

ARB/PLANNING BOARD MINUTES
APRIL 2, 2007

Present

Chairman Robert Garlick
Denny Marra
Ronald Muraco
Craig Byham

Absent

Joseph Slominski

Others Present

Trustee Theodore Rauber, Liaison Village Board
Keith O'Toole, Village Attorney
Tom West, DPW Superintendent
Jeffrey Kosmala, Village Engineer
Jack Linder, Electric Superintendent
Donna Stassen, Secretary Planning Board

Ross Gates
Tom Friedo
Richard McQuilkin
Jerry Ippolito
David Spencer
Dan Pieters
Christopher Centola
Carol Nellis Ewell
Frank Gollel
Jong Kim
Evelyn Dow
David Goddard
Gary Barton
Randy LaDieu
Joan Quigley

ARB Reviews

Kravetz Realty
42 Nichols Street
Signage

Jerry Ippolito property manager for Kravetz Realty will be presenting the sign application.

Mr. Ippolito stated that there was significant wind damage done to the top of the directory sign located at 42 Nichols Street.

Kravetz Realty is proposing to replace the top of the sign with Village Woods Commons on top and two larger panels underneath for Chilango's and Gators and adding a panel on the bottom for Buckmans Carwash as per submitted drawings.

Chairman Garlick: Will there be any more problems with Chilango's putting signs up and taking signs down after installation of this sign?

Mr. Ippolito: No.

The Board requested the top of the sign be rounded with 42 Nichols Street put on the top of the sign.

After Board discussion the decision was made not to allow Buckmans to have their sign placed on directory sign. Such decision was based on an earlier resolution which allowed Buckmans to have two signs on their building in lieu of signage near the road.

At this time the following resolution was offered.

Resolution 4/07
April 2, 2007

Introduced by Chairman Garlick
Seconded by Ronald Muraco

Resolved, that the Architectural Review Board grants approval for a Certificate of Appropriateness to Kravetz Realty, Jerry Ippolito for sign overlay with plaza name and address and signs for Chilango's Restaurant and Gators Bar and Grill to be located at 42 Nichols Street with the following conditions.

1. Material shall be aluminite with high performance vinyl copy.
2. Sign shall be 52 1/2" x 42" and configured and located as shown on the application.
3. Maximum total monument sign height shall be 121" as approved by the ARB in June 2005.
4. The applicant shall be responsible for the safe and appropriate mounting of the sign.
5. Top of the sign shall be rounded also 42 Nichols Street put on sign.
6. Buckmans Car Wash sign shall not be included in the monument.

Sign shall be kept in good condition as determined by the VOS ARB.

After installation, the applicant shall submit a photograph of the completed installation to the Village Clerk for the file.

Next on the agenda is the application of:

Designed Elegance
36 Slayton Ave
Signage

Owner John Voltgschild will be presenting the sign application.

Mr. Voltgschild stated that he is the first business in Slayton Plaza under the new ownership to come in front of the board for signage. Therefore he has submitted a new design.

Chairman Garlick read aloud into the record a letter from Morgan Management authorizing the placement of this sign. (File)

The board reviewed sign colors and materials.

Ronald Muraco: Will the sign be lit?

Mr. Voltgschild: No.
ARB/Planning Board Minutes
April 2, 2007

Page 3

Mr. Voltgschild stated that he has hired local sign maker Gary Natale at Mr. Morgan's request. Mr. Natale is familiar with the sign code for the Village of Spencerport and has worked within those guidelines to design this sign.

At this time the following resolution was offered:

Resolution No. 4/07/a
April 2, 2007

Introduced by Chairman Garlick
Seconded by Craig Byham

Resolved, that the Architectural Review Board hereby grants approval to Designed Elegance, John Voltgschild for a Certificate of Appropriateness for signage to be located at 36 Slayton Ave, Spencerport NY with the following conditions.

1. Sign shall not exceed 18" x 96".
2. Material shall be sign foam with high performance vinyl letters.
3. Colors shall be yellow with dark red lettering as shown on the application.
4. The applicant is responsible to assure the sign is mounted in a safe and appropriate manner.
5. Sign shall be located on roof facade centered over pastry shop.

