DRAFT MINUTES

Planning Board/ARB
Minutes
November 4, 2014

Present	**Absent**
Chairman Wohlers	Joseph Slominski
Denny Marra	
Craig Byham	
Liz Venezky	

Attorney Eric Stowe
Electric Superintendent Owen McIntee
Building Inspector Patrick Smith
DPW Superintendent Tom West
Planning Board Secretary Donna Stassen
Village Engineer David Willard

Others Present
William Rutter
Joan Quigley
Kris Schultz
Patrick Laber
Terry and Roberta West
Ron White
Charles Hopson
Gary Penders
David Pelusio
Richard Holtzberg
Jennifer Ahrens
Barbara Pittman

At this time Chairman Wohlers led the Pledge of Allegiance

ARB

Spencerport Physical Therapy
37 N Union Street
Repairs and alterations to building

Jennifer Ahrens will be representing the applicant this evening.
Jennifer Ahrens stated that the thought was to provide more exterior spaces that would be wide open to watch the clients. In terms of the exterior look you are starting to get residential in that area and his thought was to really tone down the color variations. At the corner intersection there is some limestone which has some nice detail and there would be full windows installed here without hardware. There will

be vertical siding in a color that will really compliment the brick installed on the fascia that wraps around the whole building. Right now there is signage in the gables of this building which will be taken down and new signs will be on two entrances over the doors.

The doors on all four sides; we are looking at painting the doors a wedge wood blue. The gutters and down spout would match the wrap and the roof will remain the same.

There will be two simple lights at the doors and he would like to provide wall pack emergency lighting on all facades.

Owen McIntee reviewed the cut sheets and stated to the board that what the applicant submitted is fine.

Chairman Wohlers: I personally visited the site and I think this will be a big improvement the building does need some repair.

At this time the ARB granted the following Certificate of Appropriateness. This is to certify that the Architectural Review Board has granted final approval for a Certificate of Appropriateness for alterations and repairs to Spencerport Physical Therapy for building located at 37 N Union Street, Spencerport NY.

Such final approval was granted based on the following.

1. Exterior windows, doors and siding replacement as per submitted drawings and materials,
2. Colors to be as indicated on submitted drawings and color charts.
3. Lighting approved per submitted cut sheets.
4. Future signage to be reviewed and approved by the ARB.
5. All alternations and repairs shall be kept in good condition as determined by the VOS ARB.

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

Planning Board

Unfinished Business

Mavis Tire Site Plan

Attorney Richard Holtzberg appeared on behalf of Pelusio Spencerport LLC, 26 Slayton Ave, Spencerport NY, he started by stating that he was not at the original meeting and was only getting everything second hand as to what happened at the meeting.

Attorney Holtzberg stated that his purpose for being here is not to in any way try to get anything other than an agreement between the applicant and the board if an agreement is indeed possible. He is not here to be adversarial not here to cause any problems he is solely here for the purpose of finding out what we can do to satisfy this board to put our building in place.

Attorney Holtzberg: The applicant Mr. Pelusio has been attempting to do various projects in this area. In 2010 he applied for an addition to what is now the Dollar Store and that was going to be a 10,000 sq ft addition along with other various improvements to the plaza. That addition was approved and many of the improvements to the plaza were performed. He did not however increase the size of the Dollar Store because at that time there wasn't a tenant who desired that amount of space. However at that time we did conduct a rather expensive and very accurate parking study and along with the approval of the addition the amount of parking was also approved granting us the # of spaces needed for that 10,000 sq ft building.

The size of the building that we are attempting to construct for Mavis Tire is 6700 sq ft which is substantially less than the 10,000 sq ft building but the amount of parking available is the same. So our thought is if it was satisfactory for the 10,000 sq ft building it probably should be satisfactory for the Mavis building. We did a parking study back then we did not do a new parking study for the obvious reasons, 1 it is a smaller building and 2 a parking study is very expensive. So we are hoping that this board will look at this study analyze it and understand that indeed the parking should be satisfactory for the new building.

