

**ARB/Planning Board
Minutes
October 5, 2010**

Present

Chairman David Wohlers
Craig Byham
Denny Marra
Joseph Slominski
Willam Rutter

Absent

Others Present

Village Engineer Scott Dehollander
Village Attorney Richard Olson
Carol Nellis Ewell, Village Board Liaison
Donna Stassen, Planning Board Secretary
Jack Crooks, Building Inspector
Owen McIntee, Electric Superintendent

Cathy Christ
Caroline Aiezza
Edmund Martin/LandTech
Fritz Gunther
Joan Quigley
Jackie Sullivan
Joyce Lobene

At this time Chairman Wohlers led the Pledge of Allegiance.

ARB

**Serenity Hair Studio
38 Slayton Ave
Signage**

Caroline Aiezza, owner of Serenity Hair Studio has submitted an application to install signage which would match the same style and colors as the other signs on the façade in plaza located at 38 Slayton Ave. The size of sign will be 36" x 96" x 1" and the material of the sign is foam board.

Craig Byham: Will you be using the same sign maker as the other signs on building?

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Caroline: No, but my sign will match the other signs.

At this time the following Certificate of Appropriateness was offered.

This is to certify that on October 5, 2010 the Architectural Review Board approved the application of Caroline Aiezza of Serenity Hair Studio for signage located at 38 Slayton Ave, Spencerport, NY.

Furthermore such signage shall meet the following requirements.

- Sign shall be as designed with oval ends.
- Sign not to exceed 20 sq. ft.
- Colors to match existing colors in plaza.
- Sign material is foam board with vinyl lettering.
- Sign to be installed in a safe manner.
- Applicant must pay fee and apply for sign permit at Building Dept. Office located in the Town of Ogden Offices before sign installation.
- After installation of sign applicant shall submit a photograph of completed installation to the Village Office for filing.
- Sign shall be kept in good condition as determined by the VOS ARB.

Ayes: Wohlers, Marra, Byham, Slominski, Rutter

Nays: none

Cathy Christ
Fowlers Canaltown Wine and Spirits
377 S Union Street
Signage/Building and Directory
& lighting

Cathy Crist submitted an application for signage to be located on building at 377 S Union and directory sign at same location.

Cathy Crist: The spot on the building where the sign will be is quite large. I was asked by my signage guy if we could make the sign 4' x 8' instead of 3' x 8'? Everything else will be the same as we submitted the same colors and lighting.

Chairman Wohlers: Will the gooseneck lamps be white?

Cathy Crist: Yes.

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Chairman Wohlers: Will this be centered over the door on the curved section of the building?

Cathy Christ: Yes and the other sign will be first on the directory sign.

Chairman Wohlers: Than the lettering will increase in size in proportion to the larger sign. The building is located far back you will need larger lettering in order to see it.

Cathy Crist: Yes.

Board members agreed that a larger sign is needed in that location.

Craig Byham: I do believe though that the monument sign in front has scalloped edges whatever they are we would like to see them all be the same.

Cathy Crist: I am not sure if they are scalloped but will make sure the sign matches the others.

At this time the following Certificate of Appropriateness was offered.

This is to certify that on October 5, 2010 the Architectural Review Board approved the application of Cathy Crist of Fowlers Canaltown Wine and Spirits located at 377 S Union Street, Spencerport for signage and lighting.

Furthermore such signage and lighting shall meet the following requirements.

- Sign design approved as shown on application.
- Sign not to exceed 32 sq ft.
- Colors of sign as shown on application.
- Sign material is omega sign board with vinyl lettering.
- Sign to be installed in a safe manner.
- Sign placement shall be centered over front entrance.
- White aluminum gooseneck lighting approved, lighting to be turned off at 9:00 p.m.
- Applicant must pay fee and apply for a sign permit at Building Dept office located in the Town of Ogden Offices before sign installation.
- Sign shall be kept in good condition as determined by the VOS ARB.
- After installation of sign applicant shall submit a photograph of completed installation to the Village Office for filing.

Ayes: Wohlers, Marra, Slominski, Byham, Rutter

Nays: none

Planning Board

Concept Approval Big Ridge Holding Parkview Apartments Big Ridge Road

Edmund Martin of LandTech Engineering will be representing Big Ridge Holding Company's application for 3 -4 unit townhouse buildings to be located on property at 120 Big Ridge Road, Spencerport, NY.

Edmund Martin: We were in front of this board back in April presenting the initial concept. You gave us some pretty clear direction I can summarize that and say that you didn't like the concept. The footprints required parking up front there were a number of variances that would be required. We really went back to step #1 and totally reconfigured the layout we went back to the initial concept done years ago. I think that what you will find before reflected in my letter of intent are the following changes:

- Eliminated the need for any variances.
- Hid parking in the rear, offering attached and unattached parking.
- Enhanced landscape buffering
- Proposed sidewalks

What we are asking for tonight is really more feedback, as you know there is a moratorium in the village for this zoning district. We have made application to the Village Board asking to include this property as one of the exempted projects. In other words should they approve this tomorrow night or any time in the future this would be exempt from the moratorium than we would subsequently come back before you to ask for formal concept approval than move right into preliminary and final approvals.