Sign shall be kept in good condition as determined by the VOS ARB.

After installation, the applicant shall submit a photograph of the completed installation to the Village Clerk for the file.

Next on the agenda is the application of:

The Galley Restaurant
84&94 So Union Street
Signage

Owner of the Galley Ross Gates will be presenting the application.

Chairman Garlick: Last year we approved two signs at your location. One was an overlay of a previous sign and we also gave you approval to reuse the Pilot House sign, did you ever install that sign?

Mr. Gates: Yes, unfortunately it blew down we hope to re-hang that sign this spring. I am looking for vision from both east and west the need to capture both car and boat traffic is important.

Chairman Garlick: You are asking for approval for two additional signs.

Chairman Garlick: I have a problem with the additional signage having the appearance of a billboard effect. The signage you are looking for on the canal side is 64 sq. ft. that is a huge sign. Generally we try to keep things around 32 sq. ft. If we grant approval for two additional signs that will give you a total of four for your business. What will happen when Mr. Williams comes in and asks for additional signage? That puts us in a very precarious situation.

Mr. Gates: Collectively there is not a lot of signage.

Denny Marra: Is there still signage along the dock?

ARB/Planning Board Minutes
April 2, 2007

Page 4

Mr. Gates: Yes.

Ron Muraco: Who occupies the last part of the building?

Mr. Gates: Right now it is the Monument Company.

Mr. Gates stated that he recently purchased that building.

Ron Muraco: I agree with Chairman Garlick, allowing this extra signage makes it difficult to say no to other applicants.

Craig Byham: Is there a problem with people not being able to find your establishment?

Mr. Gates: Road traffic can not see the sign with the trees in the summertime.

Chairman Garlick: I think with that location you are going to have that problem, people are looking at traffic coming across the bridge.

Mr. Gates: I need something to attract southbound traffic. I will be happy to take one of the other signs down if that is what it takes. There are more restaurants in this town than ever before the competition is strong. I have to get traffic to know where I am.

Denny Marra: I sympathize with Mr. Gates, but that gives him three signs out back.

Mr. Gates: If you are concerned about too many signs on the dock I can remove one. Mr. Gates reiterated his need for additional signage.

Trustee Rauber: Some of the law is written to accommodate second floor level businesses. What I am speaking to is the number of signs on the building it is a fairly large structure and if they were placed properly and look nice it may not be all that bad of a distraction. Looking across the street and up Amity Street there are multiple signs.

Discussion ensued regarding signage to the south.

At this time the Board offered the following resolution:

Resolution No. 4/7/07
April 2, 2007

Introduced by Chairman Garlick
Seconded by Ron Muraco

Resolved that the Architectural Review Board hereby grants approval for a Certificate of Appropriateness to Ross Gates, Galley Restaurant for 2 signs; 1 sign 3' x 4' located on the south side of the building and 1 sign 4' x 5' on north side of building west of the lower window as shown on drawings submitted for buildings located at 84 & 94 S Union Street, Spencerport, NY with the following conditions.

Page 5

1. Material shall be alupalite with high performance vinyl lettering
1. South sign shall be 3' x 4' with colors as submitted on the application.
2. North side sign shall be the same height as the eastern lower window and 5' wide and shall be mounted between the lower windows.
3. North side sign colors shall be beige and green and yellow as shown on the application.
4. The applicant shall be responsible for the safe and appropriate mounting of the sign.
5. Sign shall not be lit.

Sign shall be kept in good condition as determined by the VOS ARB.

After installation, the applicant shall submit a photograph of the completed installation to the Village Clerk for the file.

Planning Board

Public Hearing

Spencerport Fire Station

The application of Spencerport Fire District, 2588 South Union Street, Spencerport NY for the demolition of existing structures, re-subdivision of 2 lots into one and the construction of a new fire station on the combined lots, such property to be located at 175 & 183 Lyell Avenue, Spencerport, NY.

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

Chairman Garlick: Voters have approved the expenditure of 5.2 million for the firehouse we are dealing with the site plan and how it ties into the village. We are not charged with making any decisions on the size of the building or any other such details along those lines.

