Village of Spencerport Planning Board Meeting
July 2, 2019
Minutes

Present	**Absent**
Chairman Byham	
Joe Slominski	
Liz Venezky	
William Ewsuk	
Scott Clyde	

Jacqueline Sullivan, Planning Board Secretary

Betsy Brugg, Woods Oviatt Gilman
Robert Fallone, Union Spencerport LLC
David & Linda Gibbardo, (VIC's) 194 South Union Street
Jack Howitt, Union Spencerport, LLC
Carol Nellis-Ewell, Deputy Mayor
Joan Quigley, Maplewood Avenue
Kris Schultz, Schultz Associates
Patrick Smith, Building Inspector
Eric Stowe, Planning Board Attorney
Terry West, Coventry Drive
Tom West, DPW Superintendent
David Willard, MRB Group

Chairman Byham led the audience in the Pledge of Allegiance.

Unfinished Business

Chairman Byham indicated that the meeting would start with unfinished business regarding VIC's at 194 South Union Street and invited Mrs. Linda Gibbardo to the podium.

Mrs. Gibbardo addressed the Planning Board reviewing the detail on the site plan and asked if Dave Willard was satisfied with the detail.

Mr. Willard indicated that he was.

Mrs. Gibbardo continued by reviewing that she has received all ZBA approvals and the design of the planters and plastic white chain as a barrier or putting actual fencing between the planters as a barrier.

Mr. Clyde asked if Mrs. Gibbardo had a preference as to which style.

Mrs. Gibbardo responded that she liked the chain because people can't jump or stand on it and fall; it would just serve as a visual barrier. Mrs. Gibbardo added that she rearranged the tables to allow for a better flow of customers.

Mr. Byham asked how many planters would be put out.

Mrs. Gibbardo responded that four (4) planters would be put out.

Mrs. Venezky confirmed that because the fencing is removable there is no need for any zoning approvals.

Attorney Stowe confirmed that is correct and the term is seasonal for this fencing.

Mr. Slominski commented that the chain creates somewhat of a tripping hazard depending on how low you are going to have that. That is my concern and if you are going to be a foot from the ground anybody could trip over it or they might not even see it.

Mrs. Gibbardo responded that we could have no lag in the chain.

Mr. Slominski responded that then you are actually going to have more of an issue because you are going to walk into it and catch your mid-section and will act like as clothes- line, bounce off of it and fall backwards. Some people are not going to see it and you've got to look out for yourself insurance wise.

Mrs. Gibbardo responded that she is concerned with kids standing on a fence.

Discussion ensued regarding the type of fencing and tripping hazards.

Mr. Ewsuk questioned who is responsible if someone trips over the fence.

Mr. Byham responded the property owner.

Mrs. Gibbardo commented that she will be using vinyl fencing for the dumpster enclosure.

Attorney Stowe questioned if the staircase has been removed.

Mrs. Gibbardo responded yes.

Discussion ensued regarding the dumpster enclosure and refuse contractor.

Mrs. Gibbardo commented that she does not like the look of an enclosed outside staircase and will continue to use the interior stairs for the apartment and put an exterior door at the bottom of the stairs with a canopy above it and sidewalk to the back of the building. Second story windows will all be replaced with an egress window on the north side of the second floor.

Mr. Smith commented that he will need plans that are up to NYS standards and code.

RESOLUTION 3/2019

WHEREAS, the Village of Spencerport Planning Board has before it an application from Linda Gibbardo for final site plan approval to allow a change of use on property located at 194 South Union Street, Spencerport, New York 14559;

WHEREAS, the Village of Spencerport Planning Board has conducted a public hearing
March 5,2019 and

WHEREAS, the Village of Spencerport Planning Board has previously issued a negative declaration pursuant to the New York State Environmental Quality Review Act,

WHEREAS, The Village of Spencerport Planning Board has issued a preliminary site plan approval of the side plan subject to conditions,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Planning Board does hereby issues final approval of the site plan of Linda Gibbardo, 194 South Union Street for a change of use.

BE IT FURTHER RESOLVED that the following conditions are imposed on this site plan approval:

1. All perinate conditions of the preliminary approval of this site plan shall remain in full force. In addition. Planters measuring 2'x2' and spaced approximately 5' to 7' apart connected with plastic chain link between them. These planters and chain are seasonal and placed from April 1st – October 15th.

2. The exterior stairs have been removed and the second floor will be accessed by the interior existing stairs.

3. The dumpster enclosure shall be 6'high.

Motion: Craig Byham
Second: Elizabeth Venezky

Ayes: Byham, Venezky, Ewsuk, Clyde, Slominski
Nays: None

Chairman Byham invited the representatives for 148 South Union Street to the podium for site plan approval.

Mr. Kris Shultz introduced himself as the engineer for the project. Mr. Shultz commented that since the March 5th meeting parking has been examined extensively to include a study conducted by SRF Associates. Mr. Schultz summarized that of the four municipal lots that the Village owns and maintains are only used about 50% of the time during peak times when the perception in the Village is that there is no place to park and that is important to realize. A lot of the concerns regarding parking came from DPW Superintendent West specifically regarding snow removal. Mr. Schultz continued that municipal parking was designed to provide parking for customers, business owners and residents of the Village. The purpose of the parking study was to determine if this development would adversely affect the quality of life in the Village.

