

## **PUBLIC HEARING of PLANNING BOARD HELD ON MAY 03, 2005**

Present: Gary Bogner, Chairman, Sean Schumacher, Dan Cianfoni and Michael Murphy.

Absent: Melissa Bretz

Others attending: Rose Pettrone, Muffy Pratt, Harold Pratt, Mary Jane Miles, Bruce E. Miles, Robert Raeman, Bonnie Crossett, Gary Crossett, John Ciufio, Kathleen Ciufio, Rick Almendinger, James Hayes, Chris Nill, Rose Foster, Caroline Mullen, Ellen McWilliams, Charlene Huber, Marilyn Hudson, Terri Haley, Michelle D'Arduini, Tom Nohe, Jane Nohe, Michelle Raeman, Elaine Shaner, Allen Estey, Nick DiSalvo

Recording: Rita J. Gurewitch, Deputy Clerk/Treasurer

Chairman Bogner called the public hearing to order at 7:00pm. The Legal Notice of the public hearing was read. This hearing is for the purpose of considering special use permit(s) at 12 South Avenue and 103 Merrick Avenue to operate rooming houses at those locations.

Chairman Bogner stated that due to the large crowd present, the need to be concise is vital so they will try to limit the hearing to one hour and hopefully everyone will be able to give voice to their position on this request.

Chairman Bogner offered the floor to Bonnie Crossett, Time-Cat Properties LLC, to deliver their request. Ms. Crossett stated that their intent is to rent mainly to college students. To rent by the room, maximum four rooms, as opposed to renting the whole house. She has a list of policies and guidelines that would be in affect. She understands that there are concerns renting to college students but finds that has not been a negative experience for them. They do not allow any drinking or drugs on premises. Ms. Crossett handed out a copy of the policies and guidelines. If not followed, will be subject to eviction. They will need to make arrangements for additional parking at the properties. They check the properties at least weekly. They include housekeeping fees into the rent along with heat and electric so that there is additional times to check the property. Mr. & Mrs. Crossett stress that they keep a close watch as to the activities of their tenants and that they live close by and are frequently around.

Before opening statement up to the public, Chairman Bogner instructed to Board to address any questions they have to Mr. & Mr. Crossett.

When asked if they have any other of these homes locally, Mrs. Crossett stated no, they just purchased 103 Merrick in September (2004) and 12 South Avenue in March (2005). They do own an apartment house in Canandaigua that they have rented to college students. They do currently live there so that is a deterrent to poor behavior.

Co-Chairman Schumacher requested lot maps to address the lot size requirements for rooming houses (20,000 square feet). Neither lot meets the 20,000 square feet (approx ½ acre) requirement.

PB member Mike Murphy questioned how many roomers and if they anticipated parking space for each roomer. Ms. Crossett stated 4 roomers per village code and a space for each. South Avenue will have parking in the rear and Merrick Avenue already has two separate driveways capable of accommodating two cars each.

PB member Dan Cianfoni asked for clarification on pets. They do allowed cats, but not dogs.

Mike Murphy asked if rooming houses have typically one bathroom and they share. Mr. Crossett stated that it is similar to certain dormitory housing where it is eight students per bathroom and one shared kitchen area.

Mike Murphy asked if they were doing this type of housing elsewhere, this is their first group. They stressed there is a high demand for student housing. Mr. Murphy addressed the nearness of neighbors. Chairman Bogner commented on the character of the neighborhood being a residential neighborhood where families occupy the homes needs to be looked at. If not enough applications are submitted from college students, the property will be rented to single-family occupants.

Chairman Bogner opened for comments from the floor, asking to raise hand and state name.

Rose Foster – What kind of background check, if any?

Ms. Crossett – Normal credit check, plus check county records. Noting that she must feel safe also to knock on tenants door and discuss issues.

Terri Haley – Are tenants required to have renters insurance?

Ms. Crossett – yes.

Terri Haley – Do you have a photo of the (Hamlet of) Chapin property?

