

**Planning Board/ARB Meeting
November 1, 2005**

Board Members Present

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

Board Members Absent

Others Present

Donna Stassen, Secretary Planning Board
Trustee Theodore Rauber, Liaison Village Board
Jack Crooks, Building Inspector
Attorney Keith O'Toole
Mary Ferris
Frank Ferris
John Marello
Stefanie Ricco
Patrick Hotchkiss
Kristy Farrand
Chris Farrand

Planning Board

The application of John and Mary Marello of 21 Bauers Cove for the resubdivision and site plan for Lot 1 of the Bauers Cove Subdivision located at 133 Canal Street, Spencerport, NY.

Chris Schultz of Schultz Engineering will be representing the applicant John Marello.

The board reviewed the plans, showing a 2600 sq ft. footprint with a two-car garage how it would set on the lot and where the utilities would tie in.

Chris Schultz presented a quick overview:

- We are proposing a simple re-subdivision a split of the existing lot currently 133 Canal Street.
- Access will be through the existing driveway.
- Variances may be required.
- Grading would take place on the lot drainage which would run in direction of creek.

Tom West: There is a storm sewer recently installed which could be connected to.

Chris Schultz will meet with Tom West to discuss installing a catch basin to pick up any runoff from the back corner of the lot.

Jack Crooks: Will this additional home require an association agreement for this private drive.

Chris Schultz: Yes, the applicant's attorney is preparing an agreement. Currently my client is applying for permits and modification approvals from the Canal Authority. Certainly, any approval from this board will be subject to obtaining those permits.

Jack Crooks: Lot 2 owned by the Farrand's are they obligated to join this association. Will they be responsible for any future maintenance costs incurred? What will happen if they choose not to join?

Keith O'Toole: They are not obligated to join, they would continue to use the access that they have already. As long as they do not sign an agreement, they will not be responsible for those costs incurred.

Jack Crooks: Lot 1RB will now have a six (6) foot front setback whereas the required setback is fifty (50) feet, this board will need to take a good look at this relief. This would be almost a 90 % variance.

Chris Schultz: The driveway has always been there we are creating a lot line that will run along the driveway. We are not pushing a road up to the house the immediate area will remain the same.

Jack Crooks: There were not any provisions on the original plans for parking, in two of the three visits I made to the site cars were parked in the driveway in front of that house which further makes that area congested.

At this time, Chris Schultz handed out updated plans to the Board addressing comments they received from MRB and Attorney Keith O'Toole.

Jack Crooks: It appears from looking at the plans that water will be pushed through to lot 2 and lot 1RB, I would like to see that more clearly defined.

Chris Schultz: There will be work done to the sanitary sewer; we will coordinate with Tom West.

Tom West: You will not be able to connect to the existing 4 inch you will be able to connect to the 8 inch main.

Jack Crooks: The drainage on the east side where does that go?

Chris Schultz: That drains right down into the creek.

Jack Crooks: I have been called out to the Irazari property off Bauers Cove for drainage problems; I want to make sure that no additional water is sent there.

Jack Crooks: We are increasing the population back there and I want to make sure that emergency vehicles have proper room to get back there and that the road will be developed to handle that load.

Jack Crooks: Of great concern to me is the potential of the flood elevations, the lomar becomes my responsibility and I do not want to see any basements built below a flood plain down there. If we are going to be encroaching on that flood plain, we have some work to do with storm water calculations to make sure that we are not forcing water somewhere else.

Chairman Garlick reviewed the comments from MRB touching on some of the highlights. (Letter filed)

- Water service going to lot 1RB is not depicted on the plans.
- 10 ft separation between sanitary and water services
- Review and approvals from the Canal Authority
- Parking situation plans are not showing a garage. Note: Garage added to new plans.

- Village Law regarding building in a flood plain area.

Superintendent West stated that there are new proposals in the works for upgrading the sewer. He is not sure of all the details at this point.

Attorney O'Toole: Primarily my concern is about the access, vehicular and easements. There are two ways of achieving it, one is the Canal Permit, which is a temporary permit and can be revoked at anytime. There is a conditional easement to the east, which runs out to Bauers Cove that only goes into effect if the state denies the permit. While that is fine in terms of vehicular access, I do not know that it is prudent to run utilities across the Canal Corp property because one can't switch those quite as readily. As I stated in my letter I think the best solution would be to get a permanent easement out to Bauers Cove.

Chairman Garlick: The access agreement out to Bauers Cove you said is a ten-foot wide and that is a temporary easement?

Attorney O 'Toole: Yes.

