

**ARB/PLANNING BOARD
MINUTES
OCTOBER 2, 2007**

Present

Absent

Chairman Robert Garlick
Denny Marra
Joseph Slominski
Ronald Muraco
Craig Byham

Also Present

Village Attorney Keith O'Toole
Village Engineer Scott Dehollander
Village Trustee Theodore Rauber
Thomas West, DPW Superintendent
Donna Stassen Planning Board Secretary

Charlie Hopson
Sherry & John Burgstrom
Loretta Prussia
Joan Quigley
Chris Schultz
Gary Inzana
Ann Carter
Sal Arnone
Joan King
Nancy O'Connor
Jim & Lynn Keefer
Kay & Craig Marple
Leslie Plucknette
Robert O'Brien
Richard Ruscio
Clay Johnson
John Mills
Lynn & Rick Shepard
Bill McGuigan
Pam & Ed Cromp
Steve Parina
Lisa & Dave Versteeg

ARB

**Gary Inzana
Village Square Management
108 S Union Street
Re: Pave existing parking lot**

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Gary Inzana stated to the Board that the existing parking lot behind 108 S Union Street has always been gravel he would now like to pave this area with 2 inches of black top.

Chairman Garlick asked Superintendent Tom West if the Village had any standards for paving commercial parking lots.

Tom West: No, I went up to the site and I think paving this area is a good idea.

Tom West requested that the black top be 3 inches instead of the proposed 2 inches to handle the trucks that will need to get back in that area.

Gary Inzana agreed to such request.

After 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 Gary Inzana/Village Square Management to pave an existing gravel parking lot located at 108 S Union Street.

Notice of Decision

Said parking lot shall meet the following requirements:

1. Paving to be completed in conformance with any Village standards for commercial parking lots.
2. Pavement shall be a nominal 3' thick.
3. Parking lot shall be kept in good condition as determined by the Village of Spencerport Code Enforcement Officer,

Ayes: Garlick, Marra, Slominski, Muraco, Byham

Nays: none

Lisa Verstreg
Maria Parina
Expressions of Dance
131 Martha Street
Parking Lot

Chairman Garlick: It looks to me like you have expanded the parking and added additional parking spaces. I have a large concern with the drainage flow, and will need more information.

Lisa Verstreg: I hope I can provide the information for you; we definitely need to get the parking lot redone for the safety of the children. It was originally recommended by the Building Inspector to have this area paved. We have been working with Larry Fennity on the safest layout/ plan for

the parking lot. Jack Crooks had mentioned that there were drainage issues and referred us to Tom West. After meeting with Tom West we installed two catch basins on the property. There are also two catch basins one on Martha and one on Clark Street.

Tom West: Jack Crooks had requested that the parking lot be paved within two years after they occupied the site.

All I did was request an easement from the owners and I installed the drainage. The owners had all the engineering done and we do have drawings of all the drainage from Clark Street all the way down Martha. As far as the permits I had nothing to do with that but as far as I am concerned the drainage is more than sufficient for what will be drained. We have copies of the drawings from Landtech.

Chairman Garlick asked Tom West to get a copy of the drainage calculations to the Planning Board Engineer.

Denny Marra: The drawings submitted really are not an architects sketch and I am not going to make a decision based on these drawings. Was an architect retained?

Lisa Verstreg: Yes, the parking lot was approved based on those drawings.

Denny Marra asked why the gate if the traffic is routed one way.

Lisa Verstreg: It is to slow the cars down.

Denny Marra: I don't see any buffer between the B-2 district and the residential areas.

Trustee Rauber: The owners were given permission to pave the parking lot per Jack Crooks interpretation of the code. A neighboring property owner raised the issue of what was going on at this site. Village officials met at the site and had the contractor stop the work and met with the neighboring property owner and our Attorney advised us to have this application come in front of the ARB.

Dave Verstreg stated that they didn't know there was an Architectural Review Board that was never communicated to them.

Denny Marra and Chairman Garlick stated that drawings showing drainage should have been submitted for review.

Chairman Garlick: It appears that your basic concept is ok and I can see where you would want to get this paved before winter. In my mind I could see going ahead and paving it but I would like to make a recommendation that when you are ready you submit a full set of plans showing drainage and plantings for screening for the neighbors.

Dave Versteg: I don't believe we will be able to pave before winter because of financial reasons. When the stone was put down we installed drainage that pitched the runoff into the catch basins.

Lisa Verstreg stated that they may need to change the layout of the striping for safety reasons.

Chairman Garlick stated those changes should be included on the plans when submitted.

