

**VILLAGE OF SPENCERPORT  
PLANNING BOARD  
ARB  
MINUTES  
FEBRUARY 6, 2007**

**Present**

**Absent**

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

**Others Present**

Craig Byham, Planning Board Alternate  
Keith O'Toole, Village Attorney  
Jack Crooks, Building Inspector  
Jeffrey Kosmala, Village Engineer  
Trustee Theodore Rauber, Village Liaison  
Thomas West, Highway Superintendent  
Donna Stassen, Secretary Planning Board

Pat Laber, Schultz Associates  
Kris Schultz, Schultz Associates  
Jim Hossenlopp  
Chris Hossenlopp  
Joan Quigley  
Larry Fennity

Ms. Caroline Meiers with Monroe County Department of Environmental Conservation gave the Board an overview of Phase 2 Federal Stormwater Regulations.

**ARB**

Maximum Tan was on the agenda for signage, applicant failed to appear before the Board therefore his signage application was not heard and will be rescheduled for March 6, 2007.

**Planning Board**

Public Hearing

The application of Fallone Enterprise, LLC, 3173 Chili Avenue to erect a 3-story multi-use building (retail/office/residential use) on property located at 148 So Union Street. Such proposed building is located in a Commercial B District.

Chairman Garlick stated that no decisions will be made this evening on this application.

Pat Laber of Schultz Associates will be representing Fallone Enterprise Development.

Pat Laber: Mr. Fallone's proposal is to construct a 3-story building with retail use on the first floor and loft apartments on the second and third floors. The location for this building is to be at the intersection of East & Union Street. One of the tenants has expressed an interest in having a drive-thru lane on the east side of the building.

Applicant is proposing to enclose the existing open drainage system with a storm structure and putting in a one way lane. Also proposing to close the western most entrance into the municipal lot, this would allow for a better stacking pattern into the proposed drive- thru.

The proposed building is smaller than the original plans shared at conceptual. The building has been pulled back from East Ave right of way and the sidewalk line to accommodate Electric Superintendent Linder's requirement for separation from the high voltage line that runs through East Ave.

The site has access to all utilities, sanitary sewers run to the east; storm sewers are available and water will be tapped from Union Street the same as the new Trolley Depot.

My client is in negotiations with Morgan Management to have eight spaces made available just east of Subway for overnight parking to try and alleviate any concerns with plowing and cars left parked overnight. We have a letter from Morgan Management regarding this arrangement the Village Attorney has reviewed such letter but is looking for something with a little more substance and with more control that in the future parking doesn't just disappear at the request of Mr. Morgan.

During construction a fence will be installed around the perimeter of the site along with fencing around a portion of the municipal lot to keep people out and safe.

Larry Fennity: In response to some of your concerns and the Village Board's concerns the building has shrunk considerably. The building is down a little over 20% also over two feet in height. The second floor instead of originally having ten apartments now is proposing 8 apartments.

Chairman Garlick asked Mr. Laber to expand upon the closure of existing drainage system.

Pat Laber: We are proposing to install a structure which was originally designed by the Village Engineer, a box structure to enclose that and connect the box culvert that runs under East Ave to the 60 inch connection that comes out the other side. It sounds like that 60 inch currently is undersized and needs to be expanded possibly to a similar size box culvert that is coming into the stretch we are proposing. Our client has agreed to do that work and hopes that the work from beyond that would be handled by the village.

Chairman Garlick: What does handle mean?

Pat Laber: Bear the cost.

Attorney O'Toole: Are you asking the Village to subsidize your project?

Pat Laber: It is a pre-existing condition our development will be adding just a miniscule amount compared to what is going through that system right now. Enclosing that drainage hole right now with a structure as Mr. Fallone is proposing is a pretty big chunk for my client to contribute to the entire upgrading of the system.

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Jeffrey Kosmala: The enclosing of that drainage hole is not going to solve any of the problems that are currently occurring in the Village during those peak rainfalls. The proposed connection was not built because as the plan developed we found that the 60 inch was undersized and just didn't make any sense. The thought was to develop a solution there, what we have suggested at this point is to get a meeting together with Tom West, Schultz Associates and myself to brainstorm a couple of alternatives that we have in mind.

Pat Laber: To extend the entire pipe out to the east is much more cost than we are willing to bear.

Pat Laber: We are proposing a masonry dumpster enclosure back behind 138 So Union Street to service both buildings.

Jeffrey Kosmala: Do you have any kind of traffic & parking figures proposed that you expect to be using on this site. It is difficult to make comments when you don't know the full usage of the building. The impact on the municipal parking lot, the stacking of vehicles using the drive-thru will that be adequate and not cause congestion out into East Ave intersection.

