

**VILLAGE OF BALDWINSVILLE**  
**PLANNING BOARD MEETING MINUTES**

Tuesday, October 27, 2015 7:30 P.M.

*Approved 11/17/2015*

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**PRESENT:** Carl Pelcher, Chairman  
Dave Arthur  
Mace Markham  
Mike Mazoway, Board Alternate  
Joe Saraceni  
Jim Schanzenbach

**ALSO PRESENT:** Jamie Sutphen, Planning Board Attorney  
Gregg Humphrey, Codes Enforcement Officer  
Susan LaQuay, Board Secretary

**GUESTS:** Rick Barry, regarding 2 Oswego Street  
Tom Taylor, regarding 2 Oswego Street  
James Trasher, PE, regarding Aspen Springs Phase 4 & Fobes Island PDD

Minutes were reviewed.

Upon by **motion** by M. Mazoway and second by J. Schanzenbach, the minutes dated August 25, 2015 are approved as submitted.

B. Scherfling and T. King are not present. Alternate Planning Board Member, Mike Mazoway, is sitting in.

**OLD BUSINESS**

**Discussion/action regarding 2 Oswego Street –Site Plan modification (bollards)**

Mr. Rick Barry, owner of 2 Oswego Street, and Mr. Tom Taylor, one of the tenants of 2 Oswego Street (owner of Sammy Malone's and Muddy Waters) are present to address the Board. Mr. Barry stated that five bollards were placed along the north side of the building to block off two parking spots directly in front of the building entrance. The bollards were placed to address what Mr. Barry considered to be a safety issue as cars were parking very close to the building. They have been in place for eight years. Mr. Barry stated this was brought to the attention of the Village and the Planning Board by Dr. Damiano, a tenant in the building, because Dr. Damiano wants more parking close to the building for his patients. Dr. Damiano is not present at the meeting but G. Humphrey confirmed that he did contact the Codes Enforcement Office regarding the bollards. Mr. Barry believes the bollards are necessary to prevent car accidents and provide safety for customers entering and exiting the building.

Chairman Pelcher acknowledged Mr. Barry's safety concerns. However, he noted that the bollards were placed without approval and, therefore, they are not in compliance with the approved site plan for this property. The Applicant is here requesting a revision to the approved site plan and the Board can either deny his request and the bollards will have to be removed to bring the property into compliance or the Board can recognize the potential safety issue and modify the site plan accordingly. An extensive discussion was had regarding the issues raised by Mr. Barry. D. Arthur wanted to determine if the property could afford to lose the two parking spots blocked by the bollards. J. Saraceni wanted it noted on record that Mr. Taylor had recently made a complaint to the Village Board that there was a lack of parking for his

customers and now is stating that he can afford to lose the two spaces closest to his business. Mr. Taylor stated his complaint was not about parking on a day-to-day basis, but rather during certain events. He does not feel that regaining those parking spaces will benefit his business, but does feel that they could negatively impact his business due to safety concerns.

D. Arthur felt the safety concern regarding cars parking too close to the building or within the alcove could be addressed with tire stops, which would allow the site to retain the parking approved on the original site plan.

J. Saraceni felt the overall safety concerns could be addressed with fewer bollards and the removal of only one parking space. G. Humphrey agreed and further noted that there will be little room to maneuver wheelchairs/walkers between cars if there are 4 parking spaces in that area, which is directly in front of the elevator alcove. He feels to safely provide a walkway to the building, that area can only accommodate three spaces.

J. Schanzenbach noted this property is within the Four Corners Overlay. The property was mistakenly excluded, but the intent was to include this property and the Overlay will be amended within the next 30 days to reflect this.

For discussion purposes, the bollards were numbered in the application 1 through 5. Bollard # 1 is closest to Oswego Street. J. Schanzenbach noted there are chains between all the bollards with the exception of bollards # 1 and #2 and this was done to provide access to the building for wheelchairs. He feels this is creating a safety hazard as people are being directed into the road and thinks the chain between bollards #3 and #4 should be removed and placed between bollards #1 and #2. He also thinks the bollards should be made more visible, either with paint or reflective tape.

Chairman Pelcher noted that the Board Members agree that there is sufficient parking with the bollards left in place and the bollards serve a pedestrian/parking safety purpose.

Chairman Pelcher proposed a resolution to revise the site plan for 2 Oswego Street dated October 24, 2000 to remove two parking spaces and place bollards in their place, which will be painted and have reflective tape and chains will be in place between bollards #1 and #2, bollards #2 and #3, and bollards #4 and #5 and removed from between bollards #3 and #4 in the interest of pedestrian safety. Upon **motion** by M. Markham and second by D. Arthur to approve this resolution All members present are in favor. ***Motion carried.***

#### **Discussion/action regarding 18 East Genesee Street – Site Plan modification (dumpster location)**

Chairman Pelcher noted that the Applicant or a representative is not present this evening. The requested modification is to change the approved dumpster location. Chairman Pelcher stated he would prefer to wait and discuss this with the Applicant directly.

Chairman Pelcher stated the approved site plan for this property was not adhered to. Several things have not been done and he has noticed that just recently there is a storage trailer on the west side of the building, which is allowed by code, but needs to be approved by the Planning Board and screened as part of the Village Square Overlay District. The Applicant was given until August 1<sup>st</sup> to comply with the site plan.