Dan Pieters and Chris Centola from Bergmann Associates will be making the presentation.

Mr. Centola offered the following comments:

- The biggest difference from the old building is that trucks will be exiting right out to Lyell Ave. which will get rid of that extra turn.
- Main entrance for community use is off Prospect, which makes it necessary to offer parking on that side.
- The size of the building is based on the projected needs of this station in the future.
- Building layout would require setbacks.
- Currently site has three different zones, after speaking with Jack Crooks it has been determined that site should be re-zoned R1.
- Proposed lot coverage is 31% allowed coverage is 25%.
- State approval is needed for sub-division approval which is dependent upon site-plan approval.

Mr. Centola stated that he has reviewed MRB's comments and doesn't think there is anything in the engineering report that can not be addressed.

The following comments from the engineering review were addressed.

- Site-plan has been submitted to both the MCWA and D.O.T. for their review.
- Applicant will gladly adhere to any suggestions the board has in regards to landscaping.
- A demolition plan showing the existing building will be prepared.

Mr. Pieters reviewed elevations and construction materials and colors.

Mr. Pieters: A cupola is new since the last submission bringing the height to about 47'. The thought for that was to bring a little bit more human scale to the building and break up the longer roofline. The added aesthetic of the cupola also helps bring light in on the second floor it is not just a decorative element on the top.

Your code does not give a definition of building height; if you look at the NYS Code for height they define it as the average height from the eve line to the ridge. They also say that steeples, cupolas, etc. generally if they are constructed with non-combustible materials are not considered part of the height. With that we may or may not need a height variance.

Jeffrey Kosmala: Chris has done a good job in addressing the majority of points from my review letter. The only item that really is up for discussion is the parking along Prospect Street. The main concern is the row of parking there encroaches within the public right of way. That is an issue which needs to be discussed regarding the legality.

The proximity to the intersection at Lyell Ave is a concern in regards to traffic movements, mainly coming off of Lyell Ave. A vehicle backing out for instance would have to get into the actual pavement before they would be able to see traffic coming in off Lyell Ave that is a big concern of ours.

Other than that I think they have done a good job in meeting the Phase 2 requirements for new development projects.

Attorney O'Toole: I concur with the Village Engineer's concern; the site plan shows that the right of way line runs right through the middle of the parking spaces. In essence they are trespassing on other people's property. Their site improvements are to be contained on their own property and that is not being achieved. Perhaps they could re-orient the parking spaces so that they run parallel with Prospect Street, you will certainly lose some parking.

Thomas West: The drainage comments have been addressed.

Jeffrey Kosmala asked Mr. Centola if he had heard back from Monroe County D.O.T.

Mr. Centola stated not yet but he expects they will be hearing back soon.

Jeffrey Kosmala: There is some encroachment within the Monroe County right of way. I think that issue is workable.

Ronald Muraco: I am concerned about the parking along the side and public access also. It appears that pedestrians won't have anyplace to go other than walking in the street.

Craig Byham stated he has concerns with the main entrance of the building located on the east side of the building and also with the height of the building.

Mr. Pieters: The last submission the height was in the 40's we have brought that down to 38'. We have brought the pitch of the roof down a bit.

Craig Byham questioned the purpose of the proposed porch.

Mr. Pieters: If you look at Lyell Ave the majority of it is residential building, the scale of the porch breaks down the scale of the building and adds an architectural flavor. It is a bonus aesthetically.

Chairman Garlick: All my comments have been addressed except for one. I would like to see more screening on the western property line. There is a fence there now but after you take the building down I would like to see a re-establishment of screening all the way down the property line to the roadway.

Commissioner McQuilkin: We have worked with Bergman Associates for a couple of years now on this project. Parking is definitely something that we have tried to fit in here; we need what parking is there. Originally one of the issues brought up is that there wouldn't be enough parking so this is really how we could address putting in the number of parking spaces that we would like to have. I agree it is not ideal but after all the options this is the one that could work for us. The garage across the street utilizes the same kind of parking.