At this time the following resolution was offered:

Resolution No. 10/2/07 ARB
October 2, 2007

Introduced by Chairman Garlick
Seconded by Craig Byham

Resolved that any action on the application of Lisa Verstreg and Marina Parina to pave parking lots located at 131 Martha Street is tabled at this time pending submittal of new plans showing drainage and proposed plantings.

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

Gary Inzana stated to the Board that he owns the properties adjacent to Lisa and Marina's property he shared with the Planning Board his concerns in the matter this application was handled.

Chairman Garlick advised Mr. Inzana to bring those concerns to the Village Board.

PLANNING BOARD

Public Hearing

The application of Loretta Prusha and Sherry Burgstrom, 87 Lansmere Way, Rochester, NY to subdivide 1.85 acre parcel into three single family residential lots on property located at 48 Bauers Cove, Spencerport. One lot will retain the existing home, the two additional proposed sites are offered for approved residential construction. The parcel is currently Zoned R-2 Residential.

Chris Schultz will be representing the applicant this evening.

Chairman Garlick explained to the public that the Board will listen to everyone and gather all their information and that no decisions will be made on this application this evening.

Chris Schultz: What's proposed are two new building lots bound between the Canal and the existing property located on the cul de sac.

- The existing barn will be removed to make room for a common driveway to service all three lots.

- Homes will be serviced with existing utilities.
- Intent to minimize the disturbance of any trees.
- Plans have been distributed to all county agencies for their review and approvals.
- There is an additional piece of land located outside of the Village limits which will not be a part of this development.

Scott Dehollander: We have worked with Mr. Schutlz with some of the technical issues from the conceptual drawings. I continue to be concerned about the width and location of the driveway relative to the ability to pass two vehicles at the same time in opposite directions and the ability for an emergency vehicle to access these properties.

Scott Dehollander: In reviewing the correspondence from the Monroe County, they have highlighted their concern regarding the impact on removal of trees which provide a significant buffer and we agree this is an important issue.

Chris Schultz: We are proposing a pull up area for parking which would allow room for two cars to pass. The width of the driveway would be 15 feet the pull up area would be 22 feet wide.

We are planning on keeping as many trees as possible.

Attorney Keith O'Toole: Driveway easements will be required they will have to be filed before we approve the Mylar. The common driveway and utility easement layout will be conditional upon Planning Board and or Village Board Attorney approval.

I am concerned about Lot R-62 A. generally speaking we try to avoid landlocked parcels and it is not really configured well enough to be a building lot, the logical thing to do would be one of two things, 1. It could be a re-sub into Lot 2 which would require Planning Board approvals from both the Village of Spencerport and the Town of Ogden.

Chris Schultz: I was under the impression you couldn't cross a municipal line.

Attorney O'Toole: It doesn't come up often but yes it could be done. The other option would be to quitclaim the piece of property to the neighbor who already has the benefit of the access easement.

At this time Chairman Garlick opened the meeting up to the Public.

Kay Marple: What are the size dimensions of the two parcels?

Chris Schultz: The lot widths are in the vicinity of 130 ft and average depth is 200 ft.

Rick Shepard: I haven't seen or heard anything about the detention ponds or wetlands. The detention pond can not take anymore flow during a high rain flow I have a water issue. Any drainage has to be addressed away from that pond.

Chris Schultz: I think you may be referring to the pond located to the west that was part of the old canal improvements, we do have wetlands on the other side but they were actually delineated by the Village Engineer for the sewer project. There are wetlands to the east of us but nothing on this property.

Rick Shepard: As I said any drainage has to be addressed, you are about 4 -5 feet above the water level at your end but I am not. That pond will not handle anymore water in the springtime my backyard is mud.

Chairman Garlick: You live to the west, it looks like everything goes to the north and the east but we will have a look at that.

Ann Carter: The pond is totally behind my house and I am very concerned about drainage.

Rick Shepard: Can I make a recommendation that the pond be excavated and properly drained.

Chris Schultz stated that NYS owns the property.

Joan King: I also have concerns the pond is also behind my house and I wouldn't want anymore drainage on my property.

James Keefer: Where will the new garage be built for the existing house?

Chris Schultz: We are anticipating most likely putting a garage next to the house.

Rick Shepard: What size homes will be going up on these properties?

Chris Schultz: The minimum lot size allowed in the Village is 12,000 sq. feet these lots are almost twice that size. The house will certainly be in character with the existing houses in the neighborhood.

Rick Shepard: I would like to see the plans for the house.

Chris Schultz: My clients have not settled on a plan yet, when they are submitted to the Village for a permit they will be available.

Ann Carter invited the members of the board to come down to Bauers Cove and sit in her backyard and see what could be lost if a house was built behind her. She asked the Board to consider the impact to the neighborhood if they approved this application.

