

**Architectural Review Board  
Planning Board Meeting  
March 1, 2005**

**Present**

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

**Absent**

Ron Muraco

**Others Present**

Trustee Theodore Rauber, Liaison Village Board  
Building Inspector Jack Crooks  
Donna Stassen, Secretary ARB

Gina Keyes /Kravetz Realty

**Approval of Minutes**

Motion made by Chairman Garlick seconded by Carol Nellis Ewell and carried unanimously to approve the minutes from February 1, 2005 as written.

**Kravetz Realty**

Gina Keyes will be representing Kravetz Realty's application for an existing patio located at 42 Nichols Street.

Chairman Garlick: We are in an interesting situation we have to look at it pending in the direction of, No.1 would we have approved this application to install a patio for food service purposes. Keep in mind when this first came up we had placed four (4) stipulations on this project before we would grant any approvals.

Carol Nellis Ewell: We had requested specific information regarding the stipulations.

Denny Marra: Does Chilango's have an interest in going in the end unit?

Ms. Keyes: They haven't verbalized it.

Denny Marra: My standpoint is that you need to overall look at what is best for your tenants to keep them happy. I wouldn't have approved this for a couple of reasons, liability and the issue of egress in that location.

Ms. Keyes: There will have to be some sort of harmony between Chilango's and The Hairport if this is going to happen.

Denny Marra: If Chilango's decides to negotiate for the bigger area, I would think that totally changes what you are bringing here. Personally, I would like to see the shrubs back to make it aesthetically pleasing for the people that do patronize the plaza.

Chairman Garlick: That is one of the options the patio was installed without permission we could have it removed.

Ms. Keyes: To answer honestly it was apparently a part of Chilango's lease that the patio be installed for them. To be frank it turned into what I would call a runaway train of who was going to handle what. The reason the letter says what it does is because the person benefiting from the patio did not do their work or presented it to me or this board. I am taking the position that this is a concrete patio. I understand your position that this went in without approval. I understand the three options you will allow it, we remove it, or we come to an agreement allowing some sort of shrubbery and bring back some of the green space that was taken. I would like to choose option 3.

Chairman Garlick stated that sections of the patio could be taken out and shrubbery put in.

Ms. Keyes: I don't really have an understanding of what the #3 options are, we could put in something potted, we could cut into the patio and see what happens. If I cut into the patio and Chilango's furthers their position with the liquor authority and is somehow able to please all the requirements than I have a big hole. Preliminarily I would probably go with pots and crocks because it is in her lease I feel I have that obligation.

Jackie Sullivan: This board still has the final decision.

Joseph Slominski: I don't feel that an inline patio in that strip will work.

Denny Marra: Evidently, you are going to be managing this plaza now I have a real problem with the signage up there and keeping it somewhat standard. We seem to have a report with Gina and I would like that to continue. The sign situation is more important to me than the concrete. The concrete can be masked, if Chilango's moves that is going to change the whole scheme for that particular corner of the plaza.

Carol Nellis Ewell: Would the new lease allow the patio.

Ms. Keyes: No, it probably would not it would be a fresh lease with fresh terms.

Jack Crooks: I understand Ms. Keyes position; when you are drawing up a lease with a tenant, you are trying to answer their needs and sometimes you promise things that are not really in your jurisdiction. As a real estate company that has many areas they have to know rules are applied. The tenant on the other hand is saying we were told we could do it so we did it what did we do wrong, After having a number of conversations with this tenant it was a case of do what you please and ask for forgiveness later.

You don't make your own rules, as property management you need to know that. As far as this patio is concerned, I will tell you I am dead set against that being used as a patio where food and or alcohol are served that is strictly from a code enforcement issue it has been a problem with complaint after complaint. If it was totally segregated it would be different, but in these circumstances, I would be disappointed if this board choose to allow that to be returned as a service area.

Jack Crooks: Ms. Keyes has told me that she would like to have this issue resolved tonight. I agree with Chairman Garlick you have three choices leave it as concrete, rip it out and put it back the way it was or somehow modify with holed potted plants. If Chilango's wants to come back at a later time and bring something different to this board than you have some basis to make your decision.

Chairman Garlick: Chilango's has not presented the information that we requested to make a decision on this patio being used as a service area.

