

**VILLAGE OF SPENCEPORT
PLANNING BOARD
ARB MINUTES
NOVEMBER 7, 2006**

Present

Carol Nellis Ewell
Denny Marra
Joseph Slominski
Ronald Muraco

Absent

Chairman Robert Garlick

Others Present

Dave Willard, Village Engineer
Keith O'Toole Village Attorney
Trustee Theodore Rauber, Liaison
Jack Crooks, Building Inspector
Thomas West, Highway Superintendent
Jack Linder, Electric Superintendent
Donna Stassen, Secretary Planning Board

Richard Gollel	630 East Ave
Randy LaDieu	40 Cedar Field
Commons	
Jong Kim	40 Cedar Field
Commons	
Kris Schultz	129 So Union
Street	
Joan Quigley	150 Maplewood
Ave	
Frank Gollel	630 East Ave
Paul Rosa	830 Beach Ave
Glenn Goodridge	57 Evergreen
Street	
Susan Goodridge	57 Evergreen Street
Mary Ferris	31 Ballard Ave
Frank Ferris	31 Ballard Ave
Amy Krebs Hendry	356 Buttonwood
Drive	
Jeff Kosmala	MRB Group
Kevin O'Keefe	140 West Ave

ARB Meeting

The application of Amy Krebs Hendry/Village Hairport of 42 Nichols Street, Spencerport for signage to be located on directory sign located at same location.

Amy Krebs stated to the board that her intent was to install a sign underneath Betty's Quilting, but that things had changed since she submitted her application. Chilango's sign had been blown off the top of the

directory sign in a windstorm the sign will have to be redone. For now Chilango's has placed the sign in the spot she was proposing to put her sign in.

Amy also mentioned that with the change of tenants in the plaza, she has been told by the superintendent that there will be changes made with the directory sign. She has decided not to invest a lot of money into a

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sign at this time. She is still asking for approval tonight so that she can move forward at the appropriate time.

The board reviewed the drawings submitted and at this time offered the following resolution.

Resolution 11/06
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Introduced by Carol Nellis Ewell
Seconded by Ronald Muraco

Resolved that the Village of Spencerport's Architectural Review Board issues a Certificate of Appropriateness to Amy Krebs Hendry/Village Hairport of 42 Nichols Street for signage on directory sign located at same location.

Such sign shall meet the following requirements:

- Sign shall be made of double sided aluminolite.
- Sign size shall be 55 ½ " x 14 ½ "
- Sign colors to be white and red as shown on submitted diagram.
- Sign on monument sign is to be the same size as other business signs on the directory sign.
- Signage shall be mounted in a safe manner.
- Signage 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 filing.

Ayes: Nellis Ewell, Marra, Slominski, Muraco
Nays: none

Planning Board Meeting

Canal Landing

Randy LaDieu of LaDieu Associates will be representing the applicant Mr. Gollel this evening.

Mr. LaDieu stated to the board that he was in receipt of MRB comments (filed) and that most of the comments have been addressed.

Mr. LaDieu did a run down of MRB's comments and made the following comments.

- Names will be developed for private roads A & B.
- Ingress/Egress and utility easements will be shown after preliminary is granted.
- Driveway around pond will have crushed stone only not top soil for drainage purposes.
- Each lot will have 2 trees and note 33 on the plans are revised to show that.
- Shultz Associates is designing pump station and will be shown on final drawings.
- Peak flows & details will be calculated after receiving flow data from Siewert Equipment.

- Still waiting for confirmed date for the Evergreen Street water main.
- Monroe County Health Department is willing to sign off on the drawings for a certain number of units without C of O until the pressure is up and the relining is completed and the new 8 inch water main is installed.
- All these improvements will improve the fire flows for existing homes not just new construction.

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Carol Nellis Ewell stated Village Attorney Keith O'Toole has advised the Village not to issue building permits without a C of O.

