

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, September 8, 2008 at 7:00pm.

PRESENT: Chair Charles Switzer, Member Annette Locke, Member Arthur Appleby, Member Kent Blair, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe.

EXCUSED: Member R. Scott Winner, Village Attorney David F. Mayer

ALSO PRESENT: Village Engineer Jason Foote of Chatfield Engineers, David Enos, Joan Hamlin, Scott Hunsinger, Jim Hamlin

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

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

➔ Member Locke moved, Member Appleby seconded, unanimously carried to approve the minutes of the meeting held August 11, 2008 as written.

CORRESPONDENCE:

1. Chair Switzer noted receipt of the Land Use Decision-Making Program registration form, reminding members they must complete 4 hours of training annually.
2. Call from Genesee Transportation Council they are accepting project nominations due 9/26/08.
3. Letter from Jason Foote regarding 39 N. Main St. property on tonight's agenda.

PUBLIC HEARINGS: None

OLD BUSINESS:

- | | | |
|--------------------|-----------------|--|
| 1. Application of: | Name: | David Enos (carried over from 8/11/08) |
| | Address: | 39 N. Main St. |
| | Tax Map #: | 068.44-2-15.1 |
| | Zoning: | Business |
| | Parcel Size: | .48 acre |
| | Property Class: | 484 |
| | Purpose: | parking lot |

Applicant Presentation:

David Enos stated he had a survey map drawn up as per the Board's recommendations from the last meeting and had reviewed it with Code Enforcement Officer Zarnstorff, who indicated a couple of minor changes.

Continued Board discussion on application:

Chair Switzer asked J. Foote to address the points on his letter including his recommendation that a dry swale be added to the north end of the property between the parking area and the south edge of the creek, which will overflow to the creek. This dry swale can also serve as a snow storage area and will address stormwater issues. Addition of this element will necessitate removing 10 of the proposed parking spaces. As well, Engineer Foote recommended the parking area be paved with asphalt.

Chair Switzer asked if removing the 10 spaces will still allow the lot to meet code. CEO Zarnstorff noted the requirement would be 35 spaces, that the drawing does not show available spaces on the south side of the building, and that some the spaces on the drawing can be rearranged to get the right number. Chair Switzer pointed out that the current diagram shows parking all the way up to the storage building and D. Enos clarified that there is a concrete slab shown on the diagram and the spaces run all the way up to that. Member Blair asked if the slab would be removed as indicated on the survey but D. Enos stated that must be a mistake because there is no plan to remove the slab.

Member Appleby asked about the power poles and D. Enos said the one on the south side was removed but the other pole provides their electric into the building and will remain. Chair Switzer asked if the spaces on the south side would infringe on the sidewalk and CEO Zarnstorff replied there is no sidewalk on that side of Clark Street.

Member Blair inquired if the rear portion of the building is being leased out and D. Enos replied he has just the one tenant now and there is another 1800 sq. ft. in the rear that is available. Member Blair also asked if the overhead door will remain on the side and D. Enos affirmed, stating it might be used for a storefront window in the future. Member Blair expressed that some parking may be lost if the door remains. Member Appleby commented there should easily be 35 spaces.

Chair Switzer asked both CEO Zarnstorff and Engineer Foote if either of them required changes to the drawing. CEO Zarnstorff asked D. Enos if he had made any of the changes they had discussed so far and D. Enos said no. Engineer Foote asked for detail of the dry swale such as what he included with

his letter, i.e. dimensions, size, depth, outlet, overflow, etc. Member Appleby asked where the water would go with the swale on the north side, then street on two sides, and a building on the other side. CEO Zarnstorff indicated not much would go into the street; with the lay of the land it will naturally go toward the metal building in the rear. The contour of the land lends itself to the placement of the dry swale to help filter the runoff.

Chair Switzer brought up lighting and whether or not there are concerns. CEO Zarnstorff voiced there is not much lighting now and Chair Switzer said a 24/7 operation should have adequate lighting. D. Enos summarized there will be 6 lights on the exterior—2 in the back, 3 on the Clark Street side and one on the north side. Member Appleby noted the potential impact for residences on the Clark Street side and D. Enos stated the lights on that side would be lower wattage bulbs and would face down whereas the lights at the rear will be open. Village Engineer Foote asked to have the lights pointed out on the map and D. Enos obliged. Chair Switzer asked the Village Engineer to make sure the light gets diffused properly.

Engineer Foote asked to get back to the grading for the lot, noting he wants to be sure it is graded properly. He asked D. Enos that when the material is brought in to pave the lot, they should be sure to work with surveyor Rich Maier so it is done properly. Engineer Foote also said he would like to have the grading shown on the surveyor's map so he can see how it will work. Chair Switzer asked for a more detailed layout of the parking lot as well, showing the 35 spaces necessary and working with Village Engineer Foote and CEO Zarnstorff so all items are covered.