Ms. Crossett – no.

Terri Haley – synopsis: Ms. Haley stated she has seen the Chapin property and it is in a state of disarray. What guarantees that won't happen on South Avenue and Merrick Avenue properties.

Mr. Crossett – When purchased the estate was in disarray with debris that the Crossett's are dealing with the Town about sorting through it.

Terri Haley – You do have a HUD Subsidy now?

Ms. Crossett – I have one. Not at the Chapin property.

Terri Haley – Fair Housing Laws, American's with Disabilities Act, you fall under all that.

Ms. Crossett – Yes.

Terri Haley – So there is no guarantee that it will only be college students.

Ms. Crossett – No, but I still have voice to who I rent to.

Terri Haley – I work for HUD, you don't have a lot of choice...or you lose you HUD.

Ms. Crossett – In regard to Chapin property, in process of cleaning up, is making workshop. The goal is renovation of all properties.

Michelle Raeman – Appreciates the boards being off the windows, but we're a street, been there, done that, with students. Synopsis: Same location housed students, constantly calling police, parking/traffic issues, safety issues, sanitation issues, noise issues, disorderly conduct, indecent exposure, illegal drugs, alcohol abuse, litter. Realizes not the fault of the Crossetts, but having experienced it, don't want it to happen again. Prefers a family with a family environment. Our street is a family street. I understand the need for student housing, have college kids, just doesn't think this little street (South Avenue) can accommodate them.

Rick Almendinger – Agrees with Ms. Raeman. As far as discrimination, you can't even discriminate against a child molester. This is a family community, not a college community. Parking is an issue. There is not enough street space. Where would friends park? How will you monitor? Another problem is the outlet out back becoming a place to party and drink. This is an invitation to too many problems. If someone get hurt or drowns on my property, I could be liable. I don't want to be put at risk.

Rose Pettrone – What they said applies to Merrick Avenue. Merrick is a quiet street. How will parking be addressed?

Mr. Crossett – If you have company, where do they park? Do you have sufficient parking for everyone in your driveway?

Ms. Pettrone – three can fit in driveway

Mr. Crossett – There are already college students living in Manchester and Shortsville. Your own sons and daughters, friends and neighbors sons

and daughters, or know someone going to FLCC. There are hard times finding decent housing for them.

Ms. Crossett – Not all college student behavior is bad. Not all families are responsible.

Chairman Bogner – In defense of students, there is an element of students that drink and there's the element that is conscientious. A lot of hard working kids get through college. It's not like "Animal House" at every house.

Ben Zimmerman – Doesn't see how the property can support many people and is very congested. It appears there are already multiple families living in house (103 Merrick Avenue).

Muffy Pratt – People coming and going, all different ages, young teenage girls and boys, and older men

Mr. Zimmerman – they also are babysitting and there just isn't enough space to provide day care, there are large dogs out back.

Ms. Crossett – that's been addressed, they weren't suppose to get a dog.

Charlene Huber – It's this type of circumstance is a good indication of how things can happen when you live far away and you only have one home now. It is a family neighborhood and people who tend to rent rooms tend to be a transient population. I'm not comfortable having a rooming house next to me. We have a daycare center on our street. Absolutely not, I'm very much against it.

Marilyn Hudson – Agrees with Michelle Raeman's statements.

Bob Raeman – Familiar with South Avenue property, not Merrick Avenue. Two years of constantly people around, constantly cars. Don't know how intending to enforce rules and regulations, if the rent is paid, people don't typically force people out. Don't want to look at parking lot. Can't see how the rules can be enforced. Assessments have gone up, if a rooming house were going in...assessments would go down.

Ms. Crossett – there is no guarantee. I can have a single family and have more problems.

Michelle Raeman – Personal re-sale value of home would be difficult. Wouldn't be able to sell home across from a rooming house.

Bob Raeman – If you buy in a college town, you expect student housing. Not that college kids are bad kids, just don't want to expose small children to potential behavior that is not appropriate.