Jack Crooks: I think we have had this conversation before when we moved forward with the Hogan project the agreement was four units, part of that conversation was that if Mr. Hogan got four units Mr. Gollel is entitled to four units and that is not the case. If Mr. Gollel want to negotiate with Mr. Hogan for two of the four units that is fine, but that is all that I am comfortable with. The presumption to go forward with building permits without knowing if the re-lining of West Avenue is going to give us 1000 GPM for fire protection is not something I wish to be responsible for. The Village should not be put in that position.

Attorney O'Toole: You don't approve a project until you have it buttoned up certainly with safety issues like fire. Historically because of the aging infrastructure the village has had problems with water flows specifically for emergency purposes. You should get your engineering done before you start building.

Mr. Gollel: I did have a conversation with Dan Hogan and one of the reasons we went with the relining of the water main vs. running our own main to the west was to improve the water flows throughout the Village of Spencerport. I am fully aware that if the relining does not work I have the option of running that water main to the west to fall back on.

Jack Crooks: When they cut out some of the old pipe on Evergreen Street the inspectors from the Water Authority stated that the pipe was in better shape than they thought which raises the doubt when they do the relining if there will be sufficient water flows.

Mr. Gollel: The relining is proposed to go all the way down Union Street until the other side of the canal.

Tom West: The proposal brought to me from the Water Authority is that they would be replacing the water main starting at the creek on Big Ridge Road to Rt. 259 up Rt. 259 under the canal and back on to Union Street and than the rest would be relined.

Mr. Gollel: I am aware if I get a building up and for some reason the relining is not done or doesn't meet the fire protection I have the alternative direction to go with the water main to achieve what I need to achieve.

Jack Crooks: Would you put the expense for the water line from the DPW to the project in a letter of credit?

Mr. Gollel: Do you think I need to tie up that much money or do you think it is hostage enough that I don't have the Cof O for hundred of thousands of dollars worth of buildings.

Attorney O'Toole: A house that is 100% done but not sold is going to lead to a lawsuit.

Attorney O'Toole advised the Board not to go down that road.

Jack Crooks asked what the health department is allowing.

Dave Willard: They are allowing four (4) units without C of O; they also have the stipulation that once the relining is complete they want testing in the area to verify fire flows. If the test fails they want an alternate connection.

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Jack Crooks: Are they saying eight (8) units total?

Dave Willard: Yes.

Denny Marra: Inevitably the bottom line is even if they reline the main and everyone goes ahead and builds and it doesn't meet the test we are back to square one.

Mr. LaDieu: We would than go back to putting in the main at the DPW.

Denny Marra: What is the time frame for this relining project?

Tom West: They are shooting for April.

Denny Marra: It sounds like it would be most beneficial to everyone if the line was tied into the main on Trimmer Road.

Tom West: If the fire flows don't pass that would be the alternative, but if the fire flows pass there is no reason to put all that money into that project.

Jack Crooks: From a developers standpoint a lot of this is economics.

Mr. Gollel: Dan Hogan and I have already installed the water main on Evergreen Street increasing the size. We also committed to rebuilding the street. We know that if the relining doesn't work we have the option of running the water from the DPW.

Attorney O'Toole advised the Board that if they are going in this direction which he wouldn't advise but if they do, everything should be buttoned up in a Letter of Credit.

Mr. Gollel: We will leave the contingency fee up until the water flows are adequate.

Mr. Gollel: If you are giving Dan Hogan permits are you giving him C of O's?

Jack Crooks: Yes, we have had a conversation with the Fire Marshall, the Fire Department and the Water Authority by tandem pumping they can produce adequate fire flows for three or four units.

Mr. Gollel: Dan Hogan agreed to split those 4 units with me; I don't have plans for building more than two units.

Jack Crooks: Can we clarify that they are units and not buildings?

Mr. Gollel: I have to build the one building which is three units, and I would like to build a model home, so I need to start two models if I can which would be one building and one home. Dan Hogan has two homes that he wants to put up. That is fine I will limit it to the two.

