Planning Board/ARB
Meeting
September 4, 2012

Present **Absent**

Chairman Wohlers
Denny Marra
Joseph Slominski
Craig Byham
William Rutter

Donna Stassen, Secretary
Attorney Eric Stowe, Village Attorney
Jack Crooks, Building Inspector
Carol Nellis Ewell, Village liaison

Others Present

Edmund Martin
Steven Cammaratta
Ross Cammaratta
Val Visca
Lawrence Hart
Virginia Hart
Dom Buono
Thomas Burgio
James Uschold
Fritz Gunther
Lisa Taylor
Marcia Stromquist
Helen M. Stone
Bill and Rose VanVelson
Maryanne Gunther
Scott Gunther
A Gunther
Greg Yahn
Melinda Skinner

At this time Chairman Wohlers led the Pledge of Allegiance.

Planning Board

Public Hearing
Application for site plan approval to construct a private access road on vacant property located at 22 Big Ridge Road, Spencerport NY. Such access road to serve a portion of the Parkview center development located completely north of the subject parcel, such parcel is zoned R2.

Having read the legal notice the developer will now give his presentation.

Edmund Martin: I am an engineer from Land Tech representing the developers their attorney is present in case there is a question I may not be able to answer.

Edmund Martin: This application before you is actually part of a bigger project immediately north of the proposed private drive in the Town of Ogden for 25 acres of senior citizen development. This project has received preliminary overall approval conditional in August 2012 on a second access being provided. The first of which has been provided thru the internal development of Parkview Center which originates on Union Street. The board may recall that we approached the village about using the Village road east of the project. That was officially denied in January 2011, since that time our client has made a purchase offer on 22 Big Ridge Road and directed us to find an access which is provided in the plans before you. This was also sent to Monroe County DOT and we did receive a letter from Monroe County DOT which indicates their acceptance of this location and its ability for us to pursue permits. Such letter has been provided. (File)

The reason for this access road truly is for a second access there are approximately 80 units and when you have that number of units good planning and engineering requires a second entrance in the event that the first road is closed due to a car accident or something of that nature.

What we have proposed is a boulevard style entrance way centered on #22 Big Ridge Rd you will note a raised medium in the center that we do have the ability to do plantings if needed to help screen head light glare. The topography of the site falls from south to north so as a vehicle exits Big Ridge Road and travels northward it will be dropping down into the development and proposed grading shows significant slopes upward to the adjoining property. We have done as much as we can to shield this access road from adjoining properties.

Our code review indicates that no variances will be required for this with that said I will be happy to answer any questions you have.

Building Inspector Jack Crooks: The building department has been involved in the plans and also been involved in the history going back to 2010 when this parcel was first considered for development. To echo Mr. Martin's comments obviously they are required by Monroe County DOT a parcel this size really requires for safety sake 2 separate entrances. Any blockage of one of those two entrances would need a second means of ingress and egress.

Monroe County has suggested this as an alternative it is certainly true that the applicant pursued the opportunity to go to the Village Board for the road that the Village owns to the current treatment plant and the board decided that was not something they wanted to get involved in. This is the only other alternative given that the parcel to the north could certainly be landlocked as divided. NYS Town Law requires that you need to grant access to a public way and this is the only other alternative they have at this time. Beyond that I think because we have 2 parcels #30 & #20 to the east and west of this proposed private drive that all efforts be made to shield those properties with some kind of year round vegetative screen. The medium in the middle helps but as headlights come in from the east or west it

would be nice to have something more to shield those 2 parcels. To the south of it as cars go in and out other than what they do for their own screening it is very difficult with proposed road to screen headlights that come out to the south. Again this is a senior project so we don't expect a lot of late parties. This project will not allow anyone under the age of 55 to move in per town code.

Village Attorney Eric Stowe: My main concern was the maintenance of the road I realize that this is a private road and will be the responsibility of the owner. We need to make that clear in any resolution if this is approved.

Public Hearing Portion

Fritz Gunther: I live at 19 Big Ridge Road I am an active Spencerport Village Trustee but tonight I am not acting in that capacity. Tonight I am acting as a resident voicing my opinion. I would imagine historically a small legal notice in the back of the suburban news in the last week of August wouldn't produce much fanfare, given that this meeting falls the day after Labor Day the day before school starts people have a lot of other things on their mind other than what a developer is proposing this is a tremendous turnout it is good to see the system work and I appreciate that.