What we also did is we had our engineering people analyze the parking from a use point of view they went and looked at each store in the parking center, looked at the village code to see how much parking was required for each use and they came up with a number and if we take those uses and the required parking we still comply with the number of spaces we have. I believe submitted to the board earlier this week was a color coded map showing where all those parking spaces would be. Our position on the parking which I know was a major concern for this board at the last meeting is that we have sufficient parking and that is not even taking into consideration the concept that shopping center use is for shared parking. Not everybody has peak uses at the same time.

Another question that this Board had at the last meeting was the façade the color of the building the way it looked and how did it blend a new rendering was submitted showing that the color scheme has changed to blend in with the rest of the plaza we have also put dormers on to give it a little more character.

It was indicated at the last meeting that landscaping was satisfactory.

Another concern was the continuation of East Ave through the shopping center several years ago the Village spent a great deal of money on a study as to how that particular road could be extended and there were 4 alternatives the problem at that time and I assume still exists is that all 4 alternatives were extremely expensive largely because of all the utilities that run through there. It would cost close to a million dollars to move those utilities it is highly unlikely in this day of economics in the foreseeable future that there would be an extension of that road anyways. But if you look at that study and you look at the four options none of those options would be disturbed by the construction of the Mavis Building at the proposed location.
Another concern this Board has is the flow of traffic in front of the building itself. The applicant has put up on the southeastern end of the building a stop marking to stop people going westerly along the front

Of the building so that if and when people are backing out of the bays people from the west should stop. Secondly he has put a window in that corner of the building so that people backing out of the bays on the west side can see any oncoming traffic.

As I am sure the board understands this is a shopping center every part of the shopping center every single spot in the parking center backs into a traffic flow people have to be careful backing up that is just the way it is in a shopping plaza. We do not believe that in any way impedes the flow of traffic in that plaza.

Mavis Tire generally does not have a loading dock in any of their buildings for the simple reason that once their inventory is unloaded the replacement of those inventories are done inside no necessity for loading docks.

Frankly I think this particular use for Spencerport is an excellent use Mavis Tire is a national chain and offers their tires at very competitive prices and that is good for the Village of Spencerport. To be able to stay local and not have to go to another community to buy tires just the use itself is something I think the village would want. There is even the possibility that a boat on the canal that needs a battery could use this facility.

We don't see where this building constructed where it is proposed will in any way effect the Master Plan for the village. There are tremendous constraints as to why that building cannot be moved, utilities being one of them, distances; it just has to be where it is in light of all the other construction that has occurred in this plaza.

It was suggested that maybe there might be a noise issue there is no question that when you put tires on a car there might be a little bit of noise going on. This type of use is compatible with shopping centers all over the county there are numerous shopping centers where there is a shopping plaza and adjacent to it a free standing building with a tire store. The amount of noise as intermittent as it is going to be is not going to be disturbing this is not a residential area. As a matter of fact you do have some automobile repair shops just to the south of this plaza that are adjacent to a residential area and to my understanding there have not been any major complaints as a result of that use.

Attorney Holtzberg distributed drawings of existing tire businesses within plazas in the area.

If there are still items that need to be addressed and we can address them we will do it. We want to please the board and the village we want to have our tire store because we think it is an excellent use at that location. Visibly it looks good it offers the community the ability to shop at Top's or the other stores in the plaza so it is combatable. We really want the board to give us their approval I am prepared to answer any questions.

Kris Schultz: I wanted to just touch on one item that was a significant issue with safety and we wanted to make sure that the board fully understood what was being done to address that. The concern with the corner of Mavis and the drive thru as customers were backing out of the bays as we mentioned the

eastern exposure of that building now has a full window for visibility. Now there is a stop bar and a stop sign right at that corner.

Chairman Wohlers: Any East Ave extension that would be the only driving lane with the building going up.

Kris Schultz: Today if you drive behind the BOCES building and continue down the road which has actually been constructed on Mr. Pelusio's property that feeds the Village Park that represents an existing lane which is physically there. To say that the placement of the building would potentially hale any road way is not true. The study that the Village paid for said that ideally there would probably be a whole configuration of the east end of the plaza if a road was installed and it would reduce the parking and that those impacts could be mitigated from the standpoint of what the true demand of parking is for a plaza. The study actually quotes a true demand of about 40% lower than what the zoning code calls for. There isn't anything that precludes getting from East Ave to Lyell Rd with this building being extended.