Chair Switzer offered that the Board could hold a special meeting in a couple of weeks so as not to delay the application any longer. There is no scheduled meeting in October due to the holiday. D. Enos thanked the Board for their consideration. CEO Zarnstorff suggested that maybe September 22 would be open and Board members agreed with that date. Both CEO Zarnstorff and Village Engineer Foote mentioned to D. Enos that his surveyor, Richard Maier, is welcome to call with any questions. Chair Switzer summarized that the Board would be looking for lighting, detail of the swale, grading, and final design of the parking lot. D. Enos thanked the Board.

2. Application of: Name: Nativity BVM Church / Jose Mendez
 Address: 138 Main St. / 17 Holley St.
 Purpose: 6-month time extension on 9/06 approval re: re-
subdivision/
 site plan parking, no changes requested

Applicant Presentation:

There was no applicant present, just a letter from Attorney Nat O. Lester requesting a 6-month extension on the approval for the resubdivision of the parking lot.

Continued Board discussion on application:

Chair Switzer wondered whether or not approval can be given without an applicant present. Member Appleby commented if nothing is changing and that it is just a time extension, they could just word it as the original approval was worded, if they could remember it. Member Locke inquired whether or not Mr. Mendez lives locally and if he still wants to deed over the back piece of property to Nativity. CEO Zarnstorff noted that J. Mendez does live locally and he does not recall if the transfer is complete yet. Member Appleby offered that the original date was May 8, 2006. CEO Zarnstorff suggested that over the next couple of weeks the old minutes could be looked up, see if the property has been transferred and request they attend a future meeting. Chair Switzer suggested tabling the application seeing if CEO Zarnstorff might get them to attend the special meeting on September 22.

OTHER BUSINESS:

Member Appleby referenced the need to review previously approved applications as discussed last meeting. Chair Switzer mentioned he had spoken with Village Board liaison Hal Legg to show him the list of 14 approvals from the last couple of years and to tell him of the Board's plan to review those properties. Chair Switzer thanked Member Blair for putting together the list. Chair Switzer asked the Board to come up with a plan of action and offered that either the Board could go out to look at the properties or ask the Code Enforcement Officer, who has the power to give citations, to look at the properties. CEO Zarnstorff noted he had seen the list, but will look at it again in more detail. Chair Switzer said it might average one approval per month that the CEO would have to look at and that maybe each month, the Board could look at the list and decide which property needs looked at for the upcoming month. CEO Zarnstorff replied some of the projects are long processes requiring a reminder and that he will try to look at the list and report back at the next meeting.

Member Appleby referenced one property owner who was approved to put up a fence as long as he

also put into place a hold harmless agreement but the fence was never erected, so that becomes a moot point. He also noted Mr. Galan is now starting to build his wall. CEO Zarnstorff noted he spoke with Mr. Galan and that there were still a couple of months left on his approval, so it was okay to proceed. Chair Switzer asked if a letter could be written to those whose approvals have expired, so they do not undertake the project after their timeframe has elapsed. Member Locke added that the letter might also state if they still want to proceed, they need to reapply. CEO Zarnstorff noted application information is stored electronically and we should be able to keep a running list.

Chair Switzer summarized that this procedure would help the Board follow through on whether projects were completed or if they have exceeded the time limit; whether or not they were completed as approved and if they didn't, they need to be cited. Member Locke offered that maybe the Board could divide the list five ways and each of them could review three properties to see where they stand. Chair Switzer opined that it should be the Code Enforcement Officer who reviews the properties. He also noted that if Code Enforcement happens to note a project has been satisfactorily completed prior to the deadline, such can be noted and the property can be removed from the review list. Member Locke added it would be good to have the details of the approval on the list as well.

The Board discussed several of the approvals over the last couple of years, including Champion Moving on Owens Rd., which has never paved their lot. CEO Zarnstorff also referred to the landscaping, noting the number of trees requested was adhered to, but the Board never specified the size of the trees, so very young trees were put in. He added he recently had an inquiry for a possible food processing business to come into that property, which is for sale. Member Locke brought up that new owners would have to come before the Board for a change of use; so new requirements for a paved lot could be stipulated then.

CEO Zarnstorff pointed out that Country Treasures is moving from Market Street to 61 Main Street and he will contact them. Member Locke stated that would be a change of use from real estate, so they should come before the Board. CEO Zarnstorff concurred, adding it would change to mercantile and he will ask them to come to the special meeting if possible. Member Locke pointed out that the former Country Treasures shop might gain a new tenant and possible change of use.

Member Locke then asked how the three new businesses were doing downtown—the computer repair shop, the smoke shop and the apparel shop. CEO Zarnstorff noted the computer repair shop has closed, the smoke shop is open and the apparel store has not yet opened. Member Locke asked if there had been any complaints or concerns and CEO Zarnstorff noted a couple of merchants had issues with the large water pipe in the front window and he had been in the shop to check it out. The items in the shop are pretty much everything that was stated in the applicant presentation.

NEXT REGULAR MEETING: Monday, November 10, 2008
(Application materials due by Noon Tuesday, 11/4)

ADJOURNMENT:

➔ Member Appleby moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 7:45 pm.

Pamela W. Krahe, Clerk