

**Planning Board /ARB Meeting
June 7, 2005**

Board Members Present

Chairman Robert Garlick
Carol Nellis Ewell
Denny Marra
Joseph Slominski
Ronald Muraco
Craig Byham

Board Members Absent

Others Present

Trustee Theodore Rauber, Liaison Village Board
Jack Crooks, Building Inspector
Attorney Keith O'Toole
Donna Stassen, Secretary
David Willard, Village Engineer
Gina Keyes
Mike Wall
Frank Leccese
Jason Calari

Kravetz Realty
FRA Engineering
42 Nichols Street
42 Nichols Street

Public Hearing

The application of Kravetz Realty, owners of Village Woods Commons Plaza, 42 Nichols Street, Spencerport for a proposal to expand the existing rear parking lot as well as extend access to the existing Eckerd site. Additionally the proposal includes two new proposed outdoor seating areas located near the east and west ends of the plaza on the southern side.

Mr. Wall of FRA Engineering will be representing the Kravetz application this evening.

Mr. Wall: Essentially, since Kravetz purchased the property two years ago, they have identified several areas that need improvement.

- Probably, the big thing is the expansion of the parking area behind Atlas Gym it is very tight maybe a 19 ft lane. It creates an unsafe situation because the cars get down to the end and realize there is no place to park and have to back all the way back up the lane. To mitigate that situation we have proposed to expand the parking in the back to circulate traffic with cross access easements with Eckerd's to the north
- Two proposed patio areas for Tooty's restaurant and Chilango's restaurant. The patios are to be fenced in. The only ingress and egress to the patios will be from the restaurant. There is no way that a customer can get to the patio without going through the restaurant first.
- Proposed dumpster enclosure to be 6ft high board on board enclosed trash enclosure to conceal the dumpster.

Mr. Wall: There will be no additional square feet added to the facility. We are just trying to alleviate some of the concerns from the tenants and the customers.

Ronald Muraco: Does the property where Eckerd's sits belong to Kravetz Realty?

Gina Keyes: It is under contract.

Ronald Muraco: Will Eckerd's stay there?

Gina Keyes: I think they are going to stay through their lease.

Gina Keyes: Kravetz will be buying the plaza whether Eckerd's stays there or not.

Village Engineers David Willard's comments were reviewed. (File)

Drainage

- Right now, the drainage goes to a couple of existing drywells in the back. Because they are drywells, the drainage stays on site. Drywells are designed to receive water and then allow the water into the soils. With this project the developer will be adding impervious surface all the way to the common line between Eckerd's and Village Woods, and install two new catch basins with a large diameter pipe. The idea is to create an underground storage volume so that when you do have a storm event the volume goes into these underground pipes at the end of these pipes, there is a reducer to a 12-inch pipe. This will allow storm flows to discharge from the site at a controlled rate.

Drainage Concerns.

- Volume created underground must be large enough for a peak event. Drainage calculations are needed to confirm such.
- Downstream drainage where the reducer is tied to, the rate of flow through the reducer may be too much for the existing storm drainage on the Eckerd property. Will need to see flow calculations and an assessment made as to what that flow might do to affect the existing drainage.
- Drainage is going to discharge to Union Street, which is a state right of way. NYS will need to review and approve this plan.
- Drainage ultimately discharges to Northrup Creek down by Village Walk at the culvert. This would be upstream from the downtown area.

Dumpsters

- Details need to be shown on plans depicting fencing, landscaping, adequate size dumpsters for plaza.
- There is cleanup work needed on existing dumpster, (file)

Parking

- Eckerd's parking based on sq. footage does not adhere to the zoning law.
- Village Woods parking needs to be scrutinized.
- Ingress/Egress on Nichols Street, NYS should be involved due to the increase in traffic.

Retaining Wall

- Good design, except for handrails, which need to be redesigned to fit into the theme of the Village.
- Handrail on east side, needs a middle rail, should be upgraded.

Utilities

- Jack Linder should be the contact person when you perform any excavation work.

Mr. Wall: We have already met with Jack Linder in regards to this project; we have already made changes per such meeting.

Patios/Sidewalks

- Details need to be shown on plans for all work associated with the patios.
- Landscaping needs to be shown and approved by this board.

Mr. Wall: The fencing will be decorative type fencing, mainly to keep areas separate. Landscaped islands will be left up to the discretion of this board.

Dave Willard: Will the patrons of Eckerd's use the Village Woods Plaza for parking? There isn't any pedestrian access between the two lots.

Mr. Wall: If the property is purchased it is conceivable they will want cross access parking.

Ms. Keyes: There won't be any signs prohibiting anyone from parking there and going to Eckerd's.

Craig Byham: The plan shows 24 existing parking spaces in the back lot, the proposed shows 24 also you aren't changing the capacity. Yet you are taking away six spaces from Eckerd's. In addition, saying that maybe the Eckerd's customers can park behind the plaza, when there isn't enough parking there to begin with.

