

**ARB/Planning Board Minutes
June 5, 2007**

Present

Chairman Robert Garlick
Denny Marra
Joseph Slominski
Ronald Muraco
Craig Byham

Absent

Others Present

Trustee Theodore Rauber/Liason Village Board
Tom West, DPW Superintendent
Jack Linder, Electric Superintendent
Jeffery Kosmala, Village Engineer
Jack Crooks, Building Inspector
Attorney Keith O'Toole, Village Attorney
Donna Stassen, Secretary Planning Board

Karen Reichert
Ross Gates
Kris Schultz
Jong Kim
Richard Gollel
Frank Gollel

ARB Reviews

Designers & Interiors Center
377 So Union Street
Signage

Karen Reichert will be presenting the application for signage to be located on the existing directory sign at 377 So Union Street.

Mrs. Reichert: I put the sign up about a month ago, Jonah's Signs made this sign he also made the other signs at this location.

Chairman Garlick: Is the lettering was made of vinyl or painted?

Mrs. Reichert: I am not sure; Mr. Jonah made the sign the same as all the other panels on that directory sign.

Craig Byham: I have one question, did anyone give you permission to put the sign up, or did you just go ahead?

Mrs. Reichert: Yes and no, I had the sign made then when it was delivered to me I went to the Town of Ogden Office and made application and received approval to put it up and that information was passed to you.

Craig Byham: Who was it at the Town of Ogden that gave you approval to put the sign up?

Mrs. Reichert: It was someone in Jack Crooks office there should be paperwork.

Chairman Garlick asked Jack Crooks if he knew who had given Mrs. Reichert permission.

Jack Crooks did not know at this time, he will follow up at the Chairman's request to see where that permission came from.

Mrs. Reichert: I was told this was only temporary approval and if this Board did not approve the sign, it would have to come down.

After Board discussion the following Certificate of Compliance was granted.

This is to certify that the Architectural Review Board has granted approval for a Certificate of Appropriateness to Karen Reichert for signage to be added to directory sign located at 377 S. Union Street Spencerport, NY. Such sign shall meet the following requirements:

NOTICE OF DECISION

1. Sign shall be mounted in a safe manner; applicant is responsible to insure safe mounting.
2. Sign material shall be alumalite.
3. Colors shall be white background with black lettering and a black border as shown on submitted application.
4. Size of sign shall be 11 3/8 "x by 44".

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

Chairman Garlick requested that Code Enforcement Officer Kevin Kelly follow up with the owners of the Taste of Texas BBQ Restaurant to repair the vinyl lettering that is peeling off their sign.

Public Hearing

The application of Spencerport Volunteers Firemen's Association for the construction of a new storage building to be located on property at the carnival grounds along the canal known as 75 So Union Street, Spencerport, NY.

Kris Schultz from Schultz Associates will be presenting the application.

Kris Schultz: Basically the idea for this structure is to house the equipment for the Firemen's Association. The structure will be on the carnival grounds backing up to a residential neighborhood with an existing fence-line. This building will be around 12 ft. from the rear property line of the church.

The building will be serviced with all utilities including water. There are plans for a new water-main which will run through the grounds.

The existing gravel driveway will be used to allow access to both ends of the building, to allow the antique fire vehicles to be brought in.

Initially this building will be used for storage only; this is the beginning of a long range plan the Fire Association has to upgrade those grounds.

Shultz Associates was hired to do the topographic drawing which is the first step.

Chairman Garlick: Are there plans for this building to become a museum?

Kris Schultz: Maybe in the future it is very close to the gazebo from the standpoint of people stopping and getting a direct view of the building.

Jim Lobene: The Fire District has purchased the property; we are losing our building as you may know over at the fire house where they will be demolishing everything. We need a place to put all of our antique trucks. Our hope was to construct a building on our existing property; we are removing a building there now that is dilapidated. We would put this building up store our vehicles and in a few years renovate with more storage and a board room and possibly bathrooms.

Craig Byham: Were there monies from the District allotted for this project?

Jim Lobene: No, the equipment is owned by the Association the property is owned by the District. It is our responsibility to figure out what to do with it. We also need storage for carnival and tournament equipment. We are going in front of the Town of Ogden next week for another storage building to be located up at Station 2.