Jim Hayes – Reiterating previous statements. Elderly neighbor fearful. Can't see a rooming house in a family neighborhood.

Chris Nill – States for the record, finds it reprehensible the insinuation that Social Services people are somehow inferior to college students. I think this community should be open to any kind of resident that wants to live here as long as they are willing uphold and respect community values. It would be expected any tenant to abide by those values. One of the most important values we all hold dear is that of domestic tranquility. Related to domestic tranquility is the issue of noise. The only paragraph in the Crossett’s policies and guidelines circulated relating to noise is the section that states “quiet times” will be as the village/town of Manchester deem appropriate. Then any complaint receive by a neighbor will be investigated and if deemed valid, will result in eviction of all involved. This raises legal issues and questions if ordinances are in place to enforce any noise violations that would disrupt domestic tranquility. A sticky issue, easy to say on paper, but can’t necessarily do it. This is a community that highly values domestic tranquility. That could potentially be disrupted and I don’t think we have the legal recourse to prevent it.

Gary Bogner – If the only place where you have rented is in Chapin you don’t have any houses as close to it as you would have here. Noise and music wouldn’t carry like it would here.

Jane Nohe – Have worked hard to keep our house kept up. How often do you monitor your residences as to what is going on?

Mr. Crossett – Myself personally, once a month.

Mrs. Crossett – Depending on which property it is, there are some that are weekly. I admit that I have not been at the Merrick Property in several weeks.

Jane Nohe – So already you haven’t notice there is a problem on Merrick Avenue.

Mrs. Crossett – the reason not, knew notice was going to be given to move out. It was a short-term rental.

Bruce Miles – During last situation (South Avenue Property) had struggled with Bill Dean (local police) and Sheriff Povero, Code Enforcement and Banks over two years to get situation resolved to a peaceful end. This is a nice residential neighborhood and a nice town; this is not a college town and can’t understand changing this neighborhood. I understand you have an investment; I might see them on the outskirts but not in the middle of any community.

Michelle D’Arduini – Reiterate what Mr. Miles said. We have so many young, young children in these areas where you want the boarding houses, and since you’ve never had one in a family oriented community. I don’t understand why there wasn’t more research done to see who was

around where you were about to buy and maybe the idea that you had...all you had to do is walk around and see it wouldn't fit.

Chief Dean – Can be difficult situation to handle. Citizens need to sign complaints, citizens don't want to sign, they want the police to do something about it. The summer of the difficulties at 12 South Avenue was the worst he saw in forty years ever in the village. Parking is a major issue on a compact street. A lot of noise and confusion, some arrests were made. The village doesn't need this. The potential is there for drugs and alcohol is higher than the norm. Another element potential is those recently released from jail. I get notification where they go, they go to rooming houses. So far it's at the motel, hasn't been a big deal, but they're down there. These aren't sex offenders, these are burglars and whatever. But they're here. This village doesn't need rooming houses. It just doesn't work.

Kathy Ciufu – We have enough problems with fast cars, kids at the creek, noise and we just think this will be a multiplication of the problems that can't be enforced now. It's just a lot of trouble and we don't need that for our kids, our houses, our properties.

Elaine Shaner – I'm a single woman. There are a number of issues. Not all college kids are bad. But I know what it is to be out on your own that first time. The people that are there now are an issue. And again whether it's short term or not, it does not negate you from checking up on what's going on. We have a really nice street. We have older people, we have single people, we have children and families. There are enough problems now with the park out in back that don't get enforced because we don't have the ability or manpower to do it. I would rather take my chances with a family being there, than random people in and out. I'm sorry. I respect your ability to purchase a house and turn it around and do something with it, but I don't want a boarding house on our street.

Chairman Bogner – Would you (Crossett's) like to respond?

