

OGDEN PLANNING BOARD

January 28, 2010

Members Present

Gary Parker
Marc Robinson
Tom Coburn
Linda DelRegno
Tony Halaris
Jim Marshall

Members Absent

Mary Lou Hetzke

Others Present

Jack Crooks, Building Inspector
John Freel, Town Engineer
Edmund S. Martin
Owen McIntee

I. PLEDGE OF ALLEGIANCE

II. PUBLIC HEARING- None

III. OLD BUSINESS- None

IV. CONCEPT

Parkview Center - application of Land-Re LLC., for revised concept approval for revised plans to develop the 23.9 acres of Restricted Business and 24.8 acres of Senior Citizen. This property is located on the northeast corner of Union Street (NYS Route 259) and north of Big Ridge Road and will be serviced by public water and sewer. It will be titled Parkview Center.

Tax Acct# 087.01-01-024

(Beginning portion of tape was inaudible.)

Mr. Martin: The current code requirement is 60' of building separation and the current proposal that we have is for 44' of building separation. So, tonight our purpose is two fold, it is hopefully to have you update your concept approval for the overall project, and secondarily to hopefully garner a positive referral to the Zoning Board of Appeals. Which as I said, we are scheduled to appear before them one week from tonight. So that

is just the project in a nutshell. Just to reiterate, the changes that are on the plan before you pertain only to the senior section. We have reduced the unit count from 94 on the approved concept down to 92, the previous concept that utilized the quad units, and now we are down to 80 units. With that, I would be happy to answer any questions.

Mr. Parker: Mr. Freel do you have any comments?

Engineering Comments – John Freel

Yes. I have no concerns with the concept layout as it is. I submitted a letter to the Planning Board dated January 21st. In there I have three items. One deals with the storm water management, the second has to do with the intersections, and the third one has to do with internally and externally looping the water main. I put those on there so that as Ed is developing more preliminary engineering plans, he incorporates those things into his design, rather than designing it and re-doing it. You can save a little money.

Mr. Martin: We have discussed those. We have no argument with his comments and we agree with them.

Mr. Parker: Obviously Mr. Widger is not here. I do have a communication from him that he did not have any concerns with the concept plan. Mr. Crooks any comments?

Building Department – Jack Crooks

No comments from the Building Department. I appreciate Mr. Martin's efforts. In fact, from the original proposal that was going to go to the Zoning Board, we were at 36.2', I think, for the minimum separation between the buildings whereas the Code requires 60'. We worked with Mr. Martin and came up with moving some buildings around a bit and he has that up over 40' now as I recall. In my mind, thinking about the building code in general, if we were talking about single-family residential buildings, you could be as close as 30' separation, 15' from the lot line. Seniors allow 10' side setbacks, which would allow you 20' from the lot line in single family. Because these are multi-family buildings, I think that was the intent to push them back a little farther. I have looked at Codes in other communities and our 60' seems to be a little bit excessive. At some point I think we want to review that. We have visited the project in Greece, Fieldstone, and I think their side setbacks are considerably less than what we require. Having said that, at this point the Building Department does not have any concerns other than, hopefully we will have a consensus from the Planning Board tonight, that is I go to the Zoning Board next week, that the Planning Board feels you can work with the project at least as it is currently proposed with some tweaking if you will. That having been said, I would like to move on, and before you get into the Planning Board's question, Owen McIntee that is with us tonight, is the Superintendent of Municipal Electric to the Village of Spencerport. When we did the Unity dialysis building, the medical facility at Big Ridge and Union, Owen became very involved in the project right from the get go. He was able to add some of his electrical experience that made the project a better project, and saved some

money for the developer. He has offered to do the same and we want him involved in this project. In fact, Owen was so gracious this past week, as he jumped in the truck with me to go take a look at Fieldstone in Greece. He took a half hour, 45 minutes out of his busy day, so that he had a better idea of how that particular development was serviced as far as electrical and not that gas is an issue, but certainly will be part of this one. So I would like to just pass the baton if you will to Owen and his comments this evening, so that the Board has an opportunity to hear his thoughts and perhaps ask him some questions should you have them.

