin in. B. Upson said the repair work starts next week. He suggested waiting until the cleaning. Chair Winner said he is confident this will improve the drainage problem.

(8:45pm Ken Pike entered)

R. Andrews asked about top soiling and seeding the graveled part not to be used. K. Pike said there is no problem environmentally with that. He further stated that the parking lot is a win/win situation. It is a good use for the area and will divert surface water to storm sewer.

- ⇒ Member Brugger moved, Member Switzer seconded, unanimously carried to declare the Planning Board Lead Agency on SEQR, classify this as an Unlisted Action and grant a Negative Declaration (no significant environmental impact).
- ⇒ Member Appley moved, Member Brugger seconded, unanimously carried to grant approval to allow the expansion of the parking lot at Agilink as shown in the updated site plan of Schultz Associates contingent on the following: satisfaction of DPW Superintendent Upson, satisfaction of Village Engineer Chatfield, a catch basin in the northwest corner, revised calculations for five acres and 23 additional parking spaces, top soil and seeding over gravel areas not to be paved.

OLD BUSINESS – PUBLIC HEARINGS:

- 1. Application of: Name: David Strabel, Architect for John Mendez
 Address: 48 Merchants Street
 Purpose: site plan approval for restaurant

Legal Notice:

⇒ Member Appleby moved, Member Switzer seconded, unanimously carried at 9:00pm to open the public hearing on the application for 48 Merchants Street.

LEGAL NOTICE

PLEASE TAKE NOTICE that the Planning Board of the Village of Brockport will hold two PUBLIC HEARINGS on Monday, August 12, 2002 beginning at 8:00pm in the Conference Room of the Village Municipal Building at 49 State Street, Brockport, New York. Said public hearings are to review the following application and plans for consideration of approval.

Application of: John Mendez
Address: 48 Merchants Street
Tax Map #: 068.52-2-6
Zoning: Business
Purpose: site plan approval for a proposed restaurant along the Canal

All interested parties will be given the opportunity to be heard. Application is available for review at the Village Clerk's Office. Updated plans will be available for review one week prior to the hearings.

Applicant Presentation:

Architect David Strabel and applicant John Mendez were in attendance to review their updated plans to expand the existing garage at 48 Merchants Street into a restaurant slightly less than 3,000 square feet right along the Canal. There will be alcohol served and a small 8-seat bar accessory to the prime use as a restaurant. Parking consists of 3 spaces along the Canal, 28 spaces shared with the Canal Side Pub (owned by John and his brother), 10 spaces on the street and available municipal parking lots. The boardwalk will be private until such time that the Village may wish to assume liability. Since the Canal Corporation will hold property owner Mendez liable, the boardwalk will be gated at both ends. D. Strabel reviewed the site plan, floor plan and elevations. The canal side will be mostly glass onto the deck with a large overhang. Glass block windows will face the parking lot.

There are three options regarding the water line. The first is for the owner to install a 2" line to Clinton Street. The second is for the DPW to install a 4" line for the good of other property owners and developers in the area. The third is for an alternate location along the east property line.

J. Mendez previously submitted his updated and more thorough intent addressing the Planning Board's punch list. D. Strabel shared that the Zoning Board of Appeals granted the area variances on setback on July 30th. It will be barbecue style.

Public Comment:

Doug Dimitroff, Esq., representing Mr. Maniscalco, owner of 38 Merchants Street, asked if he could have a copy of the questionnaire the Planning Board gave to applicant Mendez and his response. They attended the ZBA public hearing but were referred to the Planning Board to ask questions on site plan. He asked where the boardwalk would be in relation to 38 Merchants Street. D. Strabel showed him the plan and indicated that the gate is for non-emergencies and swings away from the property onto State property. They are leasing the northern property line to the edge of the Canal from the NYS Canal Corporation.

Joan Hamlin questioned the need for 10 televisions in the restaurant. J. Mendez said it is for sports, news, games, etc. J. Hamlin asked if they would be serving food the entire time they are open. J. Mendez said yes.

No other public comment.

⇒ Member Brugger moved, Member Locke seconded, unanimously carried to close the public hearing.

Continued Board discussion on application:

Paul Chatfield referred to option 3 regarding the water line. D. Strabel pointed out the plan note. Member Brugger asked why 8 inch instead of 6 inch. B. Upson said they anticipate increasing the line to 8 inch or 10 inch. P. Chatfield has put together preliminary numbers on the project. The Village may try for grant monies.

Member Brugger said the parking lot tends to be dark at night. J. Mendez said he is working on a plan to increase the wattage on the Canal Side. Chair Winner cautioned him against light spillover.

Chair Winner asked if they would like a special meeting on August 26th. D. Strabel said yes.

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

Legal Notice:

⇒ Member Switzer moved, Member Locke seconded, unanimously carried to open the public hearing on the application for the remaining Farash property on West Avenue.

