

**VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Tuesday, January 13, 2009 at 7:30 P.M.
Approved January 27, 2009**

PRESENT: Chris Savacool, Chairman
Dave Arthur
Larry Barnett
Carl Pelcher
Ed Rock
Don Cronk

ABSENT: John McFall

ALSO PRESENT:
Tim Baker, Village Engineer
Ron Carr, Village Attorney
Mayor Joseph Saraceni
Marie Giannone, Secretary

Minutes from the November 25, 2008 meeting were approved.

The second item on the agenda was the “draft” of the overlay district law to be discussed. Chairman Savacool said that he and Ron Carr sat down in December to work on this and came up with the “draft” of the East Genesee Street Overlay District. Chairman Savacool asked Mr. Carr to explain this document and the board could comment as they read through it.

The draft document read as follows:

CHAPTER ____

**EAST GENESEE STREET
OVERLAY DISTRICT**

1. Purpose and Intent.

The regulations set forth in this Article establish a specialized district for the area of the Village located between Oswego Street and Lock Street and between East Genesee Street and the Seneca River.

The primary intent of this District is to foster a vibrant, pedestrian-oriented character. The physical form of the Zone is important to maintain and enhance the historic mixed-use character of the downtown core and address the River frontage as illustrated in the Village of Baldwinsville Central Business District Strategic Development Plan. In fill development that is compatible with this character is encouraged providing greater amenities to residents and a range of housing options and commercial opportunities.

Discussion: There were no comments on this.

2. **Boundaries and Effect.**

(a) The zoning map of the Village of Baldwinsville is hereby amended as set forth on the map entitled "Map of the East Genesee Street Overlay District", dated _____, 2009, on file with the Village Clerk.

(b) The East Genesee Street Overlay District shall consist of those properties located within that area of the Village bounded and described as follows: Starting at Lot No. 3 on the south side of East Genesee Street, then running easterly along the south street line of East Genesee Street to its intersection with Lock Street at Lot #10; then running generally south along the boundaries of Lot 10 and 9 to the Seneca River; then running west along the shoreline of the Seneca River to Lot No. 4; then north along the westerly boundary line of Lot No. 4 to the point of beginning.

(c) In the East Genesee Street Overlay District, there is to be laid out in concept only and not as an amendment of the official map of the Village of Baldwinsville an extension of Denio Street running in a generally east/west direction across the District as indicated on the Map of the East Genesee Street Overlay District, dated _____, 2009.

Discussion: Chairman Savacool wanted this to be visualized so that twenty years from now, someone will be able to know what the board was trying to accomplish.

Unless specifically superseded by the provisions and restrictions contained in this Article (Chapter), all the provisions and restrictions otherwise set forth in the Zoning Rules and Regulations of the Village of Baldwinsville as they relate to the properties within the Overly District shall be unaffected by this Article. In particular, the specifications of land uses permitted in the underlying Business B-2 District shall be unaffected.

Discussion: Mr. Carr said the codes still apply to this land, and the overlay rules and regulations do not alter in anyway the underlying regulations which still apply. The overlay district then will fit in new ones and those will supersede the code.

3. **Basic Standards.**

Discussion: Mr. Carr said No 3 is simply setting up the standard which is the “nuts and bolts” of this.

The following basic standards shall be applicable to all properties within the Overlay District unless exceptions are granted in accordance with the requirements specified herein:

(a) **Build-to Line Applicable to Building and Structures on East Genesee Street:** The build-to line shall be _____ feet from southern curb line of East Genesee Street.

Discussion: Mr. Carr said build to line should not be on the trail side, but should have setback requirements. Build to line should be buildings that front on East Genesee Street. The build to line, so many feet from the southern curb line of East Genesee Street will make everything relatively consistent and would be relatively unchangeable.

(b) **Setbacks Applicable to Buildings and Structures from Seneca River:** The minimum setback shall be _____ feet from the northern edge of the walking trail that runs along the river. The maximum setback from the said walking trail shall be feet.

Discussion: Chairman Savacool said at this point further discussion on (b) Setbacks is needed to determine the direction the board is headed with this. Chairman Savacool said visually what do we want to achieve. Carl Pelcher said the last he knew the board was talking about a 10 to 12 ft setback from East Genesee Street. Mr. Pelcher asked how is the walking trail setback different. The aesthetics on the river side have two advantage points: 1) boating and 2) people walking along the trails.

Mr. Carr said that Carl Pelcher raises a point that if you look at these lots along the river and envision Denio Street going through, a critical question comes up. Mr. Carr said first of all how big are these lots in terms of area and subdivided how big are the resulting lots. What will be the limitation of coverage of buildings on these lots. Mr. Carr said right now it would be addressed by code. Chairman Savacool said when he envisioned this, he thought of trying to get as much latitude as we can to come up with a concept that could be looked at, but there would be certain standards that we would want to make sure happened. For instance, the density of the lot may be different for properties on the river side, the idea that parking could be shared and people may walk a little further to the business. This may be looked at on a case by case basis. Chairman Savacool he would like to see the property developed so that it is inviting from a visual appearance.

