

## PLANNING BOARD MEETING

DECEMBER 3, 2002

### Present

Carol Nellis Ewell  
Thomas Fairbrother  
Denny Marra  
Joe Slominski

### Absent

Chairman Garlick

Trustee Rauber  
Donna Stassen, Secretary Planning Board

Chris Schultz  
Paul Crowell  
Karl Slominski

Carol Nellis Ewell stated that as Vice Chair, she will be filling in for Chairman Bob Garlick this evening.

At this time Chris Schultz of Schultz Associates stated to the board that just this afternoon he had received a call from Mayor Walker in response to a call from Mr. Schultz's client in regards to the annexation of Village Pines to the village and what the next step should be.

The last time we were in front of the Board, we talked about trying to hold a public meeting at the Town Hall for the neighbors to attend and give a traffic presentation.

My clients talked to Supervisor Lenhard; she thought that before a public hearing was held the two boards, Village and Town should formally meet to discuss the annexation.

The Mayor mentioned that in speaking with Chairman Garlick there are three specific issues that the Planning Board was looking for additional information on. Therefore the Mayor suggested I attend the meeting tonight and provide additional information and answer any questions the board may have.

The three items basically were:

- A. Density of the development
- B. Impact to Wetlands
- C. Sanitary Sewer Capacity

See Attachment

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#### Density

An exact number of units hasn't been determined yet, only a projected number to start the project with, exact numbers will come with site plan approval.

At the Board's request as to what type of zoning this would come under we provided Attorney O'Toole with a copy of an existing zoning code used in the Town of Sweden specifically for condominiums type projects. We looked at the zoning setbacks from the right of way, separations between buildings and density and what we proposed here fit very nicely with that zoning.

We received a response back from Keith O'Toole stating that the Town of Ogden has a similar zoning code and maybe this project should fall under the Town of Ogden.

I think it is a better idea to bring it to the Village, this is a village type of development.

#### Wetlands

I don't remember wetlands coming up, but basically there is a designated wetland on this land and obviously we are not going to encroach on it or impact it at all. There is a 100 foot buffer adjacent to it, which is a no-touch zone. The DEC will make a site visit and determine what conditions will be placed on this project.

#### Sanitary Sewer Capacity

We reviewed a number of reports generated by MRB and calculated the anticipated peak flow for this project, and looked at the two areas upstream of the canal that they had concerns with.

The first area is immediately downstream of Timber Ridge originally it was thought that there was a crack in the line, and the creek was seeping into the line. After the study it was found that the pipe is in perfect shape. In that area immediately downstream of this point there is a lot of reserve capacity available in this pipe.

The second area is the pipe under the railroad, again according to the study and MRB's figures there is enough capacity to support this project.

We make it under the threshold in both cases. The flow is good all the way to the canal. Under the canal is the issue and where a new line is needed.

Mr. Schultz: These are the three issues the Mayor said would be of interest to this Board. Tonight we are asking for a referral from the Planning Board to the Village Board so they could take the next step and talk to the Town of Ogden.

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Carol Nellis Ewell: It is a recommendation that you are asking for?

Mr. Schultz: Yes.

Carol Nellis Ewell: I have a comment about the density, is there room to negotiate the total number of units?

Mr. Schultz: Absolutely, at no time did we ever set in stone the number of units we are looking at developing.

The village code allows more units per acreage, than what we are looking for.

Thomas Fairbrother: Are you saying you could put a development in there and meet the R-1 requirements of the village.

Mr. Schultz: No, that is not what I said. I said the zoning will allow that much density. The problem with this site is the geometry of the site is basically a bowling alley.

We took a section of Village Walk and drew a perimeter of an acre of existing development and counted the units. That was higher in density, per acre than what we are proposing here.

Worst case scenario, Union Hill Townhouses on the corner, that zoning allows for 20 units per acre.

In comparison to what is typical in the village this fits. What needs to be looked at is, when looking out the window you're not seeing the corner of a house.

Carol Nellis Ewell: Where does the proposed meeting for residents stand?

Mr. Schultz: It was originally scheduled for the first week in December, but Gay Lenhard wants the Village and the Town to be on the same page when they meet with the public.

Thomas Fairbrother: We have yet to see any re-zoning proposals.

Mr. Schultz: We provided samples of existing zoning codes in other towns that could be adopted.

Thomas Fairbrother: Keith O'Toole's letter states that they were not even close to complying with any of the zoning qualifications that you have provided.

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Chris Schultz: They were right on the money. His opinion is that this should be a Town project. Unfortunately Keith is split he works on both Boards. This type of project and its proximity to the village in my opinion, it should be in the village.

We are in a catch 22, both boards are waiting for a recommendation from this Board before they will do anything. We have met with both the Village and the Town Boards. I was told by the Mayor to come in tonight and ask for a recommendation. I have addressed the outstanding items per Chairman Garlick's request. Therefore, I will ask for the recommendation again.

Trustee Rauber: The next level of work to be conducted will be a joint board work session, where the boards will come together to address issues from this board and their recommendation on this project and determine what they want to do together.

That is the next hurdle, than have a unified approach when meeting with the residents.

Carol Nellis Ewell: At the last meeting we were told about a traffic presentation that had already been presented to others was going to be presented tonight. Are we being asked to waive the proposed traffic presentation and trust it has been satisfied at this time?

