

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, June 11, 2007 at 7:00pm.

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

ABSENT: Member Annette Locke

EXCUSED:

ALSO PRESENT: Village Attorney Raja N. Sekharan, Village Engineer Jason Foote of Chatfield Engineers, Jim & Joan Hamlin, John Bush, Fred Webster, Bob Webster, Pete Apicella, Michael Morich, Betty Knab, Gary & Christine Nowakowski, Daniel Kennedy

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

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

→ Member Brugger moved, Member Switzer seconded, unanimously carried to approve the minutes of the meeting held May 14, 2007 as written.

CORRESPONDENCE:

Clerk Morelli reminded the Board of the NYCOM Planning and Zoning training opportunity on July 26th in Geneseo. Registration forms are due to Leslie by Friday.

PUBLIC HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS:

1. Application of: Name: Peter Apicella
 Address: 58 Main Street – 2nd floor (above Java Junction)
 Zoning: Business
 Purpose: change of use for rear of second floor to residential

Applicant Presentation:

P. Apicella, owner of 56-58 Main Street and Java Junction, reviewed his application for a change of use for the rear of the second floor from office to residential. He said he would like to rent out the space nightly and call it The Red Village Inn. He said he considered a Bed and Breakfast, but the Village Code would require him to live there. He said the parking available in municipal lots would be utilized and he already has adequate garbage collection. P. Apicella reviewed the proposed layout. He said there is a fire escape since there is an apartment on the 3rd floor.

Continued Board discussion on application:

Member Brugger asked the square footage of the 2nd floor area he wishes to use as residential. P. Apicella said he believes each floor is approximately 1,700 square feet, so this would be half of that – almost 900 square feet. Member Brugger asked S. Zarnstorff if he had any concerns. S. Zarnstorff said he made an inspection and came up with a punch list of safety items that P. Apicella is working on. S. Zarnstorff clarified that this area is 400 square feet, not 900 square feet.

Chair Winner asked if the walls shown on the floor plan were already in existence. P. Apicella said yes. Chair Winner asked if there would be any kitchen facilities. P. Apicella said no. Chair Winner asked if the sink would be an actual bathroom sink and not a kitchen sink. P. Apicella said yes. Chair Winner said it would basically be a room for let. P. Apicella said yes. He said he might eventually convert another 2nd floor office space to residential for the same use if and when the office tenant leaves. He said then there would be 2 rooms to let. He said he is gearing this towards canal travelers such as bicyclists. He said he often gets questioned about the availability of overnight accommodations near the Canal. He said he would advertise in the Canal Times, at the Welcome Center and at the College.

Member Appleby asked about heating. P. Apicella said it is gas – forced air. Chair Winner asked about cooling. P. Apicella said it would have air conditioning. Chair Winner asked S. Zarnstorff where this falls in the Village Code. S. Zarnstorff said it is a permitted use in the Business Use District per Section 58-11A10 that reads:

A building may be used for a combination of residential and commercial uses, subject to the following:

- (a) No more than two single-family dwellings.
- (b) Maximum square feet of unit: 800.
- (c) Maximum number of bedrooms: two.
- (d) At least 25% of the total building square footage shall be allocated as commercial space. This space shall occupy the first floor from the front of the building toward the rear.

Board questioned whether it was similar to the conversion of the 2nd floor to apartments at 1 Main Street. Member Switzer said those were apartments over 800 square feet where these are rooms to let under that size.

P. Apicella said he is not gearing this to long-term rental, just short term. Chair Winner asked P. Apicella what success would look like to him with this venture. P. Apicella said if the room were rented 10 to 15 nights per month at an average of \$100 per night, he would consider that doing well.

Chair Winner stressed the importance of meeting codes and life safety. S. Zarnstorff agreed and shared that he also reviewed this application with Village Attorney Sekharan and Deputy Village Attorney Aloï. Village Attorney Sekharan confirmed that he reviewed it and it comports with the code. He said he has no problems with applying this code section to it.

Member Appleby questioned the fire escape egress. P. Apicella explained that there are windows right to the roof and to a full stair, not a ladder. He said he might eventually replace the window with a door.

Member Appleby said it sounds interesting and he hopes it is successful. P. Apicella agreed and said this would help keep some business downtown.

→ Member Brugger moved, Member Appleby seconded, unanimously carried to approve the change of use from office to residential for the rear of the 2nd floor of 58 Main Street.

Chair Winner said it is a great idea and something downtown needs.

