

**Planning Board Meeting
November 2, 2004**

Present

Chairman Robert Garlick
Carol Nellis Ewell
Denny Marra
Joseph Slominski
Jackie Sullivan

Absent

Ron Muraco

Others Present

Attorney Keith O' Toole
Thomas West, DPW Superintendent
Jack Crooks, Building Inspector
Donna Stassen, Secretary
Trustee Rauber, Liaison
David Willard, Village Engineer

Andy Squier
Nancy Garlick
Robert Fitzgerald
Patricia Unvericht
Mark Unvericht
Herman Unvericht

26 Pinecrest Drive
2824 Nichols Street
Avery Engineering
28 Pinecrest Drive
28 Pinecrest Drive
6 Coventry Drive

Public Hearing

Chairman Garlick re-opened the public hearing for the application of Mark and Patricia Unvericht for subdivision and site-plan approval for the Pinecrest/Unvericht project located at 28 Pinecrest Drive to subdivide existing lot into two lots with existing house on lot 1 and proposed house on lot 2.

At this time Robert Fitzgerald of Avery Engineering, representing the applicants will be reviewing the revised plans.

Mr. Fitzgerald: As Chairman Garlick stated we were in front of the board several months ago and several issues were brought up at that time by the Village Engineer, Highway Superintendent, Village Attorney and the Building Inspector. Since that meeting we have set up two separate meetings one with Village Council, Keith O'Toole and the Building Inspector, Jack Crooks, and one with Tom West they were very productive. We have changed things quite drastically we are not proposing a drive to the north around the back anymore instead we are using the existing asphalt driveway. That took care of quite a few concerns and we are expanding parking for the existing four-unit apartment building. In doing this we have eliminated many of the variances that are required. Front setbacks and undersized parcel size variances will still be required. A couple big improvements were made to the plans after we met with Tom West, there are sanitary and storm laterals in the back of this property and there are easements in place that we can tie into. We are proposing to extend the storm sewer over to the property line and drop a catch basin in there and discharge the swale along the property line into an enclosed conduit. Therefore, all the water overflowing from the pond and this parcel instead of having a sheet flow across these three or four properties there will now be an enclosed drainage system. This would make a better situation for the neighbors.

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Mr. Fitzgerald: Also, with that we need to extend the sewer line, the water service we are looking to go across the front of the parcels so we will need an easement for that. The reason for this is so that if there were ever a problem with the water line the new owner of lot 2 wouldn't need to get on lot 1 to dig up the water service to make repairs.

Mr. Fitzgerald: There is an existing pad where the garage will be built and a detached three-bedroom home roughly 1900 sq feet with an attached breezeway. We have made many significant changes including significant parking for the apartment building on that parcel. With that, I will open up for any questions.

Tom West: We talked about putting another catch basin in the back to the northeast of 26 Pinecrest with a swale at the property line. This would remedy the existing drainage problems and the runoff from the new home.

David Willard: I also concur with Tom, the plan ought to show a little more contouring across the back of those homes, I would like to see the existing grading from the north east corner of that property to the catch basin. After that is done it will be apparent that you will need to provide some kind of a swale along the back of there.

Dave Willard: Also, I noticed there is a shed in the back yard; it appears that the shed is right over your storm sewer easement.

Mr. Fitzgerald: That is true and I have spoken to the owner of the property that is an issue he is willing to work with the neighbor or move the shed.

Bob Garlick asked Village Engineer Dave Willard to go through his comments from letter dated 10/29/04 (filed).

Keith O'Toole stated that the Unverichts will need to obtain an easement from the Squiers and have it dedicated to the Village of Spencerport., By that I mean an easement that will run straight across their property and you will need to delineate the balance of the Squire's lot to show us that it does in fact go straight through.

Chairman Garlick stated that Superintendent of Electric Jack Linder has requested that underground utilities need to be shown on the map in detail.

Attorney O'Toole: Will this be a combined cross access and utility easement?

Mr. Fitzgerald: Yes.

Attorney O'Toole: An ingress/egress easement will need to be prepared by the applicant's attorney, showing utilities.

Mr. West reaffirmed his desire to see two catch basins in the back to resolve any drainage issues.

Jack Crooks: I have gone over the comments and reviewed the site the only thing further I would have is prior to the issue of the C of O on the new home, that the parking lot for the four family home be constructed as proposed as a gravel parking lot and I want to make sure that parking is available for that structure beforehand.

Mrs. Unvericht stated that would be done prior to commencement of any construction.

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Mr. Unvericht asked if the existing manhole could be used.

Tom West: No, it is too far back.

Chairman Garlick: I had a discussion with David Willard last week, the new location of the shed needs to be shown on the plans, also there is an existing fence we want to be assured that is outside of the easement.

As far as the contours if you want to talk about costs associated with developing them as opposed to putting in a catch basin in the north area, where there is problem, that is something as far as I am concerned can be reviewed, it is a cost link.

Jack Crooks: The catch basin is our preference.

