

**VILLAGE BOARD MEETING**  
**Minutes**  
**June 5, 2013**

**CALL TO ORDER:** 7:00 p.m.

The Pledge of Allegiance was led by Mayor Lobene.

**BOARD MEMBERS PRESENT**

Joyce Lobene, Mayor  
Glenn Granger, Trustee  
Carol J. Nellis-Ewell, Trustee  
Gary Penders, Trustee  
Charles Hopson, Trustee

**BOARD MEMBERS ABSENT**

**OTHERS PRESENT**

Sherie Connors, Maplewood Avenue  
Emily Connors, Maplewood Avenue  
Ray Kuntz, Jr. Coolidge Avenue  
Jeff Krway, Lyell Avenue  
Owen McIntee, Electric Superintendent  
Patrick O'Hara, Big Ridge Road  
Joan Quigley, Maplewood Avenue  
Kris Schultz, Schultz Associates  
Jacqueline Sullivan, Village Clerk  
Tom West, DPW Superintendent  
Bob Vahue

**APPROVAL OF MINUTES**

A motion was made by Trustee Granger, seconded by Trustee Hopson and carried that the minutes of the regular meeting May 1, 2013 be approved as read.

A motion was made by Trustee Granger, seconded by Trustee Nellis-Ewell and carried that the minutes of the workshop meeting May 15, 2013 be approved as read.

**Special Presentation – “An Approach to Union Street Infill” – Emily Connors**  
**PRIVILEGE OF FLOOR**

Mayor Lobene introduced Miss Emily Connors.

Miss Connors indicated that she has graduated from Alfred State with a degree in Architecture and that her senior thesis was entitled “An Approach to Union Street Infill”. Miss Connors continued by describing the design and use of three potential buildings to fill in two of the vacant parcels with multi use environmentally conscious buildings and replacing the corner property on Union Street and west avenue with a movie theatre.

The entire Board agreed that Miss Connors did an excellent job incorporating all aspects of the current buildings in the Village while adding new buildings to the community.

**Administrative Committee** – Mayor Lobene, Chair

Mayor Lobene distributed to the Board the docking rules and open container laws to be published for the dock master, Bill Donahue to distribute to visiting boaters.

Attorney Olson indicated that the docking rules should have exactly what the code reads in section 130-1.

Trustee Nellis-Ewell asked who will be distributing these rules.

Mayor Lobene indicated that the dock master will be distributing the information to boaters.

Trustee Hopson questioned if there were any rules regarding boats tying but to one another.

Attorney Olson indicated that there are not and that practice happens all the time.

Trustee Nellis-Ewell questioned if the Mayor's information will take the place of the signage suggested by Clerk Sullivan

Clerk Sullivan responded that she had talked with the Mayor and signage still needs to be done and it will be in adherence to the insurance regulations.

**Resolution 1 6/2013**

Introduced by: Trustee Granger

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees acknowledges the receipt of the Liquor License application from Edwardo Galan "Rancho Viejo Mexican Restaurant".

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**Resolution 2 6/2013**

Introduced by: Trustee Penders

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees approves the Assembly Permit from Spencerport Canal Days for the annual Canal Days Festival Friday, July 26; 4:00 p.m. – Sunday, July 28, 2013; 8:00 p.m. closing Union Street from West Avenue to Amity Street for the duration of the event.

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**Resolution 3 6/2013**

Introduced by: Mayor Lobene

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees approves the Assembly Permit from Red Knights Motorcycle Club of New York Chapter 22, Patrick O'Hara for the purpose of a motorcycle run fundraiser for the Golisano Burn Center on Sunday, June 23, 2013 to be held at the Spencerport Exempts Club.

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Mr. Patrick O'Hara explained that the event will start and end at the Spencerport Exempts Club and indicated that approximately 100 to 125 motorcycles will be participating in the event. Ogden Police and Special Police have been notified and will be assisting with traffic if necessary.

**Sewers Committee** – Trustee Hopson, Chair

Trustee Hopson indicated that he has met with Superintendent West regarding the sewers and defers further comments to Superintendent West.

**Trolley Depot Report**

Mayor Lobene indicated that the official opening was Sunday, June 2<sup>nd</sup> and was an excellent event including the 4<sup>th</sup> grade essay contest.

**Planning/Zoning/Building Control** – Trustee Nellis-Ewell, Chair

A. Planning

**Resolution 4 6/2013**

Introduced by: Trustee Nellis-Ewell  
Seconded by: Trustee Granger

Be it resolved that the Village of Spencerport Board of Trustees approves Ogden Center Development's Letter of Credit draw #2 for Brockport Road Townhouses in the amount of \$51,268.85.

