Village of Spencerport
Planning Board Meeting
August 7, 2018

Present	**Absent**
Chairman Byham	Joseph Slominski
William Rutter	
Liz Venezky	
William Ewsuk	
Village Attorney Eric Stowe	
Village Engineer David Willard	
Village Highway Superintendent Thomas West	
Planning Board Secretary Donna Stassen	
Village Liaison Deputy Mayor Carol Nellis Ewell	
David Wohlers	
Sheila Wohlers	
Andrew Spencer	

Chairman Byham led the audience in the Pledge of Allegiance.

Message: I am Carol Nellis-Ewell, assigned as Liaison to the Village Board.

Purpose: I attend/document/summarize meetings to inform the Village of Spencerport Board. Accurate notes are important. At times it is difficult to hear, even from the tape. Please comment clearly and share details and drawings with the audience. Thank you.

Concept Plan
Village Pines Section 3

Andrew Spencer of BME will be representing Mr. Wohlers Village Pines Section 3 Concept Plan this evening.

Mr. Spencer: a little bit of a background for this parcel is that it was annexed into the Village and zoned Residential than in 2015 it was rezoned Planned Residential District. A detailed plan was submitted to the Village Board at that time. The Planning Board reviewed that and gave a positive referral to the Village Board for that rezoning back in 2015.

Basically, what we are here for this evening is to give this board a rundown on some of the revisions which are desired by the applicant on the plan:

- Same exact density as before 42 single family homes and 38 townhomes.
- Northern end along cul-de-sac will be patio homes.
- Town homes in the southern section of the property.
- Townhome layout has not changed
- Community center has been added

- The intent of the townhomes is to create one entire townhouse development.
- Roadway layout has stayed consistent Coventry Drive and Gatsby Lane will be dedicated roads and the remainder of the roads would remain private.
- The changes we have made to the single-family layout is to encourage and promote bigger back yards.
- Previously the setbacks for these homes were 50 ft. and now we are asking to reduce those front setbacks to 35 ft. leaving more room in the backs to develop decks or pools.
- Looking at extending the property lines to that northern boundary of the property basically from lot #17-lot# 36 and for lots #3 -#7 extended the property lines out to the edges of the overall property itself.
- No longer forming an HOA
- Property lines near the wetlands will remain the same as original plan.
- Also, the intent is to provide some form of conservation easement up on this northern edge to create a buffer between the residents as this was a concern when we first presented this project. The width has not been decided yet. By pulling the houses in further we are gaining that 15 ft more of separation.
- Original lot widths were 75 feet and that is what was reviewed and approved by the Village Board. We are now requesting a minimum lot width now of 60 feet and only for the lots around the cul-de- sacs lots 36-41 and lots 2-7.
- Also requesting a side setback reduction for those few lots and bring those down to 8% of the overall lot which is consistent with the R-1 requirements we have tried to pair this with the R-1 District as much as we could.
- Phasing of the project is still under consideration.
- The grading and utility layout of the project will be very consistent with what was originally designed and reviewed by this board and the Village Board.
- Slight changes will be made to extend the laterals a little bit further
- Drainage pattern is consistent
- Utility pattern will be consistent

Mr. Spencer referred to section 340-17-D-(4) of the code which states roughly the Planning Board shall determine whether or not a modified plan is still in keeping with the original intent of the zoning resolution and the process which would follow. Please refer to section of the code. Mr. Spencer is asking the board to look at this plan to see whether or not there is any real change to the overall development between this and what was originally reviewed and approved. There is the same exact density a very similar layout just changing a few of the setbacks and lot width.

David Willard: I have a question when you say approved by this board it was the Town of Ogden that originally approved this project.

Mr. Spencer: Yes

David Willard: The plan that we are looking at now is pretty close to what the Town of Ogden approved in terms of layout and density etc.?

Mr. Spencer: The only change is the addition of the clubhouse and the roadway.

Dave Willard: I guess I will start with the storm water management plan. It is my understanding that your intention by submitting an NOI to the DEC back in 2005 and you have maintained that storm water permit in the DEC eyes the design criteria for the storm water management plan is based on the old permit and not the updated 2015 regulations. That would preclude them from adhering to green infrastructure and run off reduction in their storm water design.