This topic specifically has been going on for years both in the Village and in the Town of Ogden. An access for the proposed large scale development known as Park View Center is not wanted by the residents. The developer has stated at numerous meetings that the access to Big Ridge Road is not required and they do have other options.
Aside from the turnout I also have three pages of signatures on a petition from residents in the immediate area that would be affected by this showing their opposition to this proposed access road. Quite frankly this is not a few neighbors who purchased property next to a football stadium and suddenly now we are complaining about noise and traffic this is not the case. This is a completely new venture; something that will fundamentally and negatively change the neighborhood forever. Big Ridge Road is plagued with traffic problems and this access road will only add to the traffic issues while negatively impacting property values along with our safety and our children's safety as well as our quality of life. As stated this new road has been discussed in great lengths. I urge this board to review minutes of past meetings in Spencerport and Ogden.
Mr. Gunther read aloud segments from minutes he was asked by Chairman Wohlers to stick to his own comments this evening.
Fritz Gunther: This is very detrimental to the neighborhood I am on Big Ridge I live south of this proposed access road I do appreciate the fact that they will possibly plant shrubs however shrubs may stop headlights they don't stop cars. School traffic is horrendous we have nothing but major traffic problems now.

I heard Mr. Crooks speak about this property being landlocked it is my understanding that it goes all the way to Union Street when it was purchased which does not make it landlocked whatever the developer is proposing now or maybe if they split it off into two lots to make it landlocked is not our issue not our problem. Again they tried for the access of the treatment road it was denied again they are trying for this road here. I would appreciate you look long and hard and take our comments seriously and please vote this down.

Mr. Gunther submitted meeting dates along with quotes from meetings and signed petition from neighborhood. (Filed)

James Uschold: I live at 20 Big Ridge Rd. right east of the access road the road will go right under my bedroom window; we don't want any noise after 7:00.

Lawrence Hart: I live at 8 Big Ridge Rd and have been following this since 2010 I am against this also. When we questioned before about a traffic study that was done on this they said it was fine and I never saw any particulars on it my question is when was the traffic study done was it during when school is in session was it done during vacation there is a big difference between when school is in session and now additionally since the road has been repaved this has become a speedway. There is a lot more traffic, another traffic study should be done at a time during the maximum amount of traffic usage, you will have senior citizens coming in and out of there this is a safety issue.

Bill VanVelson: I live at 34 Big Ridge Rd. I am two houses down from there and I was told this was going to be a senior citizen 55 and older well I am 56 and I have a hard time getting out of my driveway. When I go out of my driveway there are cars coming this way and this way. I work for Spencerport School District and when I go home for lunch I have to be very careful backing out of my driveway I almost hit a car the other day backed out didn't see it. OPTL Rd is a dead road there is hardly any traffic use that. Put a walkway for senior citizens so they can walk to the village but a road someone is going to get killed I don't know if you can put a price on life but somebody is going to get killed. I know 259 is busy but it is not going to happen overnight make the access road come in off 259 you will have commercial property and eventually it will hook up to the back and OPTL Rd it is simple.

Melinda Skinner: I live at 6 Cottage Street right on the corner on the south end. Between Wemoco and other traffic it is very difficult to back out my mother is 82 years old and she has a hard time backing out. Also the lights will be shining on our house.

Tom Burgio: I live at 10 Mill Street, I don't live on Big Ridge Road but I use Big Ridge to get out of Mill Street and if anyone tells me the traffic in Spencerport is not horrendous I would like to have you come down and just see the traffic. You have to go down to Big Ridge to get out to Union Street because there is a light. I know a lot of people are against this thing and we need to look very closely at what we are doing in this village. We are going to have a bridge torn down pretty soon we don't know when but it is in the works; this will open up truck traffic which is another big issue. There are school buses that use Big Ridge, this is a building lot and should be kept that way put a family home in there. We get these big developers in here to do this thing now over off Evergreen St they put in these duplexes but they can't use them because they weren't built properly from what I understand. This is what this board should be looking at not try to do some new development that we are against.

Rose VanVelson: I live at 34 Big Ridge Road I know you are calling this a secondary access road but let's face it if senior citizens 55 and over have a choice between 259 and Big Ridge Road we all know where they are going. This is going to be a main access road not a secondary road.

