

**Planning Board  
ARB Minutes  
April 6, 2010**

**Present**

Chairman David Wohlers  
Denny Marra  
Joseph Slominski  
William Rutter  
Craig Byham

**Absent**

Alternate Karen Fien  
Building Inspector Jack Crooks  
Village Attorney Richard Olson  
Village Engineer Scott Dehollander  
DPW Superintendent Tom West  
SME Superintendent Owen McIntee  
Donna Stassen, Planning Board Secretary  
Trustee Carol Nellis Ewell, Village Board Liaison  
Mark Edwards  
Edmund Martin  
Charles Hopson  
Ross and Gail Gates  
Mike Lopresti  
Kris Schultz

**Planning Board**

**Concept Review**

**2028 Brockport Road**

Kris Schultz will be presenting the application for Ogden Center Dev for a concept plan proposing a two lot subdivision and the construction of an 11 unit townhouse project located on property at 2028 Brockport Road, Spencerport.

Kris Schultz: My client just recently picked up this property and we have looked at a number of different concepts at how this property could be developed. One of the interesting things we noticed is that this property generates a win-win situation to the village from the standpoint of potential flood mitigation from downstream. The Northrup Creek tributary is one of the main tributaries that contribute to the flooding issues down at the plaza.

My client's initial plan was to build high end homes in here; we did explore the possibility and found that area was covered by wetlands, we than pulled back a bit. Looking at the center of the map the storm water management facility is actually on property currently owned by the Village of Spencerport this property extends easterly

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to Village Walk and the Village also owns property on the east side of Village Walk. Normal development typically put in storm water detention facilities and there was a potential to oversize this facility and potentially offer additional flood storage to the Village to help with the issues downstream. We also looked at the culvert under Village Walk and what may be done to potentially throttle that back. We also looked at what the possibilities would be to actually generate more storm storage area along Northrup Creek on the Village parcel. We have involved the Village Engineer but everything is very preliminary from the standpoint of this being an idea that may work. The main points of this were looked at from the standpoint of marketing. This parcel is in the PRD district this occurred in the 1970's. This site would be serviced by all utilities, the units will be one story oriented towards seniors. Site would resemble units across the street from Spencerport High School.

Kris stated that at this point today they are only here with concept plans and a lot of the issues have not been addressed on these plans.

Chairman Wohlers: This is a concept plan; review letters have already been submitted to this board. What can this board do at this point?

Attorney Olson: This zoning was created and adopted by other municipalities back in the 1970's after suggested by the County to do so. They all look the same, at some point when they did the Domus project this was rezoned, it was not part of the project but it was part of the re-zoning. After some research nothing was found to show how this land was proposed to be developed in any way, shape or form.

This is a PRD but at the same time it really has no meaning unless there is a little bit of give and take back and forth. It is the job of this board to discuss with the developer what might work. If this is going to include some kind of land owned by the Village than the Village Board must be involved. The Planning Board can not tell the Village Board what to do with their land. At the same time the Village Board gets input into this project because one of the sub paragraphs for this code states that the Village Board determines in each case the appropriate land use intensity or dwelling unit density for individual projects and this is an individual project. There is going to be a lot of give and take between the 2 boards which is a little unusual.

Chairman Wohlers: Should this go to the Village Board first?

Attorney Olson stated that comments received can be reviewed but he also suggested having a joint meeting with the 2 boards.

Scott Dehollander: I would like to piggy back off some of the things Attorney Olson spoke about regarding PRD District being unique, there is in the code a specific set of guidelines when the zoning was set up to apply to this district. A couple of the elements significant are highlighted under 140-16-B -1 which states that under normal circumstances the minimum area required to qualify for PRD District shall be 25 contiguous acres of land.

Another set of elements A- H that talk about utilizing this unique zoning to protect certain physical features of the property also that the PRD incorporate a mix of uses. I wanted to highlight those, also in the end I want to highlight that there is decision process that the Planning Board needs to follow. Not only in the number of days once the application is received to reach a decision that decision being either a favorable recommendation to the Village Board or a not so favorable recommendation and there is a set of guidelines that the Planning Board needs to consider relative to offering a favorable report.

