

**Village of Spencerport
ARB/Planning Board
September 2, 2008**

Present

Chairman Robert Garlick
Joseph Slominski
Denny Marra
Craig Byham
David Wohlers
Bill Rutter

Absent

Others Present

Donna Stassen, Planning Board Secretary
Jack Crooks, Village Building Inspector

ARB

The application of Attorney Daniel Schum of 41 Nichols Street for drainage and aesthetic improvements.

Attorney Schum: The problem that I have and the solution I have arranged is something that I and ESL Credit Union think will look nice. When my building was completed there was a tall growth of evergreens on the east end of the building which offered complete privacy to all the offices until they built ESL. There was no place to push the snow so when they plowed the drive-thru the snow was pushed up against my trees and killed them. They were nice enough to plant a second set of smaller trees hoping they would grow but they have since died too.

The other problem created when they built ESL is that there is about a 3 ft. drop in about a 6 ft area between their curb and the side of my building and all the water ends up right against the wall which never happened in the last 20 some years.

I met with ESL and addressed the problems with them and what they have come up with is the plan that I have submitted to this board. Basically they are having problems maintaining the grassy area that is on their property because of the slope.

The proposal is to take similar stone and build out from the curb a distance and make it level and put up a retaining wall of sorts and than between the wall and my office put in a drainage facility which will go from the north to the south where there is natural drainage.

We want to keep it the same as what is there now so we picked the same color stone and materials for all the landscaping the only issue is what to do with screening.

Attorney Schum stated that anyone making a transaction at ESL can tell who is in my office. I talked with the Building Inspector and he suggested not a fence but 3 sections of screening in front of the windows. It doesn't need to be high you would need only a 4 – 4.5 foot fence something that is pleasing to the eye I don't want it to look like a barrier.

Attorney Schum shared pictures of various types of fencing he stated that he would prefer something with lattice on top and solid on the bottom. Out of necessity the fence color would be white.

Craig Byham: To cover all 4 windows will almost be a solid fence, what would the problem be with a solid fence?

Attorney Schum: I don't have a problem with a fence if the board felt that would be more aesthetically pleasing. I just thought that the screening in front of the windows would be less objectionable.

Chairman Garlick: Are you proposing to put the screening in front of the 3 northerly windows?

Attorney Schum: Actually there are 4 windows on that side of the building.

Denny Marra asked if more trees would be planted along the rear.

Attorney Schum: No, they just won't grow along there. I just want the minimum screening once the retaining wall is built we will know better how high the fencing will need to be.

The board discussed their preference in regards to a solid fence or the panels.

Jack Crooks: One of the reasons we looked at sections was to allow more light and air in. You don't have the solid appearance and it certainly creates the opportunity to see more of the architecture of this building and less of this wall. If you look at Cams fence it looks more like a barrier than screening.

Jack Crooks: One of the issues when ESL was building they put a chain link fence in and that was to remove the potential of someone hiding behind the solid fence.

Chairman Garlick: Will the fence be on your property?

Attorney Schum: It is very close to being on the property line.

Chairman Garlick: What kind of co-ordination have you done with ESL?

Attorney Schum: They drew the plans they hired the architect they haven't committed to the entire bill but have committed to a large portion of it. Whatever I do to enhance my property will enhance their property too.

Attorney Schum: I would prefer the panels the reason I choose the sections is because in all due respect when Cam's put up their fence I think it cheapened what they had there. If the Board chooses one solid fence so be it. I will do either.

After further board discussion the following resolution was offered.

Resolution No. 9/08
September 2, 2008

Introduced by Chairman Garlick
Seconded by Denny Marra

This is to certify that the Architectural Review Board has granted approval for a Certificate of Appropriateness to Daniel Schum of 41 Nichols Street for drainage and aesthetic improvements. Such improvements shall meet the following requirements:

NOTICE OF DECISION

1. Improvements shall be completed in conformance to the submitted drawings prepared by Marathon Engineering 2101 Mt. Read Blvd. Rochester NY.
2. Wall shall be constructed in conformance with all national, state and local building codes and with the manufacturer's instructions.
3. Block wall style to be similar to ESL Column Bases.
4. Vinyl fence type and location shall be at the owner's discretion and color shall be white.

All installed improvements 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 Ross Gates for approval to install a rear patio cover at the Gallery Restaurant located at 94 S Union Street.

Ross Gates reviewed the plans with the board and noted the following:

- The cover will stay up year round.
- 29 gauge steel roof withstands any kind of buildup ice, snow etc.
- White sided with blue trim to match the existing building
- Clear vinyl sides from about 3 ft up to the top which can be rolled up
- Everything is bolted and can be removed at any time if needed
- Kevin Kerns from Canal Corp has no problems with the cover if the village is ok with it

Craig Byham: Earlier plans were submitted what happened to those plans? To me this looks like something you would store your car in.

Ross Gates: It is a carport but we are trying to keep it inline with the rest of the building by using the colors of the existing building.

Craig Byham: What happened with the earlier application?

Ross Gates: I just kind of dropped it; first of all I couldn't make it to be removable in the event that the sewer had to be dug up.

Craig Byham: Has the manufacturer you are purchasing this from done this before?

Ross Gates: Yes, the company is called TNT and they have done many of these all over the country.

David Wohlers: The 28 ft. width how much does that leave between the edge of your dock and the corner of the carport?

Ross Gates: I don't know we could leave an opening there along with the other opening for the kitchen.

William Rutter stated that if he could make the structure look attractive he was ok with it.

David Wohlers: I am not happy with the metal building but I want to see him succeed. I would like to see a 4 ft. walkway in that corner maintained.

Chairman Garlick stated that the Fire Marshall will need to inspect that area for safety ingress and egress.

Craig Byham: I also want your business to be successful but in my opinion this does not fit in with the Canal Theme that we are trying to accomplish. To me it looks like a carport.

Ross Gates: It will tie in exactly with the building.

Chairman Garlick: That is the balancing act that we as a board have we want businesses to thrive and we do have the canal town theme to live with and the requirements. Putting up something permanent didn't work out so what are the options for a temporary structure that can easily be removed.

After board discussion the following resolution was offered:

Resolution No 9/08a
September 2, 2008

Introduced by Chairman Garlick
Seconded by William Rutter

This is to certify that the Architectural Review Board has granted approval for a Certificate of Appropriateness to Ross Gates of 94 S Union Street for approval to install a rear patio cover at the Galley Restaurant located at 94 S Union Street, Spencerport. Such patio cover shall meet the following requirements

NOTICE OF DECISION

1. Patio cover shall be size and configuration shown on the application.
2. Trim shall match the blue building trim as close as possible.
3. Structure shall be installed in conformance with the manufacturer's instructions and all applicable codes.
4. Structure shall not impede access to sewer to sewer manholes in the area and shall be removed as required for Village access to the sewers.
5. Mr. Gates shall obtain Fire Marshall Approval for installation prior to construction.
6. Approval letter from Canal Corp to be submitted to Village of Spencerport prior to any construction.

Patio cover 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 file.

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Approval of Minutes

Motion made by Chairman Garlick seconded by Craig Byham and carried unanimously to approve the August 5, 2008 minutes as written.

Adjournment

Motion made by Chairman Garlick seconded by Denny Marra and carried unanimously to adjourn the meeting at 8:00 p.m.