Ron Murraco: Is this rebar on the windows?

Jim. Lobene: No, that is just a hatching on the windows just a proposed idea of what type of windows we would use. It won't be a round window; actually it will be two small square windows on top and two large windows on the bottom because of cost.

Ron Muraco: How will you handle vandalism?

Jim Lobene: The same way we handle the Exempts Club we haven't had too many problems. We will have a security system along with a fire alarm and sprinklers.

Craig Byham: It appears that this building will be right in front of the gate behind the church; will you be eliminating that gate?

Jim Lobene: No, we will leave the gate there we allow the church to use our property for different occasions when needed. We open that gate up for them and let them come through so they don't have to go all the way around. I am not sure what the intent of that gate was when put in several years ago.

Jack Crooks: The B-1 District talks about a rear setback of 15 feet, the only thing I am thinking is especially when we have residential buildings to the west and the south of there and also with the utility lines going through there 12 feet is tight to get in there with a line-truck. I was wondering why we couldn't move that away at least another 3 feet to meet the required setback. I will defer to Superintendent Linder to get a better idea of what he will need to service that.

Jack Crooks: The other thing is if we make this a public building we need to look at parking.

Jim Lobene: What we are going to do, which the plans don't show is to re-route the existing gravel road this would allow us to create handi-cap parking along the front.

Jack Linder: We maintain that existing building now; I would be interested in the height of this building. We could meet over there and you could show me the layout.

Jim Lobene: The building will be 16 feet from the floor to the bottom of the trusses and then you have your peak, so probably 26-27 feet to the peak.

Jack Crooks: Would the municipal electric like to have an easement placed through there for future protection and access?

Chairman Garlick: There is a long list of requirements that are required for us to do our normal review.

Chairman Garlick: At this level what are you expecting from the Planning Board with the level of submission you have made. For our normal review of the plans we would need to address grading, drainage, sanitary, all utilities and a SEQR review.

Jim Lobene: We are in the process of getting the building designed right now once we have that finalized then we can finish getting the rest on the plans. The water authority is running a new line under the canal and we are waiting for those drawings. They will be coming right through the parking lot and we hope to tie in there.

At this point I know we owe you more to look at, I guess we are looking for the initial so far so good type of thing, and take your comments into consideration.

Attorney Keith O'Toole: One concern that I have is if you are going to put up a Morton type of building that might violate the ARB rules, you may want to have your architect take a look at the code.

Denny Marra: Will this come back in front of this board or is this exempt?

Attorney Keith O'Toole: It is not exempt.

At this time the Public Hearing was closed.

No action was taken on this application.

**Canal Landing Subdivision
Final Plat Review**

Jong Kim of LaDieu Associates will be presenting the application.

Jong Kim: We are here tonight seeking final approval; this subdivision consists of 12 single family lots and 1 lot containing 32 condominium units.

Jong Kim addressed the following issues.

- All engineering related comments have been addressed.
- Phase 2 requirements have been addressed.
- Monroe County Water Authority and Monroe County Health Department approvals were received.

Jeffery Kosmala: I understand that Jong is in the process of getting agency approvals we did get copies from the Health Department and the Water Authority. There were general standard comments nothing that will be an issue for receiving approval.

Jeffery Kosmala asked Jong Kim if he had a chance to draft the document for the water main easement which the authority will be seeking for the main through the Village property.

Jong Kim: No not at this time waiting for final approval.

Jeffery Kosmala: I suggest you do that as soon as you can and provide a copy for the Planning Board Attorney the Board and myself.

Jeffery Kosmala: I did receive a copy of the letter from the DEC regarding the Phase 2 requirements and am satisfied that they will be met.

Jeffery Kosmala has spoken with the Health Dept, they are looking for a 12 inch main.

Jong Kim stated that they originally had proposed an 8 inch but the calculations warranted a larger sized pipe.

Jeffery Kosmala stated that he didn't see any show stoppers; there are still some housekeeping issues on the plans but nothing that would compromise any agency approval at this point.

Attorney Keith O'Toole: Just a reminder to the developer that we will require that all existing easements be shown on the Mylar. A copy of the Condominium Offering and any new easements must be provided.

