

**Special meeting of the Board of Trustees of the Village of Brockport was held in the Auditorium of the A.D. Oliver Middle School, 40 Allen Street, Brockport, New York, March 9, 2011 at 7:00pm.**

**PRESENT:** Mayor M. Connie Castañeda, Trustee/ Deputy Mayor Daniel P. Kuhn, Trustee Kent R. Blair, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Deputy Clerk-Treasurer Pauline Johnson

**EXCUSED:** Clerk Leslie A. Morelli

**ALSO PRESENT:** Village Attorney Robert Leni, Code Enforcement Officer Scott C. Zarnstorff,

~49 members of the public per the sign in sheet: Joe Hutton, Kristy Kasper, Levi Pascher, Kate Godyke, Lacy Sawyer, Ashley Dilcher, Christopher Wells, Jami Leone, Cassie Negley, Reggie Baudin, Rick Woodson, Gary Potthemis, Andy Lipari, Therese Gray, Brandon Cottall, Sean Hall, Carolyn McMersen, Trevor Francis, MaryPat Musselman, Charilla Conner, Kaylee Wendt, Ian Weatleg, Pam Rapp, David Joseph, Karen and Bernie LoBraco, Susan Smith, Rudy and Joan Aceto, Craig Ferguson, Tom Mangan, Sondra English, Art Appleby, Don Murray, Tony Perry, David Markham, Tom Myer, Mark Warren, Jeff Thon, Norman GianCursio, Victoria DiMatteo, Sally Hale, Ann Butler, Valerie Ciciotti, Kevin McCarthy, Mr. Zisovski, Pam Ketchum, L. Negus, and others who did not sign in.

**CALL TO ORDER:** Mayor Castañeda called the meeting to order at 7:04 pm and led the Pledge of Allegiance.

Mayor Castañeda encouraged attendees to sign in, take a handout, and silence their electronic devices.

**PUBLIC HEARING ON PROPOSED LOCAL LAW IMPOSING A MORATORIUM ON CONVERSION OF RESIDENTIAL OR COMMERCIAL PROPERTIES INTO RENTAL RESIDENCES WITHIN THE VILLAGE OF BROCKPORT:**

Mayor Castañeda called for a motion to open the public hearing at the advertised time.

Trustee Hunsinger moved, Trustee Kuhn seconded, unanimously carried to open the public hearing at 7:05 pm.

Mayor Castañeda asked Deputy Clerk-Treasurer Johnson to read the legal notice.

Deputy Clerk-Treasurer Johnson read the following and stated that the legal notice was published in the Village's official paper (Suburban News) in the February 7<sup>th</sup> edition and posted on the Village's official website and at the Village Hall.

**VILLAGE OF BROCKPORT  
Notice of Public Hearing**

Please take notice that the Board of Trustees of the Village of Brockport will hold a **Public Hearing beginning at 7:00pm on Wednesday, March 9, 2011** in the Auditorium of the A.D. Oliver Middle School 40 Allen Street, Brockport, New York, 14420 to consider a proposed local law imposing a moratorium on conversion of residential or commercial properties into rental residences within the Village of Brockport. This public hearing was originally scheduled for January 26, 2011 at Village Hall, but had to be re-scheduled to a larger venue.

Complete text is also available at the Village Clerk's Office or from the Village website at [www.brockportny.org](http://www.brockportny.org) . All interested parties will be given the opportunity to be heard.

**PROPOSED**

**A LOCAL LAW IMPOSING A MORATORIUM ON CONVERSION OF RESIDENTIAL OR COMMERCIAL PROPERTIES INTO RENTAL RESIDENCES WITHIN THE VILLAGE OF BROCKPORT**

WHEREAS, the Village of Brockport has commenced litigation concerning the unlawful conversion of residential properties to multiple unit rental properties, and has undertaken a total revision of Chapter 36 of its Code - Minimum Housing and Building Code - to include provisions for Residential Rental property registrations; and the Village of Brockport has considered certain changes to its Zoning Code, including the Amortization of Non-Conforming uses, and Point Penalty enforcement provisions; all for the purpose of striking a proper balance between the amenities of living in traditional single family residential neighborhoods, and the rental unit requirements of the Village of Brockport, consistent with the public health, safety and welfare, and the aims and intent of the Town of Sweden/Village of Brockport Comprehensive Plan, as amended May 3, 2005;

WHEREAS, The Village of Brockport wishes to preserve, to the extent possible, the current status of Village housing stock and carefully consider ways to best implement and achieve the goals asserted in the Town of Sweden / Village of Brockport Comprehensive Plan as amended May 3<sup>rd</sup> 2005, in order that the best possible oversight and review processes and procedures may be applied for the purpose of preserving and protecting the continued community character, consistent with that Comprehensive Plan.