Chairman Garlick read aloud Attorney Keith O'Tooles comments (file).

Jack Crooks was in agreement with Dave Willard's comments.

Jack Crooks: The patio needs to have provisions for emergency exits.

Jack Crooks: The spoils on dumpsters need to be removed, my recommendation for the dumpster enclosure is to have it done with a masonry product, brick veneer would be consistent with the rest of the building.

Chairman Garlick: It is my understanding from previous discussions that Page Appliance is reluctant to allow you to connect directly to their storm drain, yet you are showing that connection on your plans.

Ms. Keyes: Pages has not agreed to that, and our engineer was aware of that.

Chairman Garlick: If Pages is not an option which it apparently is not the designing of that area will have to be revised. You will have to make a direct connection into the NYS storm system. You will need to get in direct contact with the state.

Patio

Ms. Keyes: Tooty's outside patio is to be more of a holding/waiting area and a smoking area. Right now patrons are going outside to smoke and milling in the parking lot.

Chairman Garlick: Will there be alcohol served?

Ms. Keyes: No.

The owners of Tooty's were present at the meeting and at this time relayed to Ms. Keys, that it was their intention to have alcohol served on the patio.

Jason Calari stated they had arranged to have alcohol served on the patio per conversations with property manager Brad Kuskins.

Ms. Keys: This puts the patio in the same character as Chilango's., you will need to deal with the liquor authority directly.

Frank Leccesse: Yes, the patio will be used for dining 8-10 tables and propane heaters will be installed outside.

Chairman Garlick: Direct access from the sidewalk causes problems. These plans will need to be reviewed and approved by the Fire Marshall.

Denny Marra asked Jack Crooks if the increase in size of Chilango's would warrant a sprinkler system.

Jack Crooks: The conversation I had with the management is that a sprinkler system might be needed.

Chairman Garlick asked how the board felt about the proposed patios with the configuration of access only through the restaurant, assuming that the board receives some sort of criteria from the Liquor Authority regarding outside patios.

There are a ton of details that need to be presented to us that are not apparent at this time. However, I would like to hear the board's comments.

Carol Nellis Ewell: The letter from the engineer vs. the intent of the tenants vs. Gina Keyes understanding in addition to what is being presented to us does not match. I just want to get on the record what the purpose of the patio is.

Gina Keyes: The purpose of the patio is for dining, including alcohol and a smoking area.

Chairman Garlick: That brings up another question, is it acceptable to mix a smoking area with an eating area?

Mr. Calari: You are allowed to use 25% for a smoking area.

Ronald Muraco: When you say 25 %, is that for any uncovered area?

Mr. Calairi: Yes.

At this time, Chairman Garlick confirmed that the patio would be used for dining, serving alcohol and a smoking area.

Carol Nellis Ewell: Will the criteria for Chilango's patio apply to this patio also.

Chairman Garlick: Yes, for the record the criteria:

- Written approval and criteria from the Liquor Authority for outdoor patios.
- Written documentation from plaza tenants supporting outdoor patio area.
- Fire Marshall Review and approval of planned area.
- Details of construction and construction materials.

Ronald Muraco: As long as the criteria are met and there isn't any outside speakers, I don't have a problem with the patio.

Joseph Slominski: I would agree with that as long as the patio can be conformed to our requests.

Denny Marra: I would like to see a wrought iron fence, rather than a barricade. I think it can be done tastefully. I don't agree with the size of Chilango's patio it will take up that whole area, it will reduce the amount of landscaping. It is best to have all the tenants on board because that area will have no visibility at all.

Carol Nellis Ewell: Is it usual for the liquor authority to come out and look at the project, how do they grant approval. Do they assume liability if a car drives through and someone gets hurt?

Attorney O'Toole: We have sufficient authority to protect the public.

Jack Crooks: The Fire Marshall has a formula to establish a reasonable size for the patio.

Chairman Garlick: I am going to recommend to my fellow board members that we table this application until we get detailed plans.

At 7:35, the Public Hearing was closed.

Denny Marra shared his concerns in regards to exiting from Union Street and the lack of visibility.

Jack Crooks stated that the NYS DOT would be taking a strong look at Denny's concerns when they review the project.

At this time, the following resolution was offered.

Resolution 6/2005

**Introduced by Chairman Garlick
Seconded by Ronald Muraco**

Resolved that the application of Kravetz Realty, owners of Village Woods Commons Plaza, 42 Nichols Street, Spencerport, for a proposal to expand the existing rear parking lot as well as extend access to the

Page 6

existing Eckerd site. Additionally the proposal includes two new outdoor seating areas located near the east and west ends of the plaza on the southern side, such application is tabled at this time pending the resolution of the following items.

