

VILLAGE OF BALDWINVILLE
PLANNING BOARD MEETING MINUTES
TUESDAY, February 23, 2010 at 7:30 p.m.

PRESENT: Carl Pelcher, Chairman
Don Cronk
Dave Arthur
Jim Schanzenbach
Nicole Schlater
Ed Rock
Larry Barnett

Also Present: Ron Carr, Village Attorney
Tim Baker, Village Engineer
Marie Giannone, Secretary

Motion to approved minutes of January 26, 2010 by Don Cronk and seconded by Jim Schanzenbach.
Motion carried.

Chairman Pelcher thanked Tim Baker for the work he did on the maps for the overlay district.

Chairman Pelcher thanked board member Jim Schanzenbach for proofing the write up on the Village Square Overlay District. The chairman said this Village Square Overlay District will be presented to the village board at the March 5, 2010 meeting. The chairman said all planning board members are invited to attend this meeting.

Chairman Pelcher said he received a phone call from the Chairman of the Planning Board of the Town of Van Buren to schedule an informal joint meeting regarding Downer Street where the village line and Van Buren town line meets. The meeting is scheduled for Wednesday, March 10, 2010 at 7:30 p.m. at the Town of Van Buren building. All planning board members are invited to attend this meeting.

Discussion on the Village Square Overlay District with the following changes noted:

- 3ai – refers to Sergi Yevitch Trail. Be sure that this is on the map.
- Refer to walking trail on 3c and the Sergi Yevitch in (i).
- For clarification of these two, either use a common terminology or have it labeled on the map.
- Change will be made in 3c to Sergi Yevitch Trail and take out “walking trail”.
- 3f East Genesee Street – change to Village Square.
- 4a(i) change word “should” to “shall” or “will” in the second sentence starting “As such, site plans.....”

Review of the Second Overlay District – East Genesee Business Overlay District

Chairman Pelcher said this is a starting point of the second overlay district. Discussion:

- Includes more residential homes
- Went to build to lines
- Patios smaller for this district
- Item “j” includes additional screening that abuts to residential

Chairman Pelcher said item “j” was added because in the past screening was very vague and in some cases was not completed.

Mr. Arthur asked Mr. Baker if any of this screening is enforcement and if anything can be done to be sure work is completed on site plans.

Mr. Baker said the site plan approval can be looked at before a certificate of occupancy is issued. Mr. Schanzenbach asked if the property is looked at before a certificate of occupancy is issued. Mr. Baker said the codes enforcement officer is provided with the site plan approval and that is the CEO’s responsibility to make sure the site plan is followed. Mr. Baker said some problems occur when a temporary certificate of occupancy is issued. Mr. Baker said he is looking to reducing the number of temporary certificate of occupancy issued. Mr. Baker said these temporary CO’s are issued because the developer claims financial hardship. Mr. Arthur asked what remedies are there to have them complete the work on the project. Mr. Baker said a violation is issued. Mr. Baker said you have to get it on the front end and not let them occupy the property. Mr. Barnett said he would like to speak on performance bond and will address it at the end of the meeting.

Mr. Schanzenbach said temporary certificate of occupancy should only be issued if there are minor things needed to be done. If it is a financial issue, a bond may be too formal, and in its place a letter could be written with a check put in escrow.

Mr. Schanzenbach said other municipalities have specific screening to be used between commercial and residential. He said the planning board will issue a specific type of screening that is required. Mr. Schanzenbach said something more specific could be written in section “j” of this overlay district. Board members agreed on this point. Example: Walgreen’s on Downer Street has nice screening (fencing).

Chairman Pelcher said this overlay district is different from the first overlay in that there is no river front. Mr. Arthur said if these two overlay districts are almost carbon copies why is the board creating another overlay district. Chairman Pelcher said the first overlay has frontages on both sides. There is no residential butting up to the business in the first overlay district, where there is in the second overlay.

Mr. Arthur asked how you differentiate this overlay from the overlay further up East Genesee Street. Chairman Pelcher said when the board members walked that area it seemed to have a different characteristic and seemed to become more industrial. Shared parking was an issue, different from the first overlay. Also, Chairman Pelcher said in talking to Mr. Baker, the village square and this district should not include B2 only B1. (B2 could then include a gas station or garages). Chairman Pelcher said the zoning will have to be changed but he thought it would be easier to do when there are overlay districts.

- ✓ Village Square – B1
- ✓ East Genesee Business District – B1

✓ Wacky Wyatt District – B2

Mr. Arthur asked how hard is it to change these districts from B-2 to B-1. Mr. Carr said it would be a total restructuring of the village map. Mr. Carr said an overlay district is supposed to address the unique characteristics of an existing area, i.e. waterfront property. Mr. Carr said what the planning board is doing is so pervasive that the board is actually addressing a total rezoning of the Village of Baldwinsville. Mr. Carr said he posed that question to Mayor Saraceni as to why we are addressing overlay districts when maybe we should address a total rezoning. Mr. Arthur said he thought the planning board did an excellent job on Village Square coming up with the verbiage for it.

Discussion followed on the second overlay district and how different the next overlay would be from the second overlay. Highlights of this discussion:

- Carbon copy is not the way to go
- What will the side streets look like, i.e. Virginia, Mechanic, Albert Palmer
- Three story building that merge into residential homes
- Bricks or shakes (façade)
- What will be the build to lines
- Template to get this going
- Should overlay go East to Mechanic Street
- Potential for development up East Genesee Street
- Board refers back to EDR recommendation
- Decision was made by Planning Board to include these areas in overlay areas
- Lock Street will remain residential
- Next meeting should revisit the EDR plan
- Unique characteristics of this area
- Side streets are an issue
- Streetscape of side streets
- Sidewalks on Palmer

Chairman Pelcher said at next month's meeting, the board will revisit the original EDR project. The chairman also asked the members to look over the second overlay district and write down any ideas which will be discussed at the next board meeting.