Chairman Garlick: You will have to go in front of the Zoning Board of Appeals for variances for the lots.

Chairman Garlick: Behind the Squier house, do you feel there will be any problem doing the work within the 20 ft wide easement area? The reason I am getting at is that I don't know if we will want some sort of written agreement for temporary access to the Squier property. Would it technically be trespassing or something along those lines?

Attorney O'Toole: The Squiers can certainly permit it the issue is what happens if the building plans are shelved from some unknown reason and years from now, they have to go outside the 20 feet. You could do a temporary construction easement adding 5 -10 feet.

Mr. Fitzgerald didn't think there would be any problems working within the twenty feet easement.

Chairman Garlick: Would a written agreement work between the neighbors or should the agreement be shown on the plans.

Attorney O'Toole: Shown on the plans would be significant, I am not very concerned with it.

Chairman Garlick: Apparently, there has been some misunderstanding with the SW corner of Pinecrest Drive and the Squier property and the documents that have been signed. If you go out there and look at the road, it looks like the road actually cuts across the corner of the property as it is indicated on the plans. What is the limit of the village's ownership of Pinecrest does it stop at the Unvericht's east property line?

Tom West: I am not sure where it ends.

Chairman Garlick: I think that is something we should look into because if these plans are accurate and these property lines are accurate it appears that approximately 12-14 feet of the village street is on the Squier property.

Attorney O'Toole: Do we need that extra pavement for the site to function?

Chairman Garlick: If it does go on the Squier property than I would think that the two solutions are that Option 1, the village should purchase that little sliver, and Option 2 would be for the village to straighten that road out.

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Attorney O'Toole: What you meant to say Bob, is that Option 1 is that they donate that sliver of land to the village. I assume that Mr. Fitzgerald is certifying that the map is accurate and that the right of way does not swing out there.

Tom West: I can speak on behalf of the Village of Spencerport, in that we are not interested in purchasing that.

Chairman Garlick: Interested in straightening out the edge?

Tom West: If that is what needs to be done.

Chairman Garlick: We don't need to settle that tonight, but I think we should look at it from the Village's standpoint.

Attorney O'Toole: If it is necessary for the functioning of the site, we may not have an interest as a right of way. However, they might want to do an easement from the Squier's to the owners of lot 1 & lot 2.

The Public Hearing was closed at 7:30 p.m.

At this time the Short EAF form was completed by the Planning Board.
The following resolutions were offered:

Resolution No. 11/04

**Introduced by Joseph Slominski
Seconded by Chairman Garlick**

Resolved that the Village of Spencerport Planning Board has determined that the Pinecrest/Unvericht Subdivision and site plan for property located at 28 Pinecrest Drive, plans prepared by Avery Engineering & Land Surveying Associates 3225 Chili Ave and dated July 19, 2004 and revised 8/23/04 and 10/14/04 is an Unlisted Action.

Furthermore, the Board has accepted and completed the Short Environmental Assessment Form and finds that the action will not result in any significant adverse environmental impact.

Ayes: Garlick, Nellis-Ewell, Marra, Slominski, Sullivan
Nays: none

Resolution No 11/04 a

**Introduced by Chairman Garlick
Seconded by Carol Nellis Ewell**

Resolved that the Village of Spencerport Planning Board hereby grant contingent preliminary and contingent final subdivision and site plan approval for the Pinecrest/Unvericht project located at 28 Pinecrest Drive. Plans prepared by Avery Engineering & Land Surveying Associates 3225 Chili Ave, Rochester. Plans dated 7/19/04 and revised 8/23/04 and 10/14/04 such approval is contingent upon completion of the following items.

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1. Zoning Board approval for the required variances.
2. Drainage easements for lot 1 & lot 2 to the Village are to be completed and prepared by the developer's attorney in a format acceptable to the Village Attorney.
3. Easement for ingress and egress along with a utility easement from lot 1 to lot 2 also to be prepared by the developers attorney in a format acceptable to the Village Attorney.
4. Electric utilities for underground to be shown on map in detail.
5. All comments from Village Engineer letter dated 10/20/04 to be addressed.
6. Developer to look into the easement that runs behind the Squier property, if an easement does not exist, than an easement to be obtained.
7. Note #15 to be added to plans indicating that prior to the issuance of a building permit for the new house, parking for the existing home (8 parking spaces) to be completed.

Ayes: Garlick, Nellis-Ewell, Marra, Slominski, Sullivan
Nays: none

Note: Building Inspector Jack Crooks asked that it be referenced in the minutes that a second catch basin for drainage is the preference of Thomas West DPW Superintendent of Highways.

Approval of Minutes:

Motion made by Chairman Garlick seconded by Joseph Slominski and carried unanimously to approve the minutes of October 4, 2004 as written.

Adjournment of Meeting:

Motion made by Chairman Garlick seconded by Carol Nellis Ewell and carried unanimously to adjourn the meeting at 7:55 P.M.