Attorney O'Toole: That adds up to six not four.

Attorney O'Toole: Again I advise you not to go down this road we are going to have to get a request from Mr. Hogan relinquishing whatever permits are necessary to facilitate this project. If we have made the determination that we can't do more than four units safely it is extremely inconsistent to now do six or eight units. It would put us in an awkward position should we have to go into litigation.

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Discussion ensued regarding the number of units allowed to be built.

Carol Nellis Ewell stated that the board would follow the advice of the Village Attorney.

Mr. LaDieu continued his comments regarding Dave Willard's review.

- All disturbed sidewalks will be replaced.
- Existing asphalt areas requiring a pavement saw cut will be noted on plans.
- Screening to be shown on plans for Ferris property.
- Will research to see if siphon under the canal can be permanently shut off if no permit is issued.
- An NOI has not been filed yet. The pond has been oversized to make up for impervious surfaces.

Tom West stated that two (2) NOI's will need to be filed.

Discussion ensued whether or not one or two NOI's will need to be filed, Jung Kim the engineer for the applicant will research such request.

Carol Nellis Ewell read aloud comments from herself and Chairman Garlick. (file)

Jack Crooks has requested that existing homes on Canal Side Drive on private water lines are connected to the new main that will be installed.

Mr. Goodridge: I live at 57 Evergreen Street can I ask some questions?

Carol Nellis Ewell explained to Mr. Goodridge that this was a public meeting but that the public hearing portion for this application has been closed.

Jack Crooks suggested submitting something in writing to the Board.

Carol Nellis Ewell: I have one other question of my own as far as a comment from MRB on November 3, 2006 regarding the grading depicted along the pond service road.

Mr. LaDieu: That was worked out with Schultz Associates on the other plan.

Carol Nellis Ewell: I just want to make sure that Mr. Willard is satisfied.

Dave Willard: We had reviewed that and didn't like the idea of the drainage being directed right across that road. We thought a simple 12 inch driveway culvert would take care of the problem there. Comments that I received today from LaDieu Associates they said that the service road was going to be stoned with 4 inches of top soil. I am not too keen on that idea once you try to go back after it has been raining you are going to rut that all up. I would prefer to see that a regular stone road.

Tom West: Redman Construction is under the assumption that there is no stone road on the back side of that, we will need to go back and talk to Mr. Hogan again.

Dave Willard: It is supposed to be stoned all the way to Amity Street.

Jung Kim: Aesthetically grass will look better and that road may only be used a couple of times a year.

Dave Willard: But when it does get used it will be after a very wet period because they will be going back there to clear out debris after a rain storm, if you put 4 inches of top soil on crushed stone like that you are going to make a mess.

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Dave Willard: We can look at this detail a little further I wouldn't want that to hold up the whole project.

After board discussion the board offered the following resolution:

**RESOLUTION NO 11/06
NOVEMBER 7, 2006**

**INTRODUCED BY CAROL NELLIS EWELL
SECONDED BY DENNY MARRA**

Resolved that the Village of Spencerport Planning Board grants contingent preliminary approval for Canal Landing Subdivision as shown on maps prepared by LaDieu Associates, 40 Cedarfield Commons, Rochester, NY dated 6/20/06 and revised 7/25/06, 8/11/06, 9/11/06 contingent upon the following items.

1. Address all comments from Attorney O'Toole, Village Engineer David Willard, Building Inspector Jack Crooks, DPW Superintendent Thomas West and Chairman Garlick satisfactorily.
2. Furthermore, per Jack Crooks all comments that need addressing must be addressed and shown on plans submitted to the board before any further action is taken on this application. Incomplete plans will not be accepted.

Ayes: Nellis Ewell, Marra, Muraco, Slominski

Ayes: none

Next on the agenda is the application for Erie View Landing Section 2 represented by Kris Schultz of Schultz Associates.

