

**Village of Spencerport
Planning Board/ARB Minutes
July 7, 2009**

Present

Chairman Wohlers
Denny Marra
Craig Byham
William Rutter
Kevin Ricotta

Absent

Joseph Slominski

Tom West, Highway Superintendent
Village Attorney Keith O'Toole
Trustee Carol Nellis Ewell
Building Inspector Jack Crooks
Donna Stassen, Secretary Planning Board
Village Engineer Scott DeHollander

Kris Schultz
Lawrence Fennity
James Bonsignore
Caroline Ariezza
Stacie Antonio
Kevin Morgan
Joyce Quigley
Joyce Lobene
Michael Antramgarza

Planning Board

Unfinished Business

The application of JLMO LLC of 117 South Union Street, Spencerport for preliminary and final site plan approval to raze the existing two story frame building and construct a new two story office site with residential space on the 2nd floor.

Kris Schultz will be representing the applicant tonight.

Kris Schultz: The plans that you have before you are a couple of weeks old we have been working with the Village Engineer and I would like to review this new set of plans with you. For the most part the plans that you have in front of you are very similar to these plans. What I have on here are small details relating to the Village Engineer comments.

- Parking/Handicap Parking

We spent a lot of time at the last meeting talking about parking and how we were going to configure and attempt to add a handicap parking space to the site. As you know now there is not a handicap parking space back here and the rationale for not doing that is we knew that the four spaces back there are for the upstairs tenants. The code states that you must provide 2 spaces per apartment. We explored the possibility of potentially doing a handicap parking space on Union Street, Tom West did some research and found out that probably wouldn't be in the best interest of the Village to pursue. General discussion with the Village Engineer was that since this is in the vicinity of municipal parking and other handicap spaces around this site this wouldn't be as big a priority to try and force a space in there.

These are upstairs apartments having handicap tenants without elevators in the building are unlikely.

- Request for showing a k-turn.

Applicant will be designating one parking space to be open at all times during the hours of 8 am – 5 pm.

There is a 13 ft radius you could make that maneuver to turn around without backing out into Union Street; maybe not with a dump truck but a standard size vehicle.

The prior owner of this property, Tom and Nancy's would typically get up to 15 delivery trucks.

- Drainage

We are potentially improving the drainage situation, as you know drainage leaves the site in 2 directions. The guard rail will be taken down and a curb stop will be installed along the west and the north side. What we are going to do on our side is install an asphalt buffer very similar to what is done all through the Post Office parking lot now.

In meeting with the Village Engineer yesterday he asked if we could make an attempt to setting the break point further west so that more water goes out in that direction there was an effort made to obtain a drainage easement across Mr. Inzana's property he is not willing to do that.

Kris Schultz: At this point now we are pretty comfortable; we still have to make a few small plan changes and have the Village Engineer look at those.

Scott Dehollander: Kris Schultz and I have been engaged in trying to resolve the issues from the last meeting and Kris Schultz just went over each and every one of those elements.

At this point we are generally satisfied with the plan the as it is today.

Chairman Wohlers: How can we force someone to leave a site if there a tenant?

Scott Dehollander: Good point the turning detail provided here doesn't really address the k-turn maneuver outside of using one of the parking spaces that was one of the elements that I understood that Kris would be providing in this plan.

Kris Schultz: We showed a straight back up.

Scott Dehollander: It was my expectation that the space reservation was redundant to someone being able to make a k-turn even if all those spaces were taken. The parking lot detail was just provided yesterday and it doesn't address that specific issue. But as I said my understanding was that the k-turn maneuver was available and if it is not I think that our concerns still remain.

Scott Dehollander: We are concerned about drainage at two locations where it leaves the site. The portion that drains across the back towards the Inzana piece was a principal concern and we noted that an easement should be provided. The second location is at the front where the drainage crosses the sidewalk and because it is in a channelized state there is the potential for maintenance and tripping and icing hazards. The drainage calculations pointed out though as Kris talked to in his presentation that the curb offers a 75% reduction of the drainage coming off the site in the front and nearly a 30% reduction coming off the back. Those are significant numbers but the problem still persists in that 70 % still is going towards Inzana without an easement. If we brought all the drainage to the front to address the Inzana issue it wouldn't be any larger than the quantity going there now.

