

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, May 12, 2008 at 7:00pm.

PRESENT: Vice Chair John Brugger, Member R. Scott Winner, Member Annette Locke, Member Arthur Appleby, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe.

EXCUSED: Chair Charles Switzer, Village Engineer Jason Foote of Chatfield Engineers

ALSO PRESENT: Joan and Jim Hamlin, Pat Markle, Leigh Little and Margaret Little

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

REVIEW OF MEETING MINUTES: Vice Chair Brugger noted that the minutes from April 29 cannot be approved at this time as there is not a quorum present of those who attended the April 29 meeting. Approval will be tabled until the next meeting.

CORRESPONDENCE: None

PUBLIC HEARINGS: None

NEW BUSINESS:

1. Application of: Name: Patrick J. Markle
 Address: 10 Victory Drive
 Tax Map #: 069.09-2-15
 Zoning: Residential
 Parcel size: .35 acre
 Property Class: 210
 Purpose: driveway expansion

Applicant Presentation:

Patrick Markle asked the Board if they had his drawing and stated he would like to widen his driveway from the sidewalk to the street. He is looking to do only this portion at this time for monetary reasons and when he had someone come out to look at it, his intention was to add on to each side but would rather do it correctly by digging it up instead of just adding on. He noted that one of his concerns is that legally he is not supposed to use his driveway for parking in the area between the sidewalk and the road. He mentioned that Victory Drive is the only street in the village he knows of where there is enough space—approximately 18’--to park a vehicle between the sidewalk and the street. P. Markle added that his family is now contending with four vehicles and when the home was built, it was not designed for that many vehicles. He summarized that he has two questions—the first is can he widen his driveway as depicted in the drawing, and the second is can he use the space between the sidewalk and street for parking.

Continued Board discussion on application:

Member Locke asked if he meant widening just the apron and P. Markle affirmed. She also inquired if he owns the home and if he resides there. P. Markle answered yes. Member Locke asked if the expansion would necessitate a curb cut and P. Markle responded no. Member Locke asked if, by parking cars in the area between the sidewalk and street, visibility was impeded for neighbors or someone down the street pulling out. P. Markle answered there could be some impediment, but it is a common practice on Victory Drive to utilize that area for parking. He added that he did not even know it was an issue until he was given a notice last fall stating he should not park there. He also added that even by widening the driveway, there would not be enough room for four cars from the sidewalk to the garage.

Member Appleby inquired how it would help P. Markle to widen the driveway between the sidewalk and the street. P. Markle noted that he could fit two cars there and then squeeze two more cars down at the bottom. Member Locke again voiced her concern about visibility of pedestrians, bicycles, etc. while backing out. P. Markle agreed with her concern and reiterated that he and his neighbors have been parking in this manner for the eight years he has lived on the street and no one he knows of has had an issue with it.

Member Appleby asked how far away the nearest driveway was. P. Markle stated perhaps 15’ between his house and the neighbor’s driveway.

Member Winner asked for clarification of exactly what P. Markle was asking the Board for today. P. Markle reiterated he would like to widen his driveway from the sidewalk to the street. Member Winner asked if the intent of that was to create parking spaces and P. Markle affirmed. Member Winner stated he was uncomfortable with that on many levels and he added he was not sure this Board could grant him permission. He stated that the violation could be a Zoning issue. Code Enforcement Officer Zarnstorff corrected, stating parking issues, which are in Chapter 34, fall under the Planning Board.

Member Locke asked if P. Markle was still going to widen the upper part of his driveway. P. Markle stated that his original intent was to do it right, but perhaps he could widen the lower half this year instead. He added that his point is that all four cars won't fit in the driveway and asked the Board for their help in suggesting what he might do.