Kris Schultz: That portion that you are citing I believe is related to how you receive that re-zoning, this parcel already is zoned PRD. I am not saying that this won't involve both boards.

Scott Dehollander: That may be the case and given the age of this parcel and its current zoning it makes it sort of a unique problem.

Kris Schultz: I think both boards will have input into the types and number of units. The technicality is we already have the PRD zoning on this parcel.

Chairman Wohlers: Does the time frame start at this point?

Attorney Olson: Actually the Chairman certifies when all necessary material has been presented and the Planning Board shall submit a report within 60 days of such certification. If no report has been rendered after 60 days, the applicant may proceed as if a favorable report were given to the Village Board.

Scott Dehollander: There were a couple of technical issues relative to the concept plan. Relative to the re-subdivision there are parcels which are not currently owned by the applicant, they are village owned parcels that needs to be reconciled. We are looking for a subdivision plat which better shows the exchanges. The applicants engineer noted that there are federal wetlands on the property those need to be shown and evaluate their effect on the feasibility of the project.

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Scott Dehollander: There may also be additional coordination under the SWP, if in fact the disturbance is over 5 acres this may require a variance.

Scott Dehollander: Storm water management facility, Kris indicated that the goal of the project was to find some balance and a win- win situation. We are looking for some calculations to verify exactly what the benefit potential could be. That is not clear by the information that has been provided so far.

Scott Dehollander reviewed the remainder of his comments from letter dated March 29, 2010. (file)

Tom West: I do think it is a good idea to do an extra detention pond in the back however is it worth what it is going to cost versus the benefit to the village. We do have issues with quick rainfall 2 – 3 inches at a time.

Tom West stated that the DEC will be involved and this could be very technical.

Tom West: The master plan for our sidewalks is to go up Rt. 259 and down Rt. 31 to Brockport road and go back up Rt.259; I would like to see a provision for sidewalks at least on one side.

Tom West reviewed his comments from letter dated April 2, 2010. (file)

Jack Crooks: With these types of buildings and coming off Brockport Rd. NYS fire prevention code calls for a certification of a 1000 GPM for the water line in the back limits of that property for fire protection.

It has been said before but most of the PRD language in here is more about gaining a PRD zoning than it is about setbacks but I have recommendations noted in my letter dated April 6, 2010.

Jack Crooks reviewed his comments from letter dated April 6, 2010.

Scott Dehollander: The setbacks and the physical arrangement of the buildings on the parcel; I think that the one element that is the most confusing about this application is the applicability of setbacks.

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Scott Dehollander: If you read the PRD zoning that is an element set by the Village Board during the districting process and if we are in fact beyond the Districting process than there should be some record with definitions to what those setbacks should be.

Attorney Olson: The Village Board could still deal with that under the intensity of land use referenced in the code.

Owen McIntee: There are no show stoppers here based on the concept plans, utilities would come off of the front along the private drive. That will be further determined as we go through the process with all the joint utilities.

Owen McIntee reviewed comments from his letter dated April 5, 2010

Chairman Wohlers: Will this development have gas heat?

Owen McIntee: Yes, all new construction has to have gas heat per our development regulations.

Kris Schultz: In summary I don't see any major show stoppers; there will be an HOA as part of this development which will maintain this property.

Attorney Olson: Are these individually owned units?

Kris Schultz: They are townhouses and individually owned.

Craig Byham stated that he had concerns with the density of this parcel and the number of units proposed.

Joseph Slominski agreed with Craig's concerns and added that this area is very wet and id concerned about disrupting wild life there.

Denny Marra stated that not allowing decks on these units could hurt sales.

After Board discussion the following resolution was offered.

**Resolution 4/2010  
April 6, 2010**

**Introduced by Chairman Wohlers  
Seconded by Craig Byham**

Hereby resolved that the concept application of Ogden Center Development of 2800 Spencerport Road for site plan and subdivision approval for two lots. The existing single family home will remain and will be subdivided into its own lot. The remaining land will be used for an 11 unit townhouse project was tabled. Such project to be located at 3028 Brockport Road Spencerport NY.