Attorney O'Toole: You can not add any water officially onto anyone else's land. You have to make a decision as to whether or not any drainage is going on to Mr. Inzana's property.

Attorney O'Toole addressed the issue of lot coverage.

Attorney O'Toole: The definition of coverage indicates that it applies to accessory uses as well as the basic buildings and accessory uses are uses that go along with the permitted principal use. The Village does not permit parking lots by itself the only reason we have a parking lot here is because it supports the building that is being constructed. I believe in this instance the lot coverage cap applies and while the Board can approve the site plan it would have to be subject to a variance from the ZBA.

Tom West: A couple of times I have gone up there when it was raining and my concern is the impervious surface that was draining from the Post Office on to this property. Instead of the regular concrete I am the one who asked for the curbing to go across so the water doesn't go over it and to prohibit cars from going in and out making a dangerous situation.

By that building being extended the impervious surface that will be contained in that area will be minimal and the other concern I had was making sure that the downspouts go into the storm which he is showing on the plans.

William Rutter asked if the size of the building could be reduced.

Denny Marra stated to the Board that he feels the building is too big for the lot and has concerns with the parking and not being able to make a k-turn.

Craig Byham agreed with Denny Marra and his concerns.

Kris Schultz stated that his clients need this space.

The Board has concerns with the storing of refuse inside the building.

Tom West stated that the Village has refuse toters for rent.

Kris Schultz: I have 18 people working in my office eating at least 2 times a day we have a kitchen and we keep our refuse inside the building until our scheduled trash day.

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Scott Dehollander: There is not enough room in the parking lot to provide another parking spot, but if we restripe would there be 6 or 7 extra feet there to provide an outdoor storage area for garbage cans?

Kris Schultz: Yes.

Kris Schultz: If my clients can't put this building in Wegmans will buy it and put in a parking lot.

Jack Crooks: Would this site fall under pre-existing nonconforming or grandfathered in?

Attorney O'Toole: This site requires an area variance because this is close to 100% coverage. The pre-existing argument doesn't work because they are tearing down the building and starting from scratch.

The Board discussed possible contingent items for site plan approval.

- Letter from Post Office regarding parking after hours and stating that barrier will be removed and replaced with a curb stop.
- Re stripe spaces showing designated area near building for refuse storage.
- Signage restricting turn- around in parking lot.
- Submittal of k-turn detail.

At this time the Board offered the following resolution.

Resolution No 7/09
July 7, 2009

Introduced by Chairman Wohlers
Seconded by William Rutter

Resolved that the application of JLMO LLC of 117 S Union Street, Spencerport for contingent preliminary site plan approval to raze the existing two story frame building and construct a new two story office with residential space on the 2nd floor be approved.

Ayes: Rutter, Ricotta

Nays: Marra, Byham, Wohlers

Furthermore, such motion for approval did not pass therefore application has been denied for reasons as noted in meeting minutes.

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ARB

**117 S Union Street
JLMO LLC**

The application of JLMO for a new building to be constructed on property located at 117 S Union Street.

Larry Fenity will be representing the applicant.

Larry Fenity: It is very much a three sided building the fourth side is kind of seen from Gary Inzana's building. It is very visible from two sides and the rear is fairly visible too. The owners are very conscientious regarding the appearance of this building. We would like to install the same bricks as Taste of Texas but they stopped making those back in the 1920's.

Chairman Wohlers suggested installing larger size bricks on the building.

Larry Fenity: That won't be a problem if we can find larger bricks.

After reviewing the drawings and Board discussion the following Certificate of Appropriateness was granted.

This is to certify that on July 7, 2009 the Architectural Review Board has granted approval to JLMO LLC for a Certificate of Appropriateness for new construction located at 117 S Union Street, Spencerport, NY.

Notice of Decision

- 1.** Building colors and materials to be the same as shown on plans submitted by Fenity Associates.
- 2.** Certificate of Appropriateness contingent upon applicant receiving final site plan approval.
- 3.** After construction of building is completed the applicant shall submit a photograph of building to the Village Clerks Office for filing.