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**Resolution 5 6/2013**

Introduced by: Trustee Nellis-Ewell  
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees approves the street name of Hidden Trail for the Ogden Center Development's Brockport Road Townhouses project based on approval from the Emergency Communications Department (911).

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Trustee Nellis-Ewell made the below comments:

**Village of Spencerport Architectural Review Board (ARB)/Planning Board (PB)**  
**May 7, 2013**

**Public Hearing**

*Application of Dean Snyder, DVM PE, 516 North Avenue, Hilton, New York, 14468 for site plan approval to construct a new two-story building of +/- 4800 square feet to be used as a veterinary hospital. Such proposed building to be located on property at 370 South Union Street, Spencerport, New York.*

There were no comments from the public.

Dr. Snyder addressed the Planning Board regarding plans for the project on property purchased five or six years ago. Parcel is about ½ acre. No overnight boarding, vacation stays, or crematorium on premises; primarily appointments for routine wellness visits, some emergency treatments and surgery. An area will be in back for staff to exercise/walk animals as needed.

Mr. Eric Schaaf, Marathon Engineering, represented Dr. Snyder. The purpose for appearing was to seek and gain approval for 1) special use permit and 2) final site plan approval. Mr. Schaaf explained that because the parcel is less than one acre, no SWIP (storm water plan) is required.

Mr. Schaaf reviewed architectural drawings; explaining lighting is Dark Sky compliant, with spillage onto the parking lot, as consideration for residential neighbors. The parking lot entrance will be from South Union Street, using the existing curb cut, and replacing the gutter. No sidewalk was proposed; but green infrastructure area with grass swales is proposed.

Comments were made as follows:

Parking spaces – variance for 21. Dr. Snyder added that from experience, 28 spaces would be excessive.  
Parking lot surface will not be top-coarse asphalt (to be cost-conscious)  
Storm sewer location to the south; scope to be defined since it serves other properties  
Monroe County Planning and New York State DOT provided standard feedback

ARB – building appearance will follow Village of Spencerport Design Guidelines consulted by the project architect, with compliant hardiboard siding and color, accented by brick veneer on the front.

Town of Ogden Building Inspector Jack Crooks reminded everyone that the special use permit is the jurisdiction of the Zoning Board of Appeals.

Discussion ensued pertaining to gutter work, easements over sanitary sewer, and storm pipe impact (depending on location).

Mr. Eric Stowe, Village of Spencerport Planning Board Attorney, is to follow up regarding exact details of easement/s. Mr. David Willard, MRB Group, Village of Spencerport Engineer, stated:

- Plan needs to show concrete gutter
- Sewer and water laterals need to be identified
- Silt fence needs to be used according to the sequence of demolition
- RG&E has to determine location of new gas main service
- Cleanouts for sanitary lateral need to be shown

DPW Supt. Tom West included in his comments:

- Gate specifics; size recommended
  - Capping of old sanitary main needs to be detailed on plans
  - Sidewalk for consistency with other area buildings  
(cannot put crossover across Route 259 because of curb sight distance)
- \* All actions subject to Village of Spencerport DPW final inspection

Attorney Stowe stated the ARB must issue a Certificate of Appropriateness for the demolition, and before progressing with new building.

SME Supt. McIntee commented on x-ray unit, furnace room location (to be in 1500 square-foot basement), and dumpster conflicts with existing light pole. Also plans show two kinds of lighting: metal halide and high-pressure sodium (yellow) – not best mix for aesthetics. He suggested using LED lighting, which has become less costly and will pay for itself over time.

Mr. Schaaf said plans should not show two kinds and they will be revised.

Dr. Snyder requested the use of LED's inside and outside for energy efficiency.

Mr. Schaaf to revise as such, and send cut sheets for fixtures as well.

Brief summary of Planning Board comments:

Mr. Marra: One of the best design plans and presentations...

Mr. Rutter: Asked about staff numbers and parking spaces. Dr. Snyder responded full staff is eight who will use eight spaces (those remaining for clients).

Mr. Byham: Asked about coarse-grade asphalt. *Stressed creation of sidewalk to support a walkable community and 2012 Comprehensive Plan.*

Mr. Willard further commented on drainage-filtration; sidewalk interference with New York State right-of-way and northeast corner sign. Sidewalk could be "squeezed", but NYS DOT approval needed.