Robert O'Brien: I think this proposed home will have an adverse impact on the neighborhood and I am very much opposed to it.

Leslie Plucknette: I do value our property we are all close neighbors and we love our new neighbors. You mention the value of these properties being on the canal: they are down from the canal you won't be able to look out and see the beauty of the canal. I live at 25 Bauers Cove and we are in the same situation we have to climb up to get to the canal path. I don't see where this will enhance the neighborhood.

I am also concerned about taking down trees; tree roots hold the canal together you cut down those trees and the tree roots die out that canal weakens. I too am against this proposal.

Joan King: 20 Years ago we made tremendous sacrifices to live in an area that was wooded and be able to walk along the canal, I feel violated. It is a beautiful peaceful place and the thought that I am going to sit on my porch and look at a turnaround I am devastated. The character of the entire neighborhood will be destroyed by this.

Rich Shepard: The drainage and the maintenance of the canal is at risk any movement of dirt does propose a risk to the canal, and I really think we need to go to NYS and get their approval. We are all at risk of flooding in this area.

Craig Marple: I want to reiterate the point that we have all gone into the Cove with the original spirit that we would be moving into lots that were private and didn't have houses behind it. A couple of houses have been built that actually look into the back of other homes. We have been through this experience and it has impacted us all we all believe that it has also had an economic impact on us as well. For this to be revisited again is beyond belief, my wife Kay and I stand sincerely against it.

Richard Ruscio: I agree with all the statements you have heard before but I would like to speak specifically to the economics of it, Bauers Cove is by no means an inexpensive neighborhood it is noted for its seclusion and privacy and I see nothing in the widened driveway the hole through the woods, the disappearance of the garage the addition of the small houses in the back the addition of smaller lots behind houses that do anything for our collective property values. There is no history of easy sales of those houses and this does not do us any good.

Nancy O'Connor: I think there are underground streams under our property and I base that on the sump pump in my basement, I am very concerned about any development that will impact the drainage on my property. When we bought our property we were told that the areas that encompassed our street were forever wild. I am afraid this may set a precedent for other areas on our street. On a personal level I am not happy about this situation.

Clay Johnson: I am also concerned about the economic impacts to the homes in our area.

Sal Arnone asked for the reasoning behind this proposal.

John Burgstrom: The original owner Cheryl Boughter had designed a very nice plan that went from the garage to the house sort of like an in law apartment and we thought that would be great when our children got older we would build that addition all move in together and all work together. Unfortunately I have had some very serious health conditions and now it has been dictated that if we join the property together it would not work financially for us so we can not have the in-law house like we were hoping. That is why we decided to build in the back with the least amount of impact. I don't think there will be as much visibility of the house as thought here tonight. It will be a very nice house and the other lot is not anything that will be sold it will stay in the family.

Sal Arnone: If there is a need for the family units to be brought together did you look at any other locations?

John Burgstrom: No we haven't looked at other places this is a gorgeous area and we plan on building a very nice home there.

Sal Arnone: What was the driving force that 2 ½ years ago had you purchase this house on Bauers Cove?

Loretta Prusha: I lived in Painted Post for 40 years and when my husband died it was just too painful and lonely being in Painted Post by myself and I wanted to be closer to my grandchildren. My husband and I had put money down on a house in Bauers Cove 5 years ago and I just fell in love with that area.

Ed Crompt: I have a number of comments, first off several of my neighbors have brought up property values, and the notion of having two new homes built to the rear of my property gives me great concern. This development no matter how well done is going to have a negative consequence on adjoining properties in terms of their property value.

Drainage, all the comments about draining to the wetlands; that is my property my house is about 30 feet from the wetlands and it is wet. The water table in this area is very high and I am worried about soil disturbance disrupting the underground flow of the water. I have invested a lot of money into finishing the basement of my home and I am not looking forward to the day that I walk down there and find that investment washed away as a result of the change of the water table and potentially overwhelm the ability to excavate that water.

I have looked at the contours on the drawings and there is no doubt where the water will go it will go into the pond on Rick Shepard address or it is going on my property there is no where else for the water to go.

This development is now at completion as it was designed in the early 1980's, what about public utilities?

The final thing is in relation to drainage and storm water runoff, I would like you to take a look at Section 109 of the code which talks about a storm water pollution prevention plan a requirement of the code is that for any development which is going to disturb an acre of soil in the development

process the code requires a storm water pollution prevention plan to be in place and I would argue that this development falls very close to these guidelines.

I would also like to echo my neighbor's mutual feelings of having the nature of this neighborhood impacted by this development. It may meet the zoning code but it does not meet the good neighbor code.