Furthermore, be it hereby noted that the Chairman of the Planning Board has not certified that all of the necessary application material has been presented at this time.

Ayes: Wohlers, Marra, Slominski, Byham, Rutter

Nays: none

**Parkview Apartments  
Big Ridge Road**

Ed Martin of Land Tech will be representing Big Ridge Holdings this evening for property located on Big Ridge Road, Spencerport NY.

Ed Martin: The developers are proposing to construct 4 (3) unit buildings 2 on each side of the road that was constructed last year as part of Unity Health just north of there. Most of the infrastructure for this project was installed at this time. This proposal does require 2 area variances so in addition to requesting a concept approval we are asking for a referral to the Zoning Board of Appeal. The 2 variances are for a 25ft setback for the front right of way of Big Ridge Road and to allow a 22.8 ft. building separation.

We believe both of the requested area variances are reasonable and appropriate for a few reasons the front setback of 25 ft., note that both properties to the east and west are all equally setback from Big Ridge Road, if we were to construct per the code this development would stand out, we believe that providing the 25 ft setback is more appropriate than the current code requirement.

Additionally the building setback request is greater than you can achieve by building in conformance on two adjacent lots.

Chairman Wohlers asked why the change in density from the original proposal.

Ed Martin: The concept done at that time was simply done to show intent to develop the developer has done a bit of research to see what was desirable in that area.

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They found this type of housing to be very desirable. They are attempting to attract the employees of Unity.

Denny Marra is concerned with the high volume of traffic and the need for more buffering.

Ed Martin stated that all comments from Village Engineer Scott Dehollander and Owen McIntee will certainly be addressed on preliminary plans.

Attorney Richard Olson: Lot #2 that you are creating it appears you are creating a side setback issue from the garage of 3 ½ feet I think it should be a little bigger than that, you will need another variance for that. Other than that you are asking for pretty substantial variances and I think that the site distance is something that should be looked at.

Ed Martin: Are you referring to the site distance along Big Ridge Road or along Landry Way.

Attorney Olson: I think both but particularly Big Ridge Road.

Ed Martin: As part of the Unity approval the Monroe County DOT did have us shift our access originally Landry Way was across from Bowery.

Tom West: The only thing that I am concerned about is that we need to see the turning radius for our trucks to get in and out. The other thing is where the 2 sanitary sewers come in from the east and west I would like to see those come in to 1 common manhole if possible.

Tom West: Will sidewalks be installed with this project?

Ed Martin: Yes, the actual locations are to be determined.

Jack Crooks: The three units to the west would it make more sense to flip those north to south so that the garage would be on the Big Ridge side giving more buffering on that busy road. Having said that because that is along Big Ridge Road which is a gateway into the Village we would like some extra attention to the styling of that garage wall, some landscaping to improve the looks.

Jack Crooks: As far as storm water management you had said earlier that the project to the north is being designed to handle storm water from this area as well.

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Ed Martin: To correct your statement the previously constructed pond was designed to accommodate this development at maximum capacity.

Discussion ensued regarding improving the appearance of the units.

At this time the following resolution was offered.

**Resolution No.4/10/a**  
**April 7, 2010**

**Introduced by Chairman Wohlers**  
**Seconded by Denny Marra**

Hereby resolved that the concept application submitted by Land Tech Surveying and planning for proposed Parkview Apartments to be located on property at Big Ridge Road has been tabled.

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

**ARB**

**Lakeside Memorial Hospital**  
**42 Nichols Street**  
**Signage**

Mark Edwards presented the application for signage to be located at 42 Nichols Street and also on monument sign at the road.

Mark Edwards stated that the sign will not be lit and the barber shop sign will be removed when the new sign is installed.

The board requested and Mr. Edwards agreed to scallop the edges of the sign.