Lawrence Hart: Another thing about this access road because there isn't an access road yet on 259 this road will also turn out to be the construction access road; just another problem.

Fritz Gunther: Maybe I am a little confused is this a landlocked area where they are looking for one access or is this the secondary access. Mr. Martin explained in the beginning that they need a second means of ingress and egress. Which definitely softens the blow on paper but yet Mr. Crooks is saying this is a landlocked area and I see the owner is not nodding his head agreeing that this is a landlocked area again this is not our concern if they split the land up to make it landlocked. But I am a bit confused their engineer is proposing this as a secondary once in a while access which is it?

Maryanne Gunther: I live at 19 Big Ridge Road when we were at the meeting before the developer said that he didn't have to have the egress on Big Ridge Road but that was the preference that he could have two on 259. Yes, they want it but they don't have to have it and like Mr. Stowe said that they are not in the Town they are in the Village and don't need two. Also it is not just a senior center if I remember correctly isn't there also a shopping center and office buildings going in that complex so it is not just an entrance for the senior citizens but also for the rest of the plaza. I think it is kind of toning it down by saying that it is just a senior center you have to remember that to the rest of us what is going in there is pretty significant. Being that I do live at 19 Big Ridge, myself and Mr. Ushold and the neighbors on the other side we are the three most significantly affected by this. Traffic obviously is already really bad even getting your mail is dangerous I have almost been hit numerous times. It is not just the seniors coming in and out of there it is also the shopping and other business travel don't tone it down to senior traffic only. This has already been addressed by the Village Board but I think what was said before can't just be dismissed that has to come back to the table it wasn't approved by the Village Board that is significant, the residents didn't want it than and they don't want it now. As the board you represent us not your own desires only what people want you are there to speak for us and we are telling you that is not what we want they have told you before they don't need it they just want it there. I think it is very important to remember that we are asking you to do something for us as we appointed you to do.

Chairman Wohlers: Just to clarify something the Village Board only addressed the Northrup Creek Driveway before it was never part of the public hearing 22 Big Ridge Road is separate and has never been before us.

Chairman Wohlers asked Mr. Martin to address the earlier comments from the public.

Edmund Martin: There was a comment that this will be a big impact to Big Ridge Rd. I want the board to understand that traffic studies are much like storm water analysis things like that there is a science behind it. An independent company was hired by Landtech we did not do the study ourselves. The study does account for schools in the area it even accounts for approved but un-built developments in the area. It projects out 5 – 10 years there is a science behind it. As the letter from Monroe County Dot spells out right in the July 27th letter that this project will not adversely affect the adjacent transportation network and that no mitigating measures are required. This isn't going to have an impact on the way the roads in the area work and that no improvements to the roads will be required.

Yes, this is part of a larger development but as Mr. Crooks described this is landlocked in the sense that there are two distinctly separate developments. There is a commercial element which is the western half of 50 acres and the senior development which is the eastern half. The secondary access is what we are proposing. The first access is through the commercial development. There was a lot of talk about 3 options, the 3 options that we looked at are:

1. This access on Big Ridge Rd.
2. The village road to the treatment plant.
3. 2 connections to the commercial development which was proven not to be feasible this was discussed at great length with the Ogden Planning Board reviewed as part of the SEQR process and we were given a negative declaration with respect to this SEQR.

Edmund Martin: There were claims about decreased property values I would submit that is anecdotal at best. I don't see any evidence of it again the SEQRA process did not bear that out I think that is emotions speaking.

Edmund Martin: There were words put in my mouth saying that this would be a once in a while used access I have never proposed that I have been very upfront about this being the primary access for the senior development. The senior development requires 2 access points I am calling this a secondary access because the first one has already been established.

There was a comment from Mr. Ushold that he doesn't want the noise I can appreciate that there is noise with people but I would say that a senior development would present the least amount of noise. Certainly with the evergreen plantings we would do our best to abate that but much like when the surrounding development went in there will be increased noise I would be lying if I said there wouldn't. These impacts are not significant.

Traffic study was done by SRF submitted to the County DOT reviewed and approved.

The comment that this will be used for the construction entrance it certainly will this will be the construction entrance for the senior development. As the commercial development progresses the primary access to Union Street I see being the construction access for that development. Several comments about the difficulty getting out onto Big Ridge I won't try to dispute that I will tell you that the studies done from traffic engineers are objective not subjective we hear all the time you have to wait a forever at a certain intersection to get out. In the standards of traffic engineering forever is a very short amount of time, I challenge you to go to the longest traffic light you can find and you will be hard pressed to be there more than 90 seconds before the light changes.