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Brockport as follows:

Section 1. PURPOSE

The Zoning Codes and regulations of the Village of Brockport currently written may be inadequate to address certain applications for approval of some land uses. The proliferation of the conversion of residential or commercially used premises into residential rental properties within the Village of Brockport can have dramatic and long-term impacts on the public health and safety, quality of life, environment, natural resources, public infrastructure and revenue base of the Village of Brockport. In addition, land use regulations regarding rental properties may have other significant consequences including a broad effect on the economic values of adjoining lands. Each of these impacts, as well as others, requires evaluation to determine the extent to which such matters can and should be regulated.

The Village of Brockport is reviewing the Village resources, current zoning and land use regulations, and the desires of the residents and property owners of the Village regarding the achievement of the goals set forth in the Comprehensive Plan, and in its Planning, Zoning, and Building Codes, and other relevant laws, as they may apply.

In order to provide an opportunity to perform this task, there shall be a moratorium on the issuance of any permit, variance, or other authorization of any kind by the Village of Brockport for a period of six (6) months from the date of the filing of this local law with the Secretary of State, except as hereinafter set forth concerning pending applications at the time of enactment, which would allow for the conversion of residential or commercially used premises in the Village of Brockport into residential rental properties as defined by the codes of the Village of Brockport.

Section 2. AUTHORITY

This moratorium is enacted by the Board of Trustees of the Village of Brockport pursuant to its authority to adopt local laws under the New York State Constitution Article IX, and Article III of the Municipal Home Rule Law.

**Section 3. ENACTMENT OF TEMPORARY MORATORIUM**

For a period of six (6) months following enactment of this Local Law, the Code Enforcement Office of the Village of Brockport is prohibited from accepting any application for, or issuing any permit for the conversion of a single family house or commercial building to residential rental units; the Zoning Board of Appeals shall not grant any variances, nor shall any other Board of the Village of Brockport grant any permit, authorization or approval of any kind which would allow for the conversion or use of any single family residence and/or commercial building to be used, modified or authorized to be used as a residential rental dwelling.

Excluded from this moratorium are pending applications for such residential conversion and/or uses that have been submitted more than forty-five (45) days prior to the enactment of this local law (defined as the date of filing of the local law with the office of the NYS Secretary of State), and/or any proposals contained in a Q RESIDENTIAL District or Q RESIDENTIAL District overlay. Further, this moratorium shall not prevent or prohibit the use of any legally established residential rental property (as of the date of enactment of this local law) or the ordinary maintenance or repair thereof.

**Section 4. EARLY TERMINATION OR EXTENSION OF THIS LOCAL LAW**

In the event that any new Local Law which addresses the substantive issues set forth herein, is enacted and adopted by the Board of Trustees prior to the date that the moratorium provided for by this Local Law expires, then in such event this local law moratorium shall expire on the date such new Local Law takes effect in accordance with Article 21 of the municipal Home Rule Law.

In like manner, if more than six (6) months have passed since the enactment of this Local law, it shall be determined by a finding of the Board of Trustees that an extension of this moratorium is required, then the Board of Trustees by Resolution, may extend this moratorium for such a period of time as its deems necessary in order to fulfill the findings heretofore made by the Board of Trustees, up to including an additional four (4) months from the date of the original intended expiration of this Local Law.

**Section 5. CONFLICT WITH STATE STATUTES AND AUTHORITY TO SUPERSEDE**

To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control.

**Section 6. APPEALS**

Any person desiring an exemption from the temporary moratorium imposed by this Local Law shall present a waiver request to the Board of Trustees of the Village of Brockport, and the Board of Trustees shall have discretion to grant such waiver only after a public hearing of such waiver has been held.

In granting a waiver the Board of Trustees must find that a waiver will not adversely affect the purposes of this local law or the health, safety, or welfare of the residents of the Village of Brockport.

If the Board of Trustees grants a waiver, the Code Enforcement Office will then be authorized to receive applications, issue permits, inspect the premises, and/or issue Certificate of Occupancies in conformity with the law as it is in effect at the time of its issuance. Similarly, the Zoning Board of Appeals shall be authorized to take action within its jurisdiction not inconsistent with the terms of any waiver granted by the Board of Trustees.

**Section 7. SEVERABILITY**

If any part of this Local Law is deemed by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

Section 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Leslie Ann Morelli  
Village Clerk  
Village of Brockport

Dated: 2/2/11

For publication in Suburban News 2/7/11

& posting on Village website [www.brockportny.org](http://www.brockportny.org) & at Village Hall

Mayor Castañeda introduced Trustee Hannan whose proposal this is.

