

**Planning Board Meeting
October 5, 2004**

Present

Chairman Robert Garlick
Denny Marra
Ronald Muraco
Jackie Sullivan

Absent

Carol Nellis Ewell
Joseph Slominski

Others Present

Donna Stassen, Planning Board Secretary
Attorney Keith O'Toole

Michael Lindner
Kerri Slominski
Dave Matt

44 Luther Jacobs Way
218 Hilltop Lane
Schultz Associates

Public Hearing

The application of Michael Lindner, 47 Luther Jacobs Way to relocate the center property line between 47 & 49 Luther Jacobs Way.

Mr. Lindner stated to the board that he owns both 47 & 49 Luther Jacobs Way. He is an avid gardener and wishes to contain his garden on 47 Luther Jacobs Way.

Denny Marra: If in the future the vacant lot were developed, both lots still conform to size regulations per village code.

Resolution No 10/5/04

**Introduced by Ronald Muraco
Seconded by Denny Marra**

Resolved, that the Village of Spencerport Planning Board has determined that the re-subdivision of Lots AR-8 & RAAA-43 application at 47 & 49 Luther Jacobs Way as shown on plans prepared by Schultz Associates, 4 West Ave and dated August 12, 2004 is an Unlisted Action. Furthermore, the Board has accepted and completed the Short Environmental Assessment Form and finds that the action will not result in any significant environmental impact.

Ayes: Garlick, Marra, Muraco, Sullivan
Nays: none

Resolution No 10/5/04

**Introduced by Jackie Sullivan
Seconded by Ronald Muraco**

Resolved, that the Village of Spencerport Planning Board grants final subdivision approval for lots AR-8 & RAAA-43 located at 47&49 Luther Jacobs Way as shown on plans prepared by Schultz Associates, 4 West Ave and dated August 12, 2004.

Ayes: Garlick, Marra, Muraco, Sullivan
Nays: none

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Unfinished Business:

The application for the Unvericht Sub-Division remains tabled.

The tabled application of the Wydra application located at 86 Amity Street.

7:05 Public Hearing re-opened.

Mr. Matt stated that this application has gone in front of the Zoning Board and received the necessary variances. Such variances noted on the revised plan dated 9/17/04.

Chairman Garlick: Are there any other changes or modifications on the plans?

Mr. Matt: No, I am still working with Tom West to get all the easements taken care of for the storm sewer to the north-west. The plan is to get an easement over it and have the Village of Spencerport take it over.

Chairman Garlick: Are we talking the entire length of the system? Chairman Garlick pointed out that based on this map here this will run from the NW corner of the proposed lot and ends up over at the canal. The main goes through the Plucknette's property continues through the Britton's and the Neri property.

Chairman Garlick: Based on your original submission, Village Engineers from MRB had issues with storm drainage. I think that has been resolved with the institution of the easement. Other issues noted in the report were addressed satisfactorily on the plans dated 9/17/04.

Comments from Building Inspector Jack Crooks were addressed satisfactorily on such plans.

Chairman Garlick asked Attorney O'Toole for clarification on an issue brought up by Attorney Richard Olson from the last meeting in regards to Road Agreements as referenced on attached map.

Attorney O'Toole: I think what he is looking for is a road deed rather than a construction easement or access easement; he would like to see the road deeded to the Village.

There is a question of who owns that property.

Denny Marra: When Tom West was asked if there was a problem with snow storage, he said, "No that is where they stored the snow" I just assumed that was Village property.

Dave Matt: I made that assumption myself.

Attorney O'Toole: It wouldn't be inappropriate for the developer to run the title and find out who owns it. The problem with some of the older village roads is that some of them were taken as a matter of prescription there may not even be a deed. If that is the case maybe the way to go would be to have the surrounding property owners sign a quit claim to the village.

Chairman Garlick: How would we handle that?

Attorney O'Toole: The developer's attorney would handle that.

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Denny Marra stated his concerns in regards to the developer incurring the cost of repairs to the storm drainage. There have been numerous inquiries in regards to the drainage problems on Ballard Ave. He does not feel that the applicant should have to pay for the repairs to the pipe found in the backyard of the Plucknette property.

Attorney O'Toole: The issue is if that drainage is needed for that lot to be developed someone is going to pay for it and it isn't going to be the Village.

