

**VILLAGE OF BALDWINSVILLE  
PLANNING BOARD MEETING MINUTES  
Tuesday, March 28, 2006, 7:30 P.M.  
Approved 4/25/06**

**PRESENT:** David Arthur, Acting Chairman  
Edward Rock  
Evelyn Mercer  
Larry Barnett

**NOT PRESENT:** Chris Savacool, Chairman  
Russ Lucy  
John McFall

**ALSO PRESENT:** J. C. Engelbrecht, Village Attorney  
Dan Faldzinski, Village Engineer  
Susan LaQuay, Secretary

**GUESTS:** Mr. Patrick Hovey  
Mr. Joe Mastroianni, PE  
Ms. Danette Hey

**REGULAR MEETING - 7:30 P.M.**

D. Arthur is Acting Chairman for this meeting, as Chairman Savacool was unable to attend.

**APPROVAL OF MINUTES**

Upon motion by L. Barnett and second by E. Mercer that the minutes of the February 7, 2006 Planning Board meeting be approved as submitted. Motion passed.

**OLD BUSINESS**

**Discussion/Recommendation regarding Zone Change Request - 5, 7, and 9 Mechanic Street**

D. Arthur stated that recommendations from SOCPA had been received regarding these properties, Case Z-06-55. This resolution stated that SOCPA has determined that "...said referral will have no significant adverse intercommunity or county-wide implications. The Board has offered the following comments in regards to the above referral: Should the Village approve the zone change, the plan for the next development phase should include the following: All drainage from the proposed site plan be handled on site."

Upon motion by E. Mercer and second by E. Rock to accept the resolution from SOCPA. **Carried.**

J. C. Engelbrecht stated that he had spoken with Chairman Savacool prior to the meeting and Chairman Savacool had wanted to pass along his concern that the actual physical structure proposed for this site should blend with the surrounding area. He stated he told Chairman Savacool that the Board can negotiate restrictions regarding this and noted the main concern is that once the zone change is approved, the developer can do whatever is allowed within the confines of the new zone designation. Mr. Hovey stated he has no problem agreeing to some restrictions and noted that he feels the area is appropriate for professional/office use and would not support something like a restaurant. D. Arthur noted that several Board members had shared this concern at the last meeting. He stated he does not feel they are as concerned with what business is there as much as they are concerned about what the building may look like. The Board is concerned the building will be "boxy" and would like to see a structure more fitting with the residential nature of the area.

J. C. Engelbrecht suggested this Board could require something in the deed stating the building will be of a more residential nature. It is his counsel to have some sort of deed restrictions, as he feels they would be appropriate in this situation.

L. Barnett noted the first step would be for the Village Board to consider the zone change and then the Planning Board would have to approve a site plan and coordinate with the ARB. J. C. Engelbrecht stated that once the zone change is done, if the developer conforms with the law, which is broad, the Planning Board is limited in what they can require. Therefore, it is his advice is to negotiate restrictions to be included in the deed. The Board can make suggestions later in the process, but their power is limited after zone change is approved. He feels it is important to address restrictions now as this part of the Village can be considered a “blending area.”

Mr. Mastroianni asked what restrictions would be suggested. J. C. Engelbrecht stated they can negotiate what the actual physical structure must be so that it would be filed as a deed restriction to limit what can be built on that site. Mr. Mastroianni stated they would be willing to comply with this and noted that there is a bowling alley in back of the property. J. C. Engelbrecht noted, however, that the Applicant’s property is a transitional property.

Mr. Mastroianni noted that they will have to have ARB approval for the structure and this can be addressed with that Board. J. C. Engelbrecht stated that the ARB is on a different level of power in the process and they cannot dictate to point of saying “no” if the structure is not appropriate to the area but is in compliance with the law. He feels it is best to negotiate this now. Mr. Hovey stated he feels it is difficult to plan a building at this stage and does not want to employ an architect to design a building that doesn’t yet have proper zoning. J. C. Engelbrecht stated that would not be necessary and stated deed restriction language can be crafted in such a way as to describe a structure without actually designing it.

D. Arthur asked if these restrictions would follow the deed when ownership changes. J. C. Engelbrecht stated it will and that is the purpose of having the restrictions in the actual deed. D. Arthur suggested recommending to the Village Board approval of the zone change conditional on there being deed restrictions.

Mr. Hovey stated they do plan to build a structure that will blend with the neighborhood. He noted, however, that this is difficult to plan now. J. C. Engelbrecht stated they do not have to have the building designed completely at this time, but they can in concept dictate what it needs to look like if the Board is inclined to go in that direction.