Trustee Hannan read the following statement and submitted for the record:

MORATORIUM STATEMENT

“During this proposed moratorium, we will:

- Revise Chapter 58 of the Minimum Housing and Building Code
- Revise the Village Comprehensive Plan.
- Develop a plan to revitalize our historic village.

1. We need to revise the Zoning Code because it is out of date. The Code Review Committee is currently doing a planned review of the village code, so now is the time to revise Chapter 58.

Zoning Codes, property use, and the assessments do not match. The process is not working, so properties are falling through the cracks.

Chapter 58, as now written, makes regulatory control and enforcement difficult, inconsistent, and sometimes impossible.

2. We need a revised Comprehensive Plan because the current Joint Comprehensive Plan is skewed toward new suburban development, which is an issue more relevant to the town, not the village.

The plan does not address the redevelopment of existing structures in the village or the unique needs and problems of the village.

Moreover, the last revision of the plan was in 2002, so it is dated.

3. There is currently no plan to revitalize our historic village. Without a plan, the historic architecture of our village will disappear and the character of our neighborhoods will be endangered.

Without a moratorium, none of this will happen without problems becoming worse and more properties changing use without proper oversight from the village.

I understand there are no easy answers or simple issues in this village. We've been remiss, however, in not taking the time and effort to “step back” and thoughtfully address issues proactively. Lacking foresight and planning, Brockport is a ship adrift at sea, unable to steer a clear course toward common goals that benefit the village as a whole, forcing us, piecemeal, to address problems resulting from this lack of planning. If an appropriate plan and financing had been in place, we might not be in debt for water line and sewer construction along Main Street.

Over the course of my lifetime, this village has undergone significant changes, some with outstanding results; others with unanticipated, unplanned consequences. Our canal front, for example, is graced with art and benches. With increased population density, however, our infrastructure has been stressed to its limits, parking lots have replaced green spaces, and our most historic neighborhoods have lost the stability of single family, owner occupied homes.

Incredibly, we have no plan focusing on housing needs or any control on the spread of home conversions in our historic neighborhoods. What we do have is many rental options that will remain in and around the village: townhouse, apartment, senior, student, handicapped complexes and downtown lofts. We also have a large number of homes which have been redeveloped as rentals. Some of these homes, which weren't properly maintained or managed, are now abandoned and/or uninhabitable. One rental was recently lost altogether because the owners had insufficient insurance to rebuild after a fire. We got lucky. The owners could have "walked away" from the damaged property and left the cost of cleanup to village taxpayers.

We all see "for rent" signs on houses throughout the year. Landlords have described to me how much more difficult it is to find suitable tenants now, compared to years past. Changes in college regulations will further decrease the number of students living off campus. Additional rentals, from this point forward, are more competition and financial instability for established rentals and their owners. Foolishly investing in a service – such as rentals – when the market is flooded with competition would ordinarily be the owner's problem, except when those properties become village liabilities.

Over 200 residents asked this board for a moratorium. They see the further conversion of family homes into rentals as a problem affecting neighborhood stability, home values, the peaceful enjoyment of their properties, and their tax burden for increased services and infrastructure repair. This proposed moratorium will preserve the status quo, not decrease rental housing, and at the end of the moratorium, recommendation will be presented to the board for consideration".

Mayor Castañeda thanked Trustee Hannan and stressed that this is an opportunity for the public to comment on the proposal. This is not a question and answer session. Mayor Castañeda read the guidelines for public comment:

- Speakers must step to the microphone
- Speakers must give their name, address and organization, if any.
- Speakers must be recognized by the presiding officer.
- Speakers must limit their remarks to 5 minutes. Trustee Kuhn will serve as time keeper.
- Speakers may not yield any remaining time they may have to another speaker.
- Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- All remarks shall be addressed to the Board as a body and not to any member thereof.
- Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

At 7:20 pm, Mayor Castañeda invited the public to comment. She asked that prepared statements be submitted to the Clerk after reading them for insertion into the minutes.

- **Bernie LoBraco, 48 Adams Street, Brockport** (read the following statement and submitted for the record): "I have lived in the Village for 2.5 years and support the proposed moratorium. During a moratorium, the Village will be able to update the building code, make sure that property use and assessment data match, and develop a comprehensive plan. In addition, I expect the Village to strictly enforce the Village code. There was a time when the College at Brockport actually inspected off-campus rentals and if certain standards were not met, the property could not be rented to a student. That is not the case today and there is plenty of room for improvement in the inspection process carried out by the Village. Thank you".

- **Susan Smith, 54 South Street, Brockport** (read the following statement and submitted for the record): “Members of the Village Board of Brockport, I have a written statement I would like to read tonight.

A few months ago, an application was before the Village Planning Board for the conversion of a historic commercial property into rental units. The landmark property is located in the historical core of our village. This particular application caught the attention of many village residents. It was like a wake up call that caused many residents to realize that our village was operating without a clear plan for protecting the integrity of our landmark community.