Hereby resolved, that the Village of Spencerport Architectural Review Board issues a Certificate of Appropriateness to Lakeside Memorial Hospital located at 42 Nichols Street, Spencerport NY, for 2 signs. Such certificate shall meet all the following requirements.

### **Signage**

1. Building Sign not to exceed 20" x 144"



2. Monument 2 sided sign to be 13 ½ “ x 56”
3. All signage to be constructed of Value Bond material.
4. Colors to be light blue and black on white background as shown on diagrams submitted by Stanton Signs dated 2/25/2010.
5. Entrance door lettering approved as shown on diagrams submitted in package dated 2/25/2010
6. All signage shall be kept in good condition as determined by the Village of Spencerport ARB.
7. After installation of signage applicant shall submit a photograph of completed project to Village Office for the file.

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

**The Galley Restaurant**  
**94 S Union Street**  
**Renovate exterior of Building**

Ross Gates will be presenting the application this evening.

Mr. Gates stated that the restaurant business is very competitive and he has done a lot of work on the outside to the rear of the building. He is looking to improve the front of the restaurant and combine the two buildings to appear to be one.

- Keeping the color scheme the same
- Siding will match existing siding
- Over hang will match patio in back

Chairman Wohlers: Why do you want to take away the old canal look of the building and replace it with the straight lines making the building look modern, we are trying to establish a canal town theme. You are covering all your corbels up on the top.

The building is old and in rough shape to those corbels are just wood, some of them are falling down. I could probably save them but it would be at an additional cost.

Chairman Wohlers would like to see the gingerbread on the top remain.

Mr. Gates: I can save it on top if that is one of the conditions.

Denny Marra: Can you replace it with something plastic more durable. I agree with Chairman Wohlers I would like to see something not so straight across the top.

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Craig Byham: This vertical stripe is taking away from the canal town look; this is really a key building on Main Street. I really think it has the canal town feel to it. Are you proposing a metal overhang?

Mr. Gates: Yes.

Craig Byham: I just really think this is taking away from the look that we are trying to accomplish. I understand you want to make this look like a bigger building maybe you could try a different design.

Mr. Gates: I have two buildings that are both the same restaurant and I just wanted to make it look like the same restaurant instead of two operations. I will certainly go with any suggestions you have.

Craig Byham suggested the look of Grandpa Sam's.

Mr. Gates showed the board samples of other roofing materials he would like to stay with the color blue. He does want a metal roof.

Members of the board are not agreeable to a metal roof, they allowed a metal roof in the back because of an easement back there and a metal roof would be easier to remove.

The board is looking for millwork on the top, horizontal siding and replacing the windows.

Denny Marra asked for the windows to match the existing windows there now.

Denny Marra: The overhang is going to extend out three feet, I don't know if that is going to cause a problem for the line of sight.

Tom West: How high is the overhang going to be from the sidewalk?

Ross Gates: It is no higher than Grandpa Sam's it has to be close to 8 ft.

Tom West stated there wouldn't be a problem with snow removal that is high enough for the equipment to get under.

Craig Byham asked for more detailed plans.

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After further discussion the Board agreed that more detailed plans needed to be submitted before they could make any decisions on this application.

**Resolution No 4/10  
April 6, 2010**

**Introduced by Chairman Wohlers  
Seconded by Craig Byham**

Hereby resolved that the application of Ross Gates for façade improvements on property located at 92 – 94 S Union be tabled until new plans are presented with accompanying required documentation for review by the Architectural Review Board.

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

#### **Approval of Minutes**

Motion made by Chairman Wohlers seconded by Denny Marra and carried unanimously that the minutes of February 18, 2010 and March 2, 2010 are approved as written.

#### **Executive Session**

Motion made by Chairman Wohlers seconded by William Rutter and carried unanimously that the regular meeting be adjourned to go into executive session to discuss a personnel matter at 9:00 p.m.

Motion made by Chairman Wohlers seconded by Joseph Slominski and carried unanimously to come out of executive session at 9:35 pm to go back into regular meeting.

Motion made by Chairman Wohlers seconded by Craig Byham and carried unanimously to adjourn the meeting at 9:40 pm