Member Winner restated that parking in the tree lawn area raises safety issues and he would not want to see that set as a precedent on Victory Drive or anywhere else in the Village. He added that if the Board were to grant permission for this, then other residents would want to follow suit. Member Winner also noted that it would degrade the aesthetic of the Village and while Mr. Markle might be diligent in not parking on the sidewalk and so forth, not all residents would be so careful. Member Winner added that he has no problem with the proposed plan between the sidewalk and the garage, and suggested if P. Markle cannot make the space work between the garage and the sidewalk, perhaps he would have to rethink the vehicles his family drives.

P. Markle again noted that he did not know he shouldn't be parking in the area closest to the street and stated his desire to be honest and to go about this the right way. He added the fact that he cannot park in the street. Member Appleby suggested that instead of widening the area close to the street, why not widen the part closest to the garage on one side or the other, perhaps to the south and that could be used, at least temporarily, to solve the dilemma. Member Winner opined that by widening the driveway nearest the garage, there should be enough room to park the four vehicles. Vice Chair Brugger asked for clarification regarding measurements on the submitted drawing, as there were conflicting measurements of 35' and 37' deep. P. Markle apologized for the inconsistency and stated the depth is indeed 35'.

Vice Chair Brugger then referenced the Board's situation on Liberty Street and the Board's attempt to uphold the parking code as written, stating that to be consistent, the area per car should be 10'x20'. Member Winner interjected that the Liberty Street property is being used as a rental, whereas this property is owner-occupied with all the inhabitants being related by blood or marriage. Member Winner did not feel that the same logic could be applied. Vice Chair Brugger inquired as to the size of the garage. P. Markle replied that it's about 22' deep x 24' wide. Vice Chair Brugger suggested parking two vehicles in the garage to which P. Markle replied that the way the door is set up, two vehicles cannot fit in the garage side-by-side.

P. Markle then brought up the fact that he is not aware of any other street that has as much room between the sidewalk and the street as Victory Drive does. Member Winner replied that the point is that the tree lawn area is in the public realm and it has to be preserved against permanent encroachment. He again stated that he has no problem with the expansion between the sidewalk and the garage and the fact that they would have to shuffle cars. P. Markle interjected that shuffling is not the problem, it's that he does not have enough legal space to park his vehicles. Member Winner restated that the 10'x20' parking area per vehicle would not apply here as this is not being used as a commercial property. Vice Chair Brugger stated that it looks like the width of the driveway with the addition would be okay, but the length would pose a problem. P. Markle stated that three of his vehicles are large.

Vice Chair Brugger stated his agreement with the opinions of the Board already expressed, that parking in the tree lawn area is not an option. He added that it appears that with the addition to the width of the driveway from the garage to the sidewalk, that the drive would also have to be widened from the sidewalk to the street in order to be able to get cars in and out of the driveway so as not to drive on the grass in the tree lawn area. Vice Chair Brugger then added that he would be inclined to only approve the whole plan as shown in the drawing, with the exception of parking between the sidewalk and the street. Member Winner restated the Vice Chair's intent of giving Mr. Markle all the expansion he's looking for, but not endorsing the idea that he can park in the area from the sidewalk to the street, to which Vice Chair Brugger affirmed.

Member Winner asked if it would require an additional curb cut. CEO Zarnstorff replied that there is no curb there. Vice Chair Brugger asked CEO Zarnstorff if any Zoning changes would be triggered by widening within the right of way. CEO Zarnstorff replied no. Member Appleby asked how much of the 18' between the sidewalk and the street is in the right of way. CEO Zarnstorff replied the survey map shows all of it is in the right of way.

P. Markle questioned the fact that because there is no sidewalk on Keable Court, residents of that street can park the full length of their driveway, all the way to the street, without penalty and without regard to creating visibility issues. Vice Chair Brugger and Member Locke stated that was a good question. Member Locke suggested that because there is no sidewalk, there is no pedestrian traffic that needs to be considered.

Vice Chair Brugger inquired if there is a right of way on that type of street. CEO Zarnstorff replied yes, every street has one and it is measured from the center of the street. The tape map goes to the property line. Member Locke again stated her thought that parking in the right of way is not a safe

solution.