Mr. Schultz continued that parking is the biggest hurdle to this project, so the purpose of tonight is to review the parking situation and have a better understanding. We were fortunate enough to have a work session with a group of Village Reps. to sit down and hash out the major stumbling block and I really appreciate the Village doing that and you see it in other towns and villages for big projects like this one and have regularly scheduled DRC meetings where they chew through issues so that when you get to the planning board these issues have been worked though and makes things much more efficient. So the plans that were submitted were the same plans as before and a lot of the items that the Village Engineer whet through were discussed at the work session and every single thing on that list are items that will be taken care of with no issued at all.

Mr. Schultz indicated that the 6 parking spaces shown on the plan are now 7 spaces because the dumpster has been removed and the trash will be kept in the building and brought out weekly for pick-up. Mr. Schultz continued that the parking spaces on the plan are half on the owners' property and half on Village

property. There are couple ideas to address this parking issue; change the configuration to parallel parking for three cars all on the owners' property; changing the foot print of the building to include the full 7 spaces on the owners' property however this configuration would cause the potential loss of a first floor apartment and a financial hardship to the developer and would it be a viable project.

Mr. Schultz continued by reviewing the parking study summarizing that the municipal lots are not used during the night.

Mr. Schultz address the public comments regarding site construction and all staging and construction will be done on the property and not on any Village property.

Mr. David Kruse, SRF Associates indicated that his firm was retained to develop a parking study regarding the impacts of this proposed project. Mr. Kruse continued that the data was collected May 16, 17 & 18, 2019. Typically, the radius of the study area is approximately ¼ of mile which is about a 5-minute walk however this study area was reduced by ½ due to the confines of the Village and the location of the proposed project and looked at 660 feet, about a 2-minute walk. This reduced area included all Village municipal lots and on street available parking that are marked. Approximately a supply of 257 spaces were identified. The three days included a Thursday, Friday and Saturday and were observed at approximately 7:00 p.m. What the study came out to be at that 7:00 hour as Kris said is approximately 50% utilized and can go as high as 60%. The overnight count at approximately 3:45 a.m. the 4 public lots had a total of 24 vehicles parked in them; the lot that had the most was the middle lot with 11 vehicles parked with two of them belonging to Kris Schultz's business. That works out to be approximately 12% utilization overnight with 199 spaces available and 1 vehicle on the street that was ticketed obviously parked in the wrong location.

Mr. Kruse continued that their assessment indicated that the proposed building would require 35 spaces per Village Code. So even based on that high-end requirement there is a generous surplus of parking spaces in the Village at peak times. With that information this project will not have an adverse effect on existing parking network.

Mrs. Venezky asked how many spaces are there that allow overnight parking.

Superintendent West responded that there are about 14-20 overnight spaces.

Attorney Betsy Brugg, Woods Oviatt Gilman commented that we are here tonight for site plan and we would need to address overnight parking and special use permit with ZBA, so the first hurdle is to get site plan approval and then address the ZBA approvals.

Mr. Schultz reiterated the need for overnight parking, snow removal and general maintenance.

Mr. Schultz indicated that the developer is requesting the same deal regarding parking that has been given to other business owners.

Mr. Byham indicated that parking has always been the concern for this development and now overnight parking and that if you did a survey at 7:00 in the evening most of the retail business are closed so now you'd be looking at your restaurant and residential parking .

Discussion and clarification ensued regarding parking and the logistics surrounding parking pertaining to retail, restaurants and residential.

Mr. Schultz commented that what we wanted to do tonight is that we want to walk away with a good understanding of the plan so that when we see you next, we are well on our way to getting approval. I think we need to talk about the 7 spaces that were shown. We understand that you would prefer that you would like none of those spaces to be in municipal parking. Would the Board entertain if we took the spaces and made them parallel parking spaces and that would result in 3 spaces on the site.

Mr. Byham indicated that the requirement is 11 parking spaces for the retail.

Mr. Schultz responded that is exactly right if you look at the code. Our argument is that you have the spaces; you have 100+ spaces in the lots that were created for this type of use; this lot had a big restaurant and it burned down and nothing has been there since. We need to start allowing these buildings to be replaced. The parking study shows you have surplus spaces and new parking does not need to be developed. Mr. Schultz continued that prior to the parking study he looked at where parking could be added. He thought possibly East Avenue near the electric substation that would generate 18 spaces and fixing pedestrian access. He approached SME Superintendent McIntee regarding the idea and that Superintendent McIntee indicated that the Village Board was not interested in that.

Mr. Kruse commented that in this environment that is considered a micro-urban environment adding more parking is a suburban thinking and this project and this Village on the canal are forward thinking to use existing resources and promoting a car reduced lifestyle.