We had talked to the DEC during the rezoning process and they admitted that this was a very unusual situation where a permit was issued and then never built and then annexed into a village. But I do know that it is the responsibility of the Planning Board to review the SWWP and the Village of Spencerport as an MS4 has to sign off on the SWWP and I am not sure how the mechanics of that are going to work if the SWWP has already been completed and signed off by the Town of Ogden.

Back during the rezoning, we had recommended that the storm water management be designed with the most current regulations. That would be safe in the DEC eyes the developer would still have the permit. The Village of Spencerport would just be requiring the developer to adhere to a more stringent standard.

In the Code Book for storm water management there is a paragraph there that says designs shall be in accordance with the most recent guidelines of the Village of Spencerport and the DEC. I think as a board you can basically dictate what you want them to do based on the code as you see it. Certainly, this is something that we need to review a little more as I just got these plans on Friday in the mail.

Chairman Byham: What are the major differences between the old and the new and how it would affect the village?

Dave Willard: The only differences are that with the new regulations they have instituted the green infrastructure designs and that would be the infiltration into the ground, down spouts not connected to the storm sewer system, grass lined swales and I think Andy could provide more details on what that green infrastructure would also include. Under the older regulations they are still obligated to treat the quantity and quality of storm water coming off the site. I don't think it would be appropriate for us to even sign off on that SWWP if the Town of Ogden has already done that already.

Mr. Spencer: I do know that in the DEC eyes it is a current and an open storm water design that was done originally in 2005 for this project.

Dave Willard: The DEC said that the trigger would be if the developer substantially changes the plan from what was originally proposed. That would mean the addition of more impervious surfaces, greater areas of disturbances and things like that. It appears that there isn't any real substantial change in the design the same number of lots the same amount of pavement.

Mr. Spencer: There would be a reduction in pavement if we are able to get a reduction in the setbacks which would reduce the size of the driveways.

Dave Willard: Maybe we should explore this a little more allowing more time for BME to investigate a little more with the DEC. A question that I do have is if we don't decide on that tonight how does that impact your design progress?

Mr. Spencer: Yes, if the board does want to investigate that in earnest than we would need to take a look at what might be an available technique for that site.

Chairman Byham: I think that this board needs to understand what the impact would be either way. Storm water is a major issue with water coming down from the creek into the village to make sure there isn't any flooding.

Mr. Spencer: If I may the original design that was done that Tom West had signed off on that drainage system will control the water quantity and will improve the water quality. This is immediately adjacent to a wetland what we are doing is filtering that water thru a storm water pond system that will then discharge into the wetlands actually supplying that wetlands with the same amount of drainage that it currently gets today. So, we are not changing the amount of water that will be coming off of this site. That is per the original design.

Dave Willard: Even the old regulations have that provision no net gain in runoff on the site.

Chairman Byham: I want this board to understand what the repercussions are if we don't bring it up to today's code and we allow it to be grandfathered in from 2005.

Thomas West: With the new storm water regulations we have to do annual inspections on the ponds.

Dave Willard: Is the plan to have the Village of Spencerport operate and maintain these facilities?

Mr. Spencer: That is the desire.

Tom West: There would have to be a big change on the ponds and the reason I say that is if we have to maintain those ponds we need an access road all the way around and we would need a 20 ft easement all around the pond itself. No matter which way we go with the storm water regulations we have to do the ponds under the new regulations. The road would be a 10 ft. wide road with 8 inches of crusher run and 3 inches of top soil so we can get trucks back there. As a village we are held responsible for any fines that might incur from any violations. I would imagine we would have to look at that SWWP as a new project and we would have to look further into this before we give any answers in regards to storm water.

Dave Willard recommended that someone contact the Monroe County Storm Water Coalition regarding this.

Dave Willard: Is it your intention that even if we go with the old regulations will you still be updating the SWWP? No matter what the Village needs to review and approve the SWWP because it was approved by another municipality and the village will need to due diligence and review that as well.

Mr. Spencer: I think that is something we will have to vent out a little bit.

Bill Rutter: You mentioned doing maintenance on the ponds what is involved in maintaining those ponds?

Tom West: Dredging, brush etc. you cannot remove any cattails It is a good idea to redo the SWWP because I don't think we can accept a SWWP from another municipality. I know we have to have a signed SWWP from this municipality.

Mr. Spencer: It is my understanding for the NOI even if there is a transfer of ownership it stays with the piece of land. So, the NOI does not go away even if Dave sold this property to another individual.

