

**ARB/PLANNING BOARD MINUTES  
JULY 10, 2007**

**Present**

Chairman Robert Garlick  
Denny Marra  
Joseph Slominski  
Craig Byham

**Absent**

Ronald Muraco

**Others Present**

Jack Crooks, Building Inspector  
Jeffrey Kosmala, Village Engineer  
Donna Stassen, Secretary Planning Board

Joan Quigley  
Larry Fennity  
Charlie Hopson  
Mike Read  
James Lobene  
Kris Schultz

**Unfinished Business**

148 So Union Street  
Fallone Project

Chairman Garlick stated that the Board will complete the SEQR process, and Mr. Schultz will be updating the Board on the progress of this application.

Kris Schultz: Earlier in the week the thought was that we could move forward tonight with a conditional approval, so that we could move forward with this project.

We are trying to send a signal to the prospective tenants that the project is moving forward generating the cash flow necessary to do this project.

The main tenant is very interested and is pushing my client to get through the approvals.

Kris Schultz stated that the following were the biggest issues pending:

- Possession of Village property.
- Obtaining necessary easements.
- Price costing for the creek improvement.
- Parking

Kris Schultz stated that because of the cost of the improvements and budgetary reasons the improvements may have to be done in phases.

Kris Schultz reiterated the need for some positive feedback from this Board to share with the main tenant for this building.

Chairman Garlick: Keeping in line with the way we normally do business, is that when there are major issues this Board is reluctant to give any contingent approvals.

Chairman Garlick: I am speaking for the Board when I say I think we all want to see this project go through. It will benefit that corner and the Village quite a bit. We are all behind it we just need to get these issues resolved.

Chairman Garlick: Jeff, from an engineering standpoint where do we stand as far as the drawings are concerned?

Jeffrey Kosmala: Kris and I have been working relatively well, Kris has been doing a lot of background information trying to get pricing together regarding the storm sewer this is still a big issue. There really hasn't been any progress in the last couple of months nothing is really different tonight.

As far as phasing the storm system project, if you could phase it would you be looking at the Village installing the second phase or the developer when it is appropriate?

Kris Schultz: I think the developer; it makes sense to have a single contractor do all the work.

Jeffrey Kosmala: Because of the cost issue we talked about it is more beneficial for everyone for a developer to do it.

Kris Schultz: He has already offered to do that.

Jeffrey Kosmala: On that note if it is possible we should really push to do it all in one phase. I realize it is a financial issue, but there is going to be disturbance to the lot and to the drive-thru when phase 2 comes in. Your tenants are going to have to realize that it is going to get ugly. I think it would be best to try and get everything done at one time.

Kris Schultz: I would love to do that, but we are talking about for the first section about \$200,000.00, the next section I believe it is \$150,000.00 and an additional \$45,000.00 for the parking.

Jack Crooks: To make this Board aware the applicant has made application to the Village ZBA for a Special Use Permit for the drive-thru. Because a large portion of that is not owned by the applicant the Village would have to be a party for that application. That application has been withheld until a commitment has been made.

Jack Crooks: I agree with the Village Engineers point about staging. I think it will be critical even if it is a 12 month stage, especially with this parking area. I think this should be considered in the Letter of Credit so that in the event it becomes an issue the Village can act on that and cause it to happen.

In speaking with Superintendent Tom West he has made it very clear that he is concerned about the parking and the additional 20 spaces. In his mind this needs to be taken care of early in the construction staging of this project and I tend to agree. Also, in speaking with Electric Superintendent Jack Linder he has reviewed the plans and at this point he is comfortable with that end of the project and he could move forward with his part of the project.

Denny Marra: Is the Village requiring that this lot remain used for village parking?

Kris Schultz: The applicant will own the lot but the lot will remain a municipal parking lot and anyone has a right to park there.

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Denny Marra: Who will maintain the parking lot?

Kris Schultz: Mr. Fallone

Chairman Garlick: At this time I think we should table any action, but I would like to read a few notes into the record.

- Plans submitted are not reflective of the proposed intent of the site.
- The intent being to provide a building on property located at 148 S Union Street with drive-thru service to rear on a lot currently owned by the Village of Spencerport is not acceptable.
- Village of Spencerport is considering selling east side lot to developer with certain restrictions, among them being retaining this area for municipal parking.
- Several alternatives have been proposed to improve drainage in this area. An appropriate solution is not yet determined or shown on plans.
- A letter from Planning Board Attorney Keith O'Toole depicts map issues to be resolved prior to final approval from the Planning Board.
- The Planning Board agrees with the concept which will be a great benefit to the Village of Spencerport.
- Technical issues are almost there.
- Some of the major issues that need to be resolved are out of the Planning Boards control, namely:
  1. Agreement from the Village Board to sell the lot to Mr. Fallone.
  2. Agreement of Mr. Fallone to the terms of the sale.
- Once such agreement has been made, revisions to be shown on site plan and applicant to address items from Attorney O'Toole's letter dated July 2, 2007. (file)

Jack Crooks has requested that item g on page 2 of Attorney O'Toole's letter be amended to say No building permits should be issued until all agreements with the Village and all its Boards and personnel, have been fully and completely performed.

Superintendent Tom West submitted a letter to the Planning Board stating his concerns regarding potential parking problems. (file)

At this time the Board acted on the SEQR and offered the following resolutions.

**Resolution: 07/07**  
**July 10, 2007**

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

Resolved that the Village of Spencerport Planning Board has determined that the application for Fallone Enterprises, for site plan approval to develop the corner at 148 So Union Street as shown on maps prepared by Schultz Associates dated 1/16/2007 and revised 4/10/2007 is deemed an unlisted action.

Furthermore the Planning Board has accepted and completed the Short EAF form and finds that the action will not result in any significant environmental impact.

