

Meeting of the Village of Brockport Zoning Board of Appeals was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Thursday, January 25, 2018, 7:00pm.

PRESENT: Chair Robert Duff, Member Sal Sciremammano, Member Laurence Vaughan, Member Eileen Ryerse, Code Enforcement Officer David J. Miller, Clerk Katie Brown

EXCUSED:

ALSO PRESENT: Val Ciciotti, Kevin McCarthy, Sandra Mosher, Anne Crane, Adam Potter

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

REVIEW OF MEETING MINUTES: Chair Duff called for a motion to approve minutes.

→ Member Vaughan moved, Member Sciremammano seconded, unanimously carried to approve the minutes of the meeting held December 7, 2017 as written.

CORRESPONDENCE: Letter from Katherine Kristiansen regarding application for 205 Park Ave (Attachment A)

NEW BUSINESS:

1. Name: Ecaboose/Sunnking retail center
Address: 203 Main St
Tax Map #: 068.68-2-14
Property Code: 485 – multi occupant small structure
Zoning: Business
Lot Size: 0.35 acres
Purpose: Temporary area variance: A-frame sign
Zoning Code: Chapter 43-8(A) 43-8. Miscellaneous provisions.
A. The following signs shall be prohibited in all zones: projecting or overhanging signs; roof signs; portable A-frame-type signs.

Applicant Presentation:

Adam Potter addressed the Board representing Ecaboose/Sunnking and explained the business wishes to use an A-frame style sign to display the hours and offerings of the store. Mr. Potter reviewed the photo rendering of the sign that was submitted with the ZBA application. The sign will be on display in the morning and taken in at night. Mr. Potter proposed to place the sign between the sidewalk and the curb in front of 203 Main St.

Chair Duff advised the applicant that, if granted, the temporary area variance only offers relief from the current prohibition of A-frame signs until a new sign code is implemented. The anticipated sign code will have provisions for A-frame signs, and any signs with a temporary variance will then have to abide by the new code.

CEO Miller noted that signs placed between the sidewalk and the road are prohibited, as that area is Village right-of-way. He recommended that no signs are approved with placement in the tree-lawn.

Chair Duff added that the sign should be placed on the parking lot side of the sidewalk, not between the sidewalk and the road.

Public Comment:

→ Member Vaughan moved, Member Sciremammano seconded, unanimously carried that the regular meeting be closed and the public hearing be opened at 7:07 pm.

-No Public Comment-

→ Member Ryerse moved, Member Sciremammano seconded, unanimously carried that the public hearing be closed and the regular meeting be reopened.

Continued Board discussion on application:

→ Member Sciremammano moved, Member Ryerse seconded to approve a temporary area variance for an A-frame sign, that will be placed no closer to the village right-of-way than the property owner's side of the sidewalk.

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Role call vote:

Member Sciremammano	Aye
Member Duff	Aye
Member Ryerse	Aye
Member Vaughan	Aye

The motion carries unanimously with 4 votes in favor, 0 against

2. Name: Kevin McCarthy & Val Ciciotti
Address: 205 Park Ave
Tax Map #: 068.20-2-7
Property Code: 411- Apartments
Zoning: Residential
Lot Size: 0.30 acres
Purpose: Special Permit per Chapter 58-9A(9)(b)
Use Variance for Chapter 58-9A(9)(b)[5]
Zoning Code: Chapter 58-9A(9)(b): 58-9A(9) Bed-and-breakfast establishments
(b) Bed-and-breakfast establishments shall be permitted as a home occupation as per § 58-9A(5) in the O Residential Use District, subject to the issuance of a special conditional use permit by the Zoning Board of Appeals and to the following conditions and limitations listed below and any special conditions the Zoning Board of Appeals feels appropriate
Chapter 58-9A(9)(b)[5]: 58-9A(9) Bed-and-breakfast establishments
(b)[5] The residence in which a bed-and-breakfast establishment is operated shall not contain an accessory apartment.

Applicant Presentation:

Chair Duff began by reviewing the criteria for a use variance and a special use permit.