As a result of this awareness “that we need a plan”, a hand full of concerned residents reached out to our neighbors to see if they were concerned as well. We walked through the village, from home to home, talking with people and collecting signatures on petitions. Many people ARE concerned about the dismantling of beautiful neighborhoods, the devaluing of our homes, and the erosion of small businesses that has taken place for the past few decades in our village.

I would like to share the focal point of the petition, as this is the reason we are all here tonight.

*“We request that the Village Board issue a MORATORIUM to study and make a plan for the development, use, and care of the historic core of the Village of Brockport. It is a matter of public policy that the protection, enhancement, and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational and general welfare of the public.*

*We need to:*

- *Protect and enhance the landmarks and historic districts which represent distinctive elements of the Village of Brockport’s historic, architectural, and cultural heritage.*
- *Foster civic pride in the past accomplishments and future use and development of Brockport’s historic core.*
- *Protect and enhance the Village of Brockport’s attractiveness to visitors and the support and stimulus to the local economy that visitors provide.*
- *Ensure and plan for orderly, harmonious, and efficient growth within the Village of Brockport that will allow all buildings to have peaceful enjoyment and value enhancement.*

*We must make sure that the development of one property is neither to the detriment of others in the neighborhood nor to the rest of the village that radiates from this historic core of our community.”*

Over 200 registered voters signed the petitions in the short amount of time we were able to spend visiting our neighbors. The petitions were notarized and submitted to the village board on November 10<sup>th</sup> 2010.

A moratorium is a “freeze”. A “freeze” is temporary. A moratorium will keep structures just as they are, while we have a chance to thoughtfully consider our options. This moratorium is a way to unify our community by working together to formulate a comprehensive development plan; a plan that preserves the historic character of our past, fosters the revitalization of our homes and businesses, and establishes a clear path for the future; a plan for our quality of life and public safety.

I urge the Village Board to vote “yes” to the moratorium”.

- **Rudolph Aceto, 170 Frazier Street, Brockport** (read the following statement and submitted for the record): “I have lived in the Village of Brockport for 58 years, fifty of those years on Frazier St., the best neighborhood in the Village. In those 58 years I have seen the Village disappear. I can remember when we had our own pumping station on the lake and even sold water to other communities. We had our own sewage treatment plant on East Ave. In the Village Core there were grocery stores, pharmacies, clothing stores for both men and women, and a jewelry store all in the Village core. We don’t have any of these stores today. I suppose you could consider these changes PROGRESS, I consider them as having changed the face of the Village.

In the 50's, all of the landlords that took in college students had to follow rules set up by the College. Desk and lamp for each student, girls had curfew, even yearly inspection of the rooms. Compare this to what we have now, I guess you could also call this PROGRESS. When the college decided to no longer involve themselves in off campus housing, landlords began changing all the rules. One family homes were bought up and renovated into as many apartments as they could squeeze in. We don't really know what the ratio of rental property to single family homes is, but we do know that rental property is a big and lucrative business in the Village. The time is now for a moratorium on converting single family and commercial properties into apartments. It's time to get the real facts to help us make the right decisions for the future so we can keep Brockport the Historic Victorian Village we all love".

- **Thomas Mangan, 194 Utica Street, Brockport** (read the following statement and submitted for the record): "My name is Thomas Mangan and I live at 194 Utica Street.

I think the proposed moratorium is a great idea.

Right now Brockport has not control over property use in the Village, and no plan in place to revitalize the Village.

That isn't very intelligent.

If you want to succeed, you have to plan. If you want fail, then don't bother to take the time to come up with a plan.

When I moved into my house on Utica Street 23 years ago, my street had 8 single-family homes and 3 rentals. Today, my street has 4 single-family homes and 7 rentals.

And that doesn't count the house behind mine on Maxon Street that Fred Webster bought for a song and turned into a low-end college dormitory.

Too make matters worse, in the past year, one of the 3 original rental houses on my end of Utica Street, has been abandoned by the landlord because the market for college rental housing in Brockport is glutted.

We all know that there are good landlords and there are bad landlords. There are people who follow the rules and people who don't. Right now, the people who don't follow the rules are costing the rest of us a lot of money.

I bought my house from people who were good landlords. But I have three really bad landlords who now own property around me.

The house owned by Carnes Doherty at 176 Utica Street wasn't bad when I moved here, but now it is a dump. It has been a rental property the whole time I've lived on Utica Street, but it has never had a drop of paint put on it in that time, and there have been holes in the siding for a couple of years.

But the present code has no teeth in it, so nothing gets done.

The house behind that one, on Maxon Street is a college rental, but the landlord takes good care of the exterior. Unfortunately, his return on his investment is reduced because he spends the money needed to maintain his property while his competition does not.