Mr. Schaaf commented more NYS DOT review could delay the project.

Discussion ensued about sidewalk location with Dr. Snyder preferring west side of property, but Mr. Willard stating it must be on the east side.

DPW Supt. West said the best time to build the sidewalk is at the time of the project, not later. NYS DOT must approve it.

Mr. Marra suggested an on-site meeting with the developer, to arrive at a compromise.

Planning Board Secretary Stassen confirmed the ARB application must be made in the ten-day window.

**Village of Spencerport Code Chapter 340:75, -87 requires approval for demolition.  
Disposition of Application: Tabled until June 4, 2013 ARB/PB meeting**

\* see also Zoning Board of Appeals agenda (following) for applications for variances, special use permit

An on-site meeting occurred May 22, 2013 to determine sidewalk configuration and drainage solution.

**Village of Spencerport Zoning Board of Appeals (ZBA)**  
**May 16, 2013**

**Public Hearing**

*Application of Dean Snyder, DVM PE, 516 North Avenue, Hilton, New York, for the following variances – for the construction of a new two-story building of +/- 4800 square feet located at 370 South Union Street, Spencerport, New York:*

- *A proposed side setback of 20 feet from abutting residential district versus a 40- foot setback pursuant to Chapter 340-23-2-b of the Village of Spencerport Code*
- *A proposed variance for 21 parking spaces versus the 28 parking spaces required pursuant to Chapter 340-29 of the Village of Spencerport Code*
- *A special permit to operate a veterinary hospital in a B-3 district pursuant to Chapter 340-19-B. (9) of the Village of Spencerport Code.*

This update is provided from the excellent notes taken by Administrative Assistant/ARB/PB & ZBA Secretary Stassen.

**Resolution No. 227 – relates to new two-story construction and setback as above**

**Resolution No. 228 – relates to parking spaces as above**

Such variances will not result in a negative impact on the neighborhood

- 1 Nor, will the variances have an adverse environmental impact on the neighborhood
- 2 Request is not deemed substantial
- 3 Situation is not self-created
- 4 Furthermore, such application shall meet all site plan requirements and approvals from the Village of Spencerport Planning Board.

**Resolution No. 229 – relates to special permit for operation as above**

- 1 No boarding will be provided at this facility
- 2 No adoption service will be located at this facility
- 3 No cremations will take place at this facility
- 4 Office hours by appointment only, except for emergency care as required
- 5 Hours of operation to be Monday-Friday 7:30 AM until 9:00 PM; 7:30 AM until 5:00 PM Saturday
- 6 No outside runs other than a walkway for pets on leash with staff

All Resolutions passed unanimously: Chairman Dole, Members Flavin, Kellerson, & Wieme

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Next ZBA meeting would be held June 20, 2013 – if an agenda

Legal Notice published in *Suburban News*

**Village of Spencerport Architectural Review Board (ARB)/Planning Board (PB)**

**June 4, 2013**

**ARB applications**

- 1) LB Nails  
Bao-Tran V  
26 Slayton Avenue, Village Plaza  
Signage (already in place)

**Applicant did not appear**

- 2) Rancho Viejo  
Leon Guillermo  
500 South Union Street  
Signage (already in place)

**Applicant did not appear**

***Disposition 1) & 2): Code Enforcement Officer Kelly to be notified to take appropriate action***

- 3) CJ's Pub and Grill  
Pete Stone appeared for Barbara Gerringer, owner  
45 Nichols Street

Mr. Stone proposed a new sign to replace the existing sign. New sign is to be two-sided, Aluma-lite, colors: dark green, dark red and yellow, just under 20 feet (maximum), unlit, and to be ordered from Natale Signs. The existing goal posts will be used, lowered by 2 feet.

**Disposition: Certificate of Appropriateness issued**

- 4) Dean Snyder, DVM, PE  
370 South Union Street  
New Construction (McKinney Project)

Dr. Snyder advised changes have been made after the May submittal, prior to the ARB application. Following an on-site meeting with Mr. Schaaf/Marathon Engineering, and Dr. Snyder, with Planning Board Chairman Wohlers, Vice-Chairman Byham, Planning Board Liaison Nellis-Ewell, and DPW Supt. West, changes included: trim between the windows in front (from brick); additional trim; boards at the tops of the columns (from all brick); dormers moved up, lessening the look of “too much roof”, and resulting in more natural light.