John Mills: I agree with just about everything everyone has said, when we purchased our homes we were all shown a map of Bauers Cove and we all chose our lots and I think we were all under the assumption that there would only be the original 28 – 30 lots. Now 20 years later we are confronted with the situation that is going to adversely impact the beauty of Bauers Cove by adding these two lots behind an existing house. There is a fair amount of that kind of set up on other streets but I don't think that is a desirable situation for our Bauers Cove. As most of you have heard Bauers Cove is affectionately considered as "Spencerport's Best Kept Secret". I believe that if this development happens it won't be that anymore it will be Bauers Boondoggle for lack of a better term.

Chairman Garlick: Most of the houses are close to the street what would happen if you bought a house next to a vacant lot and the person buying that house wanted to put the house 150 feet back off the road?

Nancy O'Connor: Jim Howarth the builder set up Bauers Cove in such a way that wouldn't happen except for one house that was a re-sale.

Chairman Garlick: Did you know that moving in?

Nancy O'Connor: Yes, we all knew that the setbacks were controlled.

Leslie Plucknette: Even though we live down from the canal we still have water problems we now have two sumps pumps running 24/7 drainage is a concern.

Rick Shepard: When you are making this kind of a change to a neighborhood everyone in the neighborhood should be notified and not just posted in the Suburban News.

Ed Crompt asked what the next step in the procedure will be.

Chairman Garlick: We make our decision before the public we don't make any decisions behind closed doors. As I said in the beginning we will not be making any decisions this evening.

Ed Crompt: Will we be notified by mail of any decisions how will we know what decisions were made?

Chairman Garlick stated that they would not receive anything in the mail; he invited them to attend the meetings which meet the first Tuesday of each month.

At this time the public hearing was closed.

After board discussion the following resolution was offered.

Resolution No 10/07
October 2, 2007

Introduced by Chairman Garlick
Seconded by Joseph Slominski

Resolved that the Village of Spencerport Planning Board has tabled any action at this time on the application of Loretta Prusha of 28 Bauers Cove and Sherry Burgstrom of 87 Lansmare way to subdivide a 1.85 acre parcel into three single family residential lots on property located at 48 Bauers Cove.

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

Fallone Property
148 So Union Street

Chris Schultz will be representing the applicant this evening.

Chris Schultz: The initial plan for the drive-thru has been pulled off the table. We are waiting for the elevations for the building from Larry Fennity. We are looking to move on to the next step in the approval process so that construction can begin.

The building will be very similar as to what was originally presented.
The lower level will be retail and the 2nd and 3rd floors would be office space.

Chairman Garlick advised Mr. Schultz that his client will need to come in front of the ARB.

Chairman Garlick; The list of comments from 8/31/07 were based on a review of the plans dated 8/7/07 changes have not yet been made on the plans.

Scott Dehollander: I have had some discussion with Chris Schultz regarding some of those comments but I will also have to say that I am not fully satisfied. We certainly need to continue those discussions and see revised plans.

Chris Schultz stated that between the three municipal lots there are about 204 parking spaces available in the immediate area. Per code what is required is not realistic.

Chairman Garlick: We are looking for how many offices you will have and the parking that may be required.

Chris Schultz: What we are proposing for square footage would require 33 spaces and we have 2 spaces.

Chris Schultz gave examples of other businesses in that area that also depend on municipal parking for their customers.

Chairman Garlick stated that any outstanding issues from the Village Engineer and Village Attorney need to be addressed and recommended that the application be tabled this evening.

At this time the following resolution was offered.

**Resolution No 10/7/a
October 2, 2007**

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

Resolved that the Village of Spencerport has tabled any action at this time on the application of Fallone Enterprise LLC, 3173 Chili Ave to erect a three story building on property located at 148 So Union Street.

Ayes: Garlick, Marra, Slominski, Muraco, Byham

Nays: none

Unfinished Business:

ARB

Masonic Lodge

Exterior Door

Resolution No. 10/7/07
October 2, 2007

Introduced by Chairman Garlick
Seconded by Denny Marra

Resolved, that the Village of Spencerport Architectural Review Board on October 2, 2007 amended the Certificate of Appropriateness issued to the Masonic Temple on August 7, 2007 to include the approval for a new exterior door for property located at 133 S Union Street.

Such approval is based on rendered drawings titled Addendum #1 submitted by Architect Thomas Doughty on 9/10/07.

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

Ayes: Garlick, Marra, Slominski, Muraco, Byham

Nays: none

ARB/Planning Board Minutes
October 2, 2007

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Approval of Minutes:

Motion made by Chairman Garlick seconded by Craig Byham and carried unanimously to approve the September 4, 2007 meeting minutes as corrected.

Adjournment:

Motion made by Chairman Garlick seconded by Denny Marra and carried unanimously to adjourn the meeting at 9:10 p.m.