Attorney Olson: Admittedly this code is a little difficult to understand, this is an R-2 district and 140-9 of our code states that in an R-2 district 2 and 3 family dwellings are allowed. This is a 4 family dwelling how did you get from 3 to 4?

Edmund Martin: Elsewhere in your code it states that in an R-2 district if you go above three units per building, I believe it is 32,000 sq feet per lot if you go above that you have to add 2,000 sq feet for every additional unit.

Attorney Olson: I know that but I am just looking at permitted uses and 4 units is not one. In the cases where it is church or school etc. it has to go to the Zoning Board for a

Special permit. Are you suggesting than if it is 4 units it doesn't have to go to the Zoning Board of Appeals?

Edmund Martin: I will be honest with you I am not suggesting anything. We discussed this at length last time and even Mr. Dehollander, I don't want to speak for him but it appeared to him that we met the zoning requirements and that is why I initiated that discussion last time in hopes of getting clarification.

Attorney Olson: It is a little bit confusing one of the reasons we put the moratorium on was because we are working on the comprehensive plan and also to try and understand how all of this fits together. Some of this goes back to the 1960's others have been revised 3 or 4 times and sometimes when you revise one piece you forget to revise the piece in back of it.

Attorney Olson: Another question, what is going to happen to the single family on the far west end, is that staying?

Edmund Martin: That is staying. I did find the section that we pulled that from 140-15 under special use regulations. As I said when you read that it implies that there is an avenue to get to 4 or even greater.

Attorney Olson: Except that this is not a permitted use, now I am just going to say this, when there is a question of interpretation it goes from you to the Zoning Board of Appeals I believe that is the state law. I am not saying this is a use variance, I am saying that it is a question of interpretation.

Chairman Wohlers: At this point now we can still proceed?

Attorney Olson: Tomorrow night the Village Board will be considering adding this parcel to the other exempt properties included in this moratorium.

Jack Crooks: I am in agreement with Attorney Olson, it is confusing and the code specifically states that only 2 or 3 family units are permitted. It would be my early position that and as Mr. Martin alludes to there are other definitions within the code that says there is potential for other uses in an R-2 district. If that is the case I think at a minimum we would be looking for a conditional use permit from the ZBA. I do not believe that a use variance would be appropriate it is not listed as a prohibited use. This board right now needs to focus on this concept in front of them and the rest of this stuff will get sorted out down the road. Any positive direction that we can give them whether they get tied up in the moratorium or when they come out of it is how to proceed.

Scott Dehollander: I was the only one who saw the zoning as crystal clear, I will be the first one to admit that is probably in error so relative to our comments in our review letter dated October 1, 2010 please take the last statement regarding variances not being required and strike from our review letter as that appears to be a major concern here. But relative to the plans as a whole we received a very well thought out concept plan and it contained all the technical components of the design criteria. We provided some comments relative to our review that the Planning Board may want to consider in refining this plan as it moves further, specifically some demonstration with turning movements, models for emergency vehicles, garbage trucks and maybe vehicle that are towing trucks would be prudent to obtain from the developers engineer. Additionally it appears as though the sanitary sewer facilities will be a combination of some private and some dedicated components we would just ask for some clarity in regards to those and any other utilities proposed.

Village Engineer read aloud the remainder of his review letter. (File)

Owen McIntee, Electric Superintendent stated that the orientation and the locations of the three buildings provide much flexibility to drop underground services from Big Ridge north into those buildings. There really is no issue with utilities.

Denny Marra asked if there would be lighting on private drive.

Jack Crooks stated that lighting will be required along that road and would like to see same lighting continued throughout the development and would ask the developer to do that.

At this time Chairman Wohlers looked to the Planning Board Members for their comments.

Joseph Slominski questioned why so many garages per unit?

Edmund Martin believes the extra garages were for storing maintenance equipment.

William Rutter: I do like this plan much better than the initial plan and I agree with having the sidewalks installed connecting Big Ridge to the Medical Center.

Craig Byham: I agree with Bill this is a much better laid out plan, Craig asked if the units would be rental or for sale.

Edmund Martin: rental

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Chairman Wohlers agreed with the other members that this lay out was a big improvement from the initial plan.

Chairman Wohlers: Will there be a monument sign eventually out front for Unity?

Edmund Martin: I don't have any details on signage.

Chairman Wohlers: Is all the drainage going to the north?

Edmund Martin: Yes, everything will be captured and taken to the Unity Pond.

At this time the Board had no other comments.

Edmund Martin stated that when they come back they will have details on the comments made this evening.

Approval of Minutes

Motion made by Denny Marra and seconded by Craig Byham to approve the minutes of September 7, 2010 as written.

Adjournment

Motion made by Chairman Wohlers seconded by Joseph Slominski and carried unanimously to adjourn the meeting at 8:10 p.m. to go into workshop session.