The only other thing I wanted to bring to the boards attention is that we are all concentrating on a Mavis coming into the plaza but if you look at what actually is being built there it is a building that will look almost identical in colors and architecture to the improvements that were done with Top's and Slayton Place. You have a building that Mavis may occupy for a period of time if Mavis leaves in five years you have a building that could easily be remodeled into stores. You're not basically looking at this as going to be a tire store forever this is just another store that is outfit for this particular tenant at this time. What this also does is potentially ties in the existing east end of the plaza with the older buildings to all the improvements that were done to the balance of the plaza. This will be in the center of the plaza and now instead of the east end looking drastically different you will have basically the new addition finished with the same colors and the same roof treatments on the roof line that mimic Slayton Place and Top's so this ties in the east end to what was done. I wanted to bring that out we don't just think about today but we think about what would happen 5 – 10 years from now potentially with this building. This is not a very deep building so it works out for tenant space. We should also be looking at the long range.

David Wohlers: I realize that the East Ave extensions are possible alternative but I did take the building and kind of super imposed it on three of the alternatives and it was on the corridor. The one alternative via the extension of Slayton Ave appears not to be a conflict with the building. The other thing I wanted to comment on is today I got this parking lot restriping plan which reconfigures that parking slightly to move the drive aisle to the south about 20 ft. which I think would be an improvement as far as the safety concern goes. You may want to explain that to the board.

Kris Schultz: What we realized is that there isn't parking along the building so if we put parking in where any car could back up and not be in the drive aisle this could be another alternative.

Craig Byham: What are your dimensions for these spots?

Kris Schultz: All the parking in the village is 10' x 20' currently all the spots in the Village Plaza are 9' x 20 'are striped 9' x 20' to be consistent.

Chairman Wohlers: In the letter received yesterday you stated that the village should also consider that an uninterrupted East Avenue to Lyell Ave might not be the best solution as the road would impact much of the existing plaza parking.

Kris Schultz: One of the biggest conclusions in the whole study was it would be wonderful to put the road in but the cost associated with the relocation of the electric and the impact on the plaza parking really made it cost prohibitive.

Chairman Wohlers: What about the Top's loading dock; turning radius and getting in and out of there?

Kris Schultz: The restriping would not affect access to the loading dock.

Chairman Wohlers: In your traffic study we were asking for walking distances from the stores.

Kris Schultz: That was Steve Ferante who is one of the leading traffic engineers in this area what we tried to do to address those concerns is shown on this color coded traffic design. (file)

Chairman Wohlers: What is the farthest parking spot from the Top's store?

Patrick Laber: It is under200 ft

Liz Venezky: I have a question the parking in front of the Chinese Restaurant it looks like you have 32 spots shown but when I went over and looked this is not the way it is configured over there and I only counted 26 spots.

Kris Schultz: What we tried to do is to be consistent with what the board has already seen and approved. Again you can sit down and basically put this together an infinite amount of ways the key is we are not short we are not in a situation where customers are not going to partake in shopping because there isn't a place to park. In essence the businesses here are successful. It is the responsibility of the village and this board to make sure there is common sense used in laying out parking. I shop in the plaza and I have never had an issue finding a really good spot in front of Top's.

Liz Venezky pointed out that they will still be a couple of spaces short.

Attorney Holtzberg: Just another comment it is a shopping center and there is sharing of stores as far as parking is concerned.

Chairman Wohlers: I want to refer to another item in Mr. Schultz's letter regarding delivery of items to the front bays of enclosed building and that every effort will be made not to block the traffic lanes.

Kris Schultz: That was a reference from the Village Engineer's question regarding a loading dock what we found out from Mavis is that what they usually do is pull into a bay shut the door and unload so you don't have a tractor trailer parked in the driveway with a fork lift unloading inventory.

Attorney Holtzberg: Tires are heavy so they are going to carry them the least amount of distance as possible.

Denny Marra: We referenced before at an earlier meeting about the location of the tire store and the six illustrations you have submitted showing tire stores in the area are great but not one of them is in the middle of a village.

Kris Schultz: These are all typical plaza's probably the one that is the best is Chili Ave that is the main drag in the town and in a plaza.

Attorney Holtzberg: Isn't the charm of a village having all your conveniences within reach? I think this use fulfills that view and vision everyone needs tires so why not have it right there.