Mr. McIntee: Thanks Jack and good evening Board. Jack notified me of the project here just recently. Part of my role is similar to working with Ed on the Unity Health project. I think it is really beneficial from a Village perspective, especially the village electric, to follow these projects right straight through from the beginning. So that is why I am here. Obviously at this point, we do not have a lot of comments regarding the electric. As it moves through the Planning Board process, we will engage and be part of that. Some of the things are just at a high level, we are going to come back to the developer and the Boards, and maintain that the residential units are all natural gas heat. As we looked at the project over in Greece, just to get some ideas for future layout and designs, we certainly will have numerous options to supply not only the electric, but also all the utilities. We have brought in all the utilities as far as Unity Health. We are going to look at this entire project. I think that is one of the things kind of representing the other utilities, Frontier, Time Warner Cable and Fiber Tech Communications, which are all in the Unity Health. We are going to look at this entire project and see how the build out is going to go, timing, is it going to be phased and so on. That is some of the questions that I might have as we move forward. Pretty basic stuff though. I am here as a resource, I am here to help you and also as an ambassador for the Village as well. So whatever I can do to help. I know that this gentleman is very good to work with.

Mr. Parker: Well thank you. I am very glad to hear that you are participating in the project. One of the comments that I have is, I thought we talked about last time around, not just side separation but also setbacks. Was that also going to be a variance request?

Mr. Martin: We do not need a setback variance to the roadway. The current Code, and Jack jump in if I misspeak, but I believe the front setback currently is 40'. But if the parking is provided behind the range line of the unit, then that is reduced to 20'.

Mr. Parker: Is it at 20' or...

Mr. Martin: Or more, correct. We comply with that right now.

Mr. Parker: Ok.

Mr. Crooks: One of the conditions of that portion of the code revision was done not too terribly long ago, was to provide an opportunity for this type of project that does have all of the parking behind the front setback of the units. Having visited the site of this Fieldstone project, the Town Board and I think that there were at least some comments

from the Planning Board. With the parking provided behind the front setbacks, the need for 40' no longer existed. It really affords a really nice clean look to the project itself.

Mr. Martin: Some of the other changes that we made that I probably should have highlighted before I opened the floor up, is that we eliminated the need for rear setback. Perhaps that is what you were talking about. The previous plan required variances at both the north and the south ends of this development. Part of the consequence of reducing the unit count down to 80 is, we are able to comply with that rear setback. You will note that we set the northern end just about at the rear setback and down at the southern end, which aligns with the Village property. We actually exceed the minimum rear setback. So we have kind of buffered the Village a little bit more and took that into consideration.

Mr. Parker: Are there any comments or questions from the Board?

Mr. Robinson: These are for sale?

Mr. Martin: That is my understanding. Now, I am trying to remember, do you recall if Fieldstone is all sold?

Mr. Crooks: Fieldstone is sold.

Mr. Martin: Ok, yes. That is all I have ever heard is sold. I just did not want to...

Mr. Crooks: In fact, as Owen and I visited last week, it was obvious that there were a few re-sales that were occurring in the project.

Mr. Robinson: These have basements?

Mr. Martin: I do not believe they do.

Mr. Crooks: No they do not.

Mr. Robinson: Doesn't the Code require basements.

Mr. Crooks: It does not. It recommends them, but does not require them.

Mr. Robinson: So in residential you do not need to have a basement?

Mr. Crooks: With the senior projects the answer is no. You might be familiar with a couple of projects that Mr. Inzana has. One on Big Ridge Road and it has a five or eight unit building there. Those are all slab on grade. Ogden Parma Town Line Road and I think the address is 25 Union Street, down towards Gary's house, is all slab on grade.

Mr. Robinson: Ok.

Mrs. DelRegno: What is going on with this road then? The private road, is that paved?

Mr. Martin: Actually it is.

Mr. Robinson: Is that part of what was, or still is, the Town property?

Mr. Martin: Well, I thought it was Village property.

Mr. Robinson: Village I mean.

Mr. Martin: It was part of the treatment plant and Jack can probably speak more accurately than I can. I understood that a portion of it will be given to our clients and then there is talk about the Town taking it. I am not sure where that stands to be honest with you.

Mr. Robinson: So it will end up being a real road, is what I am getting at.

Mr. Crooks: It will have to be upgraded from the standards, as it currently exists to the best of my knowledge. Especially that few hundred feet from where the entrance is, to this senior development, to Big Ridge Road. The back portion, which is still Village property, I cannot tell you whether that has been given as an easement to the County, because that becomes their pump station back there. So they would have access through there, to the old treatment facility, or the new treatment facility and pump station.