Mayor Saraceni agreed with what Chairman Savacool said in that there is an aesthetic quality along that trail. The mayor said perhaps our Architectural Review Board (ARB) could come into play in helping with this area. Mr. Carr referred to No. 4 in this draft plan, "Standard for Site Design and Development" where it states "all property development and improvement within the Overlay District shall be subject to site plan review by the Planning board as specified under Article XII of the Village Code and on matters identified under Article XX of the Village Code by the Architectural Review Board of the Village. Followed by subparagraph (a) In addition to those matters of consideration relevant to site plan review as specified in Section 72-28(B) of the village code by the Village Planning Board, the following matters shall be considered."

Mr. Carr said what he laid out was a conceptual design, not fixed standards, but performance specifications of what we would like to see in terms of what the Planning Board would be looking for in development. For example, pedestrian access does not set up a fixed standard but does set forth a principal that you would be looking for. Mr. Carr said perhaps this could fit in to that section for development along the river.

Ed Rock said for simplicity why not keep the buildings straight on East Genesee Street and Denio Street and let ARB deal what is on the river side.

Dave Arthur said we should stick to the build to lines along the river so that the buildings would have the same visual effect relieving the burden of overhangs, extended roofs, gazebos or lawns. Mr. Arthur said the developer would know where their boundary is.

Chairman Savacool said by creating the setbacks – minimum and maximum, essentially you are lining up Denio Street for future development. Mr. Pelcher asked who would build there until there is a Denio Street along the river. Tim Baker said this is an issue as to when they can subdivide land because Denio Street is not presently maintained by city, county or state.

Tim Baker said that there is the village parking lot and Denio Street and the plan includes micro parking lots. Mr. Baker asked if it makes sense as the design of the area is being planned, just to work with the different property owners, figure where they are going to go and actually have them come under the village. Discussion followed on this as it related to snow removal and the impact it would have on micro parking lots.

Dave Arthur asked if we should bring the business owners in to discuss this project. Mayor Saraceni said Jim Orlando and Mike Chemotti will be at the January 27, 2009 planning board meeting. The Rite Aid owners will also be present. Mayor Saraceni said this will be important to go from the Village Square project to the EDR project.

Dave Arthur asked what is the commitment of the village. The village would build the road and put utilities in.

Chairman Savacool said we can see how the meeting goes on January 27th and what the reaction is and move forward with developing the standards and codes before we get to the point of public hearings.

Chairman Savacool said one issue that was brought up was density and how do we get our hands around it. Tim Baker said if areas are going to be set aside for micro parking between buildings, obviously there is no parking on the river side. There is not going to be enough room on the Denio Street side which will affect the density. Mr. Carr asked if Denio Street is laid out does it have to be a minimum of 60 ft. Mr. Baker said that is the code; however we don't have a provision for an alley which is a narrower street set up on an alleyway. Something like that could be adopted. Mayor Saraceni said EDR likes the concept of parallel parking because it creates a walkthrough to the traffic for the pedestrians.

Ed Rock brought up the idea of a trolley line being used.

More discussion followed on parking issues, whether they will be diagonally, beside the building, or use the municipal lot so there would be more lot coverage.

Chairman Savacool asked Mr. Carr about the density issues i.e. lot coverage. Mr. Carr said it is covered in the draft in the last paragraph on page 1 where it states, "Unless specifically superseded by the provisions and restrictions contained in this Article, all the provisions and restrictions otherwise set forth in the Zoning Rules and Regulations of the Village of Baldwinsville as they relate to the properties within the Overlay District shall be unaffected by this Article. In particular, the specifications of land uses permitted in the underlying Business B-2 District shall be unaffected".

Carl Pelcher said perhaps Denio Street should be a one way street with no parking. River Street was made into a one way street, which slowed traffic down, invited people to walk along street and there is no parking on that street. River Street is all zoned commercial.

Chairman Savacool said the board will continue discussion on this East Genesee Street Overlay District draft at the January 27, 2009 planning board meeting.

Item No. 3 on the agenda – "Temporary Outdoors Sales Events"

Chairman Savacool asked Mr. Carr to summarize the Accessory Retail Outdoor Sales.

- Difficult to come to grips with this type of outdoor sales and regulate it.
- In concept was it a "tempest in a teapot" created ultimately by the consideration of Mr. Sidon – B'ville Sports Bowl.
- Was it necessary to regulate this type of sales.
- Should the only consideration to this type of sales be the impact on parking spaces.
- Consideration has to be given for pedestrian access, fire lanes and traffic flow.

- Perhaps the vehicle to regulate this is already in place – which is the Code Enforcement Officer.

Chairman Savacool asked if it is acceptable for a business to sell something on the property that is not accessory to their business and can we differentiate from selling something that is not pleasing to look at i.e. Blue Rhino propane tanks as opposed to flowers for spring planting. Mr. Carr said we cannot get into individual tastes. Mr. Carr asked what is the adverse impact on this type of sale.