Denny Marra: In all fairness, we have had two meetings with the residents on Ballard Ave and there have only been rhetorical conversations back and forth and nothing has been done.

Attorney O'Toole: Other developers have done what it takes to make the drainage work in that area.

Denny Marra: How far does this developer have to go?

Attorney O'Toole: If this developer does not want to use that storm sewer they don't have to. However, if that is the case they are going to have to pare back their development plans because they don't have the drainage.

Denny Marra: Are we to expect this developer to take this from his lot to the canal., What is the cost behind the fix, who determines how this is going to be fixed.

Attorney O'Toole: It is always the developer.

Chairman Garlick: If I owned the Reed property, and the system as it currently sits is fine. The Village of Spencerport does not own it at this time. Now a house is built and now all of a sudden this development is putting more water into the system, and now there is a lot more water on my property. I would expect the developer to fix it.

Chairman Garlick: Was any dye testing done on the pipe?

Dave Matt: No, it is my understanding that the break occurred when the school was putting in a water line. That is where the problem started.

Attorney O'Toole: It will be up to the developer's attorney to obtain the easements; they can contact me for the forms.

Denny Marra: Will this continue through the Plucknette's property across Canalside Drive right to the outlet?

Attorney O'toole: Yes.

Dave Matt: If restoring the pipe and obtaining all the easements proves to be too costly, the amount of extra flow being developed by this property is actually less than what the Reid property (49 Clark St.) had. I could design the same thing as the Reid Sub-Division had, put the rock land swale in the back.

Chairman Garlick: I think that the village should pursue the easements.

Donna Stassen: Superintendent Tom West asked to have it put in the record that his desire is to obtain the easements.

Attorney O'Toole: Frankly, I believe that the easements would be cheaper, and it would certainly be a better solution since we know the pipe exists. As far as the storm sewer goes they know which properties are involved, they just need to knock on the neighbor's doors and ask if they would sign the easement. Unless the board prefers the rock land swales as an alternative.

Dave Matt asked for Final approval contingent upon obtaining easements for the drainage and the road.

Chairman Garlick: If you are going to proceed the way we have outlined, yes we could grant final approval.

Denny Marra: Just for clarification, are we asking the village or the developer to knock on the doors for the signatures?

Attorney O'Toole: The developer.

Denny Marra: I think it would be best if both the developer and the village went door to door.

Dave Matt: Tom West has already said he would go door to door along with the developer.

Public Hearing was closed at 7:30 p.m.

After board discussion, the following resolution was offered.

Resolution No 10/5/04 a

**Introduced by Jackie Sullivan
Seconded by Chairman Garlick**

Resolved that the Village of Spencerport Planning Board has determined that the Wydra Subdivision & Site Plan application at 86 Amity Street prepared by Schultz Associates, 4 West Ave, Spencerport, NY dated 6/29/04 and revised 8/3/04, 8/9/04 and 9/17/04 is an Unlisted Action. Furthermore, the Board has accepted and completed the Short Environmental Assessment Form and finds that the action will not result in any significant adverse environmental impact.

Ayes: Garlick, Marra, Muraco, Sullivan

Nays: none

Resolution No 10/5/04 a

Resolved that the Village of Spencerport Planning Board has determined that the Wydra Subdivision & Site Plan application for 86 Amity Street plans prepared by Schultz Associates, 4 West Ave, Spencerport, NY dated 6/29/04 and revised 8/3/04, 8/9/04 and 9/17/04 is approved contingent upon the following items:

1. Locations of easements are to be graphically shown on drawings.
2. Developers Attorney is to acquire easements for the storm sewer.
3. Drainage upgrades running to Barge Canal overflow structure (weir), shall be investigated all repairs to be shown on drawings.

4. Developers Attorney is to research ownership of road and obtain a deed of dedication from present property owners to the Village of Spencerport.

Ayes: Garlick, Marra, Muraco, Sullivan
Nays: none

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Approval of Minutes

Motion made by Chairman Garlick seconded by Denny Marra and carried unanimously to approve the September 7, 2004 minutes as read.

Adjournment

Motion made by Ron Muraco seconded by Jackie Sullivan and carried unanimously to adjourn the meeting at 7:45 p.m.