Mr. Hovey stated the area is a mixture of residential, including duplexes, rental properties, etc. and he does not feel they will be diminishing the area.

E. Mercer stated that this issue was discussed at ARB. She stated they have the utmost respect for Mr. Hovey as a developer and credit him with starting the renovation of commercial properties in the Village and it is their opinion that he has done a beautiful job. The ARB noted there was a concern about the amount of commercial property that is currently empty and unused at this time in the Village. Mr. Hovey stated he chose this property as it is on the edge of downtown. He feels the downtown area has no parking and is difficult to get into. He noted they will not have a building on this property until they have a tenant to anchor it. They can’t secure a tenant until the proper zoning is in place. E. Mercer noted the ARB’s second concern is the character of the building and the aesthetic nature of the structure. The ARB would like to see something that looks more residential rather than commercial. D. Arthur asked if the ARB discussed what aesthetics they were looking for. E. Mercer stated they did not discuss specifics. She noted they will be meeting on April 3, 2006 and she can make sure this issue is on the agenda for more detailed discussion. She noted that ARB is an advisory board to Planning and will consider things that Planning does not.

Mr. Hovey stated he has no problems with incorporating certain things that will make it blend more with the surrounding area, but he noted he is a bit mystified, as this property is surrounded by commercial buildings. D. Arthur stated that as he drives down Mechanic Street it is his opinion that it looks inviting and he sees this as an opportunity for the developer to expand on ideas for the Village and streetscape. He noted this Board is very concerned with encroachment of commercial/business into residential areas and this has been this Board’s concern for some time.

Mr. Hovey stated the façade could be changed and noted that the plans submitted were conceptual. He is willing to work with the ARB and Planning Board. E. Mercer stated the ARB wants to see something that would fit in with the character of the neighborhood.

L. Barnett stated he feels this issue can be worked out to both the developer's and residents' benefits. He feels the presence of the bowling alley is irrelevant as the alley does not front on that street and the Board wants to avoid this type of thing happening. He feels a professional building laid out properly with a proper façade and proper landscaping could be a positive addition to this area.

Upon motion by E. Mercer and second by L. Barnett, the Planning Board will accept the concept of rezoning for 5, 7, and 9 Mechanic Street to a B1 district with specific deed restrictions to be negotiated with input from the ARB and then to be approved by this Board. Carried.

J. C. Engelbrecht suggested that the developer appear before the ARB at their next meeting. He noted that particular board has two professional architects who may be able to give advice. He noted that ARB could also come up with appropriate wording for the restrictions.

E. Rock asked what would happen next if the Planning Board were to make a recommendation at the next meeting that this be approved with restrictions. J. C. Engelbrecht stated that the Board of Trustees will then hold a public hearing. This recommendation from the Planning Board would provide them with not only the recommendation, but also a way to implement the zone change while considering the Board's concerns.

Mr. Hovey and Mr. Mastroianni will address the ARB and then return to the Planning Board on April 25, 2006.

#### **Discussion/Recommendation regarding Code changes**

D. Arthur stated he feels that Chapter 72 should have been included with the materials as the Planning Board uses that section of code frequently. He stated he does not feel that the 10-day review period was enough time and feels they have a responsibility to take more time with this. E. Mercer stated she agrees.

L. Barnett asked what initiated this process. J. C. Engelbrecht stated this is at the request of Mayor O'Hara. D. Arthur stated, regarding Planning, that the issues are in regards to parking, density issues, sidewalk/pedestrian issues, etc. He noted that formal recommendations had been received from EDR and they will need appropriate zoning to work with that vision so Planning can do its job when things come up. L. Barnett suggested it may be helpful if someone could take the Code that Planning needs to look at and note inconsistencies with EDR's vision. D. Arthur stated he thinks this will take a committee. He noted the Planning Board's hands are tied on some issues because of language, etc and this should be addressed. E. Mercer agreed and stated she feels a committee could really get into fine tuning the code and would have a broader view of the code if members from all boards were involved.

D. Arthur suggested, based on the discussion, that the Board should recommend that a committee be formed comprised of members from all boards to deal with this.

Upon motion by D. Arthur and second by E. Rock to recommend that a committee be formed comprising of representatives from the Zoning Board of Appeals, the Planning Board, the Architectural Review Board, and the Board of Trustees, including but not limited to these people. The Planning Board Members feel this would be a more productive group to combine their efforts to review and revise the code. Motion passed.

Upon motion by L. Barnett and second by E. Rock, the meeting was adjourned at 8:15 p.m. The next Planning Board meeting is scheduled for Tuesday, April 25, 2006.

Respectfully Submitted,

Susan A. LaQuay  
Planning Board Secretary