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Application of:	Mark Calcogno
Address:	south side of West Avenue bordered by Willowbrooke Drive, Redman Road and the Erie Canal
Tax Map #:	068.10-1-18.1
Zoning & Acreage:	Q District 132 +/- acres
Purpose:	subdivision and site plan approval for 230 residential lots and 6 commercial lots

All interested parties will be given the opportunity to be heard. Application is available for review at the Village Clerk's Office. Updated plans will be available for review one week prior to the hearings.

Applicant Presentation:

Sam Liberatore of Schultz Associates was in attendance with Kris Schultz and developer Mark Calcogno. S. Liberatore reviewed the plans for subdivision and site plan for 230 residential lots and 6 commercial lots. The residential lots would be single-family homes and the commercial lots would be buildings of 4,000 to 8,000 square feet in size. The Planning Board granted concept approval and provided feedback and Chatfield Engineers has reviewed the plans and provided feedback. The Village sent concept plans to involved and interested agencies. They have heard back from the Town of Sweden Conservation Board, Monroe County Soil and Water Conservation District, and the NYS Canal Corporation. The Canal Authority is willing to do improvements (canal path) along that section of the Canal if the developer provides access. Member Appleby said there are plans to pave the path to Albion. Chair Winner said it sounds like they are willing to work with you.

S. Liberatore said they conducted additional water pressure testing and B. Upson was very accommodating. They found similar numbers to the last time. The pressures are up to 1,425 gallons per minute. The last time it was 1,500 gallons per minute. They will upgrade the water line to 12 inches up West Avenue and along the commercial roadway.

He received an e-mail from DEC's Jim Peake regarding the "shining bed straw". This confirmed the previous telephone conversation that it is not an issue since it is only likely to be found in dry, wooded areas. This is a wooded wetland area. It has not been seen here in 100 years.

Public Comment:

Donald Schuff of Clark Street asked the lot sizes for the single-family homes. S. Liberatore said 80' wide by 150' deep, 10,800 square feet to 12,000 square feet, 1/3 to 1/2 acre.

Ken Pike asked if they encountered shallow bedrock and questioned how that would affect the utilities. S. Liberatore said yes. M. Calcogno said in digging test holds he got down 12 feet and designed the sanitary system to avoid it as much as possible. It's red, peel able rock. K. Pike said Grimsby Sandstone.

Member Appleby asked if he could ask a question as a member of the public in a neighboring subdivision. Chair Winner said yes. A. Appleby of Beverly Drive questioned the size of the water line and asked if it is sufficient to maintain current water pressures. B. Upson said the 6-inch line runs through the back of the lots. S. Liberatore said the 12-inch line goes to 16 inch along Willowbrooke Drive. A. Appleby asked how they feed a 12-inch off a 6-inch. S. Liberatore said they would continue the 12-inch. They are teeing off the 8 inch and looping to the 6 inch. The 16-inch line comes from Clark Street. A. Appleby said the 6-inch feeds his house and he is concerned about losing water pressure. B. Upson said if anything, it would improve his water pressure and water quality.

No other public comment.

⇒ Member Locke moved, Member Switzer seconded, unanimously carried to close the public hearing.

Continued Board discussion on application:

Chair Winner said there are still some agencies to hear from such as Monroe County and Army Corps of Engineers, as well as review comments of the Village Engineer to be addressed. S. Liberatore said he hasn't heard from ACOE. The Sear Brown wetland delineation showing 15.85 acres of wetlands on the site and they will be disturbing 3.96 acres. The .17 and 1.11 are considered isolated and normally

are not included. There are 8.4 acres to mitigate. The ACOE has a two to one ratio of disturbance to mitigation. S. Liberatore said they are mitigating better than two to one. He further said this site was pretty clear cut to rock. He commented that Conservation Boards rarely like development, so some of the concerns raised by the Town of Sweden Conservation Board were not surprising.

S. Liberatore said he would submit updated overall preliminary plans and final Section One plans that address all comments to date for the September 9th meeting hoping for approvals that night. Chair Winner said they would be most interested in complete overall preliminary plans.

M. Calcogno asked if they could clear, grub and strip topsoil. B. Upson said there would be an issue of a letter of credit. M. Calcogno said the bank is poised, but needs Planning Board approvals.

NEXT SPECIAL MEETING: August 26, 2002

NEXT REGULAR MEETING: September 9, 2002

Chair Winner and Clerk Morelli noted that the regular meetings in October and November fall on holidays in which the Village Offices are closed (October 14th – Columbus Day and November 11th – Veterans Day). Board agreed to hold the meetings on Tuesday, October 15th and Tuesday, November 12th.) Clerk Morelli will be on vacation in Florida the week of October 14th.

Annual Planning Board and staff picnic: Thursday, September 12th 6pm at Annette Locke's house

ADJOURNMENT:

- ➔ Member Appleby moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 10:00pm.

Leslie Ann Morelli, Village Clerk