Jack Crooks: You may want to consider if that is adequate spacing to put a road down there. At ten feet wide, you don't have room for emergency vehicles. A ten-foot driveway is not conducive for access to this property, as it currently exists. Typically, to service four houses at the very least for the paved portion it should not to be less than fourteen feet.

Denny Marra had concerns with the water pressure and fire flows.

Carol Nellis Ewell: Looking at MRB's letter, it states that the designation of the 100-year flood plain should be depicted on the map. Does that satisfy the law?

Chris Schultz: You don't want to approve anything that could be flooded out; the village engineer will look to see if the development would affect the designated flood plain.

Chairman Garlick: Most of my comments were addressed by the previous comments that we have gone through.

Chairman Garlick: I had a problem with the 6ft setback and was wondering if the line could be extended at least to the other side of the driveway easement,

Chris Schultz; It does not fundamentally hurt anything to move the line.

Chairman Garlick: I had another concern about positive drainage getting into catch basins and piping into the existing storm sewer as much as possible. We need to see more contours on the drawings.

Chairman Garlick: You are proposing a 1 ½-inch water service, from the 6 inch water main all the way through. Monroe County Water Authority asks for 1 inch back to the curb box.

Chris Schultz: Typically they like their taps off the main to be inch to the curb box, than they jump the services up to 1 ½ inch.

At this time, Chairman Garlick opened up the meeting to the Public.

Patrick Hotchkiss: Mary and Al Bauer are my parents for which Bauers Cove was named after. You are referring to the development as Bauers Cove; this is not part of Bauers Cove, as I understand.

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Chris Schultz: The reason why we are referring to this as Bauers Cove is there was a previous subdivision map when they created Lot 1 & Lot 2 and that subdivision map was titled the Bauers Cove Section 2, and that is the reason that I am referring to this by repeating the most recent subdivision title.

Patrick Hotchkiss: Is this a rental unit?

Chris Schultz: No, I believe my client intends to move there, the house might actually be smaller my client is planning to scale down.

Patrick Hotchkiss asked for verification of the association agreement.

Chris Schultz: Whenever you have a driveway that is being shared by more than one person you have to worry about plowing and maintenance. It is the amount that it costs to maintain the driveway is determined up front and is divided up in monthly payments amongst the property owners; it generally runs with the land.

Patrick Hotchkiss: Who would run the association?

Chris Schultz: Typically one of the owners.

Patrick Hotchkiss: Living there all the years that I did the water comes down the driveway and collects at the house numbered 133 it just becomes a huge mud bath.

Chris Schultz: Without coming and telling me that, I would not have known. Now that I do, we can design improvements to take care of that.

Christy Farrand: I live at 134 Canal Street and I have several concerns. When it rains there, it is a lake; if anything were up higher, it would just run down into my front yard. I am also concerned that Mr. Mareello will rent out this property when he bought my grandparents house he told us his in-laws would be living there, they didn't he has rented the house out twice. He doesn't maintain the property currently now I have a big woodpile and a trailer to look at, he doesn't let the tenants use the garage. We pay to have the driveway plowed. I also am not willing to pay an association fee.

Chairman Garlick: How do you operate the driveway maintenance now?

Christy Farrand: We pay for it ourselves.

Chairman Garlick asked if Mr. Marrello provided those services for his tenant.

Mr. Mareello: No.

Chairman Garlick: Refreshen my memory if the Farrand's do not wish to join the association they will not be obligated to.

Attorney O'Toole: That is correct, they have bought the property with easements in place and they are not responsible for anything else.

Chris Farrand: I am concerned about the basement at 133 Canal Street, when the creek level goes up the basement floods.

JohnMareello: I own 133 Canal Street and that basement has never flooded since I purchased the property.

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Craig Byham: How long have you owned the house?

John Marello: Three years.

At this time, the public hearing was closed.

Chairman Garlick: We have a lot of issues and items to take care of, based on the Building Inspectors, the Village Engineer and the Village Attorneys and the other comments brought up by the board tonight, I would recommend that we table any action until these items are addressed.

Chris Schultz: I would like to work through these items also, we would need to go to the Zoning Board for the variances.

Building Inspector Jack Crooks: My recommendation would be to satisfy your design requirements first and then take, whatever required setback you have determined to the Zoning Board. You can always give approval contingent on Zoning Board Approval.

Chairman Garlick agreed with that process.

Resolution 11/2005
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Introduced by Chairman Garlick
Seconded by Denny Marra

Resolved that the application of John and Mary Marello of 21 Bauers Cove for the resubdivision and site plan approval for Lot 1 of the Bauers Cove Subdivision located at 133 Canal Street, Spencerport NY have been tabled.