Craig Byham: Do you live in the village Richard?

Attorney Holtzberg: I live in Penfield right near the four corners.
Craig Byham: Is there a tire store in the center of Penfield?

Attorney Holtzberg: Not in the four corners but there is one at the corner of 250 & 441. It is an elderly community there isn't a lot of new construction they just take the existing buildings and use them for real estate firms and restaurants. There is a gas station right on the corner that does sell tires and another garage up farther on Penfield Rd.

At this time the Chairman offered a resolution designating the Planning Board as the lead agency.

Resolved, that the Village of Spencerport Planning Board is hereby designated as lead agency for the application of Mavis Discount Tire located at 26 Slayton Place, Spencerport NY 14559.

Ayes: Wohlers, Marra, Byham, Venezky
Nays: None

At this time the Planning Board acting as Lead Agency completed Part 2- Impact Assessment of the Short Environmental Assessment Form. (File)

The Planning Board determined that the following questions would create a moderate to large impact.

#3 Will the proposed action impair the character or quality of the existing community?
#5 Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?
#7 Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? (Canal)
#11 Will the proposed action create a hazard to environmental resources or human health? (Noise)

Attorney Stowe: On the Board's determination with respect to moderate to large impact I believe at this point a Draft Environmental Impact Statement with respect to the SEQRA portion.

Attorney Stowe advised the Board that no action can be taken until SEQRA is complied with including an environmental impact statement.

Chairman Wohlers: That has to be provided to us by the applicant?

Attorney Stowe: That is correct.

Attorney Holtzberg: Attorney Stowe could this be approved subject to this?

Attorney Stowe: No, there would have to be a draft environmental impact statement provided by the applicant to satisfy that any moderate to large determinations by the Board have been alleviated so either a negative declaration would be issued or if it hasn't been relieved than a positive declaration with respect to SEQRA prior to any determination on the merits of the application.

Kris Schultz: I would like to say something; I have done this many, many times and a positive declaration and going to an impact statement is when the applicant hasn't provided the Board with sufficient information so they can warrant an impact. There are no archeological impacts this is a parking lot a lot of those items you are taking one concern which is noise and applying it to multiples and you are jumping it from small to moderate. I would ask the Board before we go down this road is to potentially do what I have seen a lot of other boards do and ask their support to take a look at it and work a little bit more on what you are saying. For example we have had instances where Wegmans was putting an addition on in the Town of Greece they had concerns about noise and they had someone do a sound study to see if in fact there really were moderate to large impacts. In my opinion you are not relying on the folks who represent the Village and have expertise on these matters. It is very customary in other towns to have their engineers help them work through a SEQRA because they have a broad range of experience and understand what those questions are really asking. This is putting an undue hardship on my client an impact statement is a long tedious expensive process. We have been more than diligent in addressing each and every comment and concern made by the village engineer. I would like to say we are at a point where we need to take a step back before we go down that road.

Attorney Stowe: I would agree with respect to the characterization of the process with respect to the determinations made by the board and the considerations at the end of the day those are the boards to determine relying on the comments received by this board. With respect to the archaeological part there are additional considerations in that specific provision for an example. If the board has concerns with respect to some of those things and needs additional information from the applicant or their advisors you can take the time to relieve those concerns or substantiate those concerns if you don't have enough information if we are going to go down the road of the environmental impact statement. It is a substantial undertaking but it is up to this Board.

Attorney Holtzberg: Can I just comment also; I have watched the process here and if I were sitting in that chair I would probably have no more knowledge than some of you might have on some of these issues. An environmental impact is very important and I would concur with Kris by saying let's really look at what we really mean here instead rather than saying well it was moderate. Don't get me wrong I am not putting anyone down and suggesting your irresponsible these kind of things require a great deal of knowledge. I don't have the knowledge; Kris has much more knowledge than I do and I suspect that we really need to look at what you are really dealing with. These people can help you in that regard so if you get a report back from them possibly they can answer your concerns so that we don't have to go down the environmental road.

Attorney Stowe stated to the board that at the top of the page it says that when answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?" and using that as your yardstick in determining those answers.