That's wrong.

The house just south of mine used to be a Brockport landmark. It's Bob Wilson's old house, and until a couple of years ago, when people asked me where I lived on Utica Street I'd say, right next to the yellow house with the green shutters, and they would know exactly where I meant.

It was a truly historic house.

But not anymore. When Craig & Jenny Faulks bought the house, they stripped off the wrought iron grillwork and the shutters and sold them. Then they tore out the downstairs windows and put in a bay window (with no curtains).

Then they put plastic siding on the house, which now has holes in it. They even tore out a load-bearing wall downstairs to make the living room bigger. Now the second floor of the house is structurally unsound. Eventually it will sag, and then goodbye to a beautiful historic house.

Bob Wilson would turn over in his grave.

He painted that house every year whether it needed it or not. The house was beautiful, and he was a good neighbor, who used to bring over antique toys for my kids to play with.

Now I live next door to house rented to three female college students who have loud parties and who walk across my flower garden to get the rental house Fred Webster owns because there are a bunch of boys who live there.

I can't count the number of times I have had to call the Brockport Police Department about the students living near me who are breaking the law. It's ridiculous.

There are only supposed to be three girls in that house, but there are five or six cars parked in the driveway every night, and every morning at least one young man leaves the house and walks down the street to go to class.

You figure it out.

That house never should have been turned into a college rental. It was designed as a single family house and that's what it should be used for.

Unless we implement mandatory inspections of rental housing, and require that property owners get proper building permits before they do such major renovations, then more and more structurally sound houses will be destroyed.

What's going to happen to our property values then?

Some people, including the mayor, say that we already have a provision in the code about rental conversions. But that is false.

The provision in the code is about residential to commercial conversions, not about the conversion of single-family house to rental units for multiple individuals.

Impose the moratorium and modernize the code to meet the situation we have in Brockport.

In the meantime, use the administrative warrants that the courts have ruled are legal, and crack down on the landlords who are breaking the law".

- **David Markham, 46 King Street, Brockport** (stated the following):
  - Thank you to the Board for having this hearing. We have discussed many other issues: budget, dissolution, fire and ambulance, but this is the most important.
  - We have come to the precipice, at the tipping point, according to Pam Ketchum, 39% of the houses in the Village are rentals. What is the correct proportion? At what point does the number of rentals outweigh the single family homes, when will it change the character of the neighborhood?
  - Neighborhood attachment – do you know your neighbors? Do you feel safe? Do you talk to your neighbors? Kids are moving in and out of rental homes, so they don't know their neighbors. My 91 year old mother wanted to meet our neighbors and I told her I don't have any neighbors, it is all rental now. I introduce myself to my neighbors in the fall, and by the spring, they are gone.
  - I moved to this historic house that I bought at auction for \$60,000.

- Percentage of rentals in our village: 90% on King Street, 72% on College Street, 70% on Monroe Avenue, 56% on State Street, and 54% on Maxon Street.

- **Jeff Thon, 1924 Dublin Road, Penfield** (stated the following):
  - I own three properties in Brockport and properties on the east side of Rochester. I am an excellent landlord, I screen applicants.
  - I'm all for keeping up property values.
  - I see myself as part of the solution, not the problem.
  - Be careful about the constitutionality of all this talk about property and structure as a nuisance. Nuisance is a behavior – when the students are gone, the property is not a nuisance.
  - Enforce the existing law, I'm all for it.
  - Economics – I pay a lot in taxes and would like to be included in future discussions to help find the solution.

*Mr. Thon submitted the following statement for the record (not read at the public hearing):*

“In my opinion, and that of my real estate attorney, the premise of the proposed law is flawed and unconstitutional because it could punish an individual for the unlawful behavior of another individual. In this case, the proposed law could punish the property owner for unlawful behavior by the tenant.

Article 1 – Purpose – Notice – Exemptions – Definitions....is the first paragraph of the proposed law and it states: “This code shall be known as the Public Nuisance Code for Dwellings, Buildings, Multiple Dwelling Units, Premises, Structures and Equipment”.

Think about it, how can a building or a structure be a nuisance? A drunk individual or barking dog can be a nuisance. But how can a house be a nuisance? A house can be in disrepair and exhibit blight, in which case it would be in violation of a different and existing Code of the Village.

The language of the Proposed Law should be reworded to say “This Code shall be known as the Public Nuisance Code for Individuals, Groups of Individuals, Animals and Machines that are disturbing the Peace or violating existing laws.”

Regarding Points and Penalties #10 – Create a standing meeting of appropriate Village Departments to periodically review “problem properties” and make recommendations and adjustments as needed. This is very subjective and non-specific.

