Planning Board/ARB Minutes

June 3, 2014

Present

Chairman David Wohlers
Denny Marra
Craig Byham
William Rutter
Liz Venezky

Absent

Joseph Slominski

Others Present

Village Attorney Eric Stowe
Planning Board Secretary Donna Stassen
Village Board Liaison Carol Nellis Ewell
Joan Quigley
Sergey Rozum
Robert Brenner, Esg.

At this time the Chairman led the Pledge of Allegiance.

ARB

Sergey Rozum stated that about a month ago he purchased the property at 42 Nichols Street which is not in great shape he has already started with the landscaping. Another big project will be the storm sewer and he has already contacted Gatti Plumbing to get started on that.

I have some friends in the stucco and stone business and I was thinking that it would be a good idea to add some veneer stone to bring out the look of the columns and the front façade of the building.

Mr. Rozum brought materials to the meeting to show the board what he was using on columns and the front wall.

Chairman Wohlers: How are you planning on doing the monument sign; are you planning on using the existing posts?

Mr. Rozum: Yes, I was thinking of extending them all the way to the top of the sign by using long screws and attaching them to the main one and wrap with a galvanized mesh. This stone will go over that to match the stone on the building it will look nice.

Chairman Wohlers: You're not putting up any signs on the building right now you are just reconstructing your monument sign?

Mr. Rozum stated that he was not changing any other signage at this time.

Denny Marra: I don't have any problem with what he is doing the only thing I would like to see is the address 42 Nichols Street put on the top of the sign. Not so much for the local people but for others coming into the area. I would like to see the stepping of the sign remain.

Craig Byham stated that other businesses have left that are on the sign the applicant could remove those and bring the top of the sign down.

At this time the following Certificate of Appropriateness was granted.

This is to certify that the Architectural Review Board on June 3, 2014 granted a Certificate of Appropriateness to Sergey Rozum for Sergey Rozum Co. LLC. located at 42 Nichols Street, Spencerport NY for signage and façade improvements.

Such Certificate of Appropriateness was approved based on the following:

1. Monument sign to be wrapped with veneer stone and street number to be displayed on the top of sign.
2. Building façade as shown on application and per materials shown at June 3, 2014 ARB meeting.
3. Overhand support columns to be wrapped with veneer stone.
4. Signage and building façade to be installed in a safe manner.
5. Signage and building façade shall be kept in good condition as determined by the Village of Spencerport ARB.
6. After installation the applicant shall submit a photograph of the completed alterations to the Village Clerk for filing.

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

New Business:

Canal Landing/Foreclosure

Village Attorney Eric Stowe stated that a representative from Nixon Peabody representing M&T Bank was present this evening. The foreclosure on Canal Landing is complete and M&T is looking to sell the property in the next 3-4 months. With respect to site plan approval and the Village's rights there have been discussions with the Village of Spencerport as to what can be done if the approvals should be terminated for many reasons being the project has been idle for an extended period of time, rules and regulations have changed, are the roads suitable for dedication, is it appropriate anymore there are a laundry list of issues out there.

In talking with M&T's representatives I think for this board it would be best not to act on a termination but to determine what can be done to suit both parties. I think that would be in the best interest for both parties. M&T has through their counsel indicated an exceeding willingness to work with the village in determining what issues need to be addressed and how best to attract the best buyer for the

property. My recommendation would be that we need to determine what needs to be done. Obviously the project has been idle for a long time and the Village Engineer would need to make some of those decisions.

Chairman Wohlers: I agree with Attorney Stowe on most of it I would like to see them come back to the Planning Board and start over. There are some design things that could be changed. I know it has been sitting there like 7 years I don't want to see it sit there another 7 -10 years. There will need to be a letter of credit posted it is an incomplete project. I don't want to see it terminated there won't be any decisions made tonight this is just a discussion.

Craig Byham: How can we not terminate it and not allow them to go ahead and move forward with what has been approved?

Denny Marra: My take on it is the Superintendent of Highways did not want the maintenance of those two streets, he may change his mind. On a personal opinion I don't want to see condos built in there. I think we should limit the amount of rentals that go in there.

Attorney Stowe: There are two different issues one with respect to if someone comes in and says the project is perfect I am going to take it just the way it is with all existing approvals and build what was approved. Or I am going to take the existing infrastructure that is there and I want to change it to single family homes or rentals whatever it might be obviously that would have to come in for site plan. The limited scope is if someone were to come in and say the plans that are there are perfect I am going to take them and not change a thing that is where the issue comes up.

Chairman Wohlers: I don't think we want to terminate the site plan if they come in and do the exact same build out that is shown on the plan we are not going to make them come back. There is nothing in the Village code that negates an approval.

Liz Venezky: Is there a timeline?

Chairman Wohlers: No

Attorney Stowe: There is no distinction with respect to phases either.

Denny Marra: Can we restrict rentals?

Attorney Stowe: That is beyond the scope of what we are talking about today.

Craig Byham: My issue is it was approved 7 years ago there has been several changes in the laws, since then; stormwater regulations being one of those. I agree don't terminate don't start back from ground zero but any changes that take place that will effect this going forward those improvements should be made and that project should be brought up to code. I don't know how we don't terminate it but yet we want those things changed.

Denny Marra: In my opinion I think that it is premature to terminate the site plan without having a qualified buyer by M&T to come in here and say this is what you approved and this is what I want to do. My feeling is to use common sense get together make it happen make it work and still protect the village.

Attorney Stowe: The chief issue is getting everything that was approved in 2007 up to 2014 requirements. Part of that will be with the Building Department to make sure that building permits can be issued if development is not up to current codes.

Chairman Wohlers: Do we need to take a consensus?

Attorney Stowe: I don't think that is necessary we are discussing on-going business.

Approval of Minutes

Motion made by Chairman Wohlers seconded by Denny Marra and carried unanimously to approve the minutes of May 6, 2014 as written.

Adjournment

Motion made by Chairman Wohlers seconded by Liz Venezky and carried unanimously to adjourn the meeting at 7:40 pm.