Mr. Coburn: So it would have a private drive, meaning a public street?

Mr. Crooks: I am not quite sure what you said Tom. The front portion...

Mr. Coburn: The first 300' or whatever it is would be a public street, or is that also a private drive?

Mr. Crooks: That will be private also, because that whole development at this point is proposed to be private. We do not have any obligation for snow plowing or otherwise there.

Mr. Coburn: I am a little confused. I am counting 22 buildings, and then 4 units in each building, that is 88.

Mr. Martin: We call that fuzzy math. They are not all quad units. If you look at the south end of the project, the units bordering the Village property, those are all duplexes.

Mr. Coburn: Oh ok.

Mr. Crooks: Those would be semi-quads.

Mr. Coburn: How many square feet is each one going to be?

Mr. Martin: You know, I do not know that exact answer. Your Code is very lenient; I think it is only like 1,000 sq. ft. or something like that, but they are well in excess. If you have not had an opportunity to go to Fieldstone, I recommend it. It really gives you a flavor for how they...

Mr. Coburn: These buildings are the same then as what is over there?

Mr. Martin: That is correct.

Mr. Parker: Are there any other questions or comments from the Board?

Mr. Halaris: Is there potential for a lighting district in this area?

Mr. McIntee: I am sorry; I did not hear the question.

Mr. Martin: The question was; is there potential for a lighting district to be created here?

Mr. McIntee: That is a good question. Our tariff allows for a street lighting district within a public dedicated roadway. We do have some flexibility. We also have our residential generic tariff that covers lighting, rates, and different fixtures for non-dedicated areas. So we have two options that we could possibly do here. One includes some type of lighting and bill back on the rates in our generic tariff. Or also, as any utility, we have the option to offer something that is not in our public service commission approved tariff, such as a more decorative pole or whatever. We could actually write a contract with the homeowners association or some type of developer. So there are a couple different ways that we can offer up some suggestions here. I do not know how the Town works it; if they have...all your districts are in the dedicated roadways. But certainly we can offer several options here to accent the lighting here. I think that was my only comment when we rode the project in Greece, is that it would be nice to see some decorative lighting, rather than just the lampposts that you see with bulbs. As we move forward maybe we can do something.

Mr. Crooks: As you have traveled the Village over the last five or six years, they have put forth a considerable effort to add some consistency to their street lamps as they start up at Route 31 and go north through the Village, and even in the new plaza there is some conversation about the entry and the exit there to adding some of these decorative street lamps. I am not sure what they call these top hatters, but it tends to be a little bit more of a Victorian look. It is not industrial by any stretch, and I think that is one of the things that Owen was considering there. Be assured that street lamps are part of the Code. So they will be required. How we handle a lighting district and whether it is the association or the ownership on the west end that will be part of it, same as sidewalks.

Mr. Robinson: Hey Ed, there is that little section between the two roads, that little median that is in there. How would that be maintained?

Mr. Martin: I suspect the Homeowners Association. All of these are going to be private roads. So the Homeowners Association, the same one that mows the lawns around the units and maintains the landscaping, will maintain that as well.

Mr. Robinson: I guess what I was looking at was snow and stuff building up on it and killing the grass off. So the Homeowners Association will take care of all of that?

Mr. Martin: They will, and part of this, not only because of the flat topography out here, but also the current storm water regulations are going to require sizeable ponds out here. We have shown them conceptually. There is plenty of room for trucks to dispose of this if it gets built up too much. So they have the ability like they do in cities to dump it.

Mr. Robinson: What was the reason for splitting the road there instead of just having one road?

Mr. Martin: I think it was for aesthetics more than anything. This is an unusual project for me, in that, other than making the revisions to go from the 92 units to this, we were really not involved in the layout. This developer has a package deal that they have been very successful with. So they literally try to do the same thing everywhere, and then obviously some of the changes that you are seeing, are done to better conform to what Ogden is looking for. So I think it is aesthetics more than anything else.

Mr. Robinson: I would almost rather have it a single road and have more green space.

Mrs. DelRegno: Unless they plant some nice trees in there. I think it would be really pretty.

Mr. Robinson: If they planted some trees or something in it, yes.

Mrs. DelRegno: The one in Greece is landscaped beautiful. They did a nice job.

Mr. Crooks: The landscaping is exceptional there.

Mr. Parker: Just an FYI...do you know if the HOA is totally operated by the owners?