Chairman Garlick: We will need to wait for the comments from Monroe County, but the parking along Prospect seems to be the major issue. There is a definite village liability in a situation like that which we are here to protect.

At this time the Public Hearing was closed 8:02 p.m.

Chairman Garlick stated that the Board will act on SEQR at the next meeting.

Next on the agenda is the amended Preliminary Site Plan approval for Canal Landing.

Jong Kim of LaDieu Associates will be representing the application this evening.

Jong Kim stated that the applicant is seeking preliminary approval for Canal Landing basically the plans stayed the same except for the additional sheet #7 for proposed offsite water main.

Jong Kim has been working closely with Village Engineer Jeffrey Kosmala and believes he has addressed most of the comments.

Documents from MRB & LaDieu Associates attached.

Jong Kim has submitted plans to Paula Smith of NYSDEC and requested an on-site meeting to discuss options for compliance with Phase II requirements.

Village Engineer Jeffry Kosmala and DPW Superintendent Thomas West have requested to be included in such meeting.

Attorney O'Toole: The water main, we need to be very clear as to what it is we are approving and who is approving it. The standard for approval should be our own and not MCWA we are sitting here because it comes under our permit, therefore it should be us who gives the approval. I know the applicant would like a field change order, I don't know if you are comfortable doing that, certainly if you are going to do that we need to be clear as to who is authorized to issue such field change order down to what circumstances there are. The Village Engineer and the Planning Board should be happy with the two alternative designs they should both be ready to go. The re-lining I understand is more of a question of testing it before approval. But certainly the new line should be fully engineered and approved if we are going to issue a field change. As to the reline if someone is going to approve it we need to decide who is going to approve it and who is going to authorize the switch over from one to the other.

Chairman Garlick: My thought was that this submission is based on approving water brought in from West Ave along with all the appropriate approvals from the MCWA and MC Health Dept.

Jong Kim: I have submitted memos from both the MCWA and MC Health Dept. stating that fire flows will be met coming through the DPW.

Attorney O'Toole: Which is fine but to be clear we are not delegating our authority through a third party to make that decision for us.

Chairman Garlick: Right, we still have to go through our normal approval process. We have to make sure that the Village Engineer is satisfied with the numbers. As far as the field change order, we are doing preliminary approval on the approval of connection through West Ave (DPW) forget the re-lining.

Attorney O'Toole: So that we are all on the same page this is a revision of the original preliminary approval, we are dropping the re-lining option for now. We are replacing it with a brand new water line that is fully engineered that everyone can agree on so they would be good to go. Now if they want to come back at some future date and say we have got a re-lining and would like you to consider another revision to drop the new water line and replace it with that than you will ask us for that at a future date.

Chairman Garlick: I would intend on no field change that is my thought on this. We are not going to issue a final until we have received approvals from all agencies. If in the interim the re-lining goes through and you want approvals for that than you would have to come back and meet all requirements for that option.

Tom West: I had a meeting with the MCWA last Friday, there is going to be a lot of water main work, they received the go ahead on the cement lining. I did ask them to prioritize on this section and asked when they would have the testing done and was told the end of June.

Jeffrey Kosmala: I have received a copy of the letter sent to Paula Smith they are moving forward to address Phase 2 compliance issues. Also, Storm water Coalition requirements must be met.

Jeffrey Kosmala: There are some technical housecleaning issues on the plans that need to be worked on but nothing major.

Jeffrey Kosmala: I have requested a written plan of action for the water main issue. You have addressed it somewhat here, we may want to expand on that a little bit, just time wise, and as long as you know that you are coming in for the West Ave component of the water supply that is fine. Have you heard back from any of the approval agencies?

Jong Kim: Both the MC Health Dept. and MCWA have responded back and are satisfied with the calculations.

Jeffrey Kosmala: I have seen the e-mails, I mean from the submission of the plans.

Jong Kim: No, I have not received any comments.

Chairman Garlick: Is it necessary to hold another public hearing on this application?

Attorney O'Toole: No.

Chairman Garlick: Will the board need to grant a resolution accepting the SEQR?

Attorney O'Toole: No, this falls within the scope of an amended application.

