

**Special meeting of the Planning Board of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Tuesday, April 29, 2008 at 7:00pm.**

**PRESENT:** Chair Charles Switzer, Member R. Scott Winner, Member Annette Locke, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela W. Krahe

**EXCUSED:** Vice Chair John Brugger

**ABSENT:** Member Arthur Appleby

**ALSO PRESENT:** Jim Hamlin, Michael Voos, Dr. Carolyn Orr, Kris Schultz

**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 meeting held February 11, 2008.

→ Member Locke moved, Member Winner seconded, unanimously carried to approve the minutes of the meeting held February 11, 2008 as written.

Since there was no quorum at the April 14, 2008 meeting, the minutes from that meeting cannot be formally approved and will stand as written.

**CORRESPONDENCE:** No correspondence.

**NEW BUSINESS:**

1. Application of:      Name:            Kevin & Michael Voos  
                                 Address:        56 Liberty Street  
                                 Tax Map #:    069.37-2-9  
                                 Zoning:        Residential Use  
                                 Parcel size:   .25 acre  
                                 Property Class: 210 – single family  
                                 Purpose:       site plan – driveway / parking expansion

**Applicant Presentation:**

Michael Voos brought some photographs of the driveway and yard. He referenced the curb cut mentioned at the previous meeting and pointed out that the curb is apparently where the driveway is now, from what he can tell. He also supplied survey maps showing where the existing drive is and his proposed plan, which encroaches on the neighboring property. Mr. Voos stated he has spoken with Steven C. Nickles, Vice President and Regional Manager of Longley Jones Management Corporation, who manages Villager Apartments. He asked permission to encroach on their property, which has not been maintained by Villager Apartments for ten years. Mr. Nickles has sent a letter stating he has no problem with the driveway extension, as long as it meets with approval from the Village of Brockport and as long as Mr. Voos would send a letter to Longley Jones stating that if the property is ever sold and the new owner wants the driveway removed, that Mr. Voos would do so within thirty (30) days. Mr. Voos presented copies of all this correspondence to the Board.

**Continued Board discussion on application:**

Chair Switzer thanked Mr. Voos for the improved map and drawing of the proposed driveway. Member Locke questioned whether or not the curb has sunk and has essentially become a curb cut from repeatedly driving over it. Mr. Voos disputed that, citing the dimensions as stated on the survey map. Chair Switzer asked how many cars use the driveway and Mr. Voos replied three. Mr. Voos pointed out where his property stake is and where Villager Apartment property is.

Member Winner asked if this is rental income property and if so, who resides there. Mr. Voos stated his son lives there rent-free and there are two rent-paying tenants as well. Member Winner confirmed that fits within the Village's "three unrelated" restriction. He also confirmed that it's in a residential district and the property class is single-family and asked if there is more than one residential unit in the property, to which Mr. Voos replied no.

Member Winner asked about the cross street, to the east of the property. CEO Zarnstorff replied that it's an access road to Villager Apartments. Member Winner asked if every tenant of 56 Liberty St. has a vehicle; Mr. Voos affirmed. Member Locke asked if the area between the drive and the house would be grass and she asked how the cars would be parking. Mr. Voos stated he had asked for estimates from contractors and had told them he needed room for three cars, and asked them what configuration they could come up with. He also stated he was not going to dictate how the tenants should park. Chair Switzer mentioned that there should be no parking on the grass and questioned whether or not the plan, as drawn, would provide ample space for three cars.

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Member Winner asked CEO Zarnstorff about the size requirements for parking spaces. CEO Zarnstorff stated 18' long x 7' wide and commercial parking is 20' long x 10' wide. Member Winner calculated that three cars would need 30' wide by 20' deep and in his opinion, the current drawing looked a little undersized for the need. Mr. Voos again stated he does not dictate how his tenants must park. Member Winner stated that as the property owner, it is his responsibility to provide the space as required by Code. Member Winner asked CEO Zarnstorff if there had been any complaints received about the manner of parking at 56 Liberty. CEO Zarnstorff affirmed.

