

A Public Hearing was held by the Village Board of Trustees on June 4, 2015, for the purpose of hearing comments concerning the application of Stewart's Shops for a Special Use Permit to operate a filling station at the premises situated at 120 Oswego Street, in the Village of Baldwinsville.

Members Present: Mayor Dick Clarke
Trustee Ruth Cico
Trustee Bruce Stebbins
Trustee Megan O'Donnell
Trustee Mike Shepard
Trustee Rick Presley
Trustee Mark Wilder

Others Attending – Attorney Bob Baldwin; Code Enforcement Officer Gregg Humphrey; Village Clerk Maureen Butler; Treasurer Anna Custer; Senior Center Coordinator Ruth Troy; Police Chief Mike Lefancheck; Engineer Steve Darcangelo; Chuck Marshall, representative from Stewart's Shops; PMI Promoter Mike Chemotti; North West Fire District representative Tom Perkins; Weston & Sampson-North West Fire District representative Jeff Budrow; Ashley Casey, a representative of the Baldwinsville Messenger; residents against and in favor of the proposals; fire fighters from the North West Fire District and Sam Pandossi and Joe Loffredo, representatives of the Public Access Channel.

The Public Hearing was called to order at 7:30 p.m. by Mayor Clarke and the Pledge of Allegiance was recited.

Mayor Clarke stated that the purpose of the Public Hearing was to hear comments concerning the application of Stewart's Shops for a Special Use Permit to operate a filling station at the premises situated at 120 Oswego Street, in the Village of Baldwinsville.

The Village Clerk read the legal notice that was published in the Messenger.

Mayor Clarke stated that Stewart's has gone in front of the ZBA and received a use variance for that property. Chuck Marshall is here on behalf of Stewart's requesting a special use permit. The Public Hearing is not only to hear resident comments but suggestions of restrictions that they may want on the permit.

Comments in favor of the proposal: None

Comments against the proposal were made by Frank Papalia and Joe Cellini. The concerns were: additional traffic; safety for children walking; unsafe conditions in a residential area and diesel fumes.

Marshall assured the audience that the tankers will be routed up Route 631 and not on Smokey Hollow Road. He noted that Stewarts delivers 65% of their own gas so he does not feel that the driver will not take the stipulated route. In answer to a question asked by Trustee Stebbins, Marshall estimated that deliveries at this location will be made three times per week.

Mayor Clarke said that the board will not be taking any action tonight regarding the Stewart's Shops request for a Special Use Permit until a ruling has been made at the county level (Syracuse Onondaga County Planning Association).

Resolution #55/2015 Motion by Trustee Wilder, second by Trustee O'Donnell
Resolved that the Public Hearing be adjourned and closed at 7:45 p.m.

Carried

Continuation of the Public Hearing for the purpose of hearing comments concerning the application of the North West Fire District to construct an 11,500 square foot Fire Station at 104 Smokey Hollow Road.

Comments in favor of the proposal: Louise Rutherford, a resident of Hunter Drive, presented the board with a petition signed by 188 residents in favor of the proposal. Bill Hopper, a fire department member and resident at 17 Chaucer voiced his favorable opinion regarding the proposal.

Comments against the proposal were made by Attorney Brian Sinsabaugh representing the residents opposed to the proposal. He summarized their reasons that had previously been submitted to the board. Joyce Ramseyer, on behalf of a St. Mary's apartment resident, voiced concerns about the noise and lights that go along with a fire station.

Resolution #56/2015 Motion by Trustee Presley, second by Trustee Shepard

Resolved that the Public Hearing that began on Thursday, May 21st, be adjourned and closed at 8:15 p.m.

Carried

Respectfully submitted,

Maureen Butler

**Maureen Butler
Village Clerk**

**Minutes of the Meeting of the Village Board of Trustees held at 8:53 p.m. at Village Hall,
16 West Genesee Street, Baldwinsville, NY.
June 4, 2015**

Resolution #57/2015 Moved by Trustee Stebbins, second by Trustee Cico, abstained by Trustee Wilder
Resolved that the minutes from the Village Board meeting of May 21, 2015, be approved.

Carried

Citizen's Comments

Mike Chemotti, Paper Mill Island promoter, asked the board if he could transfer his rental fee and open container request from his rained out May 30th Paper Mill Island concert to another date. The board told him that it was fine to reschedule and transfer all fees to the new date. Chemotti's second request was to set up a concession on the South West trail on the night of the fireworks display, Friday, July 3rd. He would provide security and sell only food and non-alcoholic beverages. He will attend the next meeting with more details.

Trustee's Comments

Trustee Wilder requested that an executive session be held regarding a property acquisition on Lock Street.