Dr. Snyder further advised his intention had been to use all brick for historical correctness. Most of the building will appear to be one-story, fitting into the neighborhood, not only now, but with a vision for the future. He emphasized the conditions of the building: it should be safe, clean and present the perception of cleanliness at all times. His setback variance (20 feet to 40 feet) was as a consideration for the safety of clients (the animals), and so that the building would blend, rather than be obtrusive. The number of banked parking spaces for staff, in the rear and on the side, will change, still as approved.

Kim Dwyer, architect, addressed the ARB showing samples of earth-tone cement fiberboard that has the look of cedar shakes and “weathered board” architectural-shingled roofing. Samples of brown, red and mottled brick to complement the roof, and vinyl-clad windows were not shown, but will be provided. The circle window remains as a tribute to Dr. McKinney, long-time Spencerport veterinarian.

Dr. Snyder will call the business Erie Canal Animal Hospital. ARB members Marra, Rutter, and Venezsky as well as Chairman Wohlers and Vice-Chairman Byham had positive comments.

**Disposition: Certificate of Appropriateness issued**

Revised rendering, colors as submitted, etc.

**Planning Board application**

Mr. Schaaf/Marathon Engineering recapped the May Planning Board and Zoning Board of Appeals meetings. He mentioned the May on-site drainage- and sidewalk-related meeting; NYS DOT comments have not yet been received. Based on the plan revisions made as requested, the purpose of this appearance is to obtain final site plan approval.

Building Inspector Jack Crooks stated that the asbestos report is required prior to the demolition plan.

DPW Supt. West said that all conditions on his checklist are complete. He noted the cooperation and thoroughness of the applicant, architect and engineer. He thanked them for their agreement to add the site sidewalk. Sidewalks are part of the Village of Spencerport 2012 Comprehensive and Sidewalk Plans for a healthy, walkable community.

SME Supt. McIntee has reviewed cut sheets for LED lighting. He advised Dr. Snyder that rebates are available and offered his help with the process to obtain them.

Chairman Wohlers led the Planning Board, as the lead agency, through the completion of SEQRA – a short EAF. The result was an unlisted action, negative declaration.

**Disposition: Resolution made, passed unanimously**

Attorney Stowe reminded the Board that a Resolution was needed for the demolition of the building.

**Disposition: Resolution made, passed unanimously**

**Unfinished Business**

Pontillo's Pizza

500 South Union Street

Signage, non-compliant

Previously application to ARB resulted in their request to alter sign, particularly scalloped edges; applicant was reminded of the building theme

**Applicant did not appear**

***Disposition: ARB decided compliance necessary; Code Enforcement Officer Kelly to be notified***

Trustee Nellis-Ewell continued that there were three ARB applications for signage. One application was approved for CJ's Pub located on Nichols Street.

- B. Architectural Review
- C. Zoning
- D. Building Control
- E. Code Review

**Finance Committee** – Trustee Penders, Chair

Trustee Penders reported that there was nothing requiring Board action.

**Facilities Committee** – Trustee Hopson, Chair

- A. Electric

**Resolution 6 6/2013**

Introduced by: Trustee Hopson  
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport hereby approves any Village Board or SME Staff member to attend the MEUA Western Regional Meeting hosted by the Village of Fairport on June 11, 2013 at a cost not to exceed \$50 per person any cost in excess of \$50 will be the responsibility of the Board or SME Staff member.

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**Resolution 7 6/2013**

Introduced by: Trustee Hopson  
Seconded by: Trustee Granger

Be it resolved that the Village of Spencerport Board of Trustees hereby approves any Village Board or staff member to attend the dinner portion of the MEUA Western Regional Meeting at the Green Lantern Inn on June 11, 2013, cost not to exceed \$50.00 per person.

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

- B. Other ( Drainage, Franchise)

**Public Works Committee** – Trustee Granger, Chair

- A. Highways/Garage

Trustee Granger reported that he met with Superintendent West and that all of the concrete pads on the heritage trail have been poured; top soiling continues and amenities will be installed; work continues with the installation of piping in the Village Office Parking lot; milling of various roads, bulk pick up and inter-municipal aid to various surrounding villages.

B. Public Services (Refuse, Recycling, Parks)

**Public Safety Committee** – Trustee Penders, Chair

Trustee Penders commented that he forwarded the ambulance meetings and will be forwarding fire department minutes as meetings occur.

A. Fire Department

B. Police

C. Ambulance

**Human Resources Committee** – Trustee Granger, Chair

Trustee Granger indicated that at the workshop meeting various subject regarding employees hours will be discussed.