Craig Byham: Two weeks ago my wife and I went down to the canal and sat and had lunch and there is a 1 bay repair shop over on Lyell Ave and I could faintly hear an impact wrench that far away. So I could imagine if I was sitting directly behind which I was this Mavis Tire Store and the amount of noise from these 8 bays in that building with impact wrenches going. We have a beautiful Heritage Canal Trail and all this noise to me would change that.

Attorney Holtzberg: I am not so sure that the operation of the Mavis Tire store could operate so that you would not have that objectionable sound. Those are the types of things I think we can address if that is the issue and I think frankly what I am hearing is that the noise from an impact wrench is permeating a lot of these particular categories. I think that if that was addressed and that could be minimized than I think maybe a lot of your issues could be dealt with I don't think that we need to do an environmental impact study.
Kris Schultz: A sound study would solve those concerns. I have never seen a project of this scale get a positive declaration. Maybe it is possible to insulate the building so that it is sound deafening and you don't have those issues. You guys are at a point where you are hitting a wall and we need to get you that information. I would much rather do that then do it over a period of 8 months and end up in the same place.

Chairman Wohlers stated that he still had concerns with traffic flows.

Kris Schultz: Here is what I want you guys to do I want you to rely on your Village Engineer, your DPW they are the professionals. Sure, Mr. Willard is an employee of the Village of Spencerport but his credentials are such that you should have some confidence in him. I would say allow us to work with him.

Denny Marra: I am still stuck on the fact that I have 6 things they have referenced and nothing really comes back to apples and apples which is in the middle of the Village. You bring up noise and you make a lot of speculation I understand that it part of the sales thing. The one part on the environmental

review #11, what happens if there is an incident with an oil separator being in a low area if there is a spill it will all be combined. Again I think it is all speculation I think what I am trying to do is look at what is in the best interest for this village because I live here. When you talk about noise your on the canal noise typically goes up so all that noise is going to filter up if you open up the bays to the outside.

Kris Schultz: There are no bay doors on the Canal side and a sound study will be able to generate noise that would be typical of an impact wrench.

Denny Marra: What happens if your study is wrong?

Attorney Holtzberg: The board will have to make their decision based upon the information that is there.

Craig Byham: You talk about bringing traffic back in the back of the plaza this is really in the center of the plaza, would you think about moving Mavis to the back of the plaza?

Mr. Pelusio: No Mavis won't go back there they need visibility.

Chairman Wohlers: We have not made a motion to approve the determination of the board.

Attorney Stowe: Procedurally I would say you are still in discussion. There is a provision in our code with respect for time. Our code requires that on an application for final approval which is what we should treat this as we must make a decision within 60 days. The date for submittal was September 9, 2014 today being November 4, 2014 we are close.

Kris Schultz: So what we should do is reapply so that we don't have an issue with the 60 day requirement.

Attorney Stowe: I am bringing it to the boards attentions.

Attorney Holtzberg: Attorney Stowe I have prepared a waiver which is permitted by Section 775-8 which says that a decision rendered by the Board may be extended by mutual consent of the application and such board. I did prepare a waiver to extend it to the next board meeting and then 5 days after that. I am prepared to extend it so that you do not fall within 60 days.

Kris Schultz: Eric does it make any sense to get the subdivision part out of the way?

Attorney Stowe: I understand the practicality of that but the application is for sub division and site plan approval.

Discussion ensued regarding the SEQRA process.

Denny Marra: What will be the hours of operation?

Mr. Pelusio: I have no idea.

Pat Laber: The Irondequoit Store is open 7 days a week 8 – 6 Monday thru Saturday and 9-5 on Sunday.

Rather than revisit the levels of impact the Board will await and review the sound study. The Board requested that the study be submitted sooner than the last response.

At this time the Board offered the following resolution:

Resolution No 11/14 **Introduced by Chairman Wohlers**
November 4, 2014 **Seconded by Liz Venezky**

Resolved, that the Village of Spencerport table the application of Mavis Discount Tire with the consent of the applicant until the next meeting.

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

Approval of Minutes

Motion made by Chairman Wohlers seconded by Denny Marra and carried unanimously to approve the minutes of October 7, 2014 as written.

Adjournment

Motion made by Chairman Wohlers seconded by Craig Byham and carried unanimously to adjourn the meeting at 9:15 pm to go into workshop session.