1. Address items referenced from the June 5, 2005 letter submitted by the Village Engineer, David Willard.
2. Address items referenced from the May 26, 2005 letter submitted by the Village of Spencerport Planning Board Attorney Keith O'Toole.
3. Address and add all details as discussed:
 - Dumpster enclosures
 - Green space
 - Patio, Patio furniture, heating elements
 - & any other items of construction.
4. Add Village of Spencerport general notes for construction material quality.
5. Provide receipt of written approval from the Liquor Authority authorizing serving liquor in patio areas.
6. Written documents from plaza tenants supporting outside fenced in patio area.
7. Fire Marshall review and approval for sidewalks and patio structures.
8. Type of materials suggested for dumpster enclosures to be masonry and brick veneer.
9. Fence details to be shown on plans.
10. Submit materials wishing to use for tables and chairs, fencing enclosures, etc.

Ayes: Garlick, Nellis-Ewell, Marra, Slominski, Muraco

Nays: none

ARB Meeting

Village Woods Plaza Directory Signage

Gina Keyes was present requesting approval for updating the directory sign located at 42 Nichols Street.

Chairman Garlick: Will the colors and design conform to what is shown on drawings or will you be allowing the tenants to use their existing colors and designs.

Gina Keyes: I believe it will be built as designed on the drawings.

Chairman Garlick: To the best of your knowledge, you are going to conform to the color schemes that were presented to us.

Planning Board/ARB Meeting
June 7, 2005

Page 7

Gina Keyes: Yes.

Denny Marra: Was the address going to be put on the sign?

Gina Keyes: If we have another entrance on Union Street, we didn't want to confuse the matter, making it appear that there are two plazas.

After further discussion the board granted the following Certificate of Appropriateness:

Notice of Decision

Signage

- Sign shall remain at 121" x 56".
- Proposed business sign shall be configured as on the submittal to the ARB dated May 19, 2005.
- Sign materials shall be of the same type as the existing sign.
- Sign shall be kept in good condition as determined by the Village of Spencerport ARB.
- After sign modifications are completed, the owner shall submit a photograph of the sign to the Village Clerk for the file.

Sidewalk

John Marelo was present requesting approval for a sidewalk to be located at 138 So Union Street.

Chairman Garlick stated that construction criteria must adhere to village code.

Chairman Garlick stated the sidewalk would be crossing over a sanitary sewer easement and that if any work had to be done the sidewalk might need to be removed. The Village of Spencerport would not be responsible for any damages.

John Marelo stated that he might shift the sidewalk to avoid that problem.

John Marelo stated that in the future he would like to light the path.

Chairman Garlick: That would need to come back in front of this board for approval.

Carol Nellis Ewell: Is this sidewalk going to be made out of plain old concrete, or blended with brick.

John Marelo: That probably wouldn't be a bad idea that would give it character.

After further discussion the board granted the following Certificate of Appropriateness.

NOTICE OF DECISION

Sidewalk

- Sidewalk to be located as shown on the survey map completed by Arnaldo J. Barea, L.S. and dated 5/13/05.
- Sidewalk to be constructed in accordance with the standards and specifications of the Village of Spencerport.
- Construction operation shall be conducted in a manner that is safe and for pedestrian and vehicular traffic adjacent to the worksite.
- Repair any damage to public property that may occur during construction.
- Maintain the sidewalk in good condition as determined by the Village of Spencerport Architectural Review Board.

Furthermore, the applicant is made aware that a portion of the proposed sidewalk is on a permanent sanitary sewer easement and may be removed by the Village of Spencerport if necessary for repair and maintenance of the sewer.

Signage

Jeffrey Miner was present requesting approval for a sign to be located at 6 Slayton Ave.

Chairman Garlick: The sign is in an interesting location.

Mr. Miner: Mike Montecalvo the owner of the building would not allow the sign on the front fascia. He didn't want the sign to interfere with his business.

Mr. Miner: The sign is made out of corrugated metal by a professional sign company. It is very safely secured at the top with cable. The sign is to let contacts know where I am located in relationship to the building.

Ronald Muraco: Will the sign be lit?

Mr. Miner: No.

Chairman Garlick stated that generally, this type of sign is not allowed in the plaza, also we don't allow telephone numbers on the sign,

Mr. Miner: I spent quite a bit of money on the sign to take it down and remove the phone number I have no problem, but since there is not a lot of vehicle access in the back of the plaza I would ask for a little flexibility with the placement of the sign.

Denny Marra: Mr. Crooks aren't most of the sign companies out there doing business aware of the appropriate measures to take before installing a sign.

Jack Crooks: Most sign companies do.

Mr. Miner: I did ask Mr. Montecalvo in length about many details, I did ask him if there would be a problem with the sign. He checked with the plaza owners, and there didn't seem to be a problem. I apologize for not coming to the village first.