After board discussion, the following resolution was offered:

**Resolution 3/1/05**

**Introduced by Chairman Garlick  
Seconded by Denny Marra**

Resolved that the Village of Spencerport Architectural Review Board in the matter of the concrete patio in front of Chilango's 42 Nichols Street is directing that the area be adorned with potted shrubbery, plants etc. at the owner's discretion and approved by Building Inspector Jack Crooks prior to installation. Such potted greenery to be embedded in concrete in conformance with reasonable nursery standards installation is completed by June 1, 2005.

Ayes: Garlick, Marra, Slominski, Sullivan  
Nays: Nellis-Ewell

Carol Nellis Ewell has requested to go on the record that her nay was put forth because she wanted the patio returned back to the way it was originally. Also, I would like it on the record that the fact that the board discussed and formulated a letter defining fines went out and that didn't happen the time it took to do that, it should have been followed through. Carol went on to say that she felt that it was plea-bargained even though the patio was in compliance.  
Chairman Garlick stated that there were a couple of other items up for discussion.

Ms. Keyes stated that Kravetz Realty is in the process of purchasing the Eckerds plaza on Union Street. There is a drainage problem in the back of Atlas Gym and whether or not Kravetz acquires Eckerd's this issue has to be resolved. The dry wells that are back there are not adequate. In combination with purchasing the Eckerd's plaza, we want to revamp the entire back of the plaza to create a smoother traffic flow and help solve the drainage problem. Another option was tying into Page Appliances drainage system, which is a private system the owners are dead set against it.

Plans were distributed showing the proposed layout of the plaza.

Currently in the back of Atlas, the parking is straight right up against the berm, and with all the snow it is difficult to park there. What we would like to do is place the parking on a diagonal there would be a one-way flow down the hill from the main plaza, parking would be on a slant. Cars would exit through the Eckerd's plaza. There is a proposed retaining wall to protect Eckerd's as well as create the necessary traffic flow to get from our elevation down to their elevation. It would be a 7% grade it should be adequate.

This will help solve our drainage problems to the extent that the dry well will come out. The drawings show the proposed catch basins along the retaining walls one to the west of the centerline and one to the east of the centerline on the page. The catch basins will tie in and head east we are working on the direction of where the water will go. It will head east and come into a manhole cover and over into a third proposed

catch basin on the east side of the building and head out into Union Street. We will have to work with NYS guidelines when tying in.

Carol Nellis Ewell stated that the Village Engineer would review the plans.

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Chairman Garlick: Will a new directory sign be installed at the Union Street entrance?

Ms. Keyes: Something fresh definitely will be installed listing the tenants from the plaza.

Superintendent of Public Works suggested that Kravetz Realty have a flow study done. He feels that would give them a little bit of leverage with the DOT.

Next up for discussion is the signage in the plaza. The board has agreed with Ms. Keyes recommendation that the sign at Hairport is the standard sign for the rest of the plaza tenants to follow.

The board submitted a drawing of an upgraded sign adding new tenants to Ms. Keyes for her review.

### **Trolley Car Update**

Village Engineer Tom Pavone and Architect Larry Fennity presented the following updates to the Trolley Car Project.

- Moving the car down the hill a bit will relieve the back wall of holding up the rear embankment.
- A two- inch water line proposed per Water Authority flow study calculations.
- A portion of the patio area will have to come out to avoid extra sheathing and installing a new culvert.
- A new patio area will be coordinated to include the fountain obtained by the village.
- Parking and other drainage issues will be addressed at another time.
- Construction sequence: footers will be poured, stone placed, movers will put the trolley building up on cribs and put the cribbing inside what would be the basement wall. The basement contractor would pour the concrete and then set the building down.
- A path to be installed to create handi-cap accessibility.
- Foundation drain to be installed behind rear wall allowing for a dry basement.
- South side will be a partial concrete wall (3 ft.) the rest will be framed.

Larry Fennity: There are still some site issues to deal with. After that is taken care of it will just be a matter of coordinating a whole lot of volunteers to get it in place.

Chairman Garlick: We are looking at holding the Public Hearing next month. The Board has agreed to accept the Water Authority and the Health Department and the Villages review of utilities and all other appropriate details to be shown on the drawings.

Tom Pavone agreed to complete the SEQR short form the Planning Board will act as lead agency.

Adjournment: Motion made by Chairman Garlick seconded by Joseph Slominski and carried unanimously that the meeting be adjourned at 8:15 to go into a workshop session.