Mayor's Comments

Mayor Clarke mentioned that the Memorial Day parade went well. Clarke informed the viewing audience that he and Town Supervisors John Salisbury and Claude Sykes met with the regional director of NYS DOT Carl Ford about the bad condition of the state roads in Baldwinsville. Ford stated that the patching is scheduled for later this summer, in particular on Rt 31 from the Village line going towards Budweiser and from the railroad tracks to the village line. This is a temporary fix until the entire road is resurfaced next year.

Clarke requested that the following items be added to the agenda: the formation of a finance committee and executive session regarding a lease negotiation.

Department Heads

Code Enforcement Officer Gregg Humphrey reminded everyone that all new swimming pools require a permit. Village Clerk Maureen Butler confirmed that residents can call the Clerk's office after they fill their pools with both a beginning read and an ending read and a sewer credit will be given based on the amount of water used in pool.

Senior Center Coordinator Ruth Troy mentioned that the center is in the process of conducting a survey regarding transportation needs for individuals 60 and over in the Greater Baldwinsville area. Surveys can be picked up at the Senior Center, Village Hall and both Town offices. Troy updated the board that with the help of the Office of the Aging a shopping bus will be available at four of the senior housing complexes once a month.

Engineer Darcangelo noted that milling and paving will begin on Monday, June 15th on Albert Palmer Lane and Spruce Street. The following streets will be milled the following week: Braeside, Echodale and Overbrook. Darcangelo stated that he and Trustee Wilder will do a brief presentation at the next board meeting regarding the water system in the village.

Pending Business

- **Public Hearing Vote – Proposed Firehouse construction**

Prior to the voting on the firehouse construction Attorney Bob Baldwin asked that a motion declaring it as an unlisted action be done.

Resolution #58/2015 Moved by Trustee O'Donnell, second by Trustee Cico

Resolved to adopt a SEQR resolution stating that the board's decision regarding the proposed firehouse is an unlisted action and will not have an impact on the environment.

Carried

Mayor Clarke read the prepared motion regarding the application of the North West Fire District to construct an 11,500 square foot Fire Station at 104 Smokey Hollow Road. Clarke noted that he will read the motion and prior to a roll call vote the board will be able to fine tune the resolution. After a discussion by the board the motion was edited slightly (highlighted) to read as follows:

Resolution #59/2015 Moved by Mayor Clarke, second by Trustee Wilder

WHEREAS, the North West Fire District has made application to construct a two story 11,500 square foot Fire Station at 104 Smokey Hollow Road in the Village of Baldwinsville; and

WHEREAS, the application is to construct the Station on a 6.75 acre lot in a Planned Development District (PDD) within the Village that does not allow for the suggested use; and

WHEREAS, the North West Fire District is a fire district created pursuant to Article 11 of the Town Law and has the legal authority to acquire and utilize real property; and

WHEREAS, the Fire Station to be constructed is to be utilized as a response site only with no social events to take place on the site or training facilities to be constructed on the site; and

WHEREAS, this Board of Trustees must make a determination as to whether the public interests of the North West Fire District outweigh the public interests of the Village of Baldwinsville with respect to the uses allowed in this PDD,

NOW, THEREFORE, after due consideration of the various factors involved in this decision and after a public hearing which has taken place on May 21, 2015, and concluded June 4, 2015, the Village Board of Trustees finds as follows:

1. The Fire Station to be constructed is a station to be used for responders and their equipment for response and training only and is approximately 11,500 square feet to be constructed on a 6.75 acre lot located in a Planned Development District within the Village, which does not provide for such use.

2. The location of the proposed Fire Station provides enhanced response capabilities for the Fire District and is in the best interests of public safety and the inhabitants of the Village. Based on the location and enhanced response capabilities, the fire insurance rates for properties located in the Village should be reduced, providing savings for Village residents.

3. Any possible negative impacts on legitimate local interests of the Village from the day-to-day operations of the Fire Station, such as drainage, traffic, noise levels and buffering for aesthetic purposes can be reasonably mitigated through site plan review.

4. Although it has been suggested that there might be a negative effect on fair market values of surrounding residential properties, there has been no independent evidence of such affect, and the reduction in costs of fire insurance to the Village as a whole based on the location of the Fire Station in the Village would not make such possible reductions unreasonably detrimental.

5. Based on the reduction of response time to fire emergencies and the fact that most fire fighters assigned to the station currently live nearby to the station location and the location provides a quick response to the adjacent school campus, an alternate location for the proposed Fire Station is not feasible.

6. The existing station at 59 Elizabeth Street within the Village of Baldwinsville is insufficient to meet the needs of the community as presently constructed and cannot be sufficiently improved to provide the needed service. Based on statements from representatives of the Fire District, they have without success attempted to find suitable alternative locations. No specific alternate locations have been mentioned or suggested, therefore we find that there are no specific reasonable alternate locations for the Fire Station.

