

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 13, 2007 at 7:00pm.

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: Village Attorney Raja N. Sekharan, Village Engineer Jason Foote and Brian Jacobs of Chatfield Engineers, Betsy Johnson of Monroe County Soil and Water Conservation District, William and Alystar DelIngeniis, George Cowley, Jim & Joan Hamlin, Bob Webster.

CALL TO ORDER: Vice Chair Brugger 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 Switzer moved, Member Appleby seconded, Member Locke abstained due to absence, carried to approve the minutes of the meeting held June 11, 2007 as written.

CORRESPONDENCE:

Member Brugger referred to June correspondence from Chatfield Engineers regarding Remington Woods as it relates to 11 and 15 Cailyn Way and drainage changes and regarding McCormick Place Phase II as it relates to pond completion and construction traffic. J. Foote explained the grading the developer had to change slightly to alleviate drainage issues at 11 and 15 Cailyn Way. Member Brugger stressed that McCormick Place site work should no longer require construction traffic through Havenwood. J. Foote agreed and explained that initially it was for the protection of the bridge. S. Zarnstorff said the pond is done and took only a day and a quarter. There is still some sanitary sewer and storm drainage work to run along Candlewick. McCormick Lane can be utilized for earthwork. J. Foote said they are aware of the sensitivity to construction traffic through Havenwood.

ANNUAL SELECTION OF CHAIR & VICE CHAIR for fiscal year:

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to nominate Member Switzer as Chair. Member Switzer accepted.

⇒ Member Switzer moved, Member Locke seconded, unanimously carried to nominate Member Brugger as Vice Chair. Member Brugger accepted.

PUBLIC HEARINGS: None

OLD BUSINESS: None

Member Brugger referred to the application of 108 Erie Street and stated that the meeting minutes are correct, but he noticed that the installation does not match exactly as it relates to “straight back to the barn...” He asked S. Zarnstorff if he was aware of an adjustment made in the field. S. Zarnstorff said he does not recall any specific dialogue on the matter. He said he would speak to the RG&E representative who has been receptive to date.

NEW BUSINESS:

1. Application of:	Name:	William DelIngeniis
	Address:	88 Fair Street
	Zoning:	Residential
	Purpose:	front yard fence

Applicant Presentation:

William and Alystar DelIngeniis said they own the duplex at 88 Fair Street and had spoken with S. Zarnstorff about fencing and received information on calling UFPO before digging, but did not understand that they needed Planning Board approval for a front yard fence and went ahead and installed it. They reviewed the plan and submitted photographs of the fence and a letter of support from the neighbor at 84 Fair Street.

Continued Board discussion on application:

Member Locke asked if they live in half of the duplex. A. DelIngeniis said yes. Member Winner asked when they moved in. A. DelIngeniis said June 13th. Member Locke asked the height and material of the fence. A. DelIngeniis said it a 3-foot high white vinyl picket fence. The posts are a bit taller. Member Locke commented that the pickets are nicely spaced and should not be a visual obstruction. Member Winner said he lives on that street and drives by regularly. He said the fence is closer to the sidewalk than the Village Code allows. He said there is a potential for damage from the DPW snowplow.

Member Winner said he came before the Planning Board 15 years ago and received approval to erect a fence closer to the sidewalk than code allows and has never had any snowplow damage. However, he said his fence is a bit further back.

Clerk Morelli reminded the Board that in recent years under advise of previous counsel, any Board approval has stipulated the need for the applicant to sign a hold harmless agreement. That way if any damage should occur; the applicant will not hold the Village responsible. If so, she would include the agreement with a decision letter.

W. DeIngeniis said he could remove the fence panels in the wintertime if needed. Member Locke said that would be a lot of trouble and really not necessary.

Village Attorney Sekharan commented that the Village Code does not give the Planning Board discretion to vary and this may require an area variance from the ZBA. Member Winner said that breaks with tradition as he has been on the Planning Board for 12 years and was an applicant for a front yard fence 15 years ago. ZBA Member James Hamlin commented that the fence code is not in the zoning chapter. Member Appleby said this might need to be reviewed by the Code Review Committee.

Attorney Sekharan said if it is not within the zoning code then it would go to the Village Board. Clerk Morelli commented that the Village Board is likely to be most concerned about the hold harmless agreement. Member Winner said the Planning Board has acted as an agent of the Village Board when varying the fence code slightly. Attorney Sekharan asked if there is a standing order from the Village Board to that effect. He said he tends to be conservative and would rather get the Village Board's authorization for future reference. He said he would write an opinion letter for the Planning Board and Village Board on the fencing matter.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to approve this application on the condition that the applicant signs a hold harmless agreement.