Val Ciciotti provided the Board with details of the property, noting that throughout its history it has been utilized in a mixed-use capacity. The house was originally used as a hotel with a livery stable. It served as a nursing home, as well as a multi-unit rental property with a garage apartment. The applicants wish to operate the main house as a bed & breakfast with an accessory apartment in the detached garage.

Ms. Ciciotti went on to explain that she and Mr. McCarthy just recently purchased the property so they do not yet have documents to show financial hardship, but they have calculated projections. When factoring the purchase price as well as the significant investment to restore the house (estimated \$200-\$300k), there needs to be a way to generate substantial revenue to sustain the business.

Mr. McCarthy discussed the extensive renovations that the property requires before the bed & breakfast can open such as all new electrical, plumbing, new HVAC, as well as considerable structural repairs. The income generated from the detached garage apartment will aid in costs during the renovation of the main house. The applicants believe a bed & breakfast will be successful in Brockport, particularly when the college is in session. Revenue from the garage apartment will be helpful during slower months.

Ms. Ciciotti continued to explain that losing the ability to rent the accessory apartment will result in financial hardship due to the cost of renovations and other start-up costs. For this reason, the applicants request a use variance for Chapter 58-9A(9)(b)[5] of the Brockport Village Code. Ms. Ciciotti went on to explain that she and Mr. McCarthy purchased 205 Park Ave after encouragement from residents and other community members who wanted to see the house restored. The applicants believe that the house possess important historic character and a notable presence in Brockport. Continuing to use the property as residential apartments does a disservice to the potential of the house, as it would remain inaccessible to the public. The applicants believe that opening a bed & breakfast at 205 Park Ave will allow the property to service the community by sharing the historic charm of Brockport with visitors. For these reasons, the applicants request a special use permit to operate a bed & breakfast as required by Special Permit per Chapter 58-9A(9)(b) of the Brockport Village Code.

Ms. Ciciotti added that she and Mr. McCarthy have local investors for their business venture. They are working in conjunction with the Greater Brockport Development Corporation, a nonprofit organization, to channel funds. Ms. Ciciotti has contacted the Landmark Society seeking assistance and plans to apply for grants. Local historic designation has been secured and they will seek national historic designation after the renovations.

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Mr. McCarthy mentioned the model Landmark Preservation Local Law for New York State Municipalities which lists eight reasons/motivations for enacting a local preservation law. As a member of the Brockport Historic Preservation Board, Mr. McCarthy thought it was noteworthy to mention that four of the eight items in the model strongly correlate with the motivations of their venture at 205 Park Ave:

- To protect and promote the economic benefits of historic preservation to the (Village/Town/City), and its inhabitants and visitors.
- To protect property values in the (Village/Town/City).
- To promote and encourage continued private ownership and stewardship of historic structures.
- To identify as early as possible and resolve conflicts between the preservation of historic landmarks/districts and alternative land uses.

The applicants believe their business venture at 205 Park Ave will not result in any negative impacts, but instead restore stability to a major village intersection and reestablish historic integrity to one of the more prominent homes in the community. Further, renovating the property and bringing it into compliance with modern codes will secure and enhance public safety.

Ms. Ciciotti confirmed the Board is in receipt of their written business plan, proposed floorplans, and parking plan for 205 Park Ave. She noted that the parking plan was reviewed by CEO Miller for handicapped compliance. The bed & breakfast will offer a first-floor handicapped accessible bedroom, which is a rare amenity for a bed & breakfast. There is only one other bed & breakfast in the village and all other lodging is in the Town of Sweden.

Public Comment:

→ Member Sciremammano moved, Member Vaughan seconded, unanimously carried that the regular meeting be closed and the public hearing be opened at 7:32 pm.