7. It is in the best interests of the Village of Baldwinsville to exempt the proposed use as a Fire Station from the rules of the PDD in which it is to be located, since the public safety and the other factors found by the Village Board outweigh the need to require strict compliance with the zoning rules for this site, therefore the application of the North West Fire District to be exempted from the strict zoning requirements of the Village and the PDD District in which the Fire Station is to be located is granted contingent on approval of the proposed site plan by the Village Planning Board and upon successfully addressing the concerns of the Village Board.

8. Notwithstanding the exemption from zoning regulations, the matter should be and hereby is referred to the Planning Board of the Village of Baldwinsville for site plan review and decision pursuant to Section 345-34 of the Baldwinsville Village Code.

Roll Call Vote:

Trustee Wilder – aye; Trustee Cico – aye; Trustee Stebbins – aye; Trustee O’Donnell – aye; Trustee Shepard – aye; Trustee Presley – aye; Mayor Clarke – aye.

Carried

The board discussed the proposal and got questions answered in order to make an informed decision. Trustee Wilder questioned the fire department about the response time from Smokey Hollow to other developments on the north side, for example, Baldwin Hill. Wilder also had concerns about the wetland delineation. The Village board feels confident that the appointed Planning Board will address its concerns and those of the residents. The concern of the multiple plans presented by the district brought about the Village board changing the wording of the resolution to be contingent on the Planning Board’s approval and also on the Village board approving the approved site plan. The Village Board wants to make sure that all of the residents’ concerns are met. A concern of the fire district is that even if it gets approved by the Planning Board it may still get shot down by the Village board.

- **Public Hearing – Stewart’s Shops**

Mayor Clarke stated that the request by Stewart’s Shops for a Special Use Permit regarding the property at 120 Oswego Street will not be voted on until the findings from the County can be reviewed.

- **Update from Parks Committee**

Trustee Shepard began a discussion about a fee for the Mercer Park concession and also for the use of Community Park for an encampment. It was decided that fees would not be charged for these reservations.

New Business

- **Waiver of the Open Container – 6/13/2015 Block Party**

Resolution #60/2015 Moved by Trustee Wilder, second by Trustee O'Donnell

Resolved to approve the request from Allen Wood, resident at 3 Chaucer Circle, for a waiver of the Open Container Law for a "block party" in the cul-de-sac area in his neighborhood on Saturday, June 13, 2015 from 5:00 p.m. – 11:00 p.m.

Carried

- **New Police Vehicle – Solvay Bank**

Resolution #61/2015 Moved by Trustee Presley, second by Trustee Wilder

Resolved to authorize the mayor to sign the loan documents from Solvay Bank to purchase a budgeted new police vehicle in the amount of \$31,925.96.

Carried

- **Agreement with The Leahy Co., Inc - Review**

Mayor Clarke spoke to the board about a company that reviews workers compensation policies/premiums in hopes of securing their clients a refund. There is not a cost to the village unless a refund or reduced premium is received from the carrier. Since the percentage/cost is not known Trustee Wilder asked that this discussion continue at the next meeting.

- **Girl Scout Encampment – 8/22/2015 – 8/23/2015**

Resolution #62/2015 Moved by Trustee Cico, second by Trustee O'Donnell

Resolved to approve a request for the 2015 annual Girl Scout encampment at Community Park on Saturday, August 22nd at 8:00 a.m. through Sunday, August 23rd, at 11:00 a.m., with no fee.

Carried

- **Establishment of Finance Committee**

Resolution #63/2015 Moved by Trustee Clarke, second by Trustee O'Donnell

Resolved to establish a finance committee that consists of Trustees Presley, Stebbins and Cico, Treasurer Anna Custer and Clerk Maureen Butler with Trustee Presley being the chair of the committee.

Carried

It was decided that this committee will be appointed at the Annual meeting each year with a rotation of trustees.

- **Executive Session with no anticipated action**

Resolution #64/2015 Moved by Trustee Wilder, second by Trustee Cico

Resolved that the board retire into executive session at 9:13 p.m.

Carried

Resolution #65/2015 Moved by Trustee Wilder, second by Trustee Cico

Resolved that the board return from executive session at 9:40 p.m.

Carried

- **Motion to pay bills as audited**

Resolution #66/2015 Moved by Trustee Presley, second by Trustee Cico
Resolved to pay the bills from their proper accounts, after audit.

Abstract #6

- General Fund Checks #40553 - #40597 \$ 84,664.13
- Water Fund Checks #23653 - #23661 \$ 4,674.97
- Sewer Fund Checks #23161 - #23163 \$ 566.80

Carried

Resolution #67/2015 Moved by Trustee Cico, second by Trustee Shepard
Resolved that the meeting be adjourned at 9:54 p.m., until the next village board meeting to be held June 18, 2015, at 7:30 p.m., at Village Hall.

Carried

Adjournment,

Maurzen Butler
Village Clerk