

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, July 8, 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: Bradley B. Upson, DPW Superintendent, Frank A. Aloï, Deputy Village Attorney, Tom Carpenter of Chatfield Engineers (Village Engineer), Hank Conradt, David Strabel, Christine Hamlin, Sarah Hart, Kris Schultz, Sam Liberatore, Mark Calcagno, Fred Webster, and Bill Andrews at 9:25pm.

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 meetings.

- ➔ Member Switzer moved, Member Locke seconded, Member Brugger abstained due to absence, carried to approve the minutes of the meeting held June 10, 2002 as written.
- ➔ Member Switzer moved, Member Brugger seconded, unanimously carried to approve the minutes of the meeting held June 24, 2002 as written.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

NEW BUSINESS:

1. Application of: Name: Henry Conradt
 Address: 86 Smith Street
 Purpose: driveway expansion

Applicant Presentation:

H. Conradt began by apologizing to the Board. He said he did not know he needed Planning Board approval to expand a driveway. He purchased this home within the last year and has been working on cleaning it up and making it easier to maintain. It is a 3-bedroom single family rental. Since a lot of mud was being tracked into the house, he lengthened the driveway 10 feet and also made a walkway with gravel by the trees. He said he probably could have gone even further because it appears there was a driveway that went back to the old barn foundation years ago.

Continued Board discussion on application:

Member Locke read Section 58-22K of the Code which requires paving rather than gravel. Deputy Attorney Aloï agreed that any expanded area would require paving. The Planning Board has the discretion. Chair Winner said the Planning Board usually makes a condition of approval that it be paved (asphalt or concrete) within 2 years of the approval date. Member Locke said she interprets the Code as requiring the entire driveway to be paved. F. Aloï said the Planning Board has that discretion. He suggested the 2 year limit. S. Zarnstorff suggested the condition be paving within 2 years of approval or upon sale of the property. Board agreed that made sense.

Member Brugger said he would prefer to see an actual sidewalk or grass used as a walkway to get from the driveway into the house, rather than gravel. Gravel encourages people to park on it, even if it is not intended for parking. Member Brugger suggested removing the gravel north of what would be the line of sight to the rear of the property. Members Locke and Appleby agreed. H. Conradt said he could do that.

- ⇒ Member Locke moved, Member Appleby seconded, unanimously carried to grant approval for the driveway expansion of 10 feet in length contingent on a walkway being installed between the driveway and house (replacing the gravel) and paving of asphalt or concrete within 2 years of this approval or upon sale of the property.

39 Holley Street

On a side note, H. Conradt shared that his rental property at 39 Holley Street received a variance from the ZBA in 1984, prior to his ownership, regarding the use of a bedroom. He has ultimately reduced the house from a 7-bedroom to a 5-bedroom house. F. Aloï commented that he may not be able to rely on that variance since 18 years have passed and it was never put into effect. Chair Winner suggested that he review this concern with S. Zarnstorff and F. Aloï and make formal application to the Planning Board or ZBA as necessary.

- 2. Application of: Name: Mark Rice
 Address: 47 Park Avenue
 Purpose: driveway expansion

Applicant Presentation:

The applicant indicated on his application that he could not be present. S. Zarnstorff told him the Planning Board may be able to consider the application in his absence.

Continued Board discussion on application:

Planning Board agreed to stick with their usual rule that the applicant or a representative must be present to adequately review an application.

⇒ Member Brugger moved, Member Locke seconded, unanimously carried to table the application until the next meeting, August 12th, requiring the applicant's attendance.

- 3. Application of: Name: Benton Hart
 Address: 94 State Street
 Purpose: front yard fencing

Applicant Presentation:

Sarah Hart was in attendance with their three children to review the application. She said they recently installed a picket fence in their front yard. They had contacted the Building Inspector at the time, Bill Weber, a couple of years ago, and do not recall him indicating that Planning Board approval was necessary.

Continued Board discussion on application:

Member Locke commented that one of the criteria of a front yard fence is that it be at least three feet from the Village sidewalk. She said this fence seems closer than 3 feet to the sidewalk. S. Hart said it is more than 2 feet, but less than 3 feet. Chair Winner said the Planning Board has used its discretion to allow 1 ½ feet (18 inches) to the sidewalk in some circumstances. Member Locke expressed concern that there be enough room for the sidewalk snow plow and piling of snow. Member Locke asked if there was room to run the lawn mower along it. S. Hart said yes.

Chair Winner asked if they installed the fence themselves. S. Hart said yes, and it is set in concrete. They plan to paint it. Member Appleby asked the fence height. S. Hart said 42 inches. S. Zarnstorff said it is far enough from driveways, that the 42 inch height is not a concern. DPW Superintendent Upson suggested a waiver or hold harmless agreement in case any damage occurs to the fence from the sidewalk snow plow. This would absolve the Village of any liability due to damage. S. Hart said that would be fine.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to grant approval for the front yard fence as installed and shown on plans on the condition the applicants absolve the Village of responsibility if damage should occur to the fence due to the sidewalk snow plow.

