

**ARB/Planning Board
Meeting
December 7, 2010**

Present

Chairman Wohlers
Denny Marra
Joseph Slominski
Craig Byham
William Rutter
Alternate Karen Fien

Absent

Others Present

Attorney Richard Olson
Attorney Bridget Field
Village Engineer Scott DeHollander
Building Inspector, Jack Crooks
DPW Superintendent, Thomas West
Trustee Carol Nellis Ewell, Village Board Liaison
Donna Stassen, Planning Board Secretary

Patrick Laber, Schultz Associates
Mark Unvericht, 36 Pinecrest Drive
Mike Lopresti, Ogden Center Dev.
Michael Progno, Spencerport Bowl
Joan Quigley
Attorney Fred Holbrook

At this time Chairman Wohlers led the Pledge of Allegiance.

**3028 Brockport Road
Townhouse Development
Ogden Center Development**

Attorney Holbrook & Patrick Laber will be representing their client Michael Lopresti.

Attorney Holbrook reviewed the resolution dated September 7, 2010 and noted the following:

- That comments from Monroe County DRC have been addressed.
- Easements are shown on current plans.
- The turnaround for emergency vehicles needs a little more development from the engineers.
- Comment #4 is a sticking point for us we don't believe that a road width increase of 5ft is not warranted, this is a road that only serves 10 units. There will be 20 ft. of pavement in between.
- The open space of 25 ft behind each unit is shown on the plans.
- Buffering is shown on plans for privacy for the McAvoy's if the request for a width increase of 5 ft. for the road it will intrude upon that area and limit the ability to put trees in right along the McAvoy line.

The last item from the resolution regarding the pond has been rendered moot because the village and the developer have entered into a purchase contract whereby the developer will buy approximately an acre of the village property where the pond will be placed. That contract is contingent upon the approval by this board for this project as the developer has presented.

Attorney Holbrook: If the board does see fit to approve it than the developer and the village will proceed to close on this parcel. The developer than will become the owner of this one acre parcel of land.

Attorney Holbrook reviewed the letter from Village Engineer Scott DeHollander, referring any technical issues to Pat Laber.

General Utility Plan

Attorney Holbrook doesn't think that Scott DeHollander's comment regarding correspondence with the USACOE is an issue anymore. At one time there was talk of clearing farther north which would have protruded in the area that the ACOE would have jurisdiction on. My understanding is that is not going to happen there is going to be a very tiny part of the parcel like 1/10 of an acre. We really did not want to incur the obligation to have to deal with the ACOE which is a very expensive and lengthy process. My understanding is that the ACOE is not an issue here.

Attorney Holbrook asked Pat Laber to respond to comments #4 & #5 regarding the new water main.

Pat Laber stated that they have addressed those items on new plans which Scott DeHollander has not seen yet.

Mike Lopresti and Tom West agreed upon installing a 8" sewer main behind units #6 - #10 which would connect these units to the new sewer main running to the west end of the property. Tom West has requested an 8 inch main in case of surcharging of the existing main and to protect the townhouses.

Grading/Erosion Control Plan

Attorney Holbrook stated that all items listed in the letter are minor additions and corrections. Pat Laber stated that all those changes have been made on new plans.

Landscaping/Lighting Plan

Attorney Holbrook stated that all lighting will be attached to the buildings.

Engineers Report/SWPPP

These are minor details but they need to be done.

Chairman Wohlers: You have gone down the list and made it very simple but I think we need input now from the Village Engineer.

Attorney Holbrook: The Village Board acted on the real property transfer on October 6, 2010 which is over 2 months ago.

Chairman Wohlers: There are still a few things to go over and I think they have been working back and forth between the engineers.

Thomas West: I spoke to Pat Laber when I got the plans and told him that the Village was not going to accept the lateral straight into the main. Pat came up with a different proposal of having an 8" main so if it did surcharge it would surcharge back to the 8" main. That sanitary 8" main is private anyways it is out of our right of way. I haven't had a chance to talk to the Village Engineer yet about this proposal. I want to make sure that if this did surcharge the houses would be protected.

Scott DeHollander: I think that the surcharge issue is actually resolved the basement elevations have been adjusted.