Attorney Stowe: I get that it is transferable to real property owners but the jurisdictional boundaries have changed.

Discussion ensued regarding SEQRA with the determination that a SEQRA was done for the Re-Zoning process only.

Chairman Byham: Were the original approvals from the town for a planned senior community?

Mr. Spencer: The original plan that was prepared looked like this and it was designed as a senior residential community when it was annexed into the village it reverted to R-1 which didn't allow for a development of this nature and that is why we went to a PRD to allow for that flexibility of the use and the users on the site. The question at hand now is if the NOI now is voided and that is a question that we need to take a harder look at to try and get down to the bottom of this.

Dave Willard: The answer that I got from the DEC in 2015 is that in their eyes the NOI is not voided as long as no significant changes were done to increase the area of impervious surface. If the village was to make a decision saying that is it is ok to have a permit from DEC but for this development we want the developer to adhere to the current standards I think that is a decision that the village can make it they decided to. I don't think there is anyone at DEC that would say you can't do that.

Attorney Stowe: Is the SWWP plan entered into and agreed to by the municipality?

Dave Willard: It is so there would need to be a new SWPP developed for review and approval by the Village of Spencerport as part of Planning Board approval.

Thomas West: We would definitely have to change some things on that SWWP either that or we would end up going in after and putting the roads in. I am not even talking about impervious surface I am talking about ponds.

Attorney Stowe: Were not taking ownership of these ponds, are we?

Thomas West: Yes

Dave Willard: That is one of my questions because the plan does not really outline that.

Attorney Stowe: If we are taking dedicated ponds than they are built to our specs.

Thomas West: That's what I don't know. I don't know if you can take a SWWP from the town and give it an NOT and then give it to the village.

Mr. Spencer: The question is how far we go down this trail because there are impacts to the development if we ``get into applying all of the new green infrastructure practices on this site.

Attorney Stowe: We are responsible as a village for fines associated with a bad job on a SWWP my red flags go up as you are subjecting the village to liability.

Dave Willard: If it is determined that we are going to be ok with the old NOI which I think we have to be ok with that because that is regulated by the DEC not us. But I think we would be talking about a new SWWP document tailored for the Village of Spencerport along with a SWWP acceptance form and a NOT along with all your storm water calculations for review. I think that is something this planning board is going to need to review and approve as part of the approval process for this development. And the other big question is being we or do we want to simply make the developer adhere to the most stringent standards which the 2015 regulations are. Dave suggested talking further with the Monroe County Storm Water Coalition. It was agreed that more time was needed to look at the SWWP and what the rules are.

Attorney Stowe: Looking at the section of the code 340-17-D4 request for changes/modified plan.
It is not my determination to make if it has been modified but with setback changes it is the function of the quantity of change.

Attorney Stowe disclosed at this time that the developer Mr. Wohlers is a Village of Spencerport Trustee.

Attorney Stowe: The Planning Board makes the determination on is it changed and is the modified plan still in keeping with the intent of the zoning resolution. In the site plan development process by my reading believes that a plan has been submitted my thought from a procedural standpoint is it would require a plan to be submitted to be tested and determine has it changed substantially.

Attorney Stowe: I have questions with respect to the conservation easement whom is that granted to? And what are the conditions in a proposed conservation easement.

Attorney Stowe: Section 340-17-(d) (2) (b) we have not spelled out in this particular provision notice for public hearings.

Given that this is passing thru a residential area this board may want to consider notice provisions and spreading the word essentially. If we run into any litigation as a result of it they always look at who did you tell and how did you tell them.

Chairman Byham asked how that process would work.

Attorney Stowe advised the board that for Zoning they send letters in other municipalities they do signs. We spell it out for the other boards but not for this board but this may be something to consider as an insulating factor in terms of any litigation that may follow.

Liz Venezky: I think that would be important too seeing that Dave is a member of the Village Board and a past Chairman of this board for transparency reasons.

Dave Willard: The other comment I have is you are showing the federal wetland in the NW corner I looked and there is actually a NYS fresh water wetland which is pretty much the same footprint. I think you will need to show that along with a 100 ft buffer and if the mapping is correct it looks like that buffer will extend on to a number of the properties.

Mr. Spencer: I believe that what I need to get you is the DEC determination on that wetland I believe it is just a federal wetland.

Dave Willard stated that it is mapped by the DEC as a NYS fresh water wetland.

Mr. Spencer will double check on that and provide correspondence.

