Planning Board Meeting
March 1, 2011

Present

Chairman Wohlers
Denny Marra
William Rutter
Karen Fien

Attorney Bridget Field
Building Inspector Jack Crooks
Village Engineer Scott DeHollander
DPW Superintendent Tom West
Electric Superintendent Owen McIntee
Planning Board Secretary Donna Stassen

Others Present

Carol Nellis Ewell, Village Board Liaison
Fritz Gunther
Joan Quigley
Ed Martin
Mike Lopresti
Richard Stowe
Mark Unvericht
Dale Kellerson
Dan Visca

Absent

Joseph Slominski
Craig Byham

At this time Chairman Wohlers led the Pledge of Allegiance.

Big Ridge Holdings

ParkView Apartments

Ed Martin engineer for the project stated that when they appeared in front of this board back in the fall of 2010 they were very close to approval but had to wait for the moratorium in place and the Village Board exempted this project from such. A new code was adopted in January 2011 and developed these new plans in front of you. In our perspective new plans are in conformance with this new code. We are now proposing 20 new units vs. 12 units before. There are some unique characteristics to this project that were the same as before but now it puts a little more of a critical role in particular on the house at the southwest corner of the subject property right now it is 3 family house based on new zoning the farm house will need to be converted into a 2 family house and that is the proposal.

Ed Martin also stated the following:

- The water supply connections and the waste water disposal connections remain the same at the south end of Landry Way.
- We propose sidewalks across the entire frontage of the property.
- We provide parking for the 20 new units as per the new code which requires four parking spaces per unit.
- The Village Engineer made a recommendation to close off the driveway to the existing house. It is our proposal to maintain that driveway if this board finds it necessary for us to remove that we would have to add additional parking spaces to meet the code for those two units within that house.
- New storm water management regulations that the DEC has put out are referenced in MRB's letter. In particular they are described as green infrastructure to treat storm water management more at the source. From an engineers standpoint you will see a lot more of infiltration on site creating rain gardens, bio swales things of that nature.
- You may recall the Unity Health project that we did a couple of years ago; that pond was designed to accommodate this site at full development. The regulations did change; the new part is the screen infrastructure what we propose at the preliminary and final site plan stage is to install bio swales along the north edge of the parking lot. Those would be sized in accordance with new regulations.
- Removed attached garages from building and propose two stand alone garages to screen houses from Big Ridge and 259.
- Proposed landscaping throughout the site a combination of Serbian Spruces and Crimson King Maples along Big Ridge Road.
- Village Engineer Scott Dehollander: Some comments are a carryover from our review with earlier plan with fewer units. Scott highlighted the following comments.
- Show turning movements for both emergency and refuse trucks.
- Detailed drawings showing if there is a need for RPZ back flow devices commonly required for this type of development.
- Most significantly comment #3 could potentially change the configuration of the development the new storm water regulations are significant and in addition to the bio swales and bio retention tools that Ed Martin mentioned they specifically talk to density and the volume of imperviousness on the site. It will be interesting to see what type of solution the design engineer comes up with to comply. New regulations appear to be quite a challenge when applying to high density.

Provisions for directing storm water from this site to the regional detention pond are provided in future submissions as well with sizing calculations.

- Parking lot lighting and landscaping plans are provided with future submissions, including a comprehensive photometric plan that would be helpful in measuring the projects impact on the adjacent residential neighborhood relative to light spillage and screening.

- The layout for the 4 &5 car garage configuration located at the west end of the project could provide some vehicle conflicts and that layout should be looked at.

- Building for the most part maintain a 30 ft separation with the exception of the garage structures in the case of the 5 car garage and the western 4 unit building there is only a 5ft separation and the board may want to consider making that more consistent with the separation that exists throughout the rest of the project.

- Comment #8 talks about screening the project along the west and east property lines between the project and the existing two residences. This a requirement as per zoning code, there is some screening provided by landscaping. This board may request additional art scape features i.e. berms or size of landscaping to be installed,

- A sidewalk along Landry Way connecting this development to the medical center.