**Economic Development Committee** – Mayor Lobene, Chair

Mayor Lobene reported that work continues on the Irish Pub and plans for the Village Plaza continue.

**Green Initiatives** – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell commented she and Superintendent West attended an open house at Suburban Disposal for natural gas fueled garbage trucks and that she would distribute the details of the trucks to the Trustees.

**Village Clerk** – Jacqueline Sullivan

Clerk Sullivan commented that the tax bills are out and that Nora Venezky has completed her internship and did a great job putting together the Walk Thru History brochure. The brochure will be interactive with the website and the pathways to the past program may be reinstalled.

**Superintendent of Public Works** – Thomas M. West

Superintendent West commented that he will be meeting with residents of Pinecrest Drive regarding realigning the street; carnival clean-up will take place and household hazardous waste collection will take place in June in the Village of Hilton.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee commented that there were a few outages during the weekend due to wind and that the new switch has been installed at the substation and final calibration is taking place and planning is will be taking place to replace the other switch next year.

**Attorney** – Richard J. Olson

Attorney Olson requested executive session to discuss legal matters.

Attorney Olson reviewed proposed Local Law 1/2013 indicating that enacting this local law would increase the Veterans Exemptions to the minimum state levels.

**Resolution 8 6/2013**

Introduced by: Trustee Hopson

Seconded by:

**INTRODUCTORY LOCAL LAW #1-2013  
VILLAGE OF SPENCERPORT, MONROE COUNTY**

**A LOCAL LAW TO INCREASE VETERANS TAX EXEMPTIONS FOR REAL PROPERTY**

**WHEREAS**, the Village Board has before it a proposed Local Law to revise Chapter 235 of the Village Code “Taxation” with respect to property tax exemptions for veterans; and



**WHEREAS**, in order to consider said change, the Village Board of the Village of Spencerport is required to hold and conduct a public hearing thereon;

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the Village Board of the Village of Spencerport shall hold and conduct a Public Hearing on the 10<sup>th</sup> day of July, 2013, at 7:00 p.m. at the Village Hall, 27 West Avenue, Village of Spencerport, New York, 14559 to consider to the attached Local Law; at which Public Hearing all interested persons will be heard concerning the subject matter thereof.

**SECTION 2.** That the Village Clerk shall cause due notice of such public hearing to be published as required by law.

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**Unfinished Business**

**New Business**

Trustee Nellis-Ewell acknowledged Maryellen Christ, Andriy Lukomsky, Nicole Picardo and Salvatore Rivoli as inductees to the 2013 Dennis Pelletier Youth Hall of Fame.

Trustee Granger inquired as to the future of the two abutments remaining from the CSX Bridge.

Mayor Lobene indicated that landscaping will be done up top.

Trustee Granger indicated that will any kind of mural be painted on the abutments.

It was decided that a small committee would be put together to determine the décor of the abutments.

Trustee Hopson indicated that bids were accepted for the construction of Boucher Lodge at Pineway Park.

**Bills**

Motion was made by Mayor Lobene, seconded by Trustee Hopson and carried unanimously that the monthly bills be paid as audited in the following amounts:

General Fund	\$ 9,721.76
Electric Fund	\$ 10,710.92
Sewer Fund	\$ 3,269.39
Trust Fund	\$ 154.72
Capital Fund	\$
<b>TOTAL:</b>	<b>\$ 25,633.82</b>

Motion was made by Mayor Lobene, seconded by Trustee Granger and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, June 2013 be approved as audited.

**Adjournment**

**Resolution 9 6/2013**

Introduced by: Mayor Lobene  
Seconded by: Trustee Granger

Whereas, Section 108(3) of the Public Officers Law exempts “any matter made confidential by federal or state law” as being exempt from the provisions of the Open Meetings Law; and  
Whereas, Section 4503 of the New York State Civil Practice Law and Rules provides for confidential and privileged communications between an attorney and his client in the course of professional employment; and  
Whereas, the Village Attorney has requested the opportunity to discuss legal matters with his client, the Village Board of Trustees

Now, therefore, be it resolved

That the Village Board enter into a private session at 8:24 p.m. with its attorney to discuss legal matters and that in addition to the Village Board of Trustees and the Attorney the following individuals shall be included:

1. Village Clerk
2. DPW Superintendent

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

A motion was made by Trustee Granger, seconded by Trustee Hopson and carried that the executive session be adjourned to the regular meeting at 8:53 p.m.

A motion was made by Trustee Hopson, seconded by Trustee Granger and carried that the regular meeting be adjourned at 8:54 p.m.