Trustee Rauber: In the spirit of moving along you will see the same presentation at the public session.

Mr. Schultz: We did the presentation before the Village Board and they were just as skeptical as you are prior to the presentation. After the presentation they were convinced that this was not going to have an impact. We repeated the same presentation to the Town Board, answered all their questions and they were also very comfortable with it. We would be more than happy to do the presentation to this board also.

Thomas Fairbrother: I don't see anything near to complying with the zoning requirements.

Mr. Schultz: You are saying that I have not provided you with zoning, I most certainly did, and I take exception to that. I provided zoning to the Planning Board Attorney, which was specifically set up by the Town of Sweden for this type of development, which provided density, setbacks and everything else. There are existing projects already built in the Town of Sweden, and your attorney decided he didn't like it.

Thomas Fairbrother: I am saying, you are willing to work with us on the density, and the only thing I have seen on the density, is it has gone up.

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Mr. Schultz: The density on this layout has not changed, when we found out the scale and nature of the improvements required to put a pipe under the canal, there was no way 46 lots were going to cover it. Paul Crowell found a development on the east side that would match what you are looking for we brought that in and spent a lot of time developing this layout.

Denny Marra: You are looking for a recommendation from the Planning Board to the Village Board.

Mr. Schultz: Yes.

Denny Marra: I do not want to give a recommendation to the Village Board without talking to them first, unless this recommendation goes to the Village Board giving you the chance to move one step further to an unknown.

Mr. Schultz: Mayor Walker wanted feedback from this board before he went formally to the Town of Ogden.

Mr. Schultz: When we use the term **recommendation** you are not recommending the layout, density etc., you are recommending that the annexation makes sense that this piece of property should be in the Village.

Thomas Fairbrother: It is allowing the Village Board to go ahead and say that the Planning Board recommends the project,

Denny Marra: No, it is just allowing them to proceed.

Mr. Schultz: It is only allowing an open forum between the two boards to occur.

Denny Marra: There is no obligation by this board in saying go ahead and let them look at this.

Carol Nellis Ewell: The implication is that we favor the development.

Denny Marra: I don't see it as favoring the developer. I see it as allowing the next step to take place in a long process. If the two boards decide to go forward with the annexation they still need to come back to us with their plans.

Mr. Schultz: If this project is developed in the Town of Ogden you have very little say as to the density, sure you can make recommendations. If you were really concerned about

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how this property will be developed you would want this to be annexed in so you would have some control over it. All you are doing now is forcing the developer to say the Village Planning Board will not do anything therefore I will have to go to the Town of Ogden, and than you will have to accept whatever they approve.

Denny Marra: I think we ought to take a vote.

Carol Nellis Ewell: We don't have a clue as to how the public feels about this.

Mr. Schultz: That was the Towns decision, to put the public meeting on hold.

Trustee Rauber: If I am on the Planning Board, speaking to issues brought up by Chris Schultz and Denny Marra, for the better of the Village I would want to have control of a project like this. If it is in the Town of Ogden's hands you may not be able to do what you want, nor have any control over the project.

Joe Slominski: The developer's willingness to work with us is important. Making the project compliant with the Comprehensive Plan, we would be in a better position to work with the developers if the property was annexed.

Thomas Fairbrother: If the village were to annex this land under a specific zoning what zoning would you be talking about. Would you require that as a condition of approval?

Mr. Schultz: Absolutely, the village would be foolish to annex the property without a specific zoning. I think I came up with a zoning plan that would work I would recommend that. I don't know if you have had an opportunity to look at it. The last thing that you want is to bring something in and it gets sold and that person wants to put up 500 apartments for HUD or something.

Thomas Fairbrother: Would that meet this zoning?

Mr. Schultz: No, unfortunately I have seen it so often that if a developer has enough money and pays enough attorneys, he will get anything approved. That is a terrible thing to say, but it is true. I live in the Town of Ogden and I don't want to see this property developed with a low income housing tract. I know what these guys build. They are at the point where they are going to do something different because we can't get off the stick here.

We are not asking you to give up your rights to review, what you are basically doing is saying there is some merit, that it might make sense to have it part of the village.

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We have been in front of this board seven times asking for the same thing. We have addressed every issue you asked for.

Carol Nellis Ewell: I think it is the fourth time, frankly no-one questions that these gentlemen are good developers and we are fortunate to have them involved.

At this time the Board offered the following recommendation.

**A motion was made by Thomas Fairbrother seconded by Denny Marra and carried unanimously to offer a recommendation to further review the annexation of Village Pines at the Village Board level. Since the land is contiguous to the Village of Spencerport and accessible only by village streets, it makes sense that it should be considered for annexation as part of the Village. Furthermore, this does not imply any acceptance or agreement on the part of the Planning Board with the development concept as proposed by the current developer.**

**Ayes: Nellis-Ewell, Fairbrother, Marra, Slominski**

**Nays: none**

Mr. Schultz thanked the board and stated that he looked forward to coming back and working with the board on this project.

Adjournment:

Motion was made by Carol Nellis Ewell seconded by Denny Marra and carried unanimously that the meeting be adjourned at 8:15 p.m.