Mr. Crossett – I understand everyone has fears. And believe me, I went and looked at your neighborhoods before we bought these houses. I looked to see how many cars are speeding up and down. I know there's a driveway there and I have to pull in and out and close enough to the corner that some of these people that live up there, they come around that turn coming 40 mph and they're gone. I did look at your community. I noticed that it's nice quiet streets, nice quiet areas, there's kids, there's people out. It's fine. But the way you people talk, I should go down to Blood Alley in Canandaigua and tell college students to go live down there with the drunks, go live in a place where there's no respect for the law, go live in a place where nobody wants you anyway and nobody cares what you do. I wanted

houses where I could have responsible college students to live and contribute to a community where there is going to be respect, where there's not going to be a lot of noise, where there's not going to a lot of disturbances. Because that's what I want in my life. I don't want to live in a place where there's loud music all hours of the night, there's partying. I smoke cigarettes and drink coffee. I don't drink alcoholic beverages, I don't do drugs. I don't see the need for those things in my life and I don't see the need of those things in the life of a college student. Because you have quiet communities, that's why we bought houses. Because you don't have out of control things going on in your neighborhood.

Mr. Crossett: You say the property on Merrick being a problem, we did background checks, credit checks, on a single family. Supposedly quiet. We went to see their previous residence. We talked with their previous landlord. Supposedly no problems, no issues. But yet we have a single family that's moved into your community, into our rental house, and they've caused problems. You get no guarantee.

Terry Haley – I'm just very concerned that all we're hearing here is college kids. I want to say again, if you have a HUD subsidy, half the stuff on your paper (handout on rules/policies), you can't do. You can't go into someone's apartment without just cause. My concern is, I have know problem, you fix up that house, put windows in, siding. It will be the best it's looked in a long time. In making that a boarding house, I don't know if you'll maintain it through the years. I know renovations are messy. If you go in back of my house right now, there's a bathtub there. It will be gone in thirty days, not six months. That happens. You leave us with a legacy of a boarding house. I work with all people from social services. It can be a nightmare, it can be cakewalk. No guarantees. We have to live with what's left there. That's my concern.

Mr. Crossett – In applying for a Special Use Permit. Is that removable on a yearly basis?

Mr. Bogner – A special use permit would run with the property until such time as you sold it. It does not stay with the property forever. Only while you were using that property.

Mr. Crossett – So it could be conditional on a year trial basis kind of thing.

Mr. Cianfoni – It's inspected on a yearly basis.

Mrs. Crossett - I own 10 mobile homes in a mobile home park. Here's another stereotypical response. People who live and people who rent mobile homes are trash. I hear that repeatedly. I have some of my best tenants that are renting in that mobile home park. It's not to say we don't

have problems here and there. But it's minimal. And anytime that park manager calls me, I usually respond immediately. I don't let things just go, I don't let them do whatever they want to do. I admit I have been negligent on Merrick Ave, not as an excuse, but we knew that they were leaving anyway.

Mr. Zimmerman – I'm concerned that there is just not the space. The house (Merrick Ave) is just not that big, with no yard space. Hardly space for a single family, how could you possibly board there.

Bob Raeman - As I stated earlier, I would rather see a family renting. It's a single-family residence now; it's been that way. There is not enough parking for four different tenants, with room for company parking. My wish is to see an owner occupied home, and takes pride in their property. I know you'll check on the property, but it's not easy to evict people. I really don't want to have to police for an owner again. I don't want to have to spend my time making the calls, even calling you. Even if you respond, I don't want it to be my responsibility to have to call you.

Chairman Bogner – We have letters from the owners of 105 Merrick Avenue and 101 Merrick opposed to the rooming house, along with a list of 18 people that have signed a petition in and around the Merrick Avenue property opposing the rooming house. It's a lot for us a board to digest. We have to weigh what you like to do with the people of the community want with the neighborhoods. I don't know if we'll make a decision this evening. We have a sixty-day period in which we can grant the special use permit or denying it. We will do that in a timely manner. There's enough information here to sit down and talk about it and we won't make any snap decision one-way or the other. We thank the community for their participation. Thank you for coming. Thank you (Crossett's) for coming and presenting your proposal.