J. Sutphen suggested G. Humphrey send Mr. Muraco a letter outlining the issues of concern and if he would like a modification to accommodate these unapproved changes then he will need to go through the proper channels to obtain a site plan modification. J. Schanzenbach suggested revoking the temporary Certificate of Occupancy if Mr. Muraco continues to disregard the August 1<sup>st</sup> deadline.

G. Humphrey stated he will contact Mr. Muraco regarding the Board's concerns.

This matter was tabled.

#### **Discussion/action regarding Aspen Springs – Phase 4**

James Trasher, PE, is present to address the Board. This phase includes White Chapel Road. Mr. Trasher stated he would like to the Board to approve the final plat so it can be filed. Everything has been constructed in accordance with the approved plan. J. Sutphen stated the Boards needs to provide a finding that everything is substantially conforming. J. Saraceni noted that the Board needs a recommendation from the Village Engineer for this and Chairman Pelcher stated that S. Darcangelo had contacted him stating that everything has been done except for the topcoat on the road. S. Darcangelo suggested the Board and the Applicant agree to a deadline of October 15, 2016 for this. Mr. Trasher agreed.

Upon **motion** by D. Arthur and second by J. Schanzenbach to accept the final plan for Phase 4 of Aspen Springs dated March 13, 2015 on the following conditions:

1. All securities are paid.
2. Payment in lieu of parks is satisfied.
3. Top coat will be completed on Laurens Way and White Chapel Road by October 15, 2016.

. All members present are in favor. *Motion carried.*

#### **Discussion/action regarding FOBES ISLAND PDD**

Mr. Trasher is present to address the Board.

Chairman Pelcher stated this site plan will need Planning Board approval before the Village can approve the PDD. The Site Plan the Planning Board approves will become the PDD. J. Sutphen stated she would like to get everything to SOCPA tomorrow for their November 2<sup>nd</sup> meeting and would like to be ready for SEQR determination and site plan approval at the next planning board meeting.

Mr. Trasher stated that the utilities will be dedicated to the Village and the road will be private, but the Village is responsible for repairs if they have to dig it up. The river bank (between the trail and the river) will be owned and maintained by the developer. The trail will be dedicated to the Village. S. Darcangelo has approved the sewer and water infrastructure.

The site plan was extensively reviewed page by page.

J. Sutphen will send this to SOCPA and this PDD will be further addressed at the next meeting.

The matter is tabled.

#### **OTHER BUSINESS**

##### **November Planning Board Meeting**

The November Planning meeting is scheduled for November 24<sup>th</sup>, which is two days before Thanksgiving. As many Board Members will be unavailable that day, the meeting has been rescheduled to Tuesday, November 17<sup>th</sup>, 2015.

##### **Four Corners Overlay**

Chairman Pelcher stated the Four Corners Overlay has been approved by the Village Board. G. Humphrey brought a few issues to his attention. First, Sammy Malone's is included in the Village Square Overlay and should be in the Four Corners Overlay. J. Sutphen stated the overlays will need to be amended to reflect this. Also, 11 Syracuse Street, which

is the patio area at Basta's, is a separate property and needs to be included in the Four Corners Overlay. The Overlay should be amended to reflect the boundary as the center of the Canal.

### **Rezoning on Tappan Street and Canton Street**

Chairman Pelcher stated the Village Board has approved three properties and Tappan Street and two properties on Canton Street to be rezoned from R1 to B1. The properties eventually will need to come before Planning. J. Sutphen stated that B. Baldwin will be recommending that in the future any zone change requests will come to Planning prior to approval for a Planning recommendation to the Village Board.

### **Changes to the Planning Board**

J. Saraceni will be resigning from the Planning Board. He stated tonight's meeting is his last official meeting during 13 years of service to the Village. He has been honored to serve with this Planning Board and this Board has taken what started years and years ago as the EDR Plan and utilized it as the tool it was intended to be and codified it and is following it. As Town of Lysander Supervisor, he will look forward to make sure the Town does not forget that the 2/3 of the Village of Baldwinsville is in the Town of Lysander and he would like to see the Town and Village Planning Boards work together. D. Arthur stated the advancement of the EDR plan is very much due to the efforts of J. Saraceni over the years and his commitment that it would not "sit on the shelf."

### **Tax Incentives**

M. Markham noted that Morgan Management received tax incentives for this project after Site Plan approval was already granted by the Village. He thinks this should be part of the discussion with applicants going forward and the Board should be asking developers if they plan to apply for incentives. J. Supthen noted that site plan cannot be denied or approved based upon this. However, some site plan requirements may be handled differently in light of this information.

### **Stewart's Shops**

G. Humphrey stated this project is being held up by the issue of moving Big Mama's Country Kitchen to 8188 Oswego Road. Stewart's will need to obtain an extension to their site plan approval. 8188 Oswego Road will not need to come before Planning as there is no change in use and no real significant change in the entrances.

The meeting was adjourned at 9:50 p.m. The next meeting is scheduled for Tuesday, November 17, 2015.

Respectfully Submitted,

*Susan A. LaQuay*  
Planning Board Secretary