Pat Laber: We do not have those figures available at this time. I am sure we can get a reasonable estimate from the tenant on what would be necessary.

Jeffrey Kosmala: That was a major concern last time as to the impact on the area. If you could provide that information the best you can that would be appreciated.

Jeffrey Kosmala: In that internal parking lot you are looking at replacing curbing, changing the entrance, adding striping and signage. This will need co-ordination and approval from the Village.

Pat Laber: I think there are benefits to what we are proposing, especially the changes to East Ave, closing off that western access into the parking lot and keeping the east one open makes the most sense.

Jeffrey Kosmala: The Village is currently studying the alternatives for improvements on East Ave, changes in turning radii possibly impacting some parking. This is early on in the stages but needs to be noted.

Pat Laber: Is there a time frame?

Tom West: There is no real time frame, could be this year could be next year.

Pat Laber: Obviously we don't want to wait till next year.

Chairman Garlick: At the very least we need to take a look at that intersection based on current design standards.

Jeffrey Kosmala: It looks like you are putting in just one storm line that is extending back or is it a lateral extending back to the overhang area?

Pat Laber: With the building changing we have to firm up better what we will be doing with our roof laterals, there probably will be one or two laterals coming out of the storm system for drainage.

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Tom West: A huge concern is parking; the plans show three dumpsters in areas where tenants park from existing buildings. Where would those tenants park, also you are talking about adding 8 additional apartments potentially 16 more cars, I can't see those people parking in Morgan's parking lot and walking. Right now we only have 4 spaces assigned for overnight parking.

Chairman Garlick: Where are those spots located?

Tom West: By the sub-station.

Tom West: You are not making parking any better by covering that culvert, basically by covering that culvert you are just making a road for the drive-thru. It is not really benefiting the Village. The dumpsters there now at times are overflowing it is difficult to get the trucks in there to dump them.

Chairman Garlick: From the DPW's perspective what impact will the closing off of the westerly entrance have?

Tom West: It will make snowplowing very difficult.

Pat Laber: We are trying to find a suitable location for the dumpster enclosures other than having free standing dumpsters, keeping that area cleaner. I do think there is a benefit to the Village in having my client enclose the drainage way. It shouldn't be just dismissed as something that will only benefit my client. It will definitely help in getting that one way lane into the drive-thru.

Attorney O'Toole suggested removing the drive-thru from the plans.

Pat Laber stated that they don't wish to do that.

Carol Nellis-Ewell: Would those spots in the Morgan Management parking lot be reserved only for those tenants?

Pat Laber: Only for overnight reserved parking.

Denny Marra: With this drive-thru who will be responsible for plowing the snow?

Pat Laber: My client will be.

Denny Marra He will be pushing the snow on to Village property?

Pat Laber stated that all these problems can be worked through.

Ron Muraco: Does your applicant own any of the parking lots behind the building?

Tom West: No, it is all municipal parking.

Denny Marra : This municipal lot will be changed, how is that done?

Attorney Keith O'Toole: It is publicly owned land and only the government can change it, you can not approve that site, what you can say it that this site on their land is in-adequate because they are depending on somebody else's land which is in essence what is happening. Does that address your concern?

Denny Marra; Can this existing parking lot be changed for the developer?

Attorney Keith O'Toole: Not without approval from the Board of Trustees and not without paying the appropriate privilege.

Jim Hossenlopp: The parking is the biggest issue here. I don't see how you are going to get around that.

Carol Nellis Ewell: Will there be a basement in this building?

Pat Laber: No.

Carol Nellis Ewell questioned the green space for this project. Has any thought been given to solar heating?

Larry Fennity: As far as solar heating probably not but as far as the choice of materials and source of heating, this building will be environmentally and as energy efficient as possible.

Attorney Keith O'Toole addressed the following concerns:

The building would require a Certificate of Appropriateness from the ARB; I would suggest that you require seeing material samples for the siding and roofing material. You might also want to see a more detailed rendering of the clock.

I note on the plans that parking spaces are shown as 9 ft, wide, I understand that Village code requires 10 ft. wide.

The dumpster is not on their property, they have no control over that as far as we know unless they are going to add that property to their site they really can't call that out as part of their site plan. They have to either put it on their property or they have to get some property either by deed or easement.

The same can be said for the exit turning lane on the drive-thru and the striping. I notice that they are adding handi-cap spaces and striping to the village lot, which means that they are chewing up more parking spaces that we don't have.

A highway reservation should be shown for the East Ave project two way lane configurations, sufficient room for sidewalks should be kept in mind.

Building on Mr. Labers comments, the right to use the Morgan Management spaces, that is not practical having people walk across a two way street which is what East Ave will be. Also, the Morgan folks have only given a revocable license to date which basically means they could terminate it today it has no value.