Mr. Willard questioned that one of the parking areas is owned by the Fire Department does the Village have an agreement with the Fire Department.

Superintendent West responded that the Village has an agreement for part of the parking.

Mr. Willard questioned that if the parking identified behind Kris' building is municipal parking.

Superintendent West responded it is but part of it is marked for his vehicles.

Mr. Schultz commented that the previous owner granted an easement to the Village that covered that area as municipal parking and the history behind the property.

Mrs. Venezky asked if that continues today.

Mr. Schultz indicated yes however it has never been enforced except for one tenant who is no longer there.

Mr. Willard questioned if handicapped spaces where accounted for or taken into consideration.

Mr. Kruse indicated that was not taken into consideration.

Discussion ensued regarding handicapped parking spaces in the Village.

Superintendent West commented that with a new building handicapped spots are required.

Mr. Willard indicated that the proposed building would need 2 handicapped spots on site.

Superintendent West asked about the location of the toters.

Mr. Schultz indicated that would be on the final plans and permission would be needed to remove the Village tress for the project to be replaced.

Mr. Byham added that the project is still 4-7 spaces short for the retail not including the residential portion that has no regulation and the demand on the current municipal parking.

Continued discussion ensued regarding parking and the various new businesses in the Village

Mr. Clyde commented that Mr. Schultz indicated previously that the only 2 spaces not full in his lot are the 2 handicapped spaces; so that doesn't square with the parking study that says there is umpteen open spots at a regular amount of time and I think I've gotten the vibe that the most difficult time is during the winter with snow removal.

Mr. Shultz responded that comment was motivated by me wanting to be able to park by my front door and having to park up a few spots.

Discussion ensued regarding the current location of the handicapped spots.

Mr. Kruse questioned how many handicapped spots are needed.

Superintendent West responded that it is based on square footage of the building and that there is an agreement with 24 West Avenue to have parking available for their tenants.

Attorney Brugg indicated that the applicant will look into handicapped parking and at the end of the day philosophically does the Village want to fill the vacant store fronts and bring people into the Village and that is what a Village is and that it is our job to confirm this project will not adversely affect parking and we have done that and is this project going to work for the Village. Attorney Brugg indicated that the Planning Board issued a Negative Declaration and approval of a nearly identical project 12 years ago for the same developer and he did not move forward. At this time, I do not think there is any change of circumstances to lead you to a different conclusion at this time.

Mr. Byham commented that it was not an identical project.

Attorney Brugg responded that it was not identical, but it was very close.

Mr. Byham commented that he does not believe that there was a residential component on the previous proposal.

Attorney Brugg responded that it had more residential units and the commercial space was larger as well.

Mr. Clyde commented that this group wants to find the right way to do this without causing a hardship on the Village.

Mr. Schultz indicated that the plans will be updated to address the Board's concerns including parking as well as the Village Engineer's comments.

Mr. Byham commented the Board wants this project to work but we want to be fair to the residents in the Village and we need to do our due diligence.

Mr. Schultz commented that they will work on parking.

Mr. Byham commented that the 7 spots would go a long way and the Board would feel better about it.

Mr. Schultz asked that if the 7 spots were put it would the Board allow another story. Because adding the parking would decrease the size of the first floor and adding another floor doesn't cost that much extra and the building would be as high as the Masonic Lodge.

Mrs. Venezky questioned that parking should be within 500 feet and the study indicated 660 feet,

Mr. Kruse responded the study looked at 330 feet as well and the usage was 65%. Mr. Kruse commented on the flow of parking in the Village of Fairport for reference.

After conferring with his client Mr. Schultz indicated that the developer is willing to put the 7 spaces on his property reducing the first- floor square footage however continue with the same number of residential units on floors 2 and 3.

Mr. Willard questioned if the project would have the same density.

Mr. Schultz responded that the architect would have to look at that to determine the best design.

Mr. Byham questioned the sidewalk closure.

Mr. Schultz responded that it would be worked out with the Village and NYSDOT for the best possible solution.

Mr. Byham confirmed the staging area will not be on Village property.

Mrs. Venezky confirmed that the new plan will address the corner radius.

Mr. Schultz confirmed that they will.

Mrs. Venezky asked about the hazardous waste site.

Mr. Schultz responded that pertained to Matt Brooks' building that was the old dry cleaners.

Resolution 4/2019

A motion was made by Craig Byham to table the application with the applicant's consent; seconded by Scott Clyde and carried unanimously.

Unfinished Business

Nothing requiring Board Action.

Approval of Minutes

Mr. Byham indicated that there is an amendment for the March 5, 2019 minutes to ready on page 10, "Vice Chairman closed the Public Hearing for 148 S. Union Street at 8:15 p.m. not 194 S. Union Street.

A motion was made by Craig Byham, seconded by Liz Venezky and carried unanimously that the minutes from the May 7, 2019 Planning Board Meeting be carried as presented.

Adjournment

A motion was made by Chairman Byham, seconded by Scott Clyde and carried unanimously that the meeting be adjourned at 8:30 p.m.