Ayes: Wohlers, Marra, Byham, Rutter, Ricotta

Nays: none

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**Serenity Hair
38 Slayton Ave
Signage**

The application of Serenity Hair to install signage on property located at 38 Slayton Ave.

Caroline Ariezza and Stacie Antonio co-owners of the salon submitted a letter from Kevin Morgan owner of the plaza approving proposed signage.

This is to certify that on July 7, 2009 the Architectural Review Board has granted approval to Serenity Hair for a Certificate of Appropriateness for signage located at 38 Slayton Ave, Spencerport, NY.

Notice of Decision

Such final approval was granted based on the following conditions.

1. Sign colors shall match the colors of bakery sign next door.
2. Size of sign not to exceed 32" x 66" as shown on diagram submitted on application.
3. Sign is not to be lit.
4. Shape of sign to be as shown on diagram submitted on application.
5. Sign material to be sign foam with high performance lettering.
6. Sign to be installed in a safe manner.
7. Sign to be kept in good condition as determined by the Village of Spencerport ARB.
8. After installation the applicant shall submit a photograph of the completed installation to the Village Clerks Office for filing.

Ayes: Wohlers, Marra, Byham, Rutter, Ricotta

Nays: none

Michael Antramgarza
377 S Union Street
Signage

The application of Michael Antramgarza to install a lighted barber pole on professional building located at 377 S Union Street, Spencerport.

This is to certify that on July 7, 2009 the Architectural Review Board has granted final approval to Michael Antramgarza for a Certificate of Appropriateness to install a lighted barber pole on professional building located at 377 S Union Street, Spencerport.

Notice of Decision

Such final approval was granted based on the following conditions.

1. Barber pole measurements to be as submitted on application.
2. Sign to be lit only during business hours.
3. Installation to be as per manufacturer.
4. Sign to be installed in a safe manner.
5. Sign to be kept in good condition as determined by the Village of Spencerport ARB.
6. After installation the applicant shall submit a photograph of the completed installation to the Village Clerk for filing.

Ayes: Wohlers, Marra, Byham, Rutter, Ricotta
Nays: none

Morgan Spencerport LLC
174 – 184 S Union Street
Directory Sign

The application of Morgan Spencerport LLC to install a new directory sign to be located at entrance to Village Plaza 174- 184 S Union Street, Spencerport.

Attorney James Bonsignore representing the applicant stated that the Plaza has been under going a lot of renovations with significant upgrades to the façade focusing on bringing the plaza compliant with the code. The new sign will blend in better with all these changes.

Attorney James Bonsignore continued by saying that the existing sign is getting dilapidated and needs to be replaced.

Materials for the architectural pillars and the brackets are going to be painted cedar as required by the code.

The one deviation that we have is because of the nature of the sign and the number of tenants it would be incredibly difficult to have external illumination for the area that we need to adequately advertise the tenants at the plaza. The sign is proposed to be internally illuminated while this is not permitted under the code the Board has the option to alter or vary the requirements provided that it generally meets the requirements of the code.

The lights will be shielded with an acrylic panel; they are day light florescent lamps. Wattage will be 850 -935.

This is to certify that on July 7, 2009 the Architectural Review Board has granted final approval to Morgan Spencerport LLC for a Certificate of Appropriateness for a new directory sign to be located at entrance to Village Plaza 174 – 184 S Union Street, Spencerport.

Notice of Decision

Such final approval was granted based on the following conditions.

1. Design, colors and material of sign to match plans submitted by LaCroix Associates dated 6/16/09.
2. Sign to be backlit with wattage not to exceed 850- 935.
3. Sign to be installed in a safe manner.
4. Sign to be kept in good condition as determined by the Village of Spencerport ARB.
5. After installation the applicant shall submit a photograph of the completed installation to the Village Clerks Office for filing.

Ayes: Wohlers, Marra, Byham, Rutter, Ricotta
Nays: none

Approval of Minutes

Motion made by Chairman Wohlers seconded by Craig Byham and carried unanimously to approve the minutes of June 2, 2009 as written.

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Adjournment

Motion made by Chairman Wohlers seconded by Craig Byham and carried unanimously to adjourn the meeting at 8:35 p.m.