Sandra Mosher (23 Fair St) addressed the Board. She currently lives next door to 205 Park Ave, but grew up in the Park Ave home as her parents used to own it. At the time, she lived on the ground floor of the main house with her family and there were two apartments upstairs as well as the accessory apartment above the garage. After Ms. Mosher's father passed, her mother was left to manage the apartments. Living next door, Ms. Mosher assumed much of the responsibility in assisting her mother. The landlord duties became too demanding, so Ms. Mosher and her mother decided to sell the property. They were delighted to sell the property to Mr. McCarthy & Ms. Ciciotti because of their intentions to rehabilitate the home and turn it into a bed and breakfast. Ms. Mosher believes the proposed plan for 205 Park Ave is a good fit for the property and a wonderful way to make its historic nature accessible to the community as well as visitors to Brockport. Ms. Mosher has spoken with neighbors on Park Ave who are also thrilled at the prospect of a bed and breakfast instead of more college rental units.

Chair Duff questioned if the garage apartment was in existence when Ms. Mosher resided at 205 Park Ave. Ms. Mosher stated that the garage apartment has been in place for as long as she can remember, at least 55 years.

Chair Duff read a letter submitted to the Board from Village Trustee and resident, Katherine Kristiansen, regarding the application for 205 Park Ave (Attachment A).

→ Member Vaughan moved, Member Sciremammano seconded, unanimously carried that the public hearing be closed and the regular meeting be reopened.

Continued Board discussion on application:

Chair Duff read Chapter 58-9A(9)(b) of the Brockport Village Code which states:

Bed-and-breakfast establishments shall be permitted as a home occupation as per § 58-9A(5) in the O Residential Use District, subject to the issuance of a special conditional use permit by the Zoning Board of Appeals and to the following conditions and limitations listed below and any special conditions the Zoning Board of Appeals feels appropriate.

Member Vaughan and CEO Miller commented that they believed a bed and breakfast would be the most feasible way to achieve the necessary monetary return to offset the required rehabilitation of the property. Member Vaughan commended the applicants on their intended efforts to make the property handicapped accessible, noting their plans surpass minimum code requirements.

Member Sciremammano questioned if the kitchen on the first floor was the only kitchen planned for the property or if there will be a kitchen incorporated in the proprietor's room on the second floor. Ms. Ciciotti said there will only be one kitchen, located on the first floor.

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Member Sciremammano requested more detail about the layout of the accessory garage apartment. Ms. Ciciotti explained that the garage apartment is 500sqft. It is a simply layout with a living room, bedroom, kitchen, and bath. The unit has separate utilities from the main house. There is no intention of using the lower level as a garage, it will be strictly storage. Mr. McCarthy has updated the apartment with electric heat and hot water.

Member Ryerse questioned how long the renovations will take. Mr. McCarthy hopes to have the bed and breakfast at least partially open in 2019, with all renovations completed by 2021. The applicants plan to renovate in phases. They hope to rent the garage apartment and one second floor apartment in the main house while they renovate the first floor and the north side of the second floor over the next year. After which, they will open the B&B with two rooms available upstairs and one downstairs, while they renovate the south side of the second floor.

- Member Sciremammano moved, Member Vaughan seconded, to issue a special use permit to operate a bed and breakfast at 205 Park Ave.

Role call vote:

Member Sciremammano	Aye
Member Duff	Aye
Member Ryerse	Aye
Member Vaughan	Aye

The motion carries unanimously with 4 votes in favor, 0 against.

Chair Duff stated that the other request of the application is for a use variance from Chapter 58-9A(9)(b)[5] of the Brockport Village Code which states:

The residence in which a bed-and-breakfast establishment is operated shall not contain an accessory apartment.

Chair Duff noted that Ms. Mosher's public comments indicate that the garage apartment has been in operation for decades. Chair Duff specified that he heard nothing which would indicated the apartment has been a detriment to the neighborhood in the past, nor is there any indication that it will become a problem once a bed and breakfast is in operation. He added that the applicants have explained their concerns for financial hardship if they are not permitted to keep the accessory apartment. He acknowledged that the applicants' intentions are to restore the property for both the bed and breakfast customers and the community at large.

Member Vaughan questioned if there are any concerns with approving the accessory apartment to a bed and breakfast with a different mailing address (garage apartment mailing address is 15 Fair St). CEO Miller advised that the structures occupy one parcel with one property tax ID. The separate mailing address was established solely to improve accuracy of postal delivery for the garage apartment.