Any actions or decisions have been tabled until comments from the Village Engineer, Village Attorney and Building Inspector have been addressed.

Ayes: Garlick, Nellis-Ewell, Marra, SLominski, Muraco
Nays: none

Next on the agenda is the application for concept approval for Erie View Landing.

Chris Schultz: We are working together with the other developer, Mr. Gollel to share services.

Water is the main shared service. We have met with the Monroe County Water Authority and looking at extending the water main from Trimmer Road. That is high pressure main. We had two choices bringing the water in this way or from Union Street, which would require tearing up roads and trees. The developers are working out who will pay for what and how it will happen.

Sanitary Sewer It has been suggested to sewer by gravity as much as we possibly could. We are looking at picking up about ½ of the development by g gravity. The others will be service by a low-pressure sanitary force main, we are looking at individual pumps (E-1) the DEC requires that the municipality take care of the force main at the road. The pump themselves are owned and maintained by the homeowner each homeowner is required to have a 24 hour service contract. The pumps are set up like the core of an apple if the unit fails the core is pulled out and another one put in. With these pumps, you get a much better use of the land.

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Wetlands: We have had a biologist go and flag all of the wetlands they are marked on the plans. Current regulations state that you are allowed to disturb up to 1/10 of an acre without having to go for a permit.

Cemetery: Using gates as a separation.

Sidewalks: Not planned at this point.

Snowplowing: We will give our pond access on the north side of lot 8; the snow can be pushed down Erie View and into the pond.

Chris Schultz gave an overview of the lots.

Ron Muraco: Will salt be an issue for the ponds?

Chris Schultz: Yes salt is a problem with every pond; these ponds are designed to have a 24-hour detention so that the road salt will settle.

Denny Marra: Will there be two associations?

Chris Schultz: Yes.

Tom West: I am not too keen on the E-1 pumps, I don't know enough about them at this time. Do you have a Plan B in case we don't go with the E-1 system?

Chris Schultz: If we don't go with the E-1 than you are talking about a municipal lift station, it would be located probably on Gollel's property. You are talking about a station that would cost about 150,000.00 dollars to be put in paid for by the developer than it is turned over to the village. It will continually eat electricity forever.

Discussion ensued regarding E-1 systems.

Trustee Rauber: Will there be any variances required?

Chris Schultz all the lots will conform for area, but some will need width variances.

Jack Crooks: Our code requires minimum lot width of 80 ft, minimum dept of 160 feet, and lot area 12,000 sq feet, is it either or?

Attorney O'Toole: They will need variances.

Chris Schultz: It will probably take sometime to get the water system squared away with the water authority. The developer would like to get his plans over the winter and be in a position to start in the spring. We have sometime to work through all this.

At this time, Chris Schultz thanked the board for their time.

ARB

Chairman Garlick: Next on the agenda is the ARB application for Coffee Cabana for signage and a window on the side of the building.

Mr. Ricco: The sign is a two-piece construction the lettering is clear made of vinyl and acrylic; the letters are reversed so that you can see the name from the outside.

Attorney O'Toole: My only comment is that I don't believe acrylic is permitted material under the sign law.

After further board review, the following Certificate of Compliance was granted.

NOTICE OF DECISION

Signage

- The sign shall be recessed in the building facade; all materials shall be as submitted to the ARB for approval on November 1, 2005.
- The sign shall be kept in good condition as determined by the Village of Spencerport ARB.
- After installation, the applicant shall submit a photograph of the completed installation to the Village Clerk for the file.

Window

- North wall window to match existing windows.
- Size of vinyl window to be 28" X 38".

Decking

- Shall be constructed in conformance with Village of Spencerport standards and configured to resemble porch.
- Balusters shall be typical of a porch with a circular center portion with square top and bottom sections.
- Top rail shall be typical of a porch rail.
- Post top features shall be of a compatible style.
- Wood materials shall be natural pressure treated wood, stained white or gray. A skid resistant surface shall be applied to the walking surface.
- Lattice wall shall be installed on vertical surfaces below the deck and ramp surface.
- Building Inspector Jack Crooks must approve any modifications.
- Any construction will require a building permit.

Unfinished Business:

Tiny Talents is not resubmitting their sign application at this time.

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Approval of Minutes:

Motion made by Chairman Garlick seconded by Denny Marra and carried unanimously to approve the October 4, 2005 minutes as written.

Adjournment:

Motion made by Chairman Garlick seconded by Joseph Slominski and carried unanimously to adjourn the meeting at 8:30 to go into workshop session.