- The plan was not clear on whether the future 2 family unit will utilize the existing driveway or whether other parking provisions will be provided this is not shown on the plans and needs to be identified. Depending on what happens with that parking lot there does seem to be a shortage of 4 parking spaces.

DPW Superintendent Tom West: As Scott DeHollander mentioned the new SWWP is very new and we will need to work together on these new regulations. Working together we can work out where the bio swales will be located.

I agree with Scott regarding the sidewalk going back to the medical center and would like to see that happen. I see the refuse container addressed on the plans but not recycling.

Ed Martin: I suspect that the garage units will have room for totes, we will provide those details.

Tom West: We don't provide dumpsters for recycling how will you address that situation? We use the blue bins.

Ed Martin: Other municipalities have an enclosed structure where they can drop off the blue boxes in one centralized location.

Chairman Wohlers: Will an easement be needed to enter Landry Way, is that a private drive?

Ed Martin: It is a private road there are easements filed to Spencerport sewer, Ogden DPW and MCWA. If this board finds it necessary to add easements we can certainly talk to those property owners.

Chairman Wohlers deferred the question to Planning Board Attorney Field.

Attorney Field: I would certainly like to consult with Attorney Olson, I am new to this project but it sounds like something that would be necessary.

Building Inspector Crooks stated that there are firewall protection separation requirements between units 30 ft works between the buildings. Will need a specific design for those garages to meet the fire protection code; 10 ft, would be typical

Electric Superintendent McIntee: The plan promotes a lot of flexibility with the utility design. Just a note we would require that all buildings have gas heat. In relationship to the sidewalk if we take the first unit east of Landry Way there is an overhead pole right opposite the sidewalk there is about a 12 ft lead on a down guy anchor to the north of that pole and than there is one opposite the second unit west of Landry Way. As you look at your sidewalk detail we will have to make considerations for those leads.

Denny Marra: I would like to see the sidewalk and how this would tie into the overall project. Also, is there going to be a monument sign on Landry Way listing Unity Health?

Ed Martin: There is a chance for it as the project develops.

Building Inspector Crooks: We have been approached for a monument sign at Big Ridge and Landry Way identifying Unity Health buildings.

Karen Fien: I do question this garage on #5 could the garage be connected? I like the landscaping plans and would like to see the sidewalk also.

William Rutter: Could you reduce the 5 car garage to a 4 car garage to make up the room there?

Ed Martin: It would be false of me at this stage to say they know exactly how many units will be sold but they have identified a desire for some of these units to have an enclosed garage and have asked me to maximize the number of enclosed units. That and the combination of the new parking requirements.

William Rutter: You are trying to maximize what you can as far as the garage spaces.

Ed Martin: Yes.

William Rutter: I like the layout and I support the sidewalk as well.

Chairman Wohlers: Will some of these units be sold?

Ed Martin: No, I am under the impression they will all be rented.

Chairman Wohlers: What is the existing grade there now? Mr. DeHollander mentioned a significant increase in the first floor level compared to existing grade.

Ed Martin: Well that depends on where you look, the existing grade is 495-496 within reason and we are committed to providing earthwork calculations. Should fill be required we will designate where it comes from we suspect it will come from the property to the north.

Chairman Wohlers: I don't want to see a four foot grade coming off the parking lot into the units; making it steep and hazardous in the winter time.

I would like to see the driveway eliminated opposite from Bowery Street this could be dangerous when schools let out.

Ed Martin: If we could provide a turnaround would that be acceptable?

Chairman Wohlers: We would have to see that, I don't like the idea of cars backing out of that driveway.

Building Inspector Crooks: Backing out of a driveway is a violation of vehicle traffic law. You would have to have a turnaround.

Chairman Wohlers: It would be nice if you could eliminate the driveway if not we will take a look at a turnaround. The idea of more landscaping has been mentioned and would like to see landscaping at both the east and west property lines.

Chairman Wohlers stated that they wait to find out if any easements are required on Landry Way.