These improvements really are for the benefit of the developer and the parking area, when you have cars stacking in an area which can only be used for the entrance of the developers building they are permanently using village owned property. They will need the permission from the Board of Trustees to do that and I don't believe a one shot payment for improvement to our drainage system will pay for that.

Chairman Garlick closed the Public Hearing at 8:00 p.m.

Chairman Garlick: We have a number of issues; the major issues brought up by the Village Engineer have merit. Additional improvements are needed for the storm drainage system outside of just closing it in.

This is a very unique site because of the parking and the type of business. If this building were only retail some of the parking problems could be alleviated for overnight parking.

Pat Laber: The alternative to using Morgan Management's parking lot is basically the area near the trolley depot both areas are about the same walking distance.

Kris Schultz: I think everyone needs to take a step back and realize what this project potentially represents for this Village. This is a prime corner in the Village and would demonstrate an improvement coming into the Village that could potentially be the starting point for a lot more redevelopment. This is a key corner. I am sure we can work through these issues. I would not want this project to be pushed off because of small issues and would like to keep that focus in mind. The concerns brought up are legitimate but I think we can work through them and find solutions.

A lot of existing buildings have apartments upstairs, and they park in municipal lots. Creating overnight parking in Morgan's parking lot was to address the issue of overnight parking.

Kris Schultz continued to recap comments discussed earlier by colleague Pat Laber.

Jack Crooks: On the flip side of this it seems that a lot of the hang-up is in regards to the drive-thru and the parking. A drive-thru offers this business to generate income without the need to have someone parking there for one-two hours. This would move the customers in and out.

Chairman Garlick stated that a number of issues have been put very nicely on the table.

Chairman Garlick requested a workshop meeting be scheduled with the developer and representatives from the Village to review the concerns brought up this evening.

No action was taken on the Fallone application.

### **Unfinished Business**

Canal Landing Subdivision  
Collichio Subdivision

Chairman Garlick: There is a concern from the Health Department that the re-lining work to be done by Monroe County Water Authority may not provide adequate fire flow pressure. It is my understanding that they will not be issuing any more approvals for sub-divisions in that area until the re-lining is done and the fire flows are tested. This puts us in an interesting position we have given Crane Hogan contingent final approval for Phase 2, contingent on Monroe County Health approval, so we are all set on that application.

The Canal Landing Subdivision and the Collichio Subdivision we are in the middle of the process and the relining is not scheduled until around April 2007. Based on that, I am going to recommend that we deny both applications without prejudice. I don't want to spend any more time looking at plans that might need to be changed. If the fire flows don't meet the criteria than an alternative plan will need to be submitted.

After further board discussion the following resolutions were offered.

Re: Canal Landing

A concern has developed that the recently installed Evergreen Street water main and proposed MCWA water main relining may not provide the required fire flow criteria. As a result of this concern no additional approvals of currently submitted plans will be given by Monroe County Health Department or this Planning Board until MCWA relining is complete, the mains are tested and fire flow criteria is met.

It is anticipated that relining and testing will not be completed within the Planning Board's required decision making period. Therefore the following resolution was offered.

**Resolution 2/07**  
**February 6, 2007**

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

Hereby be it resolved that the Village of Spencerport Planning Board deny without prejudice the site-plan/subdivision application for the Canal Landing Subdivision. Such denial due to the previously stated water main concerns. In light of this you do not reach the merits of the other outstanding conditions of approval.

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

Re: Collichio Subdivision

A concern has developed that the recently installed Evergreen Street water main and proposed MCWA water main relining may not provide the required fire flow criteria. As a result of this concern no additional approvals of currently submitted plans will be given by Monroe County Health Department or this Planning Board until MCWA relining is complete, the mains are tested and fire flow criteria is met.

It is anticipated that relining and testing will not be completed within the Planning Board's required decision making period. Therefore the following resolution was offered.

**Resolution 2/07 a**  
**February 6, 2007**

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

Hereby be it resolved that the Village of Spencerport Planning Board deny without prejudice the site-plan/subdivision application for the Collichio Subdivision. Such denial due to the previously stated water main concerns.

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

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**Approval of Minutes**

Motion made by Carol Nellis Ewell seconded by Joseph Slominski and carried unanimously to approve the December 5, 2006 Planning Board minutes as read.

Motion made by Chairman Garlick seconded by Joseph Slominski and carried unanimously to approve the January 2, 2007 workshop meeting minutes as read.

Adjournment

Motion made by Chairman Garlick seconded by Ronald Muraco and carried unanimously to adjourn the meeting at 8:50 p.m.