Mr. Martin: That is my understanding. Certainly if the Board is concerned with the operation of that, I can certainly invite them back in at a future meeting to kind of go into that with more detail. I am always hesitant to answer questions like that, because it is really outside of my expertise, but that is my understanding. That it is how they handled Greece, and they handled Canandaigua the same way.

Mr. Parker: I do not know if we would want to be, or even interested in, getting involved there. It was just a curiosity question.

Mr. Crooks: When it comes to that point, we may want to refer that to our Planning Board Attorney for review. With Hickory Hollow, the developer managed the HOA for a

period of time, but there was also a cap to that, where it had to be turned over to a management group that was sponsored by the HOA. So there may be some limit to how long. In this case Wegmans may be able to manage the HOA. But that would be a conversation for Keith I think.

Mr. Parker: I believe that the residents there basically operate the HOA, but the management group also facilitates it.

Mr. Crooks: Which is outside of the original developer.

Mr. Parker: Right. Does anyone else have any comments?

Mr. Coburn: What is the reason for the force main? Is there an elevation issue?

Mr. Martin: Absolutely.

Mr. Coburn: So there is going to be a pumping station involved?

Mr. Martin: Correct, and that brings up a very sore subject with me.

Mr. Crooks: Don't go there. Nothing to do with anything we did wrong.

Mr. Martin: I will give you a very short Readers Digest version. When the County took over the treatment plant and converted it to a pump station, any decent Engineer would have looked at the serviceable area.

Mr. Crooks: Easy.

Mr. Martin: We are among friends here I hope. I really would have expected them to look at the serviceable area for that, and they made no effort whatsoever. So consequently, you have a pump station bounded to the north by 50 acres of land that, because of the way that they designed the pump station, couldn't gravity feed to the pump station. I think you were on the Board when Stonewall Estates was approved. That has a pump station. We have 50 acres to the west that cannot gravity feed to it. That has to have it's own pump station.

Mr. Coburn: Ok.

Mr. Crooks: Simply stated, if they had taken the time and design to lower the floor of that tank, and it would not have been an incredible amount, they would have handled all of this. We would have gotten rid of two pump stations and everything would have been good. But I think the intention was, what is least expensive for the County and what gets it done for the Village and their needs at that time. I think Mr. Martin was rather diplomatic when he said it was just poor engineering.

Mr. Robinson: Would the pump station be a main tie in by the HOA, or would that be by the sewer district?

Mr. Martin: The pump station will be owned by the municipality. The only option and correct me if I am wrong Jack. If you do not do that, do you need a transportation corporation for that or can an HOA...I do not think an HOA can operate...once you go with multiple units relying on something like that. I think you have to form what is called a transportation corporation. Not all that common in this area.

Mr. Crooks: It would be our responsibility. Which again is another reason for frustration from the Town level, because we now inherit two pump stations that with a little bit of foresight were absolutely not necessary. From a developer's standpoint, it is probably another \$300,000.00.

Mr. Freel: From a dependability standpoint, gravity has been somewhat dependable; electricity can go out once in a while.

Mr. Crooks: When we are talking about backup generators, maintenance down the road, replacing pumps, motors and it wasn't like we did not talk to them. It was just one of those cases where they did not care to listen. I know Ed sat in on those meetings...

Mr. Martin: And to make matters worse, we went to them early on because we had heard that they were converting it. We submitted our design. We asked for their design, so we could see if we could design into it and we were able to design into it. I went to Val Visca and said that we could gravity to this, snatch that land up. He bought it; they changed the design and did not tell anyone. Then when we got everyone in the room, everyone kind of said it was not their job to look at that.

Mr. Crooks: Some engineers just blow the whistle.

Mr. Martin: Thanks for bringing that up.

Mr. Crooks: The only good news is that the developer is not here, because he would probably be flipping in the back again.

Mr. Martin: Yes.

Mr. Parker: Does anyone else have any comments regarding the project?

Mr. Coburn: And you do not really have any issues with the storm water recommendations that John made?

Mr. Martin: None. Dave has been pounding that drum for a couple of years not to easily explain the drainage issues that they have to the north and to the west. If I have learned one thing over the years, is that Dave knows how the drainage in the Town works and I am not going to fight him on that at all.

Mr. Parker: Well I think that for concept it does not require a vote, just a majority agreement with the Board.