Chairman Wohlers I liked the plan better back in September but the village changed the code and you are taking advantage of it. The units are nice looking.

Ed Martin: The new Storm water regulations are extremely challenging we are getting our arms around it. And one of the things that they talk about is ways to reduce the amount of impervious surfaces on the site some of the ideas that the DEC throws out is going to multi story. We are already sort of there going with a two story building it is really not feasible going to a three story building or higher thereby reducing the footprint of the building but one of the areas we can look at is the number of parking spaces required. There are 4 parking spaces required per each unit which really increases the amount of impervious surface. If nothing else I am going to throw it out there as a matter of public record so that when I do my report for the DEC it will say that we requested reduced parking and if you say no that is your prerogative and no harm no foul but at least we have made that effort to reduce the amount of impervious surfaces.

Scott DeHollander: Perhaps if the board felt that the number of parking spaces was important we could look at certain areas of the parking lot for use of impervious materials instead of reducing parking spots.

Ed Martin: I heard it loud and clear about the sidewalk I will discuss this with my client.

Ed Martin was advised to proceed with preliminary plan per comments heard this evening.

Ogden Center Development

115 Clark Street

Chairman Wohlers: The application for Village Station located at 115 Clark Street has been sent to us for review and a referral back to the Zoning Board of Appeals. The board has a 45 day turnaround timeline to notify the Zoning Board of Appeals that the Planning Board recommends approval, approval with modifications or conditions or disapproval.

Chairman Wohlers stated that this is a public meeting and not a public hearing. Any comments can be heard at the next Zoning Board meeting the ZBA public hearing remained open.

Mike Lopresti: Back on December 7, 2010 we were here looking for your comments, and presented the revised plans to the ZBA. As part of the presentation we took the comments that you had made at that meeting and revised the plans that you have in front of you. As you stated we are here for your input and recommendation back to the Zoning Board.

Mike Lopresti: We have a letter from the village engineer we had our engineer look at his comments and he believes that everything is minor in nature. If you would like to we can go through those comments together

Chairman Wohlers: I don't think that the comments are minor there are some pretty major items because of the lot coverage that needs to be addressed.

Mike Lopresti: What item are you referring to?

Chairman Wohlers: Minimum lot size 21,000 sq feet required the setbacks are substantial.

Mike LoPresti: Keep in mind this is an existing bldg, the coverage is not as significant as it sounds we are adding garages on top of blacktop/gravel. The impervious surface will not be much different than what is there now.

Chairman Wohlers: I understand you are working with a preexisting building I would like to hear from Village Engineer Scott DeHollander.

Scott DeHollander: A 50 ft rear setback is required not 40 ft. as my letter states, there are 4 variances being sought. The following are site issues that the Planning Board may have concerns with:

- This is a very tight site and we ask that the applicant s engineer provide diagrams to demonstrate that there is adequate clearance for cars to maneuver on this site in particular emergency vehicles along with maintenance trucks for landscaping etc.
- We also asked for details on dumpster placement on the plans and or totes.
- We noted that there are 4 large trees that will be removed and the landscaping shown on plans provides for 1 tree and the specifications are not provided.
- The plan also proposes to utilize the buildings existing 4 inch lateral and our recommendation is that the lateral be replaced with a 6 inch diameter pipe that is consistent with multi family use and that the applicants engineer may also want to consider reconfiguring the lateral such that it will provide for maintenance of individual cleanouts provided in front of the building.
- The village manhole will also need to be reworked to provide a "flow through" invert and bench.
- Those comments were originated from conversations with Tom West.
- The project will likely require an RPZ unit the plans don't show the intention or the layout of where it will be located.
- List of items from letter dated February 28, 2011. (file)

Scott DeHollander: We received the ZBA minutes noting extensive concerns regarding the asphalt driveway which cuts through Hotchkiss's property and extends to West Ave. Their concerns involving two-way traffic are prudent concerns that need to be looked at.

Mike Lopresti: If you would like I can respond to a lot of those comments.

Chairman Wohlers stated that those comments need to be addressed and noted by his engineer on future plans.