2. Application of: Name: George P. Cowley
 Address: 35 Perry Street
 Zoning: Residential
 Purpose: front yard fence

Applicant Presentation:

George Cowley said a year ago he replaced an old metal pool with a soft-sided pool in his rear yard. He was informed that the law now requires that it be fenced in for safety with at least a 4-foot high fence. He did so and also fenced in the front yard to keep his St. Bernard dog in the yard. He apologized and said he did not realize that fencing in the front yard required Planning Board approval or that it needed to be 3 foot high. He brought a sample of the fence that he has custom built. It is very well built and custom routed. He said the neighbors love it and the Dog Warden is happy that the dog cannot escape. The fence is set 10 feet off the road and in line with a neighbor's fence. There is no sidewalk on his side of the street. He said S. Zarnstorff shared the code with him that requires the approval of at least 50% of the neighbors within 100 feet. He submitted a document with neighbor's signatures.

G. Cowley said besides requesting approval of the already erected front yard fence at 4 feet 3 inches in height and 2 to 4 inch clearance from the ground so as not to rot, he would like approval to construct a fence along the driveway to obstruct the view of his neighbor's old garage/shed that is an eyesore. He proposed that this be 6 feet in height, but would love 8 feet in height if possible.

Continued Board discussion on application:

Member Brugger asked if the proposed fence would be right on the property line. G. Cowley said yes. He said the neighbor has no objection as it improves his property as well. Member Brugger said he has seen the existing fencing and said it looks great. He commended G. Cowley for having done a lot of work on the home. Member Brugger asked for clarification on the proposed fence along the driveway. G. Cowley reviewed the site plan and said it widens at the porch step and that he would match the rail with the front porch spindles and gate it.

Chair Switzer asked the length. G. Cowley said 6 feet forward of the house. He said the neighbor has asked that he delay construction long enough for him to side his old garage/shed and doesn't mind if it were 8 feet in height to cover the view. He said it would also act as a windbreak and help with drifting snow. Member Locke asked if the height would impede anyone's vision backing out of the driveway.
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Cowley said not at all. He said it would only be the length of the building. He will not lose any driveway.

G. Cowley said he was unable to print the photographs off of his camera, but passed the camera for the Board's review. Member Locke questioned the fence spacing. G. Cowley said the boards are 3 ½ inches with a 4-inch gap between each one. Member Winner noted an existing stockade fence in the rear. He said this now encloses the entire yard. G. Cowley said yes. He said it probably wouldn't be long before he gets rid of the soft wall pool altogether since his grandkids do not use it very much.

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Chair Switzer asked the Board if they wished to wait for the applicant to print the photos. Member Locke wondered if a site visit would be worthwhile.

Member Locke said she would have been happier if the front fence height were dropped to 3 feet. She said it is a pretty solid fence and is quite a barrier. However, she said she understands the need for a barrier since they have a large dog. G. Cowley reminded the Board that there is 10 feet to the road and that there is no sidewalk there. He said the neighbors have raved about the fence. Of the six neighbors, he obtained 4 signatures, 1 verbal by phone and could not reach the one that is a rental.

Regarding the proposed high fence section to block the view of the neighbor's garage/shed, Chair Switzer asked if the siding the neighbor plans to do would correct the visual problem. G. Cowley said the neighbor was even interested in taking the old building down, but due to a contamination issue it would require a survey and be costly. Therefore, he plans to side it.

Chair Switzer asked the Board's pleasure on this application – both the existing and proposed portions. Member Winner said he is comfortable with the existing fencing and the 4 foot 3 inch height does not bother him. He suggests tabling the proposed 6 to 8 foot section along the driveway and said that shouldn't be an inconvenience since the applicant is willing to hold off until the neighbor sides that side of his garage/shed.

Member Brugger said the Code Review Committee reviewed the fence section of the Code long ago and recommended a change in height from 3 feet to a 42 inch height since that is considered standard by fencing manufacturers. Chair Switzer said he realizes that fence height standards may have changed, but the Village forefathers probably set the height at 3 feet in order to have a certain look. He said the Code Review Committee's recommendation may be a major departure. The Village Board has not taken action on any recommendations to date. Member Winner said he is not sure the forefathers who adopted that code had that much vision.

⇒ Member Winner moved, Member Appleby seconded, unanimously carried to approve the front yard fence at 4 feet 3 inch height in its existing location and that the applicant return to the Planning Board without need for a new application when the situation with the neighbor's garage/shed is resolved.

NEXT REGULAR MEETING: Monday, September 10, 2007 7pm
(Application materials due by Noon Tuesday, September 4th)

Clerk Morelli shared that the regular 2nd Monday of the month meeting in October and November this year fall on holidays in which the Village Hall is closed. As always, Columbus Day falls on the second Monday in October. This year the Veteran's Day holiday is recognized on the second Monday in November. Board agreed to utilize the extra (5th) Monday in October to hold a meeting. Therefore, the October/November Planning Board meeting will be held Monday, October 29th at 7pm with application materials due by Noon Tuesday, October 23rd.

ADJOURNMENT:

→ Member Winner moved, Member Brugger seconded, unanimously carried that the meeting be adjourned at 8:10pm.

TRAINING:

Betsy Johnson of Monroe County Soil and Water Conservation District gave a 30-minute PowerPoint presentation – overview of the Phase II Storm water Regulations

Leslie Ann Morelli, Village Clerk