

**Village of Spencerport
ARB/Planning Board
October 7, 2008**

Present

Chairman Robert Garlick
Joseph Slominski
Denny Marra
Craig Byham
David Wohlers

Absent

Bill Rutter

Others Present

Donna Stassen, Planning Board Secretary
Jack Crooks, Village Building Inspector
Attorney Keith O'Toole
Village Engineer Scott Dehollander
Trustee Theodore Rauber
Electric Superintendent Owen McIntee

Bob Bender
Tim Gawenus
Ross Gates
Richard Puffer
Barbara Masseur
Patricia McNamara
Joan Quigley
Emily Heiler
Allison Ryan
George Collichio
Kevin Riccota
Jean and Clay Bull
Joyce Lobene
Civita Hochreiter
Stan Hochreiter

Planning Board

Public Hearing

The application of Tim Horton's Corp., 4455 Transit Road, Suite 2B, Williamsville, NY 14221 for approval to construct a Tim Horton's restaurant with a drive thru on a .717 acre site located at 403 S Union Street, Spencerport NY.

This parcel is zoned B-3 (Commercial) pursuant to Chapter 140-21.1 of the code of the Village of Spencerport.

At this time Chairman Garlick led the pledge of allegiance.

Chairman Garlick opened up the meeting by stating that no decisions will be made this evening on this application.

Bob Benders and Tim Gawenus will be presenting the application.

Bob Benders: What we are proposing is a 1700 sq. ft. restaurant the building has already been approved by the Architectural Review Board. The design of the building is exactly the same as Tim Horton's in Bushnell's Basin which has had very positive reviews.

The entrance is coming in off S. Union Street there will be available parking for 27 cars and stacking for 11 cars.

The plans fit into the zoning for this location the only variances sought are a special permit for the drive thru and a variance for a fence along the north property line which was requested by the neighbor to the north. Both of these were granted by the Zoning Board of Appeals last month.

Chairman Garlick reviewed comments from Attorney O'Toole's letter. (Letter filed)

Chairman Garlick referred to Superintendent Owen McIntee regarding lighting for the site.

Owen McIntee stated that he can provide cut sheets for lighting.

Owen McIntee is requesting that the 3 phase overhead line running from Union Street to the back yard be relocated to the underground, offering a cleaner look for the neighborhood. Typically we look at the applicant for providing relief for the cost I will work up a cost sheet for the work.

Jack Crooks: If I recall from the zoning board that we are looking at board on board for the fence. I suggest the board look hard at that other than having a big white wall while still offering the neighbor some privacy.

In reading through Attorney O'Tooles comment regarding the site being really tight I absolutely agree with that but as we find our village beginning to look like the rest of the economy and in a downhill slide if this can be done appropriately this is an opportunity to boost the economy of this village.

Jack Crooks: There are other sites that are tight ESL.3 acres, Pages and Eckerds were .6 acres this project is approximately .8 acres. We can make parking spaces larger and I think that is appropriate.

Scott Dehollander: We also have prepared a letter (filed) there are various technical issues in there. I have highlighted the three more significant elements they speak to the turning movements

on the site relative to servicing the dumpster and deliveries to the business we will be looking for adequate turning movements available to accommodate those vehicles on the site.

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Second highlight is relative to storm drainage on the site there is quite a bit of history with the ownership of the storm drain along Union Street and the flooding issues as well. We have pointed out that the applicant will be coordinating with the DOT at this point to gain their approval of the connection. If the connection is approved we have also made some recommendations relative to some onsite facilities that may minimize the onsite detention sizes of the facilities specifically utilizing some perforated pipe and other infiltration techniques that were applied in some of the F-1 development that was proposed.

Methods to handle storm water runoff; the methods that the applicant is proposing is detaining the runoff in two detention ponds on the parcel adjacent to Union Street. This concerns me for 2 principal reasons; specifically locating the storm water facilities in those locations restricts the maneuverability and the options available for site arrangement by locating the storm water facility right in front you can see a throttle that will restrict the maneuverability. I think there may be some other options there that we would like to have the ability to explore relative to more free flow of access.

Chairman Garlick: If I may just touch on that while you are there, I think the board as a whole is not fond of putting ponds on Union Street and we are going to be asking you to look at alternatives.

Tim Gawenus: We have looked at other alternatives on this site including underground storage the problem with that is this site the natural flow directs water to this corner the natural place for a location for storm water detention would be in this area. The problem with underground storage is typically you are getting into pipes of 30 inches or larger diameter to be cost effective to store underground; 30 inches is almost 3 ft. in diameter this pipe here is only about 2 – 21/2 ft. below the grade if you put something in lower than that you are going to have standing water. It would not work from a gravity flow perspective.

Chairman Garlick: Is there any possibility of lowering the pipe on Union Street to the next catch basin to pick up the grade that you need?

Tim Gawenus: In general it is about 2- 3 feet deep the problem with that is you are getting into a potentially expensive type of construction. We want to try and work with what we have and minimize disruption to neighbors and the property. I suppose you could put in a drop structure of some sort but you are adding cost and more cumbersome construction.

Chairman Garlick stated that there is a potential of installing sidewalks along Union Street.