Tom West: The storm sewer is brand new but I need to meet with the applicants engineer to go over the flow calculations.

Tom West: Where are the refuse and recycling picked up?

Mike Lopresti: I plan on using residential containers and not dumpsters, the garage will be used for 4 of them and there is a basement if required. We can have them put out at a designated spot on Clark St. the day of pickup. I wasn't expecting your vehicles to have to pull in and maneuver the driveway.

Tom West: I would like a designated area for toters and blue boxes.

Attorney Bridget Field: I would just like to remind this board that at this point this board is making a recommendation it can be yes , no, or yes with recommendations.

Building Inspector Jack Crooks: Following the Zoning Board Meeting I spoke to the Fire Marshall regarding the potential of gating that cross access easement driveway going out to West Ave, we asked if we gated this would it preclude the fire dept from getting in and they answered no. They would use bolt cutters, heat whatever they need to cut through and this would help answer some of the comments from the neighbors.

The other thing that has been talked about and I need to bring up is this building is preexisting the setbacks are there and are what he has to work with there is not a lot you can do with. Where the big area variance comes up is the amount of square footage for the lot size for each unit, if there were only three units than we would need 10,500 sq feet we have 10, 600 square feet. Some of the parking and turning problems would go away if there were 4 units on the bottom floor rather than 6 units. Looking at this from a developer standpoint their goal is to get as much dollar return as they possibly can. We are talking about doubling what the code requires by going to six units. That is really the one variance that sticks with me as being a self created situation versus dealing with a building that is already there.

Mike Lopresti: Prior to my design this was an active commercial business with delivery of sheet metal by tractor trailers and several vans a day. The maneuver ability of these vehicles has been done in this same space, the building stays the same way. If we were to eliminate the garage we would be able to eliminate a lot of concerns as well. It is ultimately what works.

Mike Lopresti; Neighbors were concerned more about lower income housing; the comments were driven by another property close to this property which is a lower income rental. While it is easy to say reduce the density with reducing the density the cost goes up and what we are trying to put into the building to draw higher end tenants. The feeling I got from the neighbors that whether there are 4 or 6 units is not the issue the issue in talking with the neighbors at the meeting and after the meeting they don't want riffraff living in the neighborhood.

The issues with the access road; this has been an access to this building long before you or I were here. That access was designed for the use of this building.

Jack Crooks: I acknowledged at this meeting the nice job that you do on your property this is preexisting but when you are talking about doubling the density allowed by village code that becomes a different unit.

Owen McIntee: There is an RGE gas main on Clark Street close to the prior loading dock. These units require gas heat.

William Rutter: A lot of the comments were already shared from the Zoning Board Public Hearing, the main concerns being the traffic issues and the owners of the dance studio were concerned about their parking lot being used for a cut through accessing the apartments. We are at 12 parking spaces then when you add visitors parking where are all those cars going to park? Given that this is an existing building adding the 4 car garage is making the density even worse.

Three parking spaces on the east side, do those extend outside of the property line?

Mike Lopresti: No just #3 if that is a problem the spaces could be reworked.

William Rutter: Will snow storage be in front of parking space 8?

Mike Lopresti: The comment about snow storage I don't know where that came from. It appears there is a line inadvertently drawn where that arrow is on the west bend of the project. Part of the easement going out to West Ave has room for some storage any remainder can be stored in front of parking space #8 and if necessary at the east end of the project.

William Rutter also stated the following.

- That he is concerned that garages will fill with other things and there won't be room for the cars and they will need other places to park. Asking for clarification on plans where garbage totes will be stored.
- Likes the idea of the gate on West Ave to eliminate the concerns from the neighbors.
- The appearance will be a nice looking area, but 6 units and the garage density is a concern for me it is awfully tight.

Karen Fien. I live on Clark Street and when classes from the dance studio leave there is a lot of congestion if I was a potential buyer I would want to know that. They park in and around this area mainly in the evening when people are home. I really like the look of the type of building you are proposing I have the same concerns with the density and the congestion that six units would cause.