Let me reword this clause #10 to say “Arrest or cite unlawful individuals or groups of individuals, as they are caught violating the law”. In reality, there are no “problem properties”, but only problem individuals, and there should be no “standing meetings” and there should be no “recommendations and adjustments as needed”, as determined by whom?

I want to see the Village’s charm and value be maintained and increase, keeping all individuals that live here, safe and healthy. I am all for allowing the Police and Code Enforcement Officials to do their jobs of enforcing existing laws, while maintaining the constitutional rights of all individuals and property owners.

Thank you for your time”.

- **Valerie Ciciotti, 104 East Avenue, Brockport** (read the following statement and submitted for the record): “I am in support of the moratorium and would like to ask that our village board vote in favor of this proposed local law.

Although I am not an expert I have over 20 years experience in the building/construction business, with 5 of that being in the property rental business.

Previous experience – Office manager for mason contractor for 10 years. This provided me with an education in building practices dealing with carpenters, electricians, plumbers, building contractors and local building officials.

Within the last 10 years I have been involved in the conversion of 3 properties.

Hilton – 1 building in a commercial/residential district. Property was converted from business use to rental unit w/2 apartments.

Bergen – 1 home in a residential area. Property was converted from residential home to residential rental housing w/2 apartments.

Clarkson – 1 building in a commercial district. Property was converted from dilapidated barn w/no electric or heat to a viable commercial business space.

For the past 5 years I have been a business partner in the management of residential rental property in and around Brockport.

I am an advocate of preservation and restoration. As my experience shows I am not opposed to conversions. There are instances when converting a property is to the advantage of all. I do believe in the preservation of the properties interior and exterior architectural features. When contemplating the conversion of property there should be careful consideration to the negative aspects to the surrounding area. The profitability of the project should never be the sole desired outcome.

In being involved as a landlord in the village for the past 5 years I've seen first hand how the residential rental business is having an adverse effect on our community. Whether you own 1 or 50 rental properties this is a business that demands responsible stewardship, accountability to the community and adherence to state and local law. In converting a residential or commercial property into a rental residence there is a responsibility to provide for the health, safety and welfare of the community. The community being the tenants that reside in the property and the residents in the surrounding area. I have heard multiple accounts of sub-standard housing, neglectful response to needed repairs, unsafe conditions, overcrowding, etc. This is unacceptable business practice and a violation of tenant rights. I have also heard multiple accounts of individuals being a nuisance to their neighbors, loud music, disorderly conduct, damage to property, etc. This is unacceptable behavior by tenants and a violation to our public health, safety and welfare. This moratorium can provide for review of the current local law to ensure it provides for policy and systems to address the negative side effects.

We are seeing an erosion in the historic character, green space and infrastructure of our village. In addition there are concerns for the health, safety and welfare of all. If we do not take the time and effort to review whether the proliferation of residential rental housing is having an adverse effect on our community we are doing a disservice to present and future residents of our village. The 6 month moratorium can provide time to stop and take a look at our comprehensive plan and review whether revisions need to be made. This moratorium is a positive step in ensuring the overall well being of our village. Yes, it will put a hold on some business ventures for 6 months. To those that object for that reason I would question whether they consider their own financial gain to be of more importance than the overall well being of the community.

To our village board I would ask that you consider what is best for our community as a whole when casting your vote”.

- **Kevin McCarthy, 104 East Avenue, Brockport** (stated the following):
  - Lived in Clarkson in a new home previously and now currently lives in an older home on East Avenue.
  - Code enforcement on older homes to do it right - it isn't an easy thing. Some can go in and maximize profits and do the right thing for the house and for the village.
  
- **Mr. Zisovski, Main Street, Brockport** (stated the following):
  - I am Papa Z, father of Jimmy Z and I would like to consider myself a positive asset to the solution. My son saw an opportunity in Brockport. He is a fine young man, he and his business contribute to Brockport.

- Find the solution to the problem, start with the Board, a lot of people come in and then leave after one term. The Board is dysfunctional, no unity, not much progress is made.
  - At his restaurant, he talks to many students who tell him – they are told where to go, what to do, how to live, the community wants our money, but they don't want us.
  - Be careful, find a good solution, the longer we don't find a solution, a bigger problem we will have.
  - Points and penalty - if a thief is robbing a home, the police are called. How do you implement the noise problem? Are you going to put a noise measure on the house?
  - It will be a burden to the Village if there are lawsuits and you have to pay for my lawyer fees.
  - Let's unite, without lawsuits. The solution is unity, proper action and togetherness.
- **Victoria DiMatteo, 67 Park Avenue, Brockport** (read the following and submitted for the record): “My name is Victoria DiMatteo. My family has lived at 67 Park Ave since 1904 when my great grandfather, Steve Brodie, bought it to house his expanding family. We have seen the “Historic Core” of Brockport devolve into an often unsightly mess. Cars parked on muddy and torn up lawns. Shrubs out of control. Landscaping destroyed to pave for parking. Properties abandoned when costly problems arise. Many families have seen their property values plummet as the home around them are converted to rental properties.