Tim Gawenus: We would be staying on our property if they were to put sidewalks in the logical place would be within the right of way.

Chairman Garlick asked for a cost analysis for putting drainage underground.

The board was in agreement that they would prefer not to have ponds on Union Street.

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Bob Bender: We will take a look at alternative drainage methods but with the economy and the specialty building we are proposing this projects teeters on the side of feasibility for us. If there are tens of thousands of dollars added to this it probably will tip the scale and we will have to pull the project. This is that marginal of a design if we are forced to do all these mechanical improvements it may impact the project but we will look at it.

Denny Marra: Was this the only piece of property in Spencerport you looked at?

Bob Bender: It is the only available parcel within the Village, which is where we prefer to be.

Scott Dehollander: I would like to highlight the infiltration option as well the previous projects utilized that in their scheme of handling the drainage and there is a reduction that can be applied to the storage volume that would be required if we can accommodate some of the storm water rate of discharge mitigation through infiltration.

Jack Crooks: I would like to mention the 4 inch discharge; I would rather see more volume for storage and something a little bit larger in the discharge area.

Tim Gawenus: If we put a larger pipe say a 6 inch we would get a 20% reduction off the site vs. the 30% you requested.

Scott Dehollander: The third highlight would be in regards to the retaining wall there is quite a significant retaining wall proposed along the south property line the height of the wall ranges from 5 – 7 ft. and there is a vehicle surcharge which needs to be applied to that wall. We will be looking for some structural calculations on the retaining wall we want to be confident that is not open to failure down the road.

Chairman Garlick read aloud letter from Tom West regarding drainage. (Letter filed)

Tim Gawenus stated that they are waiting for comments back from the DOT regarding drainage along S Union Street.

Denny Marra: I would like clarification for the wording marginally met (DOT letter) “Through our review of the traffic volumes we noted that the warrant for a north bound left turn lane on Route 259 was marginally met” seeing this is a high traffic area and kids will be patronizing the place I really don’t like the word marginal either it is or it isn’t.

Tim Gawenus: If it did not meet the criteria this would not have been approved the fact that they used the word marginal means the numbers are close but it meets the criteria and doesn’t warrant a left hand turn lane.

Denny Marra: If that were a flat road I might be inclined to agree with you coming off that incline on Rt. 31 heading north I just personally don’t like the word marginal. To me this is problematic.

Chairman Garlick reviewed the DRC comments from Monroe County. (Letter filed)

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The following comments were made by Chairman Garlick:

- Change on plans re: lighting co-coordinating with Building Inspector change to Electric Superintendent
- 409 S Union sign show new location
- On Page C-3 note the following:
- Shows an open cut which NYS does not allow
- Note on plans any work on sanitary sewer needs to be coordinated with Village of Spencerport Superintendent of DPW not the Town.
- Electric service meter change coordinated with Electric Superintendent not Building Inspector.
- Page C-4 space between top of wall and railing and neighbors looking for screening/shrubbery.
- If desired by homeowner place some shrubbery along north property line
- Submit drawings of retaining wall showing materials.
- On page DET-2 storm sewer notes #5 needs to be checked out with DPW Superintendent to see if allowed.
- Hours of operation can be discussed when applicant comes back for ARB.

Mr. Puffer: The design was already approved has there been a picture rendered?

Tim Gawenus shared drawings with the audience.

Mr. Puffer: Will this be a 24 hour business?

Chairman Garlick: Not necessarily that will be discussed at our next meeting. Personally I am not in favor of 24 hour businesses especially when there are neighbors in close proximity.

Mrs. Lobene: I am here tonight representing the Chamber of Commerce we would like to let you know that we are very much in favor of their application. They are good neighbors they put up beautiful buildings and I hope that you will take that into consideration.

Mrs. Lobene: Keith, I think you referred to the narrowness of the lot; we are a village and if you go into any other village you are going to find narrow lots. When you are talking about the drainage if you go to Lake Road in Brockport that gets a lot more traffic than we do everyday, the buildings from Rt. 31 down are on a slope just like they are and it seems to work.

Chairman Garlick read aloud a letter from the Chamber of Commerce. (Letter filed)

Joan Quigley: I have heard that the food will be made in Brockport and brought here is that true?

Bob Bender: No this is a full operational facility.

Stan Hofschneider: The concern I have is with Rt. 259 and the traffic, without a turning lane this is a fatality just waiting to happen. Your line of sight and reaction time is a lot less than people think.

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Civita Hofscneider: Trying to take a left out of Brockport Rd. is difficult turning left from here will be just as difficult. Also, we have other coffee shops in town and this will hurt their business.

Clay Bull: We are opening up a new coffee shop on 123 S Union Street and we were well aware of the possibility of a Tim Horton's coming in and while we feel that it will be detrimental to our blooming business we are doing this because it is something that we enjoy and wanted to do. We do have a son with a motorcycle and I too am concerned about the heavy traffic coming down and it is a major concern.

Scott DeHollander: One concern that we had with the traffic study and we didn't see addressed in the DOT response was that the traffic counts were conducted on a single day on June 25, 2008 which is a day that Spencerport Schools were not in session.