The configuration of how the laterals are connected to the trunk line is a big concern individual laterals are preferred to enter into a private combining main which is a fairly conventional design. What was proposed was a multi-lateral configuration un-accessible connection, meaning they are connected at clean out as opposed to an assessable manhole which presents problems? Adjusting that component so that the sewer is maintainable is of greater concern than the surcharge issue.

Tom West: That is going to be privately owned and I think that the surcharge part of it is fixed as far as we are concerned. We won't have to go back and clean that main out. I just wanted to make sure that we had enough surcharge in the case of a storm that if the manholes were boiling over it is not going to come back into the town homes.

Tom West: The access road around the pond the plan is showing 10 ft. I would like to see that changed to 12 feet in order to get bigger equipment around it.

The applicant agreed to this request.

Tom West: The hammerhead was made bigger to accommodate our vehicles, but still needs to be reviewed and approved by the Fire Marshall.

Attorney Richard Olson: Prior to signing the maps any easements need to be recorded, other than that I want to make sure that the screening is provided to the neighbors to the east.

Building Inspector Jack Crooks: If the Village Engineer and others are satisfied with the changes proposed by the applicant, this can be approved contingent on satisfying the highway superintendent, Village Attorney, Village Engineer concerns. If they aren't then the plan doesn't get signed.

Attorney Holbrook agreed with Jack Crooks recommendation,

Jack Crooks: Not only do we want easements recorded we want Liber and Page noted on the plans.

Scott DeHollander: There was a lengthy letter but it wasn't intended to create any sort of obstacle for the planning board, rather it was a detailed review moving toward final. Some were carry over comments I am generally satisfied with the plans. But the comments that require other agency's co-ordination specifically the ACOE permit doesn't mean to be an obstacle to the applicant. But I would encourage that any conditional approvals we make ask for verification that a permit from the ACOE is not required.

The second agency is the MCWA if they accept the water main size and the flow modeling that has been done we wont obstruct that or make additional comments to it. But there is a component and we hope that the developers engineer will provide documentation relative to whether a master meter or an RPZ is required at the point of connection. In private developments like this the MCWA is rather particular around requiring that and at this point both the applications to MCWA acknowledge that wouldn't be provided and I find this to be a bit non typical in my opinion and I would just request that we are provided some verification from the MCWA that in fact that is what they are anticipating an un-metered unprotected connection.

As a cost saving comment there exists a crossing under Brockport Road and the potential to use that crossing for the purpose of extending the domestic service into the project seems from an outside perspective a feasible one. I hope the developers engineer would follow up with that certainly that would eliminate a road crossing which is something we are always interested in doing.

Pat Laber: We already checked that and MCWA denied it.

Scott DeHollander: Just those 2 agency co-ordination components and I would be comfortable in making those conditional of this approval also.

William Rutter: We certainly need to make sure that the concerns are addressed the changes that have been made in response to some of our questions have been very well done.

Craig Byham asked why the sidewalk request has not been shown on the plans.

Attorney Holbrook: The drive is 20 ft wide at the most with 10 units there might be 20 adults and maybe a few children walking in this area. This is a very small development and the HOA would have to pay for sidewalks and maintenance we don't feel this is an additional cost they would be willing to incur. They would also be liable if someone got hurt.

Mike Lopresti: You're asking a private developer to incur sidewalk costs, if I polled the people there and asked if they wanted to pay for sidewalks or walk down the edge of the street I am sure they would rather walk on the street. We need to look at the needs of the people living there and the cost associated with that. We are already making the private drive wider than it needs to be. I agreed to look into it I didn't agree to do it.

When we talked it sounded like a good idea when you put all the pieces together and your trying to create a buffer for the neighbor who has a warranted concern and you try to put it all into perspective with the additional maintenance costs it all adds up and will be passed on to the HOA.

Chairman Wohlers: Will the 20 ft driveway with a 35 ft radius be enough to make that corner?

Scott DeHollander: We really want to look at the design vehicle either an emergency vehicle like a large fire truck or the village garbage truck. If the wheels go off the pavement that would be an area that we would require the width be increased. We don't want to create another emergency by having an emergency vehicle stuck because it couldn't get through the geometry of the road. That is an element that needs to be further considered and would recommend this as a condition of the approval.

