

The meeting started at 6:40 p.m. on Monday, April 25, 2005, at the Senior Center, 133 State Street, Brockport, New York. The following were in attendance: John Brugger, Patricia Connors, Tom Ferris, Jerry Foster, Dave Hale, John Henion, Matthew Minor, Ken Reid, Wayne Rickman, and Karen Sweeting, Town Clerk. Many of the residents from the public hearing stayed for the meeting but did not sign in. They were coming and going throughout the meeting.

Mr. Ferris made a motion that was seconded by Mr. Reid to approve the minutes from the last meeting. All voted Aye. Minutes approved.

Mrs. Connors brought to the attention of the committee a correction on the acreage for Remembrance Park. The actual figure from the Village DPW is 0.14 acres. The change will be made.

Mr. Hale noted that we had received comments from the Village of Brockport and Earthworks Environmental. He asked if anyone had a problem with including those updates. Mrs. Connors noted that some of the items had already been done and that others are in progress or proposed or pending and there is no appropriate place to add the information and therefore should be postponed until the next review. Mr. Brugger stated that the Earthworks information should be accurate and that the Mayor had handed him the packet of information with updates marked. There are people at the Village that are adamant about the information being updated at this time. Mrs. Connors stated that the updates will be done but no new information will be added until the next review. The updated pages will be made a part of these minutes.

Mrs. Connors read the new paragraph being proposed for page 5-3 under Multi-Family Residential/Commercial. She asked if there were any changes or additions to be made. Mr. Hale made a motion that was seconded by Mr. Foster to change the paragraph to read as follows: "As part of the annual review in 2004, a new area of mixed use, on vacant land on the west side of Redman Road, north of the Town Park and south of the railroad tracks, is under discussion. There is no recommendation for a zoning change to be made at this time but there is a recommendation to study the area for possible new uses."

Mr. Minor suggested adding that any rezoning of the property be project specific. He then explained what that means. Mr. Foster noted that the trouble with this is that it is difficult to ensure that the developer will follow that plan. Mr. Minor mentioned case law that towns have had the ability to zone in a specific manner. He mentioned that the Town of Greece does this and that the Town of Geneva does it and won a court case regarding this. Mrs. Connors then read the Appellate Court statement from the Geneva court case. Mr. Ferris mentioned that he had read the entire case and that the dictum is also conversely to allow communities to consider rezoning without the fear of having just the bald statement that this is going to be rezoned commercial with no limitations. This is a problem that local government has had in dealing with what is commercial property. The case stands for the proposition that even if it is zoned commercial, the town, with project specific designation, can control how that property is developed to fit the master plan of the community. Mr. Hale questioned what happens when something doesn't work out—what happens to the rezoning. Mr. Foster asked if it would go back to the original zoning. Mr. Rickman asked if time limits could be put on the project. The Town Board has put a time limit on a rezoning before. How does this hold up in court especially when businesses come and go? Do the conditions still exist for a new owner? Mrs. Connors noted that these are questions that can be asked between now and when a rezoning application is submitted.

Mr. Minor was asked to repeat his statement again. He then added two more points that should be addressed. One being a non-disturbance of state regulated wetlands on the property and the 100 foot buffer area. The second being that preference be given to non-disturbance of mature hardwoods on this property with perhaps an easement to the Town to preserve the trees. Mr. Hale asked if he was proposing this as an amendment to his motion. Mr. Minor stated no, he is just throwing out ideas.

A vote was then taken on the motion on the table. Four voted for the motion. Five voted against the motion. Motion was not adopted.

Mr. Minor made a motion seconded by Mr. Hale that the new paragraph on page 5-3 under Multi-Family Residential/Commercial should read as follows: "As part of the annual review in 2004, a new area of mixed use, on vacant land on the west side of Redman Road, north of the Town Park and south of the railroad tracks, is under discussion. There is no recommendation for a zoning change to be made at this time but there is a recommendation to study the area for possible new uses. Any rezoning of the property should be project specific and will include non-disturbance of state regulated wetlands and its one hundred (100) foot delineated buffer zone and with preference given to non-disturbance of mature woods." Mr. Brugger suggested including the recommendations even if it remains R1-2. Mr. Minor stated it is already R1-2 so the conditions could not be put on the property. A vote was then taken on the motion. Six voted for the motion. Three voted against the motion. Motion adopted.

Mr. Hale then left for the Planning Board meeting.

Mrs. Connors made a motion that was seconded by Mr. Minor that the Comprehensive Plan Review Committee has hereby completed its review of the Comprehensive Plan Update 2002 and drafted amendments, has referred the amendments to the Town Planning Board and Village Planning Board for their review and recommendations, has held two public hearings regarding those same amendments, and does hereby name these amendments as the Final Draft and does therefore turn this Final Draft over to the Town Board and the Village Board with the recommendation that they be accepted and made a part of the Comprehensive Plan Update 2002. A vote was then taken on the motion. Seven voted for the motion. One voted against the motion. Motion adopted. Mr. Brugger explained that he voted no because he wanted to make sure the updates from the Village are included. Mrs. Connors reiterated again that they would be done.

Mr. Ferris made a motion that was seconded by Mr. Henion to adjourn the meeting at 7:15 p.m. Eight voted for the motion. Meeting adjourned at 7:15 p.m.

Respectfully submitted from notes taken by Karen Sweeting, Town Clerk,

Marleen M. Cain