Karen Fien: I like the looks of the building, the east end of the building is very close. The gate on West Ave is a good idea with all the children playing in that area.

Jack Crooks: The traffic you talk about is that only for recitals or for classes?

Karen Fien: I am not sure but when the dance studio is used this is the case, cars are parked all down Clark, Martha and even along the tracks.

Jack Crooks: I think that problem occurs more when there are activities normal class times the parents just drop off and pick up.

Denny Marra: I think everything is in your favor to a point but sometime you need to make concessions I would like to see 5 units instead and not use yellow siding. I think five units are doable and would eliminate a whole lot of aggravation, give you some green space.

Mike Lopresti: How does that create green space, we are not knocking the building down?

Denny Marra: It would allow you to move those 2 parking spots off Clark Street.

Chairman Wohlers: I go along with the rest in regards to the density I would like to see 4 units and eliminate the garage and use that space for snow and green space. The size of the variance needed for the garage is too large and the garage is too close to the property line.

Mike Lopresti: It is easy to say get rid of the garages but tenants want the garages that garage is not affecting anyone it is at least 100 feet from anyone.

Chairman Wohlers: You have to work with the site but you are trying to get too much on the site.

Chairman Wohlers feels that garage space is not considered a parking space. He is in agreement with gating off West Avenue that is basically a driveway and couldn't provide 2 way traffic. Shorten the number of units and the rest should fall in place.

Chairman Wohlers: There is no landscaping proposed I would like to see some, what about guest parking?

Mike Lopresti: Typically these units only have one person with one car; you will generate maybe 6 cars. I am following the code 2 spots per unit. I didn't write the code that is what it says.

Chairman Wohlers: Mr. Crooks stated that 3 apartments would fit the code regarding square footage.

Mike Lopresti: I will let my attorney address that.

Richard Stowe: I am working with Mike on this project while Fred Holbrook is out of town. The comment made at the ZBA meeting as this section of the code is written it is the village zoning board that has the responsibility to deal with the site variances. The recommendation section to this board is whether you recommend approval, approval with modifications or disapprove. The special use permit and variances are necessary for this site. The issue with regard to the zoning is driven not only by the fact that this is an existing building but the fact that this was rezoned by the Village Board from commercial B2 to R3. I am told this 6 unit complex was conceptually proposed. The folks that made the determination to take it from a much more intensive use on a very small site with a very large building with very few setbacks in a business district and try and make it work with a multi residential unit where six were proposed than becomes a design challenge.

Mike came and did a concept and than went to the Zoning Board and tried to work with them as well. The plan as it is depicted is attempting to maximize the ability of getting a useful and good looking use of the property that will draw the people and substantiate the market rent that is trying to be secured. To the extent that it is nice to not have the garages but it doesn't make the units marketable to the people that at the end of the day the developer and the Village want to see in these units. That is a serious issue for the developer and I think for the Village long term. The existing setbacks and the existing coverage for the B Business uses had it not been rezoned and this Board was looking at a commercial application we would be having much the same conversation. What is really changing this now is this is a much less intensive use than a lot of the things that would have been capable of being brought forth in a business district and I think the Village Board in their wisdom said they didn't want that. I think that perspective is important for the Board to try and keep with regards to how this site which is challenge can be utilized best to fit in what the Village Board wanted to see in this area given what was there before and what otherwise could have been proposed. If I am reading the market standards correctly and listening to my client with regards to the rental that he intends to try and attract to this property. His property around the corner brings quality residents and I think this property will too.

Attorney Stowe: The issue of having the number of folks reside here with the traffic that may in fact be brought to the site when measured against what history has shown us has already been at this site with the deliveries and the number of people needs to be kept in perspective. When Mike was looking at purchasing this building he took me down when the heating business was still there with the vans and the tractor trailers trying to negotiate the small turning radiuses.

Mike Lopresti: It worked for 30 some years.

Attorney Stowe: I am not minimizing the concerns I am only making sure that you keep them in perspective.