Ed Rock asked about approving parking spaces. Mr. Baker said when the business gets site plan approval, this includes the required parking spaces needed for the business. Mr. Carr said because we have existing development, there is a deficiency in required parking spaces as it is now defined under our present codes. Mr. Carr said and now after the fact coming in and looking at some of these businesses, one takes the position that this business does not have sufficient parking, but it never did. He said they have vested legal non conforming status. Mr. Carr said how many parking spaces can be taken away? None, because you cannot increase a legal non conforming status.

Mr. Baker suggested limiting outdoor sales to a certain time of year. Example: May 1 through August 31.

Mr. Baker said even if Mr. Sidon was allowed outdoor sales, this would have been tied in to the calendar year and he would have had to move the inventory. Chairman Savacool asked what would have been the problem with the inventory sitting there. Mr. Baker said in winter more parking spaces are needed because of the piling up of snow. It also would have required Mr. Sidon to turn the inventory and not become a perpetual display.

Dave Arthur said he thought it would be prudent to allow a business during their off season (referring to B'ville Sports Bowl) to sell a product not related to the business if it meant keeping a business open. Tim Baker said our Code Enforcement Officer, Rolf Beckhusen, cannot offer flexibility to a business because the owner said he would not be using his required parking spaces during off season. Dave Arthur said the business would have to prove the parking spaces are not needed. Tim Baker asked how do we do that.

Mayor Saraceni said we should not favor one business over another and at the same time we should be respectful of all businesses. The mayor said it is a "stretch" to sell wood products (gazebos, swings, outdoor play sets) out of a bowling alley as opposed to selling a bulk product (peat moss, bark chips) out of a hardware store.

Don Cronk said Ace Hardware's products that are displayed outdoors are seasonal from peat moss to rock salt and he turns this over seasonally.

Members agreed that they are sympathetic for all businesses to succeed but the question was raised, where it ends and what product line do you stop with. Mr. Carr said if we want to target in on that specific issue (B'ville Sports Bowl), it really should focus in on

the prohibition of selling that kind of product off that kind of lot and not to bar retail sales. Mr. Carr said he cannot believe in any capacity or law that actually permits somebody to operate their business by deliberating and intentionally eliminating required parking spaces, where otherwise are required. Mr. Carr said when Mr. Sidon puts down the gazebos, that parking space is eliminated. Mr. Baker said then people would have to park at the library or the rescue squad, taking up their parking spaces. Mr. Carr said more importantly this has nothing to do with the businesses run out of the bowling alley.

Chairman Savacool asked if this could fall under the temporary outdoor sales event. Mr. Carr said the sales event should be conducted for a continuous period not to exceed sixty (60) days within any 365 day period of time.

Ed Rock asked if there were any complaints about Mr. Sidon. No. The Code Enforcement Officer cited Mr. Sidon for the outdoor sales displays and fire lane restrictions. Mr. Sidon then put them on display on the Noble's site. Mr. Sidon was denied selling the product because of the parking space requirement. His business is in a legal nonconforming area and he wanted to make it more legal non conforming. ZBA denied it.

Chairman Savacool said if this was not impacting parking (B'ville Sports Bowl) why couldn't he sell his outdoor product on a temporary basis. Mr. Carr said if this was considered, then at least instead of regulating it as to the temporary sale regulate it as to the item of sale, regulate it as to the property in other words there could be a sales event on this property to be no more than for a continuous period of time no greater than in any one given 365 days period. Mr. Baker said how can we be sure that this event wouldn't continue beyond the designate time frame and just keep the outdoor displays which then would impact parking spaces during the bowling season.

Mr. Arthur said he was trying to look at fairness to the village businesses and said if he had a business and needed to supplement income during an off season, he would try to do what he could but at the same time not impact the business negatively. Mr. Baker asked he do you judge that. Mr. Arthur said by review.

Mr. Carr said we could take the language under "Temporary Outdoors Sales Event" and strike out the segment that relates to retail sales and just make it "special event" which would take care B'ville Sports Bowl but what does it do to Ace Hardware because his outdoor sales would not be on a temporary basis. Ace Hardware falls under accessory retail outdoor sales. Mr. Carr said then Ace Hardware could ask for a permit to have a special event sale. Chairman Savacool said in that case he could be denied that permit because of the required parking spaces needed.

Dave Arthur said Mr. Carr did a great job the first time with these new codes and wonder why do we now want to throw these away. Mr. Carr said after the straining discussions at the previous meeting, he felt that none of these situations had any adverse impact on the community. Mr. Carr said with the temporary outdoor sales and the language written, the conditions for the issuance of a permit shall be permitted only within Business B-2,

Commercial and Industrial Districts. The event shall not encumber any more than 10% of any otherwise required on-site parking. No temporary outdoors sales event shall be permitted on any lot upon which there already exists any otherwise permitted "Accessory Retail Outdoor Sales". Dave Arthur suggested putting in the clause that all material has to be removed after the sales event. Mr. Baker said all permits have to have site plan approval.

Chairman Savacool said the board will continue with Temporary Storage at the next regular planning board meeting.

Motion to close meeting at 9:35 p.m. was made and carried.

The next regular planning board meeting is scheduled for January 27, 2009 at 7:30 p.m.

Respectfully submitted,

Marie Giannone

Marie Giannone
Planning Board Secretary