Kris Schultz: Originally we proposed the development to basically appropriate all the proposed lots and during the course of the preliminary review it became a good idea to split it up, not only because of the design of the lift station but also to take into consideration the length of the construction season. All of the improvements other than the lift station have already been completed. The over all plan has already received preliminary so tonight we are looking for final approval on Section 2, of Erie View Landing. Of course there will be a letter of credit posted for Section 2 improvements a majority of that will be centered on the lift station. There aren't any current plans to change the allowable units previously approved. These plans have been sent to the Village Engineer also the Water Authority has looked at them. We have received correspondence from the Water Authority they have stated that since there are no additional improvements for the water main they basically said they will not need to approve these plans. We have met and addressed all the comments from the Village Engineer.

Siewert construction has met with the electric crew to make sure that the standard transformers used in the Village will work for the lift station.

Originally the pond service road was 10 ft wide, the Village Engineer has requested a 14 ft wide road those modifications will be made. We want to be careful this time of year not to disturb the pond but this is an item to be put in the letter of credit to be done in the springtime. Mr. Hogan has a desire to complete the lift station and all other construction completed over the winter so that he can market the lots. There aren't any sales on this section yet that I am aware of. The only house going up right now is Mr. Hogan's house on lot #12.

Some lots may require variances.
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Kris Schultz: I am glad that I was here tonight to hear the previous application so that I will be able to share with Dan Hogan the discussions tonight about splitting up the units.

I know there is one other lot potentially sold.

Evergreen Street will be paved tomorrow.

Carol Nellis Ewell: When you talked about the storm water pond service road the recommendation is to go with a minimum width of 14 ft; is that what you will be going with?

Kris Schultz: Yes.

Dave Willard: There is a little bit of confusion on how that service road is to be constructed, based on conversations with LaDieu and the contractors out there today, he said he didn't even know it was stone. I would like to see in simple detail on these plans that the road will be 14 ft. wide and 12 inches deep of stone.

Kris Schultz agreed to such request.

Carol Nellis Ewell: I would like to get back to lot 9 requiring variances. I don't see it as our charge to grant the variances. What is our attorney's advice?

Jack Crooks: In my opinion it would be inconsistent to ask for lot 9 to have a 50 ft. setback when we are allowing the other lots to have 40 ft setbacks.

Attorney Keith O'Toole: The Board can allow the setbacks or choose to have them go to zoning.

Jack Crooks: The three lots have already been approved at 40 foot setbacks this would make it consistent. This is the minimum setback allowed the owner may choose to go back further.

The Planning Board agreed to allow the 40 ft setback for lot #9.

Carol Nellis Ewell read aloud comments from Chairman Garlick and herself. (file)

Jack Crooks requested to change the verbiage in Dave Willard's comments to read four (4) units not four (4) buildings to avoid any further confusion.

Attorney O'Toole requested that the liber and page be called out on the plat.

After board discussion the following resolution was offered.

**Resolution No 11/06/a
November 6, 2006**

**Introduced by Carol Nellis Ewell
Seconded by Joseph Slominski**

Resolved that the Village of Spencerport Planning Board grants contingent final approval for Erie View Landing Section 2 as shown on maps prepared by Schultz Associates, 129 So Union Street, Spencerport, NY dated 9/26/06 contingent upon the following items.

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1. Address all comments from Attorney O'Toole, Village Engineer David Willard, Building Inspector Jack Crooks, DPW Superintendent Thomas West, and Chairman Garlick satisfactorily.

Ayes: Nellis Ewell, Marra, Slominski, Muraco
Nays: none

Approval of Minutes

Motion made by Carol Nellis Ewell seconded by Denny Marra and carried unanimously to approve the minutes of October 3, 2006 as read.

Adjournment:

Motion made by Carol Nellis Ewell seconded by Denny Marra and carried unanimously to adjourn the meeting at 8:44 p.m. to go into a workshop session.