At this time the following resolution was offered:

Resolution No 4/07
April 3, 2007

Introduced by Chairman Garlick
Seconded by Ronald Muraco

Resolved that the Village of Spencerport Planning Board hereby grants preliminary site-plan and preliminary subdivision approval for Canal Landing Subdivision as shown on maps prepared by LaDieu Associates, 40 Cedarfield Commons dated March 2006 with revisions made March 2007.

Ayes: Garlick, Marra, Muraco, Byham
Nays: none

Approval of Minutes

Motion made by Chairman Garlick seconded by Denny Marra and carried unanimously to approve the March 6, 2007 minutes as read.

Adjournment

Motion made by Chairman Garlick seconded by Ronald Muraco and carried unanimously to adjourn the meeting at 8:45 p.m. to go into a workshop session.

In response to your review and concerns below. April 2, 2007

Also attached is Ballard Avenue pump station upgrade information from Siewert Equipment.

Please contact me if you have any questions.

Jong Kim

March 28, 2007

Mr. Robert Garlick, Planning Board Chairman
Village of Spencerport
27 West Avenue
Spencerport, New York 14559

**RE: CANAL LANDING SUBDIVISION, REVIEW COMMENTS
MRB|GROUP PROJECT NO. 198200**

Dear Mr. Garlick,

We have reviewed the plans prepared by LaDieu Associates, dated January 2, 2007, for the Canal Landing Subdivision. We offer the following comments for the Planning Board's consideration, prior to granting preliminary plan approval. We request the applicants engineer provide a written response to each of the comments:

PLAN LAYOUT

- Documents for the formation of the homeowners association for Lot 1 should be submitted to the Planning Board Attorney.
 - Sds
- The plans show differing names and spellings for one of the private drives. Is it Aerdale Street or Aredale Road? Please clarify, and also note that it is a private drive.
 - Correct street name is Aerdale Street. – corrected.
 - Aerdale Street will remain public road as is.
- Prior to approval all proposed ingress/egress and private utility easements should be reviewed and approved by the Planning board attorney.
 - All required easement descriptions will be forwarded to Planning Board attorney prior to Final Plat approval.
- The grading depicted along the pond service road needs to be revised. Instead of directing drainage across the road, it is recommended that a culvert be provided.

- This concern has been addressed as per Nov. 3rd comments from David Willard. We have discussed in the past and agreed that due to very small water shed of about 0.15 acres of mostly grassed and some of driveway area that it was acceptable to sheet drain into the pond.

AMITY STREET SANITARY SEWERAGE

Lots 2 through 6 and a portion of lot 1 will discharge to a sanitary sewer which will flow to a pump station in the adjacent Erie View Landing subdivision, which is currently under construction. Prior to the Canal Landing final plan approval, we recommend that the applicant verify that the pump station is complete and able to accept flows from this subdivision.

- Noted, I spoke with Pat Laber of Schultz Associates on 4/3/07. He stated that at this time pump design is at final approval stage. I will be keeping contact with Schultz Associates.

STREET LIGHTING

Prior to final plan approval, Spencerport Municipal Electric should review and approve the proposed electric service and street lighting plans.

- Plan will be forwarded to Jack Linder, Spencerport Municipal Electric and RAM Consulting for review.

BALLARD AVENUE PUMP STATION

- Under the proposed plan, the existing Ballard Avenue Pump Station will receive additional flow from this proposed subdivision. In addition, four future lots are being planned for the parcel west of Aerdales Street. The developer has agreed to upgrade this station with a new and spare pump, pump removal system, check valve, telemetry, and wet well door. Siewert Equipment has developed a replacement equipment list, which is acceptable based on preliminary review. However, we recommend that the peak flow and existing wet well volume be calculated to assure that the replacement pump will be adequate. Also, we recommend that a detail of the pump, removal system, and hatch be provided to assure the feasibility of this station retrofit.
 - Peak flow and existing wet well volume: I have forwarded provided to Siewert Equipment number of homes to be served by this pump station. Siewert Equipment provided the necessary calculations and details. This info. was emailed to David Willard on December 13th. All necessary details have been added to plan as requested.