Building Inspector Jack Crooks and Superintendent Tom West both stated that because more than five acres of land will be disturbed an NOI will be required.

Jong Kim: Do you require Health Department approval first?

Chairman Garlick: I will sign off last after all other signatures are on the plans.

Jong Kim: In other Towns the Heath Dept. refuses to sign until after the municipality signs off.

Chairman Garlick: We have never run into that problem.

Jong Kim: It just happened to me last month.

Chairman Garlick: We will cross that bridge when we come to it.

After Board discussion the following resolution was offered.

**Resolution 6/2007
June 5, 2007**

**Introduced by Chairman Garlick
Seconded by Denny Marra**

Resolved that the Village of Spencerport Planning Board grant contingent final sub-division and site plan approval for Canal Landing Subdivision as shown on the site-plan/sub-division map prepared by LaDieu Associates, 40 Cedarfield Commons, Rochester NY 14612.

Such site plan dated March 17, 2006, with final plat revisions dated January 7, 2007 and May 6, 2007.

Such contingent approval by the Planning Board is contingent upon the following items:

1. Approval from Health Department
2. Approval from MCWA
3. All proposed and existing easements shown on Mylar.
4. Provide a copy of Condominium Offering Plan approved by the Attorney General to the Planning Board Attorney.
5. As part of the record plans, an electronic copy of the plans in AutoCAD format must be provided.
6. Address Village Engineer, Village Attorney and Planning Board comments.

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

Mr. Gollel: The Condominium Offering Plan is 3-4 months down the road will that be a problem?

Chairman Garlick: Will we require that before we sign the plans?

Attorney O'Toole: We can vary that if we get an attorneys guaranty from the developers attorney along with the condition that they can not pull a building permit for that area on that lot until they provide us with the approved offering plan, I would be good with that and their attorney can put that in writing.

Mr. Gollel: I would like to have a building permit, and build while I am waiting 3 – 4 months for the offering plan to be approved.

Mr. Gollel: I am not looking for a C of O.

Attorney O'Toole: I understand the need to market the condos, but under State Law you cant actually market a building to anyone until the offering plan is filed.

Discussion ensued regarding the Condominium Offering Plan.

Mr. Gollel: I don't understand why I can't just build it but not offer it for sale.

The Planning Board agreed with Attorney O'Toole's recommendation to wait for the approval from the Attorney General before construction begins.

Unfinished Business

Schultz Associates
Update on Fallone Project
148 So Union Street

Kris Schultz is appearing before the Planning Board to bring the Board up to speed on where they are with the project.

- An appraisal was done for Village parking lot.
- Dr. Fallone has agreed to buy the parking lot,
- Site is a proposed donut shop, upper level offices, and apartments.
- Preliminary bids going out for box culvert estimates.

Attorney Keith O'Toole addressed the following issues:

- Property still is 3 parcels
- Applicant needs to gain title from Village.
- Easements need to be depicted and written
- Letter of credit necessary
- Recommends a masonry dumpster enclosure

Trustee Rauber addressed the following issues:

- Local Law was passed allowing a drive-thru in the Village of Spencerport.
- Village has not committed to sharing any construction costs until bids come in.

Kris Schultz stated his intention is to be back next month for preliminary approval.

New Business

Discussion
The Galley Restaurant
Decking

Ross Gates owner of the Galley Restaurant is proposing the installation of an upper deck over the existing patio on property located at 84 So Union Street.

After reviewing the sketch the Board and others in attendance advised Mr. Gates that at the minimum the following issues need to be addressed:

- NYS Canal Authority approval needed
- Repositioning of utilities
- Instrument survey showing property lines
- Location of sewer lateral
- Feasibility of sewer lateral
- Agreement with Village of Spencerport issuing rights to periodic inspection of lateral should Mr. Gates take ownership.

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Approval of Minutes

Motion made by Chairman Garlick seconded by Joseph Slominski and carried unanimously to approve the minutes of May 1, 2007 as written.

Adjournment

Motion made by Chairman Garlick seconded by Denny Marra and carried unanimously to adjourn the meeting at 8:54 p.m.