

ARB/PLANNING BOARD MINUTES
August 7, 2007

Present

Chairman Robert Garlick
Denny Marra
Craig Byham

Absent

Ronald Muraco
Joseph Slominski

Others Present

Jack Crooks, Building Inspector
Scott DeHollander, Village Engineer
Keith O'Toole, Village Attorney
Carol Nellis Ewell, Village Board Trustee
Donna Stassen, Planning Board Secretary
Thomas Grape
Jay McCullough
Richard Gollel
Jung Kim
Frank Gollel
Joan Quigley
Thomas Michelson

Planning Board

Canal Landing
Final Approval

Jung Kim of LaDieu Associates will be representing the applicant this evening.

Jung Kim: In the beginning of this project the water pressure/flow testing numbers were not there so it was decided to pull the water main from Trimmer Road and DPW garage area where the main ended. To conserve time we went ahead and drew that design and submitted such design for approval. At the same time, Monroe County Water Authority proceeded with relining the water line increasing the pressures in the Village. When this was completed in early July, a flow test was done. We have provided all the calculations to MCWA and MC Health Department and both agencies are now ready and willing to approve these revised plans.

Chairman Garlick: My understanding is that the flows/ pressures exceeded the calculations.

Jung Kim: Yes, it meets the ISO requirements, there are other projects going on that will further improve the flows. I have spoken with Village Engineer Scott DeHollander and I believe we are all set.

Scott DeHollander: We are set; Jeff Kosmala had prepared a review letter in March 2007 those changes appear to have been made on the plans. This is really the only technical change to the plan at this time.

Jung Kim stated that the junction connections have been worked out; there will be a six inch connection at Ballard Ave and Canalside Drive.

Chairman Garlick: In June we granted contingent final site-plan and subdivision approvals, at that time we were all well aware that we were waiting for the testing results from the relining. At this point you are here just to modify the connection point that is shown on the utility plan.

Jung Kim: That is right and also to remove the outside water main.

Keith O'Toole stated that with the understanding that the only major change to the plan is the water main he had no comments.

Scott DeHollander: Jung Kim has submitted a Letter of Credit there are a few minor requests that need to be addressed within the Letter of Credit. I have asked for clarification from Jung Kim on the status of the HOA from the Attorney General.

Jung Kim: At this time I believe the developer's attorney is working on a draft and will forward such to Attorney O'Toole for his review. My understanding is that signed plans need to be submitted to the Attorney General at the time of their review.

Chairman Garlick read aloud the contingent items required at the June 3rd Planning Board Meeting and stated that all those items still need to be addressed.

Richard Golle: When will we be able to get the Planning Board's signature?

Chairman Garlick: When everyone else has signed.

Richard Golle: We can't send the HOA in for approval until we have an approved plan.

Attorney Keith O'Toole: My understanding is that the plan is approved subject to those contingent items being satisfied. Certainly the decision letter from the Planning Board should evidence that. I am not aware of any Attorney General requirement that they have to have the Mylar in their hands before they can make a filing for the offering plan.

Richard Golle: I think we need to show proof of an approved sub-division.

Attorney O'Toole: I am not aware of that, the other issue is that all easements have to be provided and evidence of that by liber and page has to be shown on the plan.

Richard Golle: Once those items are obtained than the map will be signed?

Chairman Garlick: Your engineer should be well versed in that area.

Richard Golle: You are not looking for an approved HOA before signing the plan are you? There are also single family homes that have nothing to do with the HOA.

Attorney O'Toole: If the developer wants to ask for a phasing approval from the Village assuming that can be done, than certainly we can do Phase 2 with the condominiums later and Phase 1 with the single family homes now.

Chairman Garlick: What would be required as far as the submittal from the developer?

Attorney O'Toole: This is more of an engineering question.

Richard Golle: I want to begin construction on the whole project.

Jung Kim requested that construction be allowed to begin with a Letter of Credit being posted and after plans are filed C of O's could be received.

Attorney O'Toole: This argument has been raised before in fact repeatedly, we don't start building until we have an approved plan it exposes the Village to all manner of litigation and financial liability.

Richard Golle: I am asking for an approved plan, the last time you told me I could build one house and one condominium.

Attorney O'Toole asked Mr. Golle to be specific in what he is asking for at this time.

Mr. Golle: I would like to put all the site work in and build a model home and a model condominium. I have two more months before the weather changes and I would like to get the roads in.

Jack Crooks: Can you actually transfer titles without HOA approval.

Richard Golle: No, I can't even put them up for sale but I can start building them and I can sell the single family and get the model up. I am willing to put the Letter of Credit up for the whole project and I would like to start.

Chairman Garlick: Historically we don't grant approvals until we have obtained all the signatures.

Richard Golle: I don't mind waiting for the signatures as long as I can get them in a timely manner.

Discussion ensued regarding phasing of the project.

Attorney O'Toole: There is another issue that our engineer just caught; Orchard Road is called out as a private drive and since it is serving multiple residences that would require not only an easement for the road but it would also require its own approval from the Attorney General. Typically that is done through a diminishment H.O.A.