Chairman Wohlers: I think you have some homework to do answering some of the questions from Mr. DeHollanders letter. The consensus I am getting from this board is the density and the number of units is too high.

Attorney Field: 340-16-J gives the board 6 factors to consider so you can recommend that this be approved with conditions. Again, you can recommend approval with conditions, approval or disapproval. You have 45 days from receipt of the application. I would say that this would be the day the clock starts.

Chairman Wohlers: Would tabling this to next month be an option?

Attorney Field: Yes.

Attorney Stowe: Can I ask one procedural question; my understanding was that at the Zoning Board meeting the legal would be readvertised and that the public hearing was held open.

Jack Crooks: Yes the legal needs to be advertised correctly and the public hearing was held open.

Donna Stassen: If no action is taken tonight there is really no reason for the applicant to come back in front of the ZBA until April after this board gives its recommendation.

Chairman Wohlers: I don't think that we are in a position tonight to make a recommendation.

Jack Crooks: I think even if you were to go back to zoning this month the Zoning Board would not be in the position to make their final determination without having had a referral from the Planning Board. That meeting would be futile and cost you money needlessly.

Mike Lopresti: Where do I go from here? You say you want me to do my homework would this Board be recommending the project contingent upon addressing Scott DeHollander comments or do you want me to address those and bring them back?

Chairman Wohlers: There are too many questions regarding traffic, parking you will need to make alterations to this plan.

Jack Crooks: You need to address the village engineers concerns and recommendations; it would be prudent on this board to come to some sort of consensus on the number of units.

Chairman Wohlers: I would like to go to 3 to meet the code requirement also I don't like the garage that close to the rear property line.

Mike Lopresti: The density is an issue here with the amount of work that needs to be done. I realize this is a large setback but you have to look at the impact. If this was adjacent to another residential property I could certainly appreciate the concern more than being 3 ft adjacent to a non residential parcel.

Chairman Wohlers: That is just one side you are asking for all 4 sides.

Mike Lopresti: I agree that the garage variance I created but the others are pre-existing and that is why I am focusing on the garage variance.

Jack Crooks: Could you move that garage at all or shorten the length? If you moved it forward a foot and shortened it a foot than you would pick up 2 ft.

Chairman Wohlers: Can you do with 5 and change the parking around?

Mike Lopresti: The code says 2 per space someone came up with that if I am giving you 2 you can't ask for four?

Jack Crooks: We can flip that if we go back to the 35, 000 sq foot per unit than we only need parking spaces for 6 and you will have lots of room.

Mike Lopresti: It is a double edge sword; if that is what you want to do than recommend that.

Jack Crooks: That is what I said before in fairness they need to give you a direction you go back with pencil and paper if you cant make it work than we are on to the next plan.

Mike Lopresti: What we don't realize is the significance of the tax revenue on this project.

After further board discussion the following resolution was offered.

Resolution No 3/2011 **Introduced by Chairman Wohlers**

March 1, 2011 **Seconded by William Rutter**

Resolved that the application of Ogden Rentals, 2800 Spencerport Road, for approval to convert an existing building into 6 single family apartments on property located at 115 Clark Street is tabled until April 5, 2011.

The Planning Board has been given the task of addressing Section 340-16.A(1)(k), whereas the Planning Board shall within 45 days after receipt of an application, notify the Zoning Board of Appeals that the Planning Board recommends approval, approval with modifications or conditions or disapproval.

The Planning Board has tabled this application pending the Village Engineer's request that the applicant's engineer provide a written response to comments from review letter written by Scott DeHollander dated February 28, 2011.

The Planning Board has also directed the applicant to revise plans showing:

- Density lowered from 6 units to 4 – 5 units.
- Shorten the garage to minimize the setback to the north.

Ayes: Wohlers, Marra, Rutter, Fien

Nays: none

Approval of Minutes

Motion made by Denny Marra seconded by William Rutter and carried unanimously to approve the December 2010 minutes as written.

Adjournment

Motion made by Chairman Wohlers seconded by William Rutter and carried unanimously to adjourn the meeting at 8:45 p.m.