OLD BUSINESS:

- 1. Application of: Name: John Mendez
 Address: 94 Monroe Avenue
 Purpose: revision to original approval re: driveway expansion

Applicant Presentation:

Although the applicant was not present, the Board met with him at the last meeting and again at a site visit. They promised a decision for the record.

Continued Board discussion on application:

Member Appleby commented that he does not like the four by four wooden posts and would prefer pipe bollards. Member Brugger agreed and commented that it needs to be kept 5 feet from the house and 15 feet from there. Applicant Mendez had agreed to this on site. Member Locke said some greenery and landscaping will help keep cars off the south side of the drive. The posts, caps, gate, fence and such should be painted white. The garbage cans should be screened in. Landscape timbers with tie rods could be used so they do not move, unintentionally expanding the parking further.

⇒ Member Brugger moved, Member Appleby seconded, unanimously carried to approve the driveway expansion with the conditions of screening in the garbage cans, painting white the posts, caps, gate, and fence, providing greenery screening and landscape timbers with tie rods to prevent unintentional expansion.

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

Applicant Presentation:

D. Strabel reviewed six items left open since the last meeting. First was that J. Mendez has made application to the Zoning Board of Appeals and has a public hearing on his request for an area variance on setback at their July 30th meeting. Second - J. Mendez forwarded a list of proposed hours and menu. Third - the originally proposed backlit, neon signage has been changed to non-backlit and non-neon with gooseneck lighting. It also serves to hide the air handling louvers. Fourth – drawings of sample light fixtures were provided. There will be no light spill over. Fifth – sprinklers – will do what is required by Code. Sixth – proposed boardwalk to be gated at both ends cutting off public access. Seating will be separated by pipe rail. Boaters can tie up. D. Strabel said J. Mendez is willing to provide electric for boaters on his 105 foot frontage. He may be willing to provide water. If the Village were to provide public access, he would want them to take over providing the electric and water.

D. Strabel said he reviewed what plans there are for the Canal revitalization and noted that 5 foot wide stamped concrete is proposed along the Canal in the Harvester Park section. He said J. Mendez would be willing to give up 5 feet for this, but no more.

Continued Board discussion on application:

Chair Winner said there is a question as to how long the Clinton Street section of the Canal wall will last. D. Strabel said there was talk of needed repairs four or five years ago. It could be another four or five years before the Canal Corporation gets to it. Chair Winner reported that he spoke with Mayor Matela about this section of the Canal. The revitalization plans are not yet set. The merits of the project need to be weighed as a stand alone.

D. Strabel shared that an additional item has come up. The water line needs to be upgraded to at least 2 inches. If it is sprinklered, maybe even more. There has been some talk that the Village may install an 8 inch water line to benefit this general area. The Fire Department could use improved fire service there. The Canal Revitalization Committee has discussed it as well. The complicated part may be in getting easements. S. Zarnstorff asked if Merchants Street was Village property. B. Upson said he would check. B. Upson further stated that the Village had not budgeted a water main, but could hope for a cooperative effort. D. Strabel said J. Mendez would probably be willing to pay for what it would have cost him for the trenching and the 2 inch line and re-filling and paving. Maybe the Village could pay for the upgraded materials. B. Upson said if he would contract the work, the Village may be able to provide the materials. Chair Winner said then he also would get the benefit of fire hydrant protection. B. Upson asked the applicant's schedule. D. Strabel said he hopes to break ground this fall. He still has the New York State Canal Corporation hurdle. They promised him one month since he went through this with them with the original plan a few years ago. B. Upson suggested getting together before the next Planning Board meeting to solve the water situation.

Chair Winner commented that the list J. Mendez provided was really not the narrative the Board and Attorney asked for. D. Strabel said he did not think it was. Chair Winner asked the proposed exterior colors. D. Strabel said grays and blues with white picket fencing.

Chair Winner noticed the bar has one additional seat since the last meeting. D. Strabel said it was re-configured a bit. Member Brugger said the hours of operation concern him. He does not know of many restaurants open until 2 am that have 13 televisions. This appears to mimic a sports bar. It is supposed to be primarily a restaurant, not a bar due to the 300 foot rule in the Code. D. Strabel said there are similar establishments in the Village such as Angus O'Brien's and the Galley. However, the food service slows down. Member Locke said the Board needs to be consistent. They asked another applicant (D. Marianetti) regarding 38 Merchants Street that the full menu would need to be offered until closing time. Otherwise, closing time needs to be modified.

Regarding the boardwalk and proposal to cut off public access at this point, Member Locke said she is not comfortable with it. Currently, one can walk the entire length of the Canal without interruption. D. Strabel reminded the Board that this was not intended to be private until the liability issue was raised. Pipe railing is proposed so as not to cut off the view.