Mr. Coburn: Are they all 44' apart or just a few of them?

Mr. Martin: 44 is the minimum. There are other units...in fact, the changes we made based on Jack and Dave's input to these northern units...whereas before when we made our application we were asking for 34.2 separation between buildings 6 and 7. We have taken buildings 5 and 7 and moved them west and east and now those actually meet the 60' minimum. So to answer your question, it is just a few that are 44', others are 50' and others are 60'.

Mr. Coburn: I guess I do not see a problem with that.

Mr. Martin: So that would be part of the second thing that we are requesting tonight, besides the updated approval. We would ask for a positive referral to the ZBA saying that you have reviewed this, I do not want to speak for them, that you find the planning at the concept level sound and that there are no concerns with the granting of an area variance.

Mr. Halaris: I have no issues with that.

Mr. Parker: Is that something...that is new to me.

Mr. Crooks: I do not think that we need a motion, just a...

Mr. Coburn: Bunch of heads nodding.

Mr. Crooks: Or if you are all in agreement. What I would like to be able to do next Thursday night when I sit in front of the Zoning Board is to say that the Planning Board feels that as this is currently proposed, that they could work with the project and have no issues with the setbacks as presented. That does not mean that I have to say yes, but it does give them a little sounder footing as they move forward in their process.

Mr. Parker: From what I am hearing, do we all agree to that?

Mr. Halaris: Yes.

Mr. Coburn: Yes.

Mr. Robinson: I am ok with it.

Mrs. DelRegno: I just have a question. How is this going to be built? I mean are we going to approve...is this going to be done in phases and what is coming first the business front part of it or do you know?

Mr. Martin: The short answer is I do not know, that it is what we call market driven. Right now, the Wegman group is very interested in the senior portion. I think they have a couple of people who have been talking to the Visca's about portions of the commercial section. They could come in tomorrow and say lets get going on that. But right now, our primary focus is on the senior section.

Mrs. DelRegno: I was just wondering.

Mr. Crooks: Because it allows different access and also helps them with their cash flow, if they turn that portion of the project into some cash flow. It allows them to do additional things. I think this is the hot item on the plate right now.

Mr. Coburn: Jack, does the Fire Marshal review this?

Mr. Crooks: He has and he does and he will again, as we move forward. Yes, I have talked to him about it.

Mr. Coburn: He is ok with it?

Mr. Crooks: Yes. He was also very instrumental in the Unity project, even though quietly behind the scenes, he did a lot with that project.

Mr. Martin: Part of our engineering is to make sure that emergency vehicles can maneuver throughout the site. The last comment that I have, speaking about your Fire Marshal, is he is the best I have ever worked with across the State. There is no question about it. You should feel very fortunate that you have him.

Mr. Coburn: Wow.

Mr. Crooks: For those of you who are not aware of it, Jim had 32 years in the city Fire Department. The last 10 or so, he was the emergency service coordinator and he was the head of it at the new training center on Scottsville Road. So not only has he had to run into those burning buildings, but he has also been a Captain in the Fire Department in the city and very involved in all of the buildings, all of the equipment and what works best and just an incredibly well versed individual.

Mr. Halaris: What is Jim's last name?

Mr. Crooks: Jim McKinney. We are very fortunate to have Jim.

Mr. Parker: The concept has been approved.

Mr. Martin: Thank you very much.

V. EXPIRATIONS -None

VI. MAPS FOR SIGNING- **Please see map table in Building Department.

VII. APPROVAL OF MINUTES

RESOLUTION #1

Approval of the Planning Board Meeting minutes of **January 14, 2010** as presented.

Introduced by Mr. Coburn

Seconded by Mr. Marshall

MAY IT BE RESOLVED that the minutes of the Planning Board meeting of **January 14, 2010**, stand approved as submitted.

Vote of the Board

Ayes: Robinson, Halaris, DelRegno, Coburn, Marshall, Parker

Nays: None

Absent: Hetzke

VIII. WORK SESSION- None

IX. ADJOURNMENT

Introduced by Mr. Robinson

Seconded by Mr. Coburn

MAY IT BE RESOLVED that the Planning Board meeting of January 28, 2010 was adjourned at 7:42pm.

Vote of the Board

Ayes: Robinson, Halaris, DelRegno, Coburn, Marshall, Parker

Nays: None

Absent: Hetzke

Respectfully submitted,

Jack Crooks, Secretary