Mr. Arthur briefly discussed maps. He showed a map he created of the proposed overlay district. Discussion followed.

Agenda Item – Parking Issues

Mr. Barnett said it was difficult to come up with a definite number of parking for restaurants. The standard for parking for one restaurant may not be the same for another restaurant. Chairman Pelcher said there is a school of thought to let the restaurant owner decide on parking standards for their restaurant. Chairman Pelcher said that we may want to consider what Mrs. Schlater said – maximum parking where the parking lot can only be so large. Mr. Barnett said a chain restaurant knows how many parking spaces are needed. Mr. Barnett agreed with Chairman Pelcher in that restaurants are a non

issue when it comes to parking. A developer knows how many parking spaces will be needed. Mr. Arthur said some standards are needed.

Chairman Pelcher asked the board members if they wanted to take another walk/group meeting through the downtown area. The board members, if they are available, decided to meet on Sunday, February 28, 2010 at 1 pm. at the library.

Mr. Arthur brought the board members up to date on the proposed site plan for the fire department located on Oneida Street. Mr. Arthur said he attended the ZBA meeting on February 8, 2010. Mr. Arthur said no variance was issued as ZBA asked questions that the planning board is not allowed to ask, i.e. financial issues, funding. Brief discussion followed.

Mr. Barnett brought up about the on line training from the New York Planning Federation. Mr. Barnett said in doing this training, one of the things that caught his attention was subdivision application. He said a performance bond can be required to protect both the village and potential homeowners that work will be completed. Mr. Barnett said he pursued this and called the NY Planning Federation with some questions. He received a phone call from Mr. Scott Chatfield and Mr. Chatfield had the following suggestion: look at village code first. Mr. Barnett read Code 10-2-C "The planning board may require at any time as a condition of any approval a performance guarantee or bond, a maintenance guarantee and/or liability insurance in such amounts or terms that are necessary to protect the village". Mr. Baker said under site plan this is stated. Mr. Barnett said the board should exercise these arrangements when a developer comes in for site plan approval. Discussion followed on previous site plan approvals where work was not finished.

Tri-County Mall was used as an example. Mr. Barnett said as a planning board we should be protecting the nature of the community. Mr. Barnett said if we are not going to do these things, then we are wasting our time here. Mr. Schanzenbach said the time to do that is in the issuance of the CO (Certificate of Occupancy). Mr. Schanzenbach said he has had planning boards as a whole come out and look at a site plan review before a CO is issued. Mr. Schanzenbach said the board has all the power before a CO is issued. He said the power shifts when the CO is issued. Mr. Arthur said about a year or two ago the board requested that the CEO be present at planning board meetings. Mr. Arthur said it seemed that there was something lost in the transition from what the board decided and talked about and what ended up on paper and what was perceived by the CEO to enforce. Mr. Baker said the CEO works for him and he passes on the information, as an example, it was his understanding that no one would be occupying the building across the street until the façade was repaired. Mr. Baker said a determination was made that they didn't require a permit from him to occupy the building that they were occupying. Mr. Arthur asked Mr. Baker if this was in violation of what was instructed to the CEO. Mr. Baker said the CEO said because it was previously occupied, therefore under his understanding of the state law that he did not have jurisdiction to deny them access to occupy the structure. Discussion followed on issuing certificate of occupancy, temporary certificate of occupancy, the need of a planning board member being present at inspection before a certificate of occupancy is issued. Mr. Baker said temporary certificate of occupancy should only be issued when absolutely necessary, not on a regular basis. Mr. Arthur asked about the "guard house" on Oswego St. Mr. Baker said that was coming down and also the façade work is on state right of way and Mr. Baker was informed by the State DOT that a permit will be needed. Mr. Baker said he would like to implement a procedure where any commercial site plan that is approved by the planning board, that a sign off be required by a designated member of the planning board, CEO and Village Engineer. The board members all agreed.

Mr. Carr asked on site plan what is the final approved instrument. Mr. Arthur said everything is shown on the map of the site plan, sometimes with attachments showing screening, trees, etc. Mr. Cronk said a punch list is attached to the site plan.

Discussion on the new NAPA building and the issuance of a temporary CO. Questions were raised regarding the sidewalks, screening at the back of the building. Mr. Baker said a temporary CO has an expiration date where the work has to be completed. Mr. Baker was going to check on the NAPA building. Mr. Baker said he did not think occupying the NAPA store was a concern but we would want to watch when certain enforcement routines are applied. Mr. Arthur asked if a CO can be retracted once issued. Mr. Arthur said the sign off idea is a great idea. Mr. Baker said he was not saying in the process that it would unfairly impinge upon his powers of CEO because the board is not saying he does not have the right to make that decision, the board is saying that they want to make sure he understands the requirements correctly. Mr. Barnett said actually it gives more support to the CEO, now there will be two other people saying yes or no to a CO.

Meeting adjourned at 9:15 p.m. Next planning board meeting is scheduled for Tuesday, March 23, 2010 at 7:30 p.m.

Respectfully submitted,

Marie Giannone
Secretary - Planning Board