WATERMAIN

- Two water main connection points are shown on the plan. It is our understanding that only one of the connections will actually be made, depending on the results of the Monroe County Water Authority's planned water main relining project on Amity Street and West Avenue. This is a significant design and construction issue involving the approvals of the Village of Spencerport Planning Board, Village Superintendent of Public

Works, Village Engineer, Monroe County Health Department and Monroe County Water Authority. As a result, we request that the applicant provide a written statement which clearly describes the proposed plans and potential scenarios for the water supply to this subdivision. The intent is for all to be on the same page as this project develops.

- It is developer's intention to connect this subdivision's watermain to Amity Street after relining project is completed by Monroe County Water Authority. Upon completion of relining project, and if fire flow meets the involved agencies including MCHD, Village of Spencerport's Fire Marshall and ISO requirement for single residential homes the connection will be made to Amity Street watermain with a Field Change order and abandoned offsite watermain.

However, in order to conserve many months of valuable time we are seeking approval with an alternate watermain connection with proven fire flow requirements. This water source is available at Village of Spencerport, Department of Public area. This watermain will be extended along the DPW's access road and connected to the Hannah Grace Lane. The offsite watermain improvement cost will be included in the Village of Spencerport Letter of Credit as part of the improvements.

- The proposed method for servicing the lots on Orchard Road should be clearly labeled on the Utility Plan. It appears that four individual services are proposed to be extended from Ballard Avenue. Please clarify.
 - Orchard Road – four individual services are proposed to be extended from Ballard Ave.

AERDALE STREET AND ORCHARD ROAD

- Tree removals for this street construction are depicted on the plan. The plans should note that for each tree removed an additional replacement tree will be planted in the subdivision.
 - Refer to note number 9 on Landscape Plan. This note will be added to the Note #33 of Final Plat.
- The installation of sanitary and storm sewer, water, and other utilities will require the removal of the Ballard Ave sidewalk at the proposed Orchard Road connection. It is recommended that this sidewalk be replaced through the intersection with a new 7" thick sidewalk.
 - Note will be added to Final Plat stating that "Any sidewalk removed as part of Canal Landing Subdivision improvements shall be replaced with 7" thick concrete sidewalk."
- All connections to existing asphalt areas will require a pavement saw cut.
 - Refer to note # 37 on Final Plat.

- It is recommended that screening be provided to the west of the existing homes adjacent to Orchard Road.
 - Refer to Landscape Plan – Proposed 7 Western Pines, 5’ – 6’ height 12’ on center.
- From the catch basin at Aerdale Street 3+34, drainage flows through an existing 12” storm sewer to an inverted siphon under the canal. In the past there have been drainage problems immediately upstream from this siphon. We recommend that this siphon be examined and cleaned as part of the subdivision work. It is recommended that the capacity of this siphon be calculated and compared to the existing peak runoff rate to assure adequate capacity is available for the new development.
 - Refer to Final Plat Note # 36, developer has agreed to inspect and clean the 48” culvert if necessary and agreed to clean out existing ditch around entrance of the 48” culvert. In addition, developer has agreed to remove all existing siphons of which were active from early spring until canal water level was lowered in late fall which reduced capacity 48” culvert.
 - Drainage study of 7 lots was requested by David Willard. Results were forwarded to David on 12/14/06. Discussions were held and agreed that by removal of existing siphons will provide enough capacity in the 48” pipe for the developed conditions. Refer to drainage study of 7 lots.
- The Aerdale Street/Orchard Road section of the subdivision will disturb more than one acre, and will require conformance with NYSDEC SPDES Phase 2 storm water regulations. The plan does not currently meet regulations. How will this issue be addressed?
 - Water quality volume for this area has been added to the permanent pond and all necessary erosion control measures will be taken to prevent any erosion from leaving the site. And Due to site restrictions unable to provide detention for the runoff from this area. A written request for a meeting with Paula Smith to pursue options and recommendations in ways to comply with Phase II requirements.

Please contact me at your convenience if you have any questions or comments regarding this review.

Respectfully submitted,

Jeffrey M. Kosmala, P.E.
MRB|group, P.C.