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Member Appleby asked if the Board should proceed as Vice Chair Brugger suggested. Vice Chair Brugger asked P. Markle if he had additional questions. P. Markle requested clarification on whether or not he can widen the drive in the right of way as well as whether or not he can park within the right of way. He then stated he does not think he can physically fit four cars in the area between the garage and the sidewalk, so he will have to make some other arrangements. Vice Chair Brugger indicated that he would be inclined to approve the expansion on both sides of the driveway as stated earlier, except that he would not endorse parking between the sidewalk and the street. That would allow parking between the sidewalk and the garage and would allow access and egress to the street while keeping the aesthetic of the street. Vice Chair Brugger asked P. Markle if that would be acceptable to him, otherwise there would be no sense in voting. P. Markle affirmed.

Vice Chair Brugger called for a motion from the Board. Member Appleby replied that he so moved. The Vice Chair called for a second. Member Winner interjected that he would like to make certain the motion contains the provision that the portion of the driveway between the sidewalk and street is for access and egress only. P. Markle asked why that provision had to be put in if it is already in the bylaws of the Village. Member Winner responded that because it had been a point of discussion and disagreement, it should be part of the motion, or he would not vote in favor of the motion. Member Winner also voiced that he wanted to be certain Clerk Krahe had the motion recorded correctly. Member Locke asked for the motion to be reread. Clerk Krahe indicated the motion, as first stated by Vice Chair Brugger, read "to approve the expansion of the driveway from side to side from the garage to the street with the stipulation that the area between the sidewalk and the street is for access and egress only." Member Winner requested that "and not parking" and "as proposed in the application" be put in the motion. P. Markle asked how he could get that changed to all parking. CEO Zarnstorff replied that local law would have to be changed and in his opinion, that would likely never happen.

⇒ Member Appleby moved, Member Locke seconded, unanimously carried to approve the expansion of the driveway from side to side from the garage to the street as proposed in the application, with the stipulation that the area between the sidewalk and the street is for access and egress only and is not for parking.

P. Markle thanked the Board. The Board wished him luck.

OLD BUSINESS: None

OTHER: CEO Zarnstorff informed the Board that there were a number of Code revisions as mandated by the State Department of Environmental Conservation regarding Stormwater Management. He noted that the Village Trustees had already voted on the illicit discharge portion and that the second phase addresses construction. The DEC is the enforcer of stormwater regulations and the counties have joined together in a coalition to improve the water quality because the DEC doesn't have the manpower to be everywhere. Stormwater prevention plans previously reviewed by the DEC will now shift to the local level. Every county across New York State has agreed to participate and has been provided with a model law to be drafted into local law. The Village Attorney is reviewing the draft local law and it is anticipated that the Village Board will call for a June public hearing. He noted he would forward copies to the Planning Board members so they can see what their involvement will be and that they may have to look back at existing subdivisions to reassess. Vice Chair Brugger referred to Mr. Hibsich's subdivision. CEO Zarnstorff continued that there will be much more involvement on the local level, including by the Planning Board. He noted that he wanted to let the Board know of these three stormwater amendments coming up for a vote. Vice Chair Brugger asked the CEO if the enforcement would be up to the Codes Office. CEO Zarnstorff affirmed. Member Winner added that we would probably need additional involvement from the Village Engineers as well. CEO Zarnstorff replied yes and stated that he has been named as the Stormwater Manager and because of his enforcement capabilities, he would have the authority to place Stop Work orders, levy fines, etc. if needed. Additionally, he noted that fee structures will have to be looked at and he invited Board members to offer any suggestions, questions, comments, etc. to him prior to the call for public hearing. He concluded that this would take additional effort on the part of the Planning Board, the Village Engineers, the Codes Office and developers.

NEXT REGULAR MEETING: Monday, June 9, 2008 at 7pm
(Application materials due by Noon Tuesday, June 3rd)

ADJOURNMENT:

→ Member Winner moved, Member Locke seconded, unanimously carried that the meeting be adjourned at 7:42pm.

Pamela Krahe, Clerk