Dave Willard asked what the height of the homes would be.

Mr. Wohlers replied they would be 2 stories.

Dave Willard: Is there any plans for site lighting along the dedicated road?

Mr. Wohlers: That is by Spencerport Electric. Owen said that he wanted to do this.

Mr. Spencer: There will be a lighting district formed.

Dave Willard: During the rezoning process we looked at a few things one was to look at the 8-inch trunk sewer that serves the SW quadrant of the village which basically runs from Martha Street to Coventry Drive. We did some metering back in 2015 and found that in the area of Martha Street the pipe is basically at maximum capacity and that information was provided to the Village Board at that time. It was prior to the resolution for rezoning. At the time we had some discussions on that and we talked about sewer fees and if they were adequate for possible maintenance of that main. We also talked about the developer studying a little bit further by doing some surveying along the trunk line to see if there are any areas that require a better flow. That is still an outstanding topic because the reality is that this development will be adding flow to that.

On March 25th 2015 during a rain event you had 439 gal per minute this development will be discharging another 13 ½ gal per minute to that sanitary sewer system although that is a drop in the bucket it is still adding flow to an already taxed system. I don't know if the Planning Board or Tom West has any thoughts on that but we need to address that as part of this approval.

Tom West: We have done sewer work up there we have relined up there but we need to do some metering.

Dave Willard: one of the things is you could survey and get elevations of inverts and model it and see ok this is an area where the pipe is kind of flat so that is causing a backup and then you line that area and makes it better hydraulically. The developer would have to do that I don't think the village would want to take on that expense.

Liz Venezky: Will that be all gravity fed or will you need a pump station?

Tom West: Everything is gravity.

Connection would be at the Timber Ridge Line.

Dave Willard: If you look at the village development regulations it does say that dead end streets should not exceed 500 ft the one cul-de-sac is about 1400 ft from Coventry that would be a diversion from the development regulations.

Mr. Spencer: One of the things that we should probably do is to provide an easement on Gatsby Lane.

Dave Willard: Are the roads 20 ft wide?

Mr. Spencer: I believe we updated all the roads.

Dave Willard: As a heads up when we get to the letter of credit the village has requested MRB to inspect all roads and utilities.

The only other comment I have at this point was the calculations for the water distribution system I know that historically there had been some issues in Village Pines Section 2 as far as pressure. I don't know if that has been rectified since Monroe County took over the water system.

Thomas West: Again, I didn't look at the design criteria just went around and measured the other cul-de-sacs we would probably be looking for a 100 ft. cul-de-sac with a 30-inch gutter due to the snow storage and the long distance that snow will be pushed to the end.

Thomas West: On the private drives we need something in writing stating that we are allowed to bring our trucks on their roads. Easements would need to be looked at before approvals and need it noted on maps that community center is on a private drive.

Sidewalks will need to be addressed and seasonal sidewalks need to be noted on the plans.

No trees or berms are allowed in the ROW with a 35 ft setback you are not going to be able to put anything much other than shrubs in the front.

Tom West advised the board and developer that there are a lot of drainage issues in the village and any runoff from this proposed development will be a concern to the residents living there.

Chairman Byham: And the buffer is gone originally there was a buffer zone that would be maintained by the HOA that is no longer in existence?

Mr. Spencer: We will still have some form of buffer we have reduced the amount of plant material at this point again the intent is to provide some form of conservation easement and in the writing of that easement will include any details. To answer Attorney Stowe's question, I believe that the conservation easement will probably be written to the Village of Spencerport. The ownership of the land would be the owner and the owners are forbidden to change anything in that easement.

Tom West stated that there will need to be more discussion pertaining to those easements but he feels that would be a burden on the village to maintain a conservation easement.

Attorney Stowe: What setbacks are you requesting?

Mr. Spencer: We are proposing a reduction of front setback of 50ft to 35 ft across the board for all patio lots. Side setback from 10 ft to 7 ft and 8% reduction for lots 36-41 and lots 2-8.

Attorney Stowe: And that may require 42 area variances I need to spend some more time researching that.

Dave Willard: You said the reason for the 35 ft is for the conservation easement in the back?

Mr. Spencer: To create more backyard space is the real reason.

Attorney Stowe: But an easement doesn't create more space it just creates a buffer?

Mr. Spencer: The easement creates a buffer but the reduction in the setback gives us a little more length for decks or pools.