Chair Winner said the Planning Board will want to see any documentation from the NYS Canal Corporation and Liquor Authority. S. Zarnstorff asked why a generator is proposed. D. Strabel said J. Mendez had the unfortunate experience of losing a freezer full of meat without emergency backup.

⇒ Member Switzer moved, Member Brugger seconded, unanimously carried declaring the Village of Brockport Planning Board Lead Agency on SEQRA and classify this an Unlisted Action per NYCRR 617.

⇒ Member Brugger moved, Member Switzer seconded, unanimously carried to hold a public hearing on August 12th.

3. 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

Applicant Presentation:

Sam Liberatore said he met with Tom Carpenter before the holiday and reviewed the plans in detail. There are considerable revisions shown and on the way. The storm sewer system design is completed. They resubmitted the engineering report and revised the environmental assessment form (long form SEQR – part 1). The new working title is Brockport Canal View Commons. Brockport Canal Side Estates was also considered after they were told Brockport Village Landing was too close to The Landing (assisted living facility) on the north side of West Avenue in Clarkson. They would like to move ahead with SEQR and schedule a public hearing.

Continued Board discussion on application:

Tom Carpenter provided recommendations on SEQR today.

- ⇒ Member Appleby moved, Member Switzer seconded, unanimously carried to declare the Village of Brockport Planning Board Lead Agency on SEQRA.
- ⇒ Member Appleby moved, Member Brugger seconded, unanimously carried to classify this an Unlisted Action per NYCRR 617 with a coordinated review.
- ⇒ Member Switzer moved, Member Brugger seconded, unanimously carried to hold a public hearing on August 12th.

The Board asked that he resubmit overall preliminary plans prior to the August 12th public hearing as well as provide an updated colored version for public perusal in the Conference Room. Board suggested he wait until September to submit final plans for Phase I.

Regarding street lighting, Chair Winner shared that the preference of the Mayor, Police Chief, and Village Engineer is standard street lighting for safety purposes. S. Liberatore said it comes down to what the municipality prefers vs. the residents. B. Upson said they have spent a lot of time adding street lighting where there was none or not enough. Chair Winner said the advisors to the Planning Board are paid to give their best counsel. M. Calcagno said crime rates with or without street lighting could be argued. He said the City crime rate with lights is certainly worse than Perinton's crime rate without street lights. He does not believe street lights deter crime. S. Liberatore suggested they try it with the individual lamp posts and street lighting only at intersections. If it is not enough, they can be added later. This development is going to take a long time. B. Upson said, unfortunately, as proposed, the individual lamp posts on each property would not be under the Village's control. Therefore, the streets could be very dark. Member Locke stressed that this needs to be looked at as a continuous Village rather than a separate subdivision. This is not a Town or a rural community. Chair Winner polled the members of the Planning Board regarding street lighting vs. individual lamp posts. Member Appleby likes street lights. Member Brugger is not sure. Member Locke likes street lights. Member Switzer likes street lights. Chair Winner said it appears they need to work regular street lighting into their plans.

Regarding sidewalks, B. Upson recommended that they be completed per phase, not per lot. There are ways to protect the sidewalks from extensive damage. It is a cost of doing business. It could also be a liability issue if people are forced to walk in the road. T. Carpenter said the Village should not take dedication of them until all repairs are done. Board agreed sidewalks per phase is the way to go.

4. Application of: Name: Richard Mayberry, Esq. for David Marianetti
 Address: 38 Merchants Street
 Purpose: clarification of ownership, further review

NO SHOW.

DISCUSSION ITEMS:

1. Agrilink – S. Zarnstorff suggested that Agrilink be allowed to make amends at the next meeting with regards to its parking lot expansion. Clerk Morelli will put it on the agenda.
2. Angus O'Brien's – S. Zarnstorff shared that there will be a new owner. Since the new change of use permit process is not up and running yet, he would rather err on the safe side and ask that they appear before the Planning Board. F. Aloï agreed the Board should be briefed on the situation to make a determination if any approvals are needed. Member Switzer said he believes changes in bars within that certain proximity of each other should automatically be referred to the Planning Board. Member Locke asked if the Planning Board will be asking the Village Board to write this into the code. Chair Winner said right now it's a work in progress. Member Appleby said he has done some research and will be getting together with S. Zarnstorff

soon. F. Aloï suggested the process include the requiring of a written narrative of intentions of the operation. Most applicants do not seem able to give the kind of narrative the Board is looking for. It might be helpful to develop a questionnaire to get the most information. Chair Winner said he may have identified a potential solution. F. Aloï said he would prepare this for the next meeting.

3. Karate Studio – 55 N. Main Street – S. Zarnstorff shared that the vacant space next to Sassie’s Chicken (formerly the Party Zone bar) may require a change of use. Member Switzer said the Village needs to take the former bar off line and it should be brought before the Planning Board.

NEXT REGULAR MEETING: Monday, August 12, 2002 7:30pm

ADJOURNMENT:

- ➔ Member Brugger moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 9:44pm.

Leslie Ann Morelli, Village Clerk