Mr. Voos inquired about the necessity of paving the driveway, as that would be a financial burden for him and he asked where it was specifically stated in the Code that a driveway must be paved. He also stated that a neighbor had put in a driveway which accesses the Villager Apartments road and that neighbor had not obtained permission from Villager Apartments nor had he obtained a permit from the Village of Brockport. Member Locke asked about the previous owner of the 56 Liberty and how they utilized the driveway. CEO Zarnstorff added that the previous owners were elderly and probably didn't drive much, which allowed grass to overtake the gravel of the driveway. Mr. Voos indicated that in the six months that he has owned the property, he has done extensive work to improve the landscaping out front and would like to do something with the driveway to protect the lawn and to cut down on the mud being brought into the house. He indicated the cost of stone versus paving is \$1800 and \$6000 respectively, and asked if a driveway must be paved. Member Locke referenced Chapter 58 of the Brockport Village Code, section 22K which states a driveway "...shall be paved or otherwise surfaced with an all-weather, dustproof material..." Mr. Voos asked for clarification on dustproof.

Member Winner interjected that the real issue is whether or not Mr. Voos has space enough for the requirements to turn this into a 3-car parking lot. While the property is a single-family rental, it can be considered a multiple because there are so many people there and so many cars. The Board can interpret that as being applicable to the commercial parking code. Mr. Voos asked if he could use the neighboring property to solve his space issue. Member Winner stated that would have to be solved between the two property owners. Mr. Voos stated he had received permission in writing as referenced by the correspondence between himself and Steven Nickles of Longley Jones Management Corporation, who manages Villager Apartments. Mr. Voos stated the difficulty he had in reaching Mr. Nickles and this one letter was all he was going to get from him. Member Winner said he would like to refer the letter to our attorney for his opinion.

Mr. Voos asked about parking out back and the Board replied that no more than 25% of the back yard could be paved, and with his large back yard, that shouldn't be a problem. Member Locke asked if, in reality, the tenants would park out back and she stated she had driven by the property one Sunday and there many cars there and they were parked all over the yard, driveway, etc. Mr. Voos implored the Board to help him. He stated he is trying to improve the property as evidenced by the landscaping out front, now he is trying to do something about the driveway, but is having difficulty incorporating all the details and requirements.

Member Winner stated if our attorney agrees that the provided documentation is sufficient for the Board to approve your plan, then squaring off the driveway should provide the square footage necessary for three cars. An easement was briefly discussed with CEO Zarnstorff stating an easement would not be necessary as it's a shared driveway. As the Village Engineer was not present, the Board asked engineer Kris Schultz of Schultz Associates to offer his professional opinion on the matter. Member Locke then added there should be something installed to keep the cars in the proper area, i.e. landscape timbers, railroad ties, bollards, landscape rocks, etc. Mr. Voos stated he is amenable to that stipulation. Member Winner reiterated the need for the attorney to approve the documentation and indicated Mr. Voos' first option is squaring off the proposed driveway, which would encroach on the neighboring property, and the second option would be to create parking in the back yard. Member Winner stated the Board could possibly make a motion contingent on attorney approval and that the administrative process between the Village Attorney, Mr. Voos, and the Board would be handled by the Village office.

Chair Switzer asked if there was enough to go on, but noted the Board wouldn't make a motion on a conceptual design. Member Winner suggested tabling it until our attorney approves the use of the property. He also noted that if the proposed driveway is squared off on the neighboring property, then that would be enough room. Chair Switzer asked Mr. Voos to work with CEO Zarnstorff on submitting the information to the attorney. Member Winner summarized that Mr. Voos would work with CEO Zarnstorff to submit the documentation to the attorney for his approval and then Mr. Voos would return with Proposal A (the original design encroaching on neighboring property) and Proposal B (the back yard design). Mr. Voos asked for clarification on the dimensions needed, which Member Winner stated is 30' across to park three cars side-by-side at the rear of the driveway. Member Winner also asked that the Village Engineer be consulted as well. Mr. Voos concluded by thanking the Board.