Mr. Foster: Why aren't those traffic study people here tonight?

Edmund Martin: There not required to as their technical expertise was presented to the authorities responsible for reviewing that it has been reviewed and accepted as fact.

Chairman Wohlers: Do you know the date of the study.

Edmund Martin: No, I would be happy to send a copy to the village.

Edmund Martin: There was a comment about using OPTL Rd. this property does not have access to that road that is just impossible.

Edmund Martin: There was a comment about a walkway being nice, we actually proposed a walkway and that was one of the requirements of the Town of Ogden to provide pedestrian walkways throughout the development providing access to the Village and you will note on the east side of the proposed road a concrete walkway.

There was a quote about how tough it is backing out onto Big Ridge Road I imagine it would be as I understand from town law that is an illegal movement. Our proposed access obviously wouldn't be any back outs everything is pulling straight out onto the road. This will be the primary access road for the 80 senior homes that are proposed there.
There were some questions about the remainder of the development as I said the western half of Parkview Center is approximately 25 acres of commercial development it is somewhere on the order of a quarter of a million sq feet of building area that is shown in preliminary plans.

I think that pretty much summarizes it if there is something that I missed or you would like me to address further I would be happy to.

Doug Foster: I live at 44 Big Ridge Rd I have been attending these meetings since this whole project begun and I am seeing big smoke signals here. These guys that do all these studies I have a turnaround in my driveway I pull out legally a lot of these people aren't fortunate to have that. If you put this on that lot coming out on Big Ridge Road with the school I don't know who these guys are I don't have a college degree in traffic study but I can tell you right now us right here who live on that street can do pretty good at giving you a study and you will to if you want to come and sit in my driveway along with the Ogden Police that sit there. They tell me it is like shooting ducks, I am tired of hearing about these studies these studies, you can't even get out of AM PM to go north without going to the light. Tom Burgio mentioned about the tractor trailers that we are going to have. I think if we do this we are going to have problems.

Chairman Wohlers: Is there anything new to add to the comments.

Fritz Gunther: Just to go back to what Mr. Martin was saying with these meetings we have gone to a lot of these meetings and we are getting extreme inconsistencies of exactly what is going on. Even at the very beginning of this meeting with Mr. Martin's introduction he mentioned this as a secondary access road if I am not mistaken Mrs. Stassen that would be in the record already which now an hour into this we have switched this to the primary road to the senior development and that is the kind of inconsistencies that we are getting with this development. He is telling us from a marketing standpoint they need this access to Big Ridge Rd. which is a clever way of saying that they can't get premium dollars that is not our problem. There was a study back whenever he can't pull it out to who, or when or exactly

what was said but conveniently it seems to back up his story that it is not going to affect our property values what so ever but yet he gets into the fact that yes there will be traffic I can't argue with that yes there is going to be issues I can't argue with that again within one hour we already have inconsistencies of what exactly is going on.

Mr. Burgio: I want to make a short comment, yes it is illegal to back out of your driveway but try to back into your driveway into Big Ridge Rd it would even be harder.

Denny Marra: I think I have heard everything at this time I don't have any comments. I agree with the screening I don't know what can be done about the headlight that is going to be a problem one way or the other but I don't know how you are going to solve it.

Joe Slominski: A lot of good information to digest the screening is crucial we need to take a good hard look at the project before we move forward.

Bill Rutter: Can you help me understand again Landry Way that is not even being talked about as an egress isn't that connected?

Edmund Martin: It does adjoin the property it is a commercial development the overall layout of this senior development was to stand alone as much as possible. I think that you can appreciate that when you move into any development of any kind you wouldn't want it to be integral to a commercial development so the primary access for Park View Center is along the Union Street frontage which is right across from Barefoot Landing. Because of the number of units in the senior portion a second access I apologize if using the word secondary caused confusion a second access is required. The three options we looked at were to use the Village Road, this option before you and basically 2 connections going into the commercial development. Now going back into my first statement about the relationship between the senior portion and the commercial development they need to stand separate as much as possible does that answer your question?

William Rutter: Not entirely, is the new proposed road going to be the first road put in to that Phase 1 development and if so when will the other entrance be put in?