2. Application of: Name: Michael Morich
 Address: 20 King Street (Christian Center Church)
 Zoning: Business
 Purpose: Phase III – addition - rebuild and expand North side facing
 Clinton Street

Applicant Presentation:

Michael Morich said the Christian Center Church is looking to upgrade the north side of the building and do a bit of an expansion. He reviewed the concept plan. He said it would probably be next summer before they break ground. He said he wanted to make an informal presentation to the Planning Board to get feedback on the concept plan. He said more detailed planning is still needed.

Continued Board discussion on application:

Chair Winner asked why they propose a different color for the tower. M. Morich said that would be brick. He said he realizes that they could do drivit cheaper and faster, but brick would look nice. Chair Winner asked if it would be real brick or brick-face. M. Morich said real brick. Chair Winner said he agrees brick is nicer and is not advocating more drivit, but brick is not necessary. Chair Winner asked if the tower was to be 2 stories. M. Morich said it would be a partial 2nd floor almost like a catwalk used for the stage. Chair Winner asked the use of the area. M. Morich said it be used for storage for productions similar to how a high school stage is used.

Member Brugger asked the progress of the renovations altogether. M. Morich said progress is slow since it is pay as you go and not being financed. Chair Winner asked if the space is currently in use. M. Morich said no.

Village Attorney Sekharan noted that the plans indicate this as Phase III. He asked if the Planning Board previously granted overall concept approval. M. Morich said his labeling this as Phase III is really for his own purposes as he considers Phase II the demolition and construction phase.

Member Switzer said he is fine with the concept, but will want to see more details in the future such as lighting. Member Appleby agreed and added that he would like to see interior plans as well. Chair Winner said it seems that no formal action is necessary at this point other than the Board concurring that the applicant is conceptually headed in the right direction. The Board looks forward to reviewing more detailed plans as they become available.

M. Morich thanked the Board for their time.

3. Application of: Name: Gary & Christine Nowakowski & RGE's Daniel Kennedy
 Address: 108 Erie Street
 Zoning: Residential
 Purpose: parking expansion (partly due to RGE work)

Applicant Presentation:

Gary and Christine Nowakowski, owners of 108 Erie Street were in attendance as well as RG&E's Daniel Kennedy. G. Nowakowski reviewed the application for a parking expansion for this residential rental property. As part of the environmental project that RG&E is conducting on its adjoining property, RG&E has agreed to remove and replace soil at 108 Erie Street that was found to contain some contaminants. RG&E will be removing and restoring soil from the western and northern portions of the property. This is the area north of the barn and west of the house. He said it was overrun with trees that have been cut down. The stumps will be ground down. G. Nowakowski said the existing stone driveway would remain as it is, but they would like to expand parking on the area shown on the plan. This would make parking easier to get in and out of. He said it is a rental property and is kind of used that way sometimes as it is.

Continued Board discussion on application:

Chair Winner asked the applicant how long they have owned the house. G. Nowakowski said since 1984. Member Brugger asked if the house is broken into apartments. G. Nowakowski said front and rear apartments. Member Appleby asked the number of occupants. G. Nowakowski said 5 in one apartment and 1 in the other apartment for a total of 5 bedrooms and 6 in the house. Chair Winner asked S. Zarnstorff how this relates to the no more than 3 unrelated code. S. Zarnstorff said it predates that 1995 code.

G. Nowakowski said there has been as many as 5 cars there, but could be 6 if each tenant had his/her own car. Member Appleby said he recalls seeing them. Member Brugger said for 18 years he has walked past this property as he lives in the area. He said he has seen as many as 7 cars there. G. Nowakowski said that might include visitors. Member Brugger said they have been known to park over the walkway. Member Brugger said there is no way for an emergency vehicle to get in there. He said it needs to be stipulated that they can't park there. G. Nowakowski said they would place a barrier to prevent parking there and make that a rule. Chair Winner asked how it would be enforced. G. Nowakowski said that would put it in the lease and rules of the house that the tenants sign.

Member Appleby asked what the additional parking would do to the code regarding percentage of lot coverage. Jason Foote calculated that it is no more than 20% so they are well within code. Member Appleby asked if RG&E was doing all the work. G. Nowakowski said yes – the testing, tree removal, soil excavation, re-sodding, planting shrubbery and replacing walkways on the property where disturbed. He said it is going to look really nice. Daniel Kennedy of RG&E said they are doing the north and west side. If the Planning Board approves the request for parking, they will stone it, if not, they will sod it.