After further discussion the following resolutions were offered.

Resolution 08/07
August 7, 2007

Introduced by Chairman Garlick
Seconded by Craig Byham

Resolved that the Village of Spencerport Planning Board hereby grants contingent final approval for Canal Landing Sub-division Phase 1 with revised water main connections at Amity Street and Ballard Avenue instead of connection at Trimmer Road as shown on the site plan/subdivision map prepared by LaDieu Associates.

Phase 1 to include lots 2,3,4,5,6,11,12 & 13 and the development of infrastructure only for lot 1, 7,8,9,10 as shown on plans dated March 17, 2006 with revisions dated 5/8/07, 6/12/07 and 7/13/07.

Approvals by the Planning Board are contingent upon addressing the following items.

1. Approval from Monroe County Health Department
2. Approval from MCWA.
3. All proposed and existing easements to be shown on Mylar.
4. Provide recorded plan in electronic copy format, auto cad.
5. Address all comments from Village Engineer, Village Attorney and Planning Board.

Furthermore, developer has been granted approval to construct proposed condominium unit 4, 5 & 6 but has not been authorized to obtain a Certificate of Occupancy. The developer constructs at his own risk and should developer fail to obtain an H.O.A. for Phase 2 than proposed units 4, 5, &6 will not obtain a Certificate of Occupancy. Phase 1 also includes development of infrastructure only for Phase 2.

Ayes: Garlick, Marra, Byham
Nays: none

Resolution 8/07/a
August 7, 2007

Introduced by Chairman Garlick
Seconded by Craig Byham

Resolved that the Village of Spencerport Planning Board hereby grants contingent final approval for Canal Landing Sub-division Phase 2 with revised water main connections at Amity Street and Ballard Avenue instead of connection at Trimmer Road as shown on the site plan/subdivision map prepared by LaDieu Associates.

Phase 2 to include construction of the houses for lots 7,8,9,&10 and the condominiums.
as shown on plans dated March 17, 2006 with revisions dated 5/8/07, 6/12/07 and 7/13/07.

Approvals by the Planning Board are contingent upon addressing the following items.

1. Approval from Monroe County Health Department
2. Approval from MCWA.
3. All proposed and existing easements to be shown on Mylar.
4. Provide recorded plan in electronic copy format, auto cad.
5. Address all comments from Village Engineer, Village Attorney and Planning Board.
6. Submitted copy of the Condo Offering Plan approved by the Attorney General for Lot #1 and a no action letter or CPS for lot 7, 8, 9, & 10.

Ayes: Garlick, Marra, Byham
Nays: none

ARB

Application for Masonic Temple Inc, located at 133 S Union Street, Spencerport, NY for a revised side entrance.

Tom Michelson will be representing the applicant this evening.

Mr. Michelson: The last time I was here we received approval for an elevator for the outside of the building. It will not be cost effective to put a ½ million dollar elevator on a \$300,000.00 building. What we have done basically is gone back to the drawing board to see if we could come up with something cheaper.

We have decided to put a Lula elevator in the building.

Chairman Garlick: What is a Lula?

Mr. Michelson: It stands for limited use, limited access elevator. The elevator will be inside the building in the south west corner. The exterior changes are to take the steps away, they are crumbling anyway and to extend the 4X4 support poles and run them all the way to the ground and put in concrete piers underneath and run grade level with the parking lot than we wouldn't have to worry about a handicap access ramp.

Chairman Garlick: Are you going to maintain the existing canopy?

Mr. Michelson: Yes, we will either maintain the canopy or extend it at most 6 inches to 1 foot.

Chairman Garlick: Are you going to be replacing the door?

Mr. Michelson: Yes, drop it down a grade, which calls for a 3 ft. door but I think we may be installing a double door or a sliding door. The architect and I hadn't discussed that when we drew up this plan.

Chairman Garlick: I would like to see what kind of materials you are going to be using and what the door is going to look like.

Jack Crooks suggested that the Board request that the materials be consistent with the brick that is there and place a stipulation on the door which would allow the applicants to move forward.

Attorney O'Toole: They may be able to salvage some bricks from the interior work on the elevator which would match up quite well. The only other question would be how large of a door and what kind of door and they could come back with that information.

After further board discussion 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 the Masonic Temple, located at 133 S Union Street for a revised side entrance.

Notice of Decision

1. Side entrance shall be as shown on plans by Thomas R. Doughty; 4 Woodbriar Lane, Rochester, NY 14624 dated 7/9/07.
2. Fascia wall shall be consistent with the existing building exterior.
3. Catalog cuts of proposed door are to be submitted to the ARB for approval.
4. Building permit to be obtained from Building Department.

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

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Approval of Minutes:

Motion made by Chairman Garlick seconded by Craig Byham and carried unanimously to approve the minutes of July 10, 2007 as written.

Adjournment:

Motion made by Chairman Garlick seconded by Denny Marra and carried unanimously to adjourn the meeting at 8:20 p.m.