

At 7:00 p.m. Supervisor Connors called to order a public hearing located at the Town Hall, 18 State Street, Brockport, New York on January 29, 2013. The purpose of the public hearing was to hear all persons interested in the re-zoning of a portion of the property located at 4574 Lake Road from Residential (R-1) to Retail-Commercial (B-1). The area proposed to be re-zoned is 0.91 +/- acres of tax account No. 083.08-1-2. The applicant, Philip Miglioratti of Patriot Management, LLC proposes to ultimately construct 5 townhouse style apartment buildings, a total of 38 units, and modify the existing structure onsite to become a maintenance facility, as well as constructing onsite storm water management including green infrastructure provisions.

Town Board Members present were Supervisor Patricia Connors, Councilperson Robert Carges, Councilperson Rebecca Donohue, Councilperson Kevin Johnson and Councilperson Donald Roberts. Also present were Finance Director Leisa Strabel, Town Clerk Karen Sweeting, Deputy Town Clerk Kathy Roberts, Planning Board member and Town Architect David Strabel, Environmental Conservation Board member George Mann, Zoning Board of Appeals member Kevin M. Johnson, and Tax Receiver Theresa Weed and son Brenden.

Philip Miglioratti of Patriot Management, LLC and Mark Costich of Costich Engineering were present. Visitors present were Robert and Cecilia Berry, Dorothy and Richard Romagnolo, Michelle and Michael Guerrieri, Neil Newman, Sharon Ryan, Eric Leverenz, Myrta Izzo, Terry and Fred Carbone, Ron Pierce, Marcia Bartalo, Richard Lair, Elizabeth Bryant, Brandy Wyand, Dorcas Michaels, Whitney Davis, Joseph Lagas, Maura Fitzpatrick, Tracy Ricci, Dianne and Doug Hickerson, Kelly and Rocco Salomone, Jamie Hinds, Anthony Pietrzykowski, Mike McGraw, Joan and Richard Fenton, Kevin Ryan, Terry Rich, Melba Lomonaco, Kevin Jennejohn, David Young, and Chad Markel. Others were present but did not sign in.

Supervisor Connors asked Town Clerk Karen M. Sweeting to read the legal notice published in the Town's official newspaper. Notice was read.

Mark Costich of Costich Engineering began by stating that the purpose of the hearing was to look at the zoning of the property. They are working on the required SEQR process concerning any environmental issues for the proposed project. The Town Board must make a determination prior to any construction as part of that process. Patriot Management, LLC intends to construct townhouse style apartments. Mr. Costich presented architectural plans and explained initial findings of the impacts on land, water, transportation, energy, health and growth of community.

Councilperson Carges reiterated that this hearing was about the rezoning of 0.9 +/- acres from Residential (R-1) to Retail-Commercial (B-1). Any issues dealing with the proposed construction must be dealt with through the Planning Board.

Resident and Environmental Conservation Board member George Mann asked what would happen to the existing trees on the property. Mr. Costich answered that several trees would have to be removed but they would try to maintain as many as possible throughout construction.

Resident Sharon Ryan was concerned with the northeast corner of the property, Coleman Creek and the drainage creek that runs between the apartments and the back of the resident properties on Hollybrook. Mrs. Ryan asked if they are proposing any barriers or fencing. Mr. Costich answered that Coleman Creek is a protected creek so no changes to the creek will be made.

They propose that proper drainage and erosion control requirements will be followed and that vegetative barriers will be placed – no fencing.

Resident Michelle Guerrieri stated that her entire back yard backs up to the property and is subject to flooding each year. She is concerned with an increase in flooding to her property. Mr. Costich stated there would be a storm water management plan in place as required by the state.

Resident Terry Carbone stated that she is very opposed to the project. She is concerned with the ecosystem, Coleman Creek, soil contamination from Ace Cleaners, increase in traffic and will the developer utilize the PILOT program (Payment In Lieu of Taxes). Mrs. Carbone is also concerned with the value of the homes in the area decreasing as a result of the project and the safety of pedestrians due to the entrance/exit proposed for Sweden Lane.

Mr. Costich answered that studies have shown that developments of this type have actually increased the value of neighboring homes. He explained some of the details of the proposed development and traffic increases.

Resident Jamie Hinds was concerned with the removal of mature trees and replacement of evergreen landscape that it would not be the same quality of barrier between the residential and commercial zones. She inquired whether the units would be rented to single families or multiple renters. By drawing multiple renters out of the Village it may take away potential renters of village properties.

Philip Miglioratti of Patriot Management, LLC introduced himself and explained a brief history of the property. He has done a significant amount of capital improvements including new roof and windows as well as insulation, inside lighting and several new kitchens and appliance replacement. Mr. Miglioratti intends to construct upscale apartments geared toward young families. He is within the town's density of population which he stated as 12 per acre and indicated he would not be asking for the PILOT program.