Chairman Byham: Help me understand this 8% side setback on a width of 60 ft you are looking at 4.8 ft so you would have 10 ft between homes you wouldn't be able to get anything of value between those homes other than a lawnmower no fire equipment etc.

Mr. Spencer: It is only for the pie shaped lots.

Bill Rutter: What would the other lots be than the minimum 10 ft.?

Mr. Spencer: Yes

Chairman Byham: When we made a recommendation to approve the rezoning we did have some concerns at that time.

- Density number of homes
- Increased traffic flow
- Water pressure is a big issue in Village Pines
- Sewer capacity
- Sidewalks and lighting

Chairman Byham: On this proposed plan that you have now the setback of 35 ft vs. 50 ft would be a major concern for this development. You are coming up Coventry with very expensive homes and they have the setbacks of 50 ft and then you come up to the end of the street and these homes have 35 ft setbacks. This changes the character of the neighborhood and this is really not what the conception was when presented as proposed planned residential development. It was our understanding they would be patio homes with the same setbacks as in the existing subdivisions and the townhomes would be owner occupied. Tom West mentioned there wouldn't be any room in front of the homes for trees with a 35 ft setback. I really think that changes the character of the neighborhood dramatically.

Chairman Byham: The value of these homes is projected to be what price range?

David Wohlers: Nothing yet.

Chairman Byham: There will need to be a designated area for equipment during construction. I think there will need to be additional parking for guests.

Mr. Spencer: The setback that were talking about is from the ROW line to the front of the home so we have another 12 ft or so before we get to the edge of the pavement. There is a clear zone from ROW to the front of the structure which is 35 ft and then you add another 12 ft of driveway area which is within the ROW gives you a 47 ft long driveway.

Chairman Byham: Before it was 50 ft. plus that.

Liz Venezky: Tom you don't want trees in the ROW but we can still have them within the setback?

Tom West: We can't have them over any utilities.

Dave Willard: It is the intent that sewer will be in the grass between the sidewalk and the gutter? You really don't want it in the road?

Tom West: The ROW would have to change if we put it in the lawn basically the whole front yard would be ROW that would have to be talked about I wouldn't want to see a burden on the homeowner by having a sewer truck in their front yard if maintenance is needed.

Dave Willard: This plan shows it in an easement beyond the ROW if you keep that design and keep it in an easement you now you are taking that 35 ft setback and reducing that that by a 20 ft sanitary easement.

Attorney Stowe: Legally nothing can obstruct any easement.

Tom West: Basically, in front of these houses with a 35 ft setback and a 20 ft of that is a sanitary easement makes it very limited to do anything in the front.

Liz Venezky: I see there are only sidewalks on one side of the street how will people get to the community center without sidewalks? Is there a reason why the sidewalks are only partially extended it would be nice to have a loop for walking?

Mr. Spencer: That is something we can think about.

Bill Rutter: I would just reiterate that when we were presented with this before the biggest concern was the density. I just did a count of the number of houses in Village Pines on Laurel Crest, Coventry, Sableridge, Luther Jacobs Way down to the intersection at Kirkgate and there are less than 80 homes and here we are essentially talking about doubling that and I don't know if that means traffic will be an issue or not but this will also impact the water pressure issues and sewers. I do have concerns about the density and I would prefer to see the 50 ft setbacks.

Mr. Spencer: I apologize that you didn't have a lot to work off with this concept plan. A lot of detailed information will be forthcoming with the preliminary design. The question at hand that I still have in my mind is whether or not the development that you see before you have a major revision or change to the plan that would thereby force us to go back to the Village Board. I believe the way that is written it suggest that the Planning Board has the opportunity to weigh the revisions to either suggest that it is substantial or not substantial. My standpoint is that I don't believe it is substantial relative to density or substantially different as to the layout of the lots. There has been a revision to setbacks but is it substantial enough to have to refer back to the Village Board. I would ask this board to give some consideration because that would detail what type of process we might have in front of us.

Attorney Stowe: I get what your saying let me look through that and check my notes.

At this time discussion ended regarding Village Pines Section 3.

Approval of Minutes:

Motion made by Chairman Byham seconded by Liz Venezky and carried unanimously to approve the meeting minutes of May 1, 2018 as read.

Adjournment
Motion made by Chairman Byham seconded by Bill Rutter and carried unanimously to adjourn the meeting at 8:50 pm.