By voting for a temporary moratorium on the conversion of single family homes into rental properties we will be giving our village trustees and code enforcement officer time to revamp and update codes. Time to study the Comprehensive plan and to recommend sensible changes.

Right now the Comprehensive plan is skewed toward the town of Sweden and new development. We need a plan specifically for the “Historic Core” of our village. One aimed at preserving and protecting the “Victorian Village on the Canal” nature of our hometown. We need time to carefully weigh the needs of families, businesses and the environment we all live in.

By adopting the moratorium we will not be attacking anyone nor stripping anyone of their rights and livelihood. We will simply be moving toward an equitable community that is safe and livable for all her residents.

I would like to finish by thanking the Board for all their efforts to save Brockport and create a better future for all of us. Thank you”.

- **Mark Kristansen, 270 Main Street, Brockport** (stated the following):
  - Made negative comments directed to a member of the audience.

*Mayor Castañeda addressed Mr. Kristansen and stated he was out of order. Please address the Board and keep comments appropriate to the subject.*
- **Mike Tron, 311 Cedar Place, East Rochester** (stated the following):
  - East Rochester is a village similar to Brockport and the village has guidelines for their buildings.
  - I am also a recent landlord in Brockport. Buyers of the rental homes won't be able to sell their homes. If you impose the moratorium, you could cause investors to not be able to sell their homes. Please track home sales and see how they are impacted during the moratorium
- **Rodney Davis** (read the following and submitted for the record): “Good Evening, members of the Village Board and Mayor Castañeda. Thank you for the opportunity to address the Village Board tonight. My name is Rodney Davis. I have owned property in the Village of Brockport for over 23 years.

Over the past 10 years, we have seen a trend of families leaving upstate NY and moving to other states, where the job climate is better, property values increase and taxes are lower. This migration out of NY state is having a depressing impact on our communities. For example, individuals trying to sell their property find fewer potential buyers to purchase their property. This results in a flat or downwards spiral in housing prices. Not a good thing.

Many property owners are concerned about the declining value of their property. A few individuals blame the “landlord” for the decline in housing values. This is not true. The truth is the population exodus from upstate NY is the underlying principle which is adversely affecting housing prices. It is simple case of economics, more sellers, fewer buyers.

Rental property owners support the community by hiring local contractors for remodeling/repairs. We purchase supplies & materials from local businesses. We are a large engine that drives the economics in the community. Also, rental property owners reclaim abandon properties and place them back on the tax roll, thus reducing everyone else’s tax payments. That is a good thing. In Brockport, we have some very good rental property owners, who have been here for over 20 years.

As property owners, whether residential or rental, we invest in real estate to watch its value grow. We have the same vested interests. We both work diligently to improve our investment.

Sometimes resident & rental property owners’ interests come into conflict. In the past, the course of action has been to push punitive legislation, which creates a large divide between residents & businesses and leads to litigation. Both sides spend a lot of time, money & energy arguing their case.

This reminds me of Einstein’s famous Quote on Insanity, “Insanity: doing the same thing over and over again and expecting different results.”

Perhaps this time, instead of wasting our resources fighting over these issues, we’ll work together in a cooperative fashion. We need to put aside our past differences, especially with the lingering emotional distress over the village dissolution issue.

To move forward in a cooperative manner, I ask you NOT to approve the moratorium on conversion. I request that we set up a dialogue, series of meeting between the BSPOA and the Village Board, to discuss and resolve concerns. Let’s try this new approach, so that together we can build a better Brockport where everyone enjoys the quality of life.

Thank you”.

- **Arthur Billotti, 35 Union Street, Brockport** (stated the following): I am the Brockport Student Government representative for office campus housing and would like to recommend the following:
  - Landlords - better checks on landlords to establish adequate housing for students by having annual inspections to assess the quality of the rental houses.
  - Tenants- to get quality tenants, landlords should have an interview process and a letter of recommendation.
  - Students – some are paying too much rent for poor quality housing. Don’t let the landlords charge so much rent for poor quality housing.Mr. Billotti would like to be included in future discussions of the moratorium and provided his contact information.
  
- **Norm GianCursio, 51 College Street, Brockport** (stated the following):
  - I don’t believe the proposed moratorium is necessary, there is a code in place and it is sufficient. The Board has an obligation to treat everybody equally, not cater to a special interest group.
  - Scott Zarnstorff inspects residential rental properties every three years and issues a certificate of occupancy. Single family homes aren’t inspected, why are you pointing the finger at landlords?