Resident Anthony Pietrzykowski asked that if the re-zoning application was denied did Mr. Miglioratti still intend to build. He is also concerned with the drainage and flow of additional water to neighboring properties.

Resident Joan Fenton had several environmental concerns and was interested in knowing the comments and concerns of the Town's Environmental Conservation Board.

Mr. Costich stated that they have considered several DEC reports and that the DEC's concerns were of the neighboring contamination issues of Ace Cleaners and Barry Dodge (record is now closed).

Supervisor Connors informed the public that the Town must request comments from several county and state agencies and those comments should be received by February 5th.

Resident Tracy Ricci asked about the house on the corner of Hollybrook and Sweden Lane.

Resident Kevin Ryan asked how renters would access the property.

Mr. Miglioratti answered the main entrance would be from Sweden Lane with an additional ingress/egress from Lake Road.

Resident Doug Hickerson wanted to clarify the procedures for advertising the public hearing and was also concerned with traffic on Sweden Lane and the environmental issues.

Resident Melba Lomonaco asked how many parking spaces were planned for each unit and was also concerned with drainage and water issues. Mr. Costich answered that the concept plan shows 2 spaces per unit plus 10 additional spaces.

Resident Joseph Lagas is concerned with the northeast corner of the property. He realizes that the DEC does not classify that area as a wetland but the area is consistently wet. Mr. Lagas is also concerned with increased erosion and tree loss of Coleman Creek.

Resident Richard Fenton commended Mr. Miglioratti for the improvements that have been done to the current Sweden Lane Apartments. He is concerned with what the change in zone may allow if the property is sold and added that we may have a less than desirable project constructed. He added that the current barrier works well and allows multi-family dwellings to co-exist with single-family dwellings. Mr. Fenton asked the board if they had any thoughts on whether they intend to grant or deny this application. He hopes the Town Board will build in some restrictions for any future owners should this application be approved. Mr. Fenton added that because the 0.9 +/- acres is zoned residential, there is some protection, but what protection will the residents have if it is re-zoned commercial.

Councilperson Rob Carges stated that the Town Board gets very few re-zoning applications. The applicant can currently construct apartment buildings on the portion of the property zoned Retail Commercial (B-1). This public hearing concerns the 0.9 +/- acres that is Residential (R-1). Any details concerning the construction of the proposed project will be determined by the Planning Board.

Supervisor Connors informed the public that whether the Town Board approves or denies the application, another public hearing would be scheduled by the Planning Board to obtain comments. The environmental issues determined by the SEQ process must be addressed.

Mr. Costich stated that the applicant is trying to transition from the commercial zone to the residential zone with multi-family apartments as opposed to commercial retail type structures. Restrictions and conditions can be put into the plan and become part of the site plan approval at the planning board stage.

Councilperson Johnson stated he was undecided at this point whether to approve or deny the application. The Town Board is doing its best to balance progress and thanked all that were present for their comments and concerns.

Resident Rick Lair was concerned with FEMA reclassification of the homes on Hollybrook. Some properties have a high potential to flood and insurance companies now require them to carry flood insurance.

Resident Chad "Jim" Markel asked if the applicant would consider less – three (3) units can fit on what is currently zoned commercial – continue to use the residentially zoned piece as a buffer zone.

Mr. Miglioratti answered that all five (5) units are necessary to offset the cost of construction and he is within the density of population with the current proposed plan.

Resident and Zoning Board of Appeals member Kevin M. Johnson is concerned with the proximity of the buildings to the creek and neighboring properties.

Resident Michael Guerrieri asked how many Sweden Lane Apartments were vacant. Mr. Miglioratti answered zero (0). Mr. Guerrieri is also concerned with Coleman Creek and the drainage creek that runs behind his property. He already has issues of flooding and is worried that the proposed project will increase water flow to his property.

Resident Myrta Izzo is concerned with flooding.

Resident Terry Carbone doesn't feel that it is the right place for the number of units planned. She asked the board to please not rezone because there are too many unanswered questions.

Mr. Costich thanked everyone for their comments.

Mr. Miglioratti also thanked everyone for their comments and added that it is unusual to have a parcel with two (2) zones and that makes it difficult to complete a feasible project.

No other comments.

The Town Board will accept comments until February 5th. Supervisor Connors adjourned the public hearing at 8:45 p.m.

Respectfully Submitted,

Karen M. Sweeting
Town Clerk

**Written comments were received from the following residents opposing the rezoning project:

Gary Kenney
Terry Rich
Robert & Cecilia Berry
Marilyn Cornish
Jolene Bak
Mike Bartnick
Charlie Johnson