The public hearing was closed at 8:10 pm. Regular meeting to immediately follow.

### **REGULAR PLANNING BOARD MEETING HELD MAY 03, 2005**

Present: Chairman Gary Bogner, Sean Schumacher, Dan Cianfoni and Michael Murphy.

Absent: Melissa Bretz

Others attending: Nick DiSolvo

Recording: Rita J. Gurewitch, Deputy Clerk/Treasurer

Chairman Bogner called the meeting to order at 8:16pm. The minutes of the April 5, 2005 meeting were reviewed. A motion was made by Sean Schumacher, seconded by Dan Cianfoni to approve the minutes as written.

### **14 ACRES PARALEL SOUTH SIDE STATE STREET**

Mr. Nick DiSalvo approached the board presenting his idea of Patio Homes subdivision for property located the south side of State Street, presently owned by Tom Abbott. Mr. DiSalvo stated that this would be a senior housing development and wondered what he had to do for the planning board to review his plans. The land presently is zoned Industrial – 2. There would have to be a zoning change to Residential-1. This decision process starts with the Village Board. Mr. DiSalvo will need to fill out an application and have his engineer draw up official plans to be reviewed by the planning board to start the official process.

### **REQUEST FOR SPECIAL USE PERMIT - ROOMING HOUSE**

After a thorough discussion of rooming houses at 12 South Avenue and 103 Merrick Avenue, the following resolution was offered by Mr. Murphy, seconded by Mr. Schumacher who moved its discussion.

**WHEREAS**, Time Cat Properties, LLC/Bonnie Crossett has applied for a Special Use Permit to have rooming houses at 12 South Avenue and 103 Merrick Avenue; and

**WHEREAS**, all residents of the village within 500 feet of said properties were notified of the public hearing; and

**WHEREAS**, the board has considered all comments made at this evenings public hearing; and

**WHEREAS**, the members of this board are familiar with said location and the conditions and circumstances under which said special use permit is requested;

**WHEREAS**, it is this board's interpretation that a rooming house must be owner occupied; and

**WHEREAS**, sufficient off street parking is not provided; and

**WHEREAS**, the required 20,000 square foot lot size area is not met at either location;

**WHEREAS**, a special use permit cannot adversely affect the comfortable enjoyment of property rights in a district it is to be located; and

**NOW, THEREFORE, BE IT RESOLVED**, that this application be **DENIED** to allow rooming houses at 12 South Avenue and 103 Merrick Avenue.

**BE IT FURTHER RESOLVED**, that the code restrictions presented may be appealed to the Zoning Board of Appeals.

The above resolution was put to roll call vote which resulted as follows;

Gary Bogner	Voting	"NAY"
Sean Schumacher	Voting	"NAY"
Michael Murphy	Voting	"NAY"
Daniel Cianfoni	Voting	"NAY"
Melissa Bretz	Absent	

The resolution was thereupon declared duly adopted.

## **CONVEYOR CONCEPTS – 89 SOUTH MAIN STREET**

An application was received from Jason Boor for approval for rental property located on same property site as Conveyor Concepts. He has a modular building on premises that he would like to rent out for office space. He will be adding bathrooms to the building and painting it.

After discussing application a motion was made by Dan Cianfoni, seconded by Michael Murphy, to allow Mr. Boor to rent said property as office space. Unanimously approved. No one opposed.

## **STRATEGIC PLAN**

The board reviewed the RFP's (requests for proposals) for the strategic plan and reduced the eligible applicants to three. Interviews will be arranged for Peter Fairweather, AICP, Clark Patterson Associates and LaBerge Group. Chris Nill will set up said interviews.

The next Planning Board meeting will be Tuesday, June 07, 2005 at 7:00 pm.

The meeting was adjourned at 10:00pm.

Respectfully submitted,

Rita J. Gurewitch  
Deputy Clerk/Treasurer