Scott DeHollander: Can we talk just a little more about the trail? I am hearing two significant issues the walk ability issue and access. Maybe we should be looking at some sort of gravel shoulder or improved surface but something that would lend itself to a non regular maintenance schedule adjacent to the edge of the pavement as a compromise this wouldn't require special delineation it would just be stoned up. Also serve a structural purpose if we get into a situation where some of the larger vehicles cant maneuver around through the tight geometry.

Patrick Laber: We would have to check with MCWA that would be an improvement in their easement.

Scott DeHollander: I can't imagine there would be a problem that is not impervious right there.

Patrick Laber: The 20 ft driveway with the 35 ft radius is 35/55 on the outside and than 40 on the turnaround with an area back by the turn around that could be used for future parking. Just want to make sure you know there is room reserved for 6 more spaces back by the turnaround.

Jack Crooks: The new storm water regulations are promoting natural runoff vs. piping for ground water runoff this is where the filtration really happens.

Tom West: With these new regulations they are looking to bring the water tables back up.

Craig Byham: Will the water pressure in village be affected by this site?

Patrick Laber: No, with the improvements made a couple years ago and this only being 10 units there won't be any problems with pressure. Data has been submitted to the MCWA and Scott DeHollander.

Craig Byham: The only other comment I have is that I still struggle with the density we talked about reducing the project to 9 units.

Attorney Olson: We did bump it around the corner by adding an acre.

Joseph Slominski asked Patrick Laber to elaborate on the 6 parking spaces mentioned before.

Patrick Laber: I believe the way we are showing it now it would be on an as per needed basis, parking on a private drive can tend to be a problem this would be a reserved area.

Mike Lopresti: We will probably put the base in when we do the road and decide if we need the extra spaces or not.

After discussion the board stated they would like to see the extra parking spaces.

Denny Marra stated that a buffer needs to be installed for the neighbors.

Chairman Wohlers requested that the applicant contact Electric Superintendent Owen McIntee regarding installation of street lighting.

Craig Byham: These units will be townhouses?

Attorney Richard Olson: Yes.

After further board discussion the following resolutions were offered.

Resolution 12/10
December 7, 2010

Introduced by Chairman Wohlers
Seconded by Craig Byham

Resolved that the Village of Spencerport Planning Board has determined that the application of Ogden Center Development for a proposed 10 unit townhouse located on property at 3028 Brockport Road, Spencerport as shown on site plans prepared by Schultz Associates, dated August 17, 2010 with revisions dated November 12, 2010 is deemed an unlisted action.

Furthermore the Planning Board has accepted and completed the Short AEF and finds that the action will not result in any significant adverse environmental impact.

Ayes: Wohlers, Marra, Byham, Slominski, Rutter

Nays: none

**Resolution No 12/10/a
December 7, 2010**

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

Resolved that the application of Ogden Center Development for a proposed 10 unit townhouse located on property at 3028 Brockport Road, Spencerport as shown on site plans prepared by Schultz Associates, dated August 17, 2010 with revisions dated November 12, 2010 is granted conditional preliminary and conditional final approval contingent on the following items:

1. All comments from Village Engineer Scott DeHollander letter dated December 6, 2010 to be addressed and noted on revised site plan.
2. All comments from Village Attorney Richard Olson's letter dated December 8, 2010 to be addressed and noted on revised site plan.
3. All comments from DPW Superintendent Thomas West's letter dated December 8, 2010 to be addressed and noted on revised site plan.
4. Planning Board requests that the following changes be shown on revised site plan.
 - Adequate buffering for privacy to neighbors to the east.
 - Adequate street lighting installed per Electric Superintendent Owen McIntee's recommendation.
 - Agreed upon gravel shoulder installed along east side of pavement in place of sidewalks.
 - Confirmation that such proposed development falls within the threshold of disturbance and does not need USACOE review.
5. Per Fire Marshall McKinney's recommendation hammerhead should not be less than 60 ft. per leg pursuant to NYS Building Code, Appendix D of the Fire Code.