Ronald Muraco: Just last month we had Mr. Marelo return his sign and have it fit to the standard that we are requesting. One of those items was to remove the phone number.

Mr. Miner: This sign is in the very back part of the plaza, the only people that come back there are customers that I verbally communicate with either by phone or by email.

Chairman Garlick: What was the reason for not letting the sign on the fascia?

Mr. Miner: Mike Montecalvo thought it would take away from his business.

Chairman Garlick: That is the only sign in the plaza that is overhead.

Mr. Miner: I tried to have it placed on the front right hand corner of the building, but that didn't happen.

Mr. Marelo: For the record, I have no problem with the sign, because of the unique location

A lengthy discussion ensued in regards to the sign.

Mr. Miner reiterated that he would be willing to scallop the edges take the phone number off whatever it takes to keep the sign where it is and keep his landlord happy.

Trustee Rauber suggested giving the applicant a three month temporary permit to allow the applicant time to maybe work the situation out with his landlord.

Carol Nellis Ewell: The phone number needs to come off, but the way this sign hangs having worked on the sign code, the theme of an old village is to have some of those hanging signs, like the florist and others on Main Street. Maybe the offer by the applicant to take the sign down remove the phone number and scallop the edges would appear to work.

The board was in agreement with Carol's suggestion.

Chairman Garlick stated that due to the unique situation the board is going to make a recommendation to allow the sign to stay at the current location. This is a special location with no visible access from the front of the building.

After further discussion the Board granted the following Certificate of Appropriateness.

Notice of Decision

Signage

- Edges of sign are to be scalloped.
- Phone number to be removed from sign.
- "No job is too small" may replace phone number.
- Sign shall be kept in good condition as determined by the Village of Spencerport ARB.
- After sign modifications are completed, the owner shall submit a photograph of the sign to the Village Clerk for the files.

Planning Board/ ARB Meeting
June 7, 2005

Page 10

Exterior Renovations

Mike Wall from FRA Engineering was present requesting approval for exterior renovations for McDonalds located at 42 Nichols Street.

Carol Nellis Ewell: In my opinion, the color scheme ought to match the plaza, which is barn red, hunter green and cream. The look of the building to me is more of a California building.

Chairman Garlick: The rest of the work is upgrading the lighting, roofing, exterior renovations.

Mr. Wall: If you look at the cut sheets there is a good picture of how the lights flow, it is just lighting the area underneath it, there is no spillage whatsoever on that type of lighting. Wattage will be 42 watts.

Chairman Garlick: Will they be the same lights as they have next door at Buckmans Carwash.

Mr. Wall: That is correct.

Carol Nellis Ewell asked what interior renovations they are planning.

Mr. Wall: Mainly wallpapering and painting.

Carol Nellis Ewell suggested putting some historic photos up of Spencerport.

Mr. Wall stated he would pass that information on.

Chairman Garlick: You will be keeping the existing shrubbery.

Mr. Wall: We are not proposing any new landscaping.

Chairman Garlick: What other color palettes do they have?

Mr. Wall: As far as I know these were the color palettes for this general area, this is more of a corporate redirection they are going for. I am not aware of any other color palettes.

Chairman Garlick requested McDonalds submit additional color palettes for the board to review.

Mr. Wall will check with the regional representative from McDonalds to see what other colors they might have.

After further discussion the board granted the following Certificate of Appropriateness.

Notice of Decision

This is to certify that the Architectural Review Board has approved the application of McDonalds Corporation for exterior renovations on McDonalds Restaurant located at 44 Nichols Drive the following improvements.

- Re-roof the existing mansard roof with a standing seam “copper” finish panel system to go over the asphalt shingles.
- Replace the existing “light beams” on the mansard with new translucent white beams with the same location sizes and lumens as the existing light beams.
- Add a second drive-thru, which includes a Customer Order Device and a Menu Board, designated as S8&S9 on the applications materials.
- A section of pavement in the drive-thru lane will be replaced with a concrete pad for the new Customer Order Device.
- Replacement of drive-thru payment or pick-up as a repair.
- Add gutter to front of building to prevent water from dripping on the two-atrium windows.
- Installation of two “gooseneck” light fixtures on the existing etched redwood sign at the southeast corner of the property.
- Repaint the existing pole lights in the parking lot the same color as existing.
- Replace exterior soffit lights with the same size fixtures in the same locations.

Furthermore, the following proposed painting of the exterior of the building with a palette of neutral colors as designated on the application materials has been tabled pending new color renderings reflecting the colors from surrounding businesses.

APPROVAL OF MINUTES

Motion made by Chairman Garlick seconded by Denny Marra and carried unanimously to approve the May 3, 2005 meeting minutes.

ADJOURNMENT

Motion made by Chairman Garlick seconded by Ronald Muraco and carried unanimously to adjourn the meeting at 9:15 p.m.