Member Switzer asked what was found in the soil. D. Kennedy said coal finds and ash fill materials. Chair Winner referred to a May 29th draft letter of agreement between RG&E and the Nowakowski's to amend a previous license agreement provided with their application. He asked D. Kennedy to verify the document. D. Kennedy verified and said it will be finalized and signed soon. This document stated in part "... was found to contain some semi-volatile organic compounds and some inorganic compounds (specifically naturally occurring metals) at concentrations slightly above regulatory guidance levels and at levels slightly above concentrations found in surface soil samples collected at five (background) locations around the Village of Brockport....the origin (or source) of these compounds is not known and their presence could be related to past activities (fill materials) of the property that were independent of the former Brockport Gas Light Company or RG&E...." D. Kennedy said the work plan was approved by the DEC and the Health Department. They are done with 128 Erie Street and are now to work on 108 Erie Street.

Member Switzer suggested stones or bollards be placed as a barrier to prevent parking on the new walkway. Member Brugger concurred and said he would be happy to see something be done to prevent parking on the walkway. Chair Winner suggested car curbs or bollards be placed as a barrier to parking too close to the house as this is a safety concern.

S. Zarnstorff commented that the area where parking expansion is requested is behind a Village sidewalk and curb. He asked how the cars would get to it without having to drive over the curb. Member Brugger commented that there is newer curb there, so it is high. G. Nowakowski said there is some curbing there and a fire hydrant in the area. He said they would have to jockey in to avoid the curb. He said this could damage the vehicles. Board discussed the size of the area, car lengths and maneuverability. D. Kennedy said the barn is 24 feet long. Member Appleby said it is likely they would have to drive over the curb. Member Appleby said the fire hydrant needs to be protected.

S. Zarnstorff suggested he and the Planning Board make a site visit with the applicants, D. Kennedy, and DPW Superintendent Donahue. Chair Winner suggested a curb cut might be necessary.

Member Switzer said due to the number of legitimate tenants and the need for additional parking, the Nowakowski's are fortunate that RG&E is doing this work. Chair Winner agreed and said if it is going to

be done, it is important to do it right. Chair Winner said it is within the purview of the Planning Board to requiring paving. This would allow the spaces to be striped, to take the guesswork out of it. G. Nowakowski said the existing driveway and parking is stone and always has been.

MINUTES OF MEETING HELD June 11, 2007 continued.....page 4

Member Brugger said Village Code requires 10 foot by 20-foot parking spaces. He proposed a parking layout that would mitigate the curb issue. C. Nowakowski said she doesn't think there is 20 feet there. D. Kennedy said the distance between the barn and the edge of the patio is 17 feet. Chair Winner said that is why they end up over the sidewalk. Chair Winner asked where the entrances are to the house. G. Nowakowski showed on the plans. Brainstorming took place on various parking schemes in an effort to avoid the curb, fire hydrant and walkway.

Chair Winner said his inclination would be to approve the application as proposed despite the Board's best efforts. He said in the end without paving and striping, the tenants are likely to park wherever they want. He said curb stops or bollards would help to keep from parking on the grass.

S. Zarnstorff asked where they plow the snow. G. Nowakowski said they do not provide snowplowing. Instead, they provide the tenants with shovels. He said the tenants are often healthy athletes.

Village Attorney Sekharan reminded the Board to address SEQR. Member Appleby asked if it had to include the contamination issue. J. Foote said the contamination remediation is a separate issue. This is for the driveway expansion only. R. Sekharan agreed and said the Planning Board is not addressing the soil remediation issue.

→ Member Brugger moved, Member Switzer seconded, unanimously carried to consider this a Type II Action according to SEQR and determine this a Negative Declaration not subject to further review.

→ Member Appleby moved, Member Brugger seconded, unanimously carried to approve a parking expansion up to the edge of the new curb and straight back to the barn. This is contingent on the placement of curb blocks or pipe bollards along the north side of the parking expansion and along the existing walkway to deter parking on the lawn.

Village Attorney Sekharan recommended that the Planning Board require a signed copy of the letter of agreement between RG&E and the Nowakowski's for the Village file as well as the Fire Marshal's opinion regarding the fire hydrant. S. Zarnstorff said that is one of the hats he wears.

NEXT REGULAR MEETING: Monday, July 9, 2007 7pm

Note: early deadline: application materials due by Noon Tuesday, June 26th

ADJOURNMENT:

→ Member Appleby moved, Member Switzer seconded, unanimously carried that the meeting be adjourned at 8:12pm.

Leslie Ann Morelli, Village Clerk