Edmund Martin: I believe the Town of Ogden put a requirement on that and the number that comes to mind is 75% of senior development being constructed an access road to Union Street will be done.

William Rutter: 75% of Phase 1 I am just trying to understand it sounds like Big Ridge Rd may be the only access for quite some period of time.

Edmund Martin: I would say that this road would be the first and that a second one whether it is full build out with the commercial development or an access road that is put in before the commercial development would be required before build out. Again this is the whole reason we are here for a second access is because of the number of units. We certainly could not build out all eighty units and still only have one access road. I would say at about 60 units the second access road should be in place.

William Rutter: To go to the 80 units you would have to begin Phase 6 that might be farther out into the future so for some period of time that could be the only access to that area.

Edmund Martin: Yes, It certainly could be. Much of this development and what was the goal in the overall layout of doing a mixed use with both commercial and senior development is to respond to market conditions.

William Rutter: I agree that once that commercial property is developed that there will be traffic going through the senior development to access to Big Ridge Rd. Is it possible to use signage to restrict traffic through the senior development?

Edmund Martin: Signage is certainly one way we can do that a sweeping curve also discourages traffic if they don't know where it is going it is less likely to be used. An option that was not discussed with the Town of Ogden but just came to mind is making that an exit only.

William Rutter: I think the seniors would probably want to go back and forth using that road. Are there ever plans to put a traffic signal on Union Street?

Edmund Martin referred question to his client Val Visca.

Val Visca: A turning lane is required but not a light. NYS DOT does not want a light installed at the intersection. We don't want a secondary access they are making us put one in it is not a convenience for us I would rather go right in at S Union Street and go straight back to the senior development and be done with it. It is a safety issue, which no one seems to want to mention, if there is a fire on Landry Way where you are connected to the primary access off Union Street going into the seniors and you can't get out because of this connection you need the other access off Big Ridge Rd.

Maryanne Gunther: Just for verification you are saying secondary but what you really mean is second and what you mean by second is first because there won't be another one for several years coming off of 259?

Val Visca: Right, I am not trying to trick anyone.

Edmund Martin: I would like the record to show that the access to Union St very well could go in first this development is done to respond to market conditions. If there is a commercial demand they are not going to overlook that to develop this and that road would certainly go in.

William Rutter: There isn't a set time as to when you would like to start construction.

Val Visca: No, there are not any set plans to start anything back there anytime soon it could stay like that for 10 years. We just want to be able to start if we decide to.

Fritz Gunther: I have one new comment if I may I think it is very difficult to step back and look at it this exactly what is our job here we are the Spencerport Planning Board at a public hearing this entire

development lies outside of the village. This is a Town of Ogden building issue not a Village of Spencerport issue to see if they have another access is it marketable, is it safe even though safety is a big concern for everybody as a village that obviously has severe traffic issues. Despite what they say in some office in downtown Rochester about what happens on Big Ridge Rd. we do have traffic issues. The job of the Planning Board if I am not mistaken is to decide if the Village wants an access road here does this access road benefit the village what so ever whether it is a 10 yr build out which has been said in past meetings. Anything can change in a heartbeat due to marketing conditions. Again I think as far as planning is this feasible again whatever happens just north of lot 22 on Big Ridge Rd is out of our control and quite frankly none of our concern.

Attorney Ross Cammarrta: I deal with these issues with residents no one wants development in their own area this is typical. The comment was made about what your responsibilities are and basically the Town of Ogden looked at this and the Village of Spencerport perhaps could look at this and benefit by it. You have people getting older in our community me included and you need to have a situation where an older person may be giving up their single family home has some sort of access to live in their community and not have to move to some distant retirement village. This development would benefit the overall population. As you get older they have a facility here connected to some health building and you have other services available in the community. You have a traffic study which was done by competent engineers I think this board has to acknowledge that. Everything else I have heard here has been a lot of speculation. But remember what we are doing here we are putting in a 55 and older community. I know it is hard to look at this when it is your backyard but when you have a large piece of land that is vacant you should have some expectation that in the future that piece of land will be developed. A senior development is probably the least intrusive form of development. This fits in very well and the village can benefit from this.

Fritz Gunther: Your client's proposal is a street not a senior development.

Attorney Cammaratta: Without the street you are not going to have a senior development.