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

**Resolution No. 7/07 a**  
**July 10, 2007**

**Introduced by Chairman Garlick**  
**Seconded by Craig Byham**

Resolved that the Village of Spencerport Planning Board table further action on the site plan application of Fallone Enterprises LLC, 3173 Chili Ave, Suite 300, Rochester, NY 14626 for proposed development located at 148 So Union Street until the next available agenda providing the Planning Board has obtained sufficient information.

Such action has been taken for the following reasons:

1. Comments 1 &2 of Planning Board Attorney Keith O'Toole's letter dated 7/2/07.
  - A copy of a contract evidencing approval from the Spencerport Village Trustees to purchase a portion of Village owned parking lot be provided.
  - Re-subdivide lots into **1** lot to be shown on plan.

Ayes: Garlick, Marra, Slominski, Byham

Nays: none

**Spencerport Volunteer Fire Association**  
**75 So Union Street**  
**Storage Building**

Jim Lobene will be presenting the application this evening.

Denny Marra: Is this a metal building?

Jim Lobene: Yes, metal sides and a metal roof.

Denny Marra: Can that be changed or has the building already been purchased?

Jim Lobene: We have purchased the building with the funds available, building something else would require significant more funds that we don't have right now.

Denny Marra: Mr. Crooks do they have to come in front of this Board?

Jack Crooks: Yes, the Volunteer Fire Association is a private entity it is not a municipal entity they are funded by private efforts not tax payers and are required to come in front of this Board.

Denny Marra: I personally am going to have a tough time with a metal building in the middle of the Village of Spencerport. I can't sit here and tell other applicants they must appease us and not do the same with this application. If the building was hidden a little that would be different but it is in direct line with the Canal. If you needed help in raising the funds I am willing to do that but I don't want to see a metal building in the middle of the Village.

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Craig Byham: I echo Denny's feelings; I don't feel that is a building that would represent this Village.

Jim Lobene: What is the downside to a metal building with brick fascia?

Chairman Garlick: There are certain standards the Architectural Districts were set up to establish and maintain a canal town theme. On that basis all B & C Districts are subject to ARB approvals for structures.

Jim Lobene: Is there someplace I could find that?

Chairman Garlick: It is in the codebook under Architectural Standards. Again as Denny pointed out this is a highly visible area in the Village.

Jim Lobene: Right now this was going to be the shell of a building if you will to get our antiques in, and than over the next couple of years we are going to renovate the inside and make it more accessible to the public, we want to make a museum. That is going to take some time we only have the funding right now for the shell.

Mike Read: I understand where you are coming from but you need to realize that we need this building we need the storage. We have lost our building we sold it to the District and we need to put our trucks somewhere and we need to do it now.

Denny Marra: In all fairness I can appreciate what needs to be done, but a metal building is a metal building.

Discussion ensued regarding the metal building.

Mike Read: Can we approach the Village Board for permission to allow us to put up this building because of an undue hardship?

Chairman Garlick: As far as the Architectural Review Board goes us can not hold Mr. Fallone to a certain standard in an ARB district and let you put up a metal building.

Jim Lobene: Is he going to be making money off that building, we won't be making any money off our building.

Chairman Garlick: I understand that but the Village has spent a lot of time and money developing these standards, at the very least you should look and see what else is available. In my good conscience I can't approve a metal building in this location.

After board discussion the following resolution was offered.

**Resolution No. 7/07 b**  
**July 10, 2007**

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

Resolved that the Village of Spencerport Planning Board table further action on the site plan application of Spencerport Fire Association, 75 So Union Street for proposed storage building until the next available agenda providing the Planning Board has obtained sufficient information.

Ayes: Garlick, Marra, Slominski, Byham

Nays: none

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Discussion continued regarding the application for the Spencerport Fire Association.

Jeff Kosmala stated that the following engineering issues need to be addressed.

- Water Service
- Health Department approvals
- Water Authority approvals
- Drainage
- Exact building location shown on drawings

Jack Crooks stated that in the June 5, 2007 minutes Attorney O'Toole made the following statement "One concern that I have is if you are going to put up a Morton type building that might violate the ARB rules, you may want to have your architect take a look at the code."

### **ARB Reviews**

Options  
12 Slayton Ave  
Signage

Kris Shultz will be representing Jack Hassal's application for signage to be located on building at 12 Slayton Ave.

Kris Schultz stated that the business was already in the plaza and has moved to the back of the plaza near Lamont's.

Denny Marra: With the change in management from Goldstein to Morgan have we had any directions on signage.

Chairman Garlick: No, we are going to require a letter from Morgan Management stating that they concur with this sign.

Craig Byham stated that this sign is similar with another sign approved by the ARB recently.

Jack Crooks: If this Board chooses to move forward with an approval for this sign such approval should be contingent upon the applicant removing the temporary signs that he has installed directing traffic to the rear of the plaza.

After Board review the following Certificate of Appropriateness was granted.

This is to certify that the Architectural Review Board has granted approval for a Certificate of Appropriateness to Jack Hassal Jr. for signage to be located on rear building at 12 Slayton Ave, 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 Sign Foam with lettering made of high performance vinyl.
3. Size sign shall be 24" x 80".
4. Colors shall be white background with cedar and dark brown lettering as shown on submitted application.

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5. 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 filing.

Furthermore such sign is conditional upon the following:

1. ARB receiving a letter from Morgan Management approving of such sign.
2. All temporary signs placed in plaza must be removed.

### **Approval of Minutes**

Motion made by Chairman Garlick seconded by Denny Marra and carried unanimously to approve the minutes of June 5, 2007 as written.

### **Adjournment**

Motion made by Chairman Garlick seconded by Craig Byham and carried unanimously to adjourn the meeting at 8:10 p.m.