Member Vaughan questioned if the Board should grant temporary approval to maintain an apartment in the main house during renovations prior to the B&B opening, as per the applicants' plan. CEO Miller agreed that the Board should consider those circumstances in their approval.

Chair Duff summarized the applicants' plan to confirm the Board's understanding:

1. The applicants plan to maintain an apartment above the accessory garage now and request to continue to maintain the apartment once the bed & breakfast is officially open
2. The applicants plan to rent one second floor apartment in the main house of 205 Park Ave during renovations of the home. This apartment will have its own separate entrance and its living space will be self-contained so that that any tenants occupying the apartment will not have access to the portion of the house undergoing renovation.
3. The applicants plan to discontinue renting the second floor apartment once renovations to the first floor and the north side of the second floor at 205 Park Ave are complete. At which time, the newly renovated areas will be open as a B&B while the south side of the second floor (which served as the apartment discussed in point #2) undergoes renovations.
4. The final vision for the project is to have the entire main house at 205 Park Ave serve as a bed & breakfast with the accessory garage apartment existing as the only leased, long-term rental space.

Chair Duff asked CEO Miller if 205 Park Ave is currently permitted to operate as a multi-unit rental. CEO Miller confirmed the property is currently approved as a multi-family rental property. There are no tenants currently.

- Member Vaughan moved, Member Ryerse seconded, to grant a use variance from Chapter 58-9A(9)(b)[5] to allow the applicants to maintain an accessory apartment in the separate garage

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structure after 205 Park Ave begins operation as a bed and breakfast.

Role call vote:

Member Sciremammano	Aye
Member Duff	Aye
Member Ryerse	Aye
Member Vaughan	Aye

The motion carries unanimously with 4 votes in favor, 0 against.

Chair Duff advised the applicants that the Village sign ordinances are being revised and should be considered before designing signs for the business.

Member Vaughan commended the applicants and CEO Miller for working together to make this complex application successful.

Adjournment:

→ Member Sciremammano moved, Member Ryerse seconded, unanimously carried that the meeting be adjourned at 8:06pm.

Katie Brown, Clerk

270 Main Street
Brockport, NY 14420
January 25, 2018

Dear members of the Village of Brockport Zoning Board of Appeals,

I am writing to you today regarding the application of Kevin McCarthy and Val Ciciotti, address 205 Park Ave., Brockport, NY. The application to which I am referring to is to obtain a Special Permit per Chapter 58-9A(9)(b) and an Use Variance for Chapter 58-9A(9)(b)[5].

205 Park Ave. is across Main Street from 264 Main Street which is an apartment (411) building that I own and rent. Next door (270 Main Street) to 264 Main Street is the residence that my husband and I reside in. Both properties of ours have been extensively renovated in keeping with the historical beauty of our neighborhood on Main Street. The opinions which I am sharing with you in this letter are mine as reflections of my residency (and proximity to property requests) and are in no way influenced or influencing by my position as a Village of Brockport Trustee. I am merely speaking as a neighbor of 205 Park Ave.

I am in support of the Special Permit (B&B) and Use Variance (keeping separate apartment over garage) as applied for by the owners of 205 Park Ave. I see this change as allowing the owners, Kevin and Val, to work their "magic" on a historical property in our village with the goal of giving the property new life and vibrancy. Their goal of a B&B is a logical and wise decision for 205 Park Ave. I have personally witnessed their expertise in turning unsightly and non-functional properties into properties that are not only functional but appealing in the neighborhood. As far as the Use Variance...the keeping of that apartment, upgrading and renting it out is not a worry to me. Kevin and Val already own rental properties in the village...none of which have degraded the neighborhood or given the neighbors cause for concern where they exist. Kevin and Val are conscientious and caring landlords to their properties and tenants as well as the neighborhoods where the properties exist.

All in all, I believe that the transformation of 205 Park Ave. to a B&B with the added apartment will be beneficial to our Main Street neighborhood and the Village of Brockport. I wish Kevin and Val good luck as they work to make this transformation happen. I look forward to another of our Brockport historical beauties brought back to life and vibrancy.

Thank you.

Sincerely,



Katherine Kristansen (Owner 264 Main Street and co-owner 270 Main Street, Brockport, NY)