Fritz Gunther: They stated they could have two access on Union St.

Attorney Cammaratta: This has to do with safety, emergency vehicles getting in and out safely. We will do as much as possible to screen the lights and noise. I am sure that the building department will be very active in protecting the people in the neighborhood.

Unknown speaker: We are not against the housing we are against the access; they say we need it for an emergency if there is an emergency put a gate on it. The emergency vehicle can access it or buy a strip of land on OPTL Rd.

Doug Foster: We are not here to speak against the senior housing we are here to speak against the road.

Chairman Wohlers asked if anyone had anything new to add.

Marianne Gunther: Mr. Wohlers is there a time limit on this meeting; I get the sense that we are being rushed.

Chairman Wohlers: No, I just don't think we need to keep reiterating we know about the traffic, the difficulty……

Marianne Gunther: You don't know if anyone has anything new to say unless you let them say it. I suggest that we don't be bullied by the attorney here who is telling us that this is the reality of what has to happen. The reality is what you decide is going to happen not what he says. And also he is calling it a facility which I do feel he is talking down to us that we won't understand so apartments are not a facility a nursing home is a facility. Saying that is a senior complex and we should just be thankful that is what they are putting in. It is not a senior complex it is a senior complex with a road attached to the upcoming shopping, Dr. Offices and professional building.

Craig Byham: We have a very unique situation you are developing in the Town of Ogden and you need access to your development through the Village of Spencerport in order to do that you want to buy a residential piece of property and turn it into a non residential piece of property which would need zoning board approval. The village is to gain nothing from this from what I see except losing a residential lot.

Edmund Martin: I didn't find that in the code review I would refer to Mr. Stowe I would believe this is a permitted use.

It was confirmed that this driveway was a permitted use in an R1 district.

Jack Crooks: This is a project which is probably 3 years in the making which probably since day 1 this board was invited to the Town Board meeting for their input along with the Highway Superintendent and the Electric Superintendent was there and spoke in favor of what this development could means in terms of revenue for Spencerport Electric. So, it is not like this is just being sprung on this board or these participants this evening this has been a 3 plus year process with alternatives offered. The county clearly says that this project needs two means of ingress and egress to a project this size to provide for public safety. That is a given and the other thing that has been suggested is that the commercial traffic will go east through this senior development to get out on Big Ridge Road with all due respect that is fantasy that is just not going to happen but reality and my experience tells me that simply is not so. This board has participated in this for some time so this should not be a surprise to anybody.

Craig Byham: Where the surprise is that I have been to every one of the meetings this access road as far as I can recall was ever brought up or even on a plan.

Jack Crooks: No argument but there was a reality from the get go that this proposal was to go through Northrup Creek Drive.

Craig Byham: And the Village Board decided not to do that.

Jack Crooks: That is right, now they have been forced to come up with another alternative this was one of the options this vacant land was available and common sense would say that is what would be looked at. As far as the zoning board there is nothing in the code that would require this to come in front of them.

Craig Byham: I stand corrected.

Jack Crooks: The neighbors are right it is probably going to be the focus for a number of years as the initial phases are developed. But at some point as they move on the Town is going to say no because they will need to put in the new road off Union Street.

Craig Byham noted that in the minutes from January 5, 2011 the comment from the trustees stated they were against Northrup Creek Road and they were also against 22 Big Ridge Rd.

Mayor Lobene: Lot 22 was brought up to the Village Board as discussion but was never voted on.

Craig Byham stated that in the previous minutes Trustee Hopson, Trustee Gunther and Trustee Nellis Ewell voiced objection to installing a driveway on Big Ridge Road.

Fritz Gunther added that the September 1, 2010 minutes note Trustee Rauber and Mayor Lobene's objection to proposed driveway.

Chairman Wohlers: Did you say you cannot use Landry Way as a connection to this project?

Edmund Martin: Landry Way does connect to Park East Crossing but that is ultimately the same access point coming back into this development.

Chairman Wohlers: I understand that I am talking about putting another access road right in behind the present Unity bldg and tying into the loop.

Edmund Martin: This would be two internal connections to the commercial development and the success of the development requires that the commercial have an independent identity and operation s much as possible from the senior. Having the two access points like that it just isn't feasible.

Fritz Gunther: So we suffer with our property values.

Doug Foster: I had a relative who lived right across the street from Landry Way they have already moved because of the traffic and headlights; I don't want to have to move.