Ayes: Wohlers, Marra, Byham, Slominski, Rutter

Nays: none

**Concept Review
115 Clark Street**

Mike LoPresti, Ogden Rentals Inc. presented to the Planning Board conceptual plans to convert existing building located at 115 Clark Street into 6 rental townhouse units.

Mike Lopresti: I am here tonight for concept review I want to emphasize concept because there is not a lot of detail on these plans. I just received a letter from Jack with a few things on it that I will have to go through. I am here tonight to basically give you an overview of the project.

This is the old Marcin Heating building on Clark Street as part of this project the idea is to make these townhouse units for rent, right now the basement elevation is exposed on the westside we are proposing to fill that and put a garage up to get some of the cars off the road and onsite.

According to Jack Crooks we are required to have two spots for each unit we show on the drawing 12 spots if you count 4 inside the garage.

Mike Lopresti: In reading Jack Crooks letter with the addition of the garage we would be required to obtain variances from the Zoning Board of Appeals. Garages are attractive to tenants so we would like to do that.

Attorney Olson: Chapter 140-15 of the code states that an application shall be made to the Zoning Board of Appeals for approval of any remodeling or construction of any types of dwellings in residential districts other than single family. The Zoning Board of Appeals refers it back to the Planning Board for its consideration and recommendation.

Attorney Olson stated that online the code numbers have changed from 140 to 340.

Mike Lopresti: This is a very preliminary design of the building.

Denny Marra: Where do you propose the snow will be plowed?

Mike Lopresti: We haven't really decided there is some room at the dead end.

Tom West: We take all of our snow on Clark Street and push it to the end.

Craig Byham: Is there a full basement underneath?

Mike Lopresti: Yes

Craig Byham: Will you be using it for storage?

Mike Lopresti: When we do final plans we will show individual basements for each unit.

Jack Crooks: I went and looked at the property with Fire Marshall Jim McKinney I am a little concerned when we start having the parking areas the way they are. There is no way you are going to bring a fire truck up and get it on the north side of the building I don't believe. They can come through West Ave this is not ideal. The way the fire code is written you need access from two sides to protect the building. Jim spent only a minimal amount of time there today. I want to make sure we are secure there.

As Attorney Olson explained this is a really strange process; this application ultimately starts with the Zoning Board not with the Planning Board. Then the code says from there it is referred to the Planning Board for your review and recommendation or lack thereof. Then it goes back to the Zoning Board and based on your recommendation the zoning board would have the final decision.

Jack Crooks: Our code also talks about having reasonable turning radius as we get to the west side the last car parked in front of the garage really only has about 15 ft from the required 20 ft parking space to the back of the radius of that turn it is tight. Mike has some magic to do to work within the boundaries or the zoning board decides that it is worthy of some variances.

Tom West: The other thing we have to be aware of is this is the one way exit from the dance studio. Sometimes there are 50-60 cars and they will be coming out onto Clark Street. It is very important that we make sure the parking is set on the east side of the building.

Mike Lopresti stated that a lot of details still need to be figured out and that he will move forward with the Zoning Board.

Mike Lopresti asked if a site plan would be required for this project.

Tom West stated that a site plan would be required showing details for sanitary sewers.

ARB

Application of CJ's Pub to alter the entrance by adding a proposed vestibule addition on property located at 45 Nichols Street, Spencerport, NY 14559.

This is to certify that the Architectural Review Board has granted a Certificate of Appropriateness to alter the entrance of CJ's Pub and Grill by adding a proposed vestibule addition located at 45 Nichols Street, Spencerport, NY

NOTICE OF DECISION

Such final approval was granted based on the following.

1. Appropriate lighting required at exit door.
2. Lighting to match existing lighting on building.
3. Colors and materials to match existing building.
4. Applicant must apply and receive applicable building permits.
5. Applicant must adhere to all NYS Building Codes.
6. Vestibule must 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 Office for filing.

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

Approval of Minutes

Motion made by Craig Byham seconded by Denny Marra and carried unanimously to approve the November 1, 2010 minutes as written.

Adjournment

Motion made by Chairman Wohlers seconded by Craig Byham and carried unanimously to adjourn the meeting at 8:20 pm.