The board discussed fencing material and agreed upon pressure treated cedar board on board fencing.

Chairman Garlick advised Tim Gawenus and Bob Bender to address the comments from Village Engineer Scott Dehollander, Attorney O'Toole and all other comments from the Board and to look at alternative drainage.

Furthermore Chairman Garlick stated that they will also need to come back in front of the ARB for signage and lighting.

ARB

philoSophie's
123 S Union Street
Signage

Joanna Alberti is the illustrator and creator of philoSophie's which features stylish illustrations of a character named Sophie. Joanna stated that her store will sell items with Sophie on them including apparel and gifts and stationary items. Joanna's studio is in the back of the building and the store is in the front.

Chairman Garlick: Are you looking for two signs?

Joanna Alberti: Gary Inzanza (landlord) advised me to ask for both signs tonight one in the front and one on the north side of the building. I am happy with one sign if that is your decision.

Chairman Garlick and the rest of the Planning Board preferred that only one sign be put on the building.

After board discussion the following resolution was offered.

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Resolution 10/08
October 7, 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 Joanna Alberti owner of philosophies for signage on building located at 123 S. Union Street/north business. Signage shall meet the following requirements:

NOTICE OF DECISION

1. Background color shall match color of building.
2. Sign size shall be 20" x 75.5 ".
3. Text shall be white high performance vinyl.
4. Applicant shall be responsible for safe mounting of sign.

Signage 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.

Eclipse Café
123 S Union Street
Signage

Jean Bull co-owner of Café Eclipse stated that they hope to open the coffee shop tomorrow for business. They will be open 7 days a week, 6:30 a.m. until 9:00 p.m.

Signage shall be the same as philoSophie's next door they are using the same sign maker.

After board discussion the following resolution was offered.

Resolution no 10/08/a
October 2, 2008

Introduced by Chairman Garlick
Seconded by Craig Byham

This is to certify that the Architectural Review Board has granted approval for a Certificate of Appropriateness to Jean Bull owner of Eclipse Café for signage located on building located at 123 S Union Street/south business. Signage shall meet the following requirements:

NOTICE OF DECISION

1. Background color shall match color of building.
2. Sign size shall be 20" x 75.5 ".
3. Text shall be white high performance vinyl.
4. Applicant shall be responsible for safe mounting of sign.

Signage 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.
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Collichio School of Music
4 West Ave
Signage

George Collichio owner of the business stated that clients are having trouble finding the studio with the entrance located on the side of the building and the size of the sign over the door which is there now. When they applied for the existing sign a phone no. was not allowed on the sign since then he has noticed other signs with the phone no. on them.

Chairman Garlick: I believe you were the last applicant that was told no phone no. on their sign. Cell phones weren't around at the turn of the century but they are now an important part of our lifestyle these days. Even though the code prohibits phone numbers on signs we are allowing with discretion phone numbers on signs.

Chairman Garlick: I do have a problem with the location and size of the sign; the code states that wall signs must be located at or near a public entrance. It also says the sign can not be larger than 10 square feet. Again this is my opinion I do like the looks of the sign. I would propose to you to reduce the sign just a little bit to 30" x 45" and that would bring it within the 10 sq. ft. criteria and have it mounted by the door and remove the sign you have there now.

Mr. Collichio was agreeable to the Chairman's proposal.

After further board discussion the following resolution was offered:

Resolution 10/08/b
October 7, 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 George Collichio owner of Collichio School of Music for signage located on building at 4 West Ave. Signage shall meet the following requirements:

NOTICE OF DECISION

1. Sign size shall be 30" x 45".
2. Material shall be painted sign board with painted or high performance vinyl characters and lettering.
3. Sign shall be mounted adjacent to the studio entrance door replacing existing signage.
4. Applicant shall be responsible for safe mounting of sign.

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.

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The Galley Restaurant
94 S Union Street
Front door and window replacements

Ross Gates owner of the Galley Restaurant stated that the reason for the replacement is to match the upper windows and the door to match all the other doors on the building. Windows will be vinyl replacement 6 over 6.

Door will have grid system on top and the bottom part will be steel. They will be replaced professionally.

After further board discussion the following resolution was offered.

Resolution No 10/08/c
October 7, 2008

Introduced by Chairman Garlick
Seconded by Craig Byham

This is to certify that the Architectural Review Board has granted approval for a Certificate of Appropriateness to Ross Gates owner of The Galley Restaurant for a new front door and first floor windows on building located at 94 S Union Street. New door and windows shall meet the following requirements.

NOTICE OF DECISION

1. Windows shall match 2nd floor window style.
2. Door shall be steel and match other building doors.
3. Trim color on door and windows shall match existing trim colors.\

The 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 filing.

New Business

A workshop meeting was scheduled for October 28, 2008 a notice will be posted in the Village Office.

Approval of Minutes

Motion was made by Chairman Garlick seconded by Denny Marra and carried unanimously to approve the September 2, 2008 minutes as written.

Adjournment

Motion made by Chairman Garlick seconded by Craig Byham and carried unanimously to adjourn the meeting at 8:45 p.m.