Chairman Wohlers: It appears to me that the headlights are going to be worse because of the grade.

Edmund Martin: You have about a 2 ½% slope in the apron area once you get to the front of the houses of 19 & 21 Big Ridge Rd. the slope goes down. You couldn't have a 4% connection that would be too steep. There is a flat area of around 40 ft to the edge of Big Ridge Rd.

Chairman Wohlers: This is not landlocked yet if this parcel was sold before the commercial started than this would be their only access.

Edmund Martin: The commercial development would have to be completed with the connection to the Park East Crossing.

Fritz Gunther: So, are we making this marketable for a potential buyer not even for ourselves?

Chairman Wohlers: I am going to at this time close the public hearing the comments are not furthering the discussion.

Public Hearing Closed at 8:10 pm

Chairman Wohlers: Another question Park East Crossing can that be a boulevard all the way in than you eliminate the need for a second access.

Jack Crooks: That is fair question but I can't speak for the Ogden Planning Board.

At this time the Planning Board agreed to table the application pending review of the copy of the traffic study and to allow the applicant to approach the Town of Ogden Planning Board to see if they are open to a boulevard entrance 2way in and 2 way out onto Union Street per their requirement that such development must have two access roads.

Motion made by Chairman Wohlers seconded by Denny Marra and carried unanimously to table the application for site plan approval to construct a private access road on vacant land located at 22 Big Ridge Road.

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

ARB

Unfinished Business
McDonalds
44 Nichols St

Randy BeBaut: We were here back in August we presented elevation which in general I would say wasn't well received. Since then we have done a specific rendering of what this building would look like the major change was we removed the stone and put in brick and more significantly showing hardy plank siding vs. painting the brick.

The colors were changed after comments that they were too dark/samples were shown.

We think this is a great fit for the buildings around us the hardy plank is a very durable type of material.

Chairman Wohlers stated that this certainly cleans up the building that is there now and makes the appearance much more appealing.

Chairman Wohlers: I don't like the yellow arch over the top of McDonald's the M on the building is fine.

Craig Byham: First of all this is great what you have done from where we were, are there any other colors options for the awnings?

Randy Bebeaut showed two others to choose from a two toned green and a two toned maroon.

The Board agreed that the two toned yellow looked best.

Denny Marra stated that the east elevation needed something to break up the wall.

After discussion it was agreed to install another McDonalds sign to be centered on the east elevation side of the building.

Chairman Wohlers: What about the yellow arch coming off the top of the building?

Mr. Buono owner operator of McDonalds stated that the roof cap element is a trademark element and corporate would want to keep that.

Carol Nellis Ewell: I just remind you as we adjust it we can make it look as good as we did Tim Hortons which didn't take away their corporate identity.

Denny Marra: Personally I don't think that is a fair comparison between this building and Tim Hortons, I think the Village Board needs to define where the boundaries are for this canal town theme.

Chairman Wohlers: We did ask them to go back and look at a gable roof it would not have been feasible.

Randy Bebaut: We are remodeling something we are not rebuilding to go and put gables on this would mean significant structural issues related with that. It is just not feasible to do that.

At this time the board offered the following approval.

Resolved that the Village of Spencerport ARB granted a Certificate of Appropriateness for exterior renovations to McDonalds located at 44 Nichols Street, Spencerport NY.

Such approval was based on the following:

1. Such exterior renovations to be as shown on plans submitted September 4, 2012 from T-Y-Lininternational and presented to the ARB on September 4, 2012.
2. The ARB has approved one additional McDonalds sign not to exceed 41.3 inches to be centered on the east elevation side of the building.
3. After installation the applicant shall submit a photograph of the completed installation to the Village Office for filing.

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

Trustee Nellis Ewell asked that the following be put in the minutes.
Trustee Nellis Ewell has asked the applicant for the McDonalds's renovation project to dispose of any building debris in an environmentally responsible manner.
Trustee Nellis Ewell stated that the applicant agreed it is the right thing to do and also there can be monetary value to come of it.

Approval of Minutes

Motion made by Chairman Wohlers seconded by Craig Byham and carried unanimously that the minutes of August 1, 2012 be approved as written.

Adjournment

Motion made by Chairman Wohlers seconded by Denny Marra and carried unanimously that the meeting be adjourned at 8:50 pm.