

Village of Bergen
Planning Board Meeting Minutes
July 19, 2006

Planning Board Attendees:

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| Dale Leiter, Chairman | Kim Wannike, Secretary |
| Kevin Donovan | Marian Partridge |
| Holden DP Miller | |

Absent:

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| Chuck Dodson, Alt. | Jean Stewart |
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Others in Attendance:

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| Frank Churchill, Churchill Engineering | Jeff Kosmala, MRB Group |
| Richard Stowe, Attorney, Spencerport- for Wilcox Reality LLC & Martin Dilcher | Nona Spitzner |
| Cheryl Wittman | Elizabeth Smith |
| Frank Churchill, Churchill Engineering | Tom Williamson, Code Enforcer |

Procedural History:

Chairperson Dale Leiter opened meeting at 7:31 pm.
Review of minutes from June 21, 2006 meeting.
Motion made to approve minutes with corrections, by Member Kevin Donovan, 2nd by Member Dale Leiter, Chairman. All voted in Favor, Member Holden DP Miller, with the exception of Marian Partridge who was absent at the May meeting.

Discussion:

Bergen Sales

Mr. Brett Wilcox was not present; Richard Stowe, Esq. was in attendance as proxy for Mr. Wilcox and representing Martin Dilcher (no lawyer was present for the Planning Board).

A new site plan was presented showing the details of the septic tank and sewer lines. Mr. Churchill pointed out that the lines they found are different from the DPW's map - the pond will have to be modified. Copies of plan were given to each Board member.

A response from the County came back for the Special Use permit to expand their used car lot (across the street from 74 South Lake Ave.), on property currently owned by Ralph Bobzin Sr. The property is currently zoned as NEIGHBORHOOD COMMERCIAL C-1. A Special Use permit is required for motor vehicle sales/service. The response was forwarded to the Engineers, Richard Stowe, and Mr. Brett Wilcox.

A letter from Churchill engineering was presented in response to the Board's questions/concerns from the June meeting.

- 1 Sidewalks – They are willing to put in a sidewalk on the east side of the property, but do not feel that it is feasible to put one on the south side going up Rt. 262 as the County proposed in their response. *The Board agrees a sidewalk on the south side would not be feasible.*
- 2 Drainage – MRB Engineering stated that there is already a solution on the property. There is a low point with a pipe. The condition of the drainage pipe needs to be addressed. Does the water back up now? If yes then a pond wouldn't help. If the water flow is alright, then the issue should be easily addressed. The drainage area acts like a big bowl now; adding the gravel drives should not create a concern. Frank Churchill, Churchill Engineering agreed and stated that he will show where the water goes now and that after development the water flow will stay the same. Richard Stowe, Esq. stated that if the Board agrees to the proposed solution and with the approval of the Village Engineer, they are also agreeable to the solution. *The Board agrees - with the approval of the Village Engineer upon the finished development.*
- 3 Lighting – Mr. Brett Wilcox would like to have security lighting on the garage in the rear and on the house. *The Board would like to see the lighting on the plans so there is an understanding of where the lights will be and how far the light shines. It was agreed the Village Engineer would review this item.*
- 4 Signage - Richard Stowe, Esq. stated that no signs are planned, and if in the future they would like one they will concede to Village law.
- 5 House – The house will stay residential.
- 6 Garage –There will be no cleaning and polishing of cars in the garage. Richard Stowe, Esq. stated that it is a true statement today - that there will not be. Mr. Brett Wilcox would like to, in the future, use the garage for cleaning and polishing vehicles, body repair and painting; no servicing (oil changes, greasing,) with the understanding that they would have to bring the garage up to code. They are seeking approval to do so with this Special Use permit. *The Board had concerns about where the drains were located and where the water/waste would go. No one was sure. Tom Williamson/CEO can address this issue with the building codes.*
- 7 Trees – The Board would like to see trees replaced after the development is finished. The Village has a tree plan and would help to identify trees/plants they could use that would not grow overly large. Possibly plant some flowers, or put in flower boxes. Richard Stowe, Esq. stated that they would look into it.

Before voting, Chairman Dale Leiter stated that, for the record, Holden Miller does not work for Bergen Sales, Inc. He does mow Brett Wilcox's home lawn; Holden receives no monies from Bergen Sales, Inc.

Vote will be for the Special Use Permit, with Conditions, for Storage of vehicles and Retail Sales. Motion to Approve, with the addition of conditions, by Chairman Dale Leiter. 2nd by Member Marion Partridge. All in Favor, Members Holden DP Miller, Kevin Donovan.

Conditions of Favorable vote -

1. Garage is to be used for cleaning, doll-up, bodywork, and painting, as long as it is up to New York State Building and Fire codes. No auto servicing (changing oil, greasing.)
2. Storm water improvement plan and security lighting to be developed with approval of Village Engineer – MRB Engineering. A copy of the final site plan is to be submitted to Tom Williamson, Village CEO.
3. Sidewalk on Rt. 19, to be developed/installed according to NYSDOT standards, working with DOT Batavia office. Joe Chimino/Village DPW to be copied on all correspondence, testing, and engineering prints. *Note for sidewalk on Rt. 262 - the County suggested a sidewalk to promote a walk-able community. The Board feels that due to the local topography, requiring a bridge across Minney Creek/Federal flood plane 400 ft. west, it is highly unlikely a sidewalk on the North side of 262 would ever be completed (beyond this property.)

Richard Stowe, Esq. stated he will let Brett know that it is strongly suggested to put out flower boxes and to participate in the Village tree plan program.

Cheryl Wittman - 43 S. Lake Ave. –

Public hearing for addition on garage, to use as an apartment, was cancelled - Mrs. Wittman did not file for permits. She is waiting to hear back from contractors on prices to make sure they will be able to afford the addition, before applying for any permits. Mrs. Wittman will keep the Board informed as she hears back from contractors.

A new drawing was submitted with dimensions meeting the village code, so that they would not have to go to the Board of Appeals.

Chairman Dale Leiter asked if there was room for a handicap ramp. Mrs. Wittman replied the entry was floor level.

Information-

Mike Marsocci asked Tom Williamson about putting up a temporary car port behind their store. Concerns to think about:

How will it be anchored? Will it be considered an accessory building? Permission will be needed from the land owner.

Nona Spitzner was present to observe the meeting, she is thinking of becoming an alternate.

Mayne Estates – Jeff Kosmala/MRB stated that they are still addressing the Sanitary Sewer issue. Jeff Kosmala will be working with Carl on the old issues and handling the new issue himself.

Public comment

None

Motion made to close the meeting by Member Holden DP Miller, 2nd by Member Marian Partridge. All Members voted in favor, Chairman Dale Leiter, Member Kevin Donovan. Meeting closed at 9:49 pm.

Submitted by
Kim Wannike, Secretary