- Owners of single family homes have contacted me to buy their home because they cannot sell their homes. I have declined because the taxes are too high.
- The Mayor has a plan, but no one will listen to her.
- If there is a noise problem in the village, call the police department and let them do their job.
- There aren't a lot of conversions of single-family to multi-family dwellings:

1,140 single-family	83%
125 two-family	9%
30 three-family	2%
54 four-family	4%
33 rooming houses	2%
- Let's sit down together, talk this over and treat everyone equal.

*Mayor Castañeda addressed Mr. GianCursio and stated he was out of order as his five-minute allotment was over.*

- **Eric May, Brockport** (stated the following):
  - I am the President of the Brockport Student Government and came to this meeting as an observer, but would like to speak on behalf of the students. Please strike the Points and Penalty proposal, it is a disservice to the students. It is not fair. The code enforcement officer can take care of necessary actions and violators can be removed through that process.
  - If the Board would strike this proposal, it would be appreciated by the student body.
- **Tony Perry, P.O. Box 493, Brockport** (stated the following):
  - I am a taxpayer of the village and am not against historical preservation, but am against telling someone they cannot put vinyl siding on their house.

*Mayor Castañeda addressed the audience and asked for silence.*

- How many commercial conversions have there been in the last 10 years? Would the moratorium cover commercial conversions?
- I bought three homes prior to 1980 and take pride in my properties. There are plenty of single family homes that have serious property maintenance issues.
- Two mayors ago, we asked for interaction between the mayor and the landlords, this never happened. It seems people make promises and the Village keeps backing out of discussion.
- **Jose Mendez, Brockport** (stated the following):
  - I have lived here for 25 years and am against the proposed moratorium.
  - Brockport is in trouble and I am tired of blaming the landlords for all the problems.
  - I have bought house and fixed them up for rentals.
- **Gino Romano, Brockport** (stated the following):
  - I am against the proposed moratorium.
  - I bought a distressed property in Brockport and spent a lot of money to repair. Scott Zarnstorff has inspected and issued a certificate of occupancy. I have no problem with my property and try to keep them in good repair. I try to be a good landlord.
  - I do not understand the points system. If something goes wrong, it goes against the landlord, when he may not be the cause of the problem.
  - I would like clarification and discussion with the village.
- **MaryPat Musselman, 90 State Street, Brockport** (stated the following):
  - Twenty years ago, I bought a historic home in the village.
  - The proposed moratorium would give us all time to look at homes, get things in an orderly way. Codes could be studied and thought out.
  - I want the village to survive.
  - I don't think the village needs any more rentals.
  - Take care of what you have now, take care of our village.

- **Kathy Kristansen, 270 Main Street, Brockport** (stated the following):
  - I am a resident and a landlord. When a four apartment Victorian home next to us was up for sale, we bought it because we wanted to protect our property value. We put in a lot of time and money and now have a gorgeous home with four apartments. We don't have college students, never had a problem, never had a police call.
  - Across the street are two rentals and we have had to call the police about the rentals.
  - I do not mind college students renting, but it upsets me to see the houses being ruined.
  - There are a lot of good landlords.
  - The proposed moratorium will give us a breather, so we can all take a look and give us a chance to see what we can do to make it better.
  
- **Mark Warren, 980 West Avenue, Brockport** (stated the following);
  - I am a graduate of Brockport, have lived here since 1982, and am a property owner.
  - I do not feel supported by the Board or the Police department.
  - As a landlord, I review my expectations with my tenant, including how they should respect their neighbors.
  - There was an incident at my rental property - the Fire Marshal called to tell me he kicked 75 kids out of a party. The police went to the house, but didn't issue any tickets or arrest any of the kids. I am a landlord, not a keeper of the kids. There are nuisance laws concerning underage drinking, and I met with the Police Chief to let him know I have zero tolerance at my rental house.
  - Why should I get points against me when there is a law already in place? How can I be blamed for the actions of my tenants?
  - I would like the support of the Board to know that the police department, which I support, will enforce the existing law.
  - The majority of the landlords take care of their properties.

As there were no further comments, Mayor Castañeda called for a motion to close the public hearing.

- ➔ Trustee Hunsinger moved, Trustee Kuhn seconded, carried 5/0 to close the public hearing.

Mayor Castañeda shared that the Board will take the public hearing comments into consideration.

Decisions based on the hearing must be made within 62 days after the hearing is concluded.

Mayor Castañeda thanked all for their attendance and comments.

**ADJOURNMENT:**

- ➔ Trustee Hunsinger moved, Trustee Kuhn seconded, carried 5/0 that the meeting be adjourned at 8:40 pm.

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Pauline Johnson, Deputy Clerk-Treasurer