

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES

Tuesday, December 2, 2014 7:30 P.M.

Approved 2/24/2015

PRESENT: Dave Arthur
Terrie King
Mace Markham
Joseph Saraceni
Jim Schanzenbach

ALSO PRESENT: Jamie Sutphen, Planning Board Attorney
Stephen Darcangelo, Village Engineer
Gregg Humphrey, Code Enforcement Officer
Mike Mazoway, Planning Board Alternate Member
Susan LaQuay, Board Secretary

GUESTS: Mr. Dave Muraco

Chairman Pelcher noted that B. Scherfling was detained at work and will be late.

Upon **motion** by M. Markham and second by T. King the Planning Board minutes for the meeting of October 28, 2014 are approved as corrected. Carried.

NEW BUSINESS

Discussion/Action regarding 18 East Genesee Street (fmr. Eckerds) – Dave Muraco

Mr. Dave Muraco is present to address the Board. He wished to clarify that the plan submitted is not a preliminary plan. It shows what is going on with the property now and with the tenant he has lined up. He stated he recently put a new roof on the building. The façade has been redone. He stated they may be removing the damaged vestibule or changing out the glass. He will need a separate permit for this work and Code Enforcement Officer G. Humphrey is aware of this plan. G. Humphrey noted that the Planning Board will need to know for certain if the vestibule will be removed because, according to Code, any changes to entrances require site plan review by the Planning Board. Mr. Muraco stated the egress will be the same opening on the building, just without the vestibule.

M. Markham noticed there is a new opening cut into the building. Mr. Muraco stated this is just to provide him with access while the firewall is being built.

Mr. Muraco noted the Applicant is only putting in the one entrance now, although there is the potential for two more tenants. D. Arthur asked if he will be changing exit doors. Mr. Muraco stated he is not. He noted, however, that Retail 1 will need another exit door in the back. Right now with the existing door cut in for access after the firewall is built, there is an exit to the east for Retail spaces 1 and 2.

G. Humphrey stated this proposal can be considered a minor façade modification. Mr. Muraco will be using the building for what it has been used for in the past and if more tenants are added Mr. Muraco will need to modify the site plan. S. Darcangelo noted that they will be adding perhaps two additional entrances in the future.

S. Darcangelo noted that this property is located within the East Genesee Street Overlay District and any modifications within this overlay require site plan review. The Planning Board has the option to ask for a full site plan submission or a less formal submission. However, any changes to entrances would trigger site plan review even if the property was not located in an overlay. D. Arthur noted that changes which may trigger site plan review include screening across the front of the property, curb cuts/ingress to the property, and building entrance modifications.

T. King asked what will become of the opening that has been cut in for access during firewall construction. Mr. Muraco stated he will put a door in there within the next 30 days. There was no door there prior to this. S. Darcangelo noted that this creates modification to entrances that will require site plan review. T. King and D. Arthur agreed.

D. Arthur asked if the Board is required to do a full site plan review or a "minor" site plan review, which is not part of the Code but the Board has made provisions for this in the past where they have not required drainage or lighting or other details. S. Darcangelo noted that is a determination for the Planning Board to make.

D. Arthur stated that pedestrian access is critical in this overlay district.

J. Saraceni noted this is a significant parcel in the middle of the Village and stated he and other Village officials had met with Mr. Muraco regarding this property six or seven months ago while working with the B'ville Diner and Key Bank to come up with a better flow for parking as well as address the sidewalk issues and the street frontage of the property. Mr. Jim Orlando was present as well and had shared some ideas for treed islands within the lot to make it look similar to the Village lot next door. At the time, J. Saraceni stated that Mr. Muraco had said he would not be modifying the building or the entrances. Mr. Muraco stated he had considered the points made during that meeting and he would prefer to keep everything the way it is along the front of the property. The Village had wanted to close off one of the curb cuts and he is not willing to do that. He likes the parking the way it is and it was just striped prior to the weather change as part of his lease agreement with his main tenant. He noted the Village had discussed doing some enhancements and he is willing to work with the Village as long as he doesn't lose parking. He noted parking is used by patrons of other businesses as well, not just customers of his building. He noted that the Village property empties into his parking lot and he is willing to grant the right of access to the Village without expense. He stated he is working with Mr. Orlando and the Diner has ingress/egress rights, but there is no official parking agreement in place. They are working together on an agreement.

Mr. Muraco stated Dollar Tree would like to start interior renovations on January 2nd. He noted they want the vestibule removed and he is hoping the Planning Board can allow him to move forward. D. Arthur stated it is clear that Planning review is necessary, but the extent of the review is to be determined. He does not think the Board has enough information to vote tonight. Jamie Sutphen stated this plan will need to go to the Syracuse/Onondaga County Planning Association for their review. She noted there are criteria outlined in the code for site plan review and clarified that the Board will not be determining the extent of their review as they are charged with reviewing the entire site. Rather, the Board will be determining what they will require the Applicant to present. She noted this site has been reviewed in the recent past as a result of an application made by a previous owner. She cautioned the Board against "piecemealing" review of the façade and a complete plan for the façade needs to be presented and reviewed. If something needs to be changed in the future to accommodate new/additional tenants, those changes can be addressed as site plan modifications. Mr. Muraco stated this is an existing building with existing parking. He is not sure what else he should have to provide. He noted Dollar Tree will be sending in a full set of plans next week. He anticipates this plan will show a flush entrance with an overhead with the vestibule removed.

D. Arthur stated the Planning Board will need to see a plan showing two entrances (for retail spaces 1 and 2) as there is a firewall between the retail spaces. Mr. Muraco showed the Board a plan showing that and D. Arthur asked if this was on file anywhere. G. Humphrey stated this had been submitted to the ARB. D. Arthur stated they will accept that as a footprint of the building and front elevation. This drawing is called "Front Elevation and Floor Plan 18 East Genesee Street" page A1 dated 10/30/2014. D. Arthur noted that the color palate and fascia were reviewed and approved by ARB. J. Saraceni asked if that plan had been followed. G. Humphrey confirmed it was followed.

M. Markham asked if in addition to the two entrance doors there would also be egress doors in the back. Mr. Muraco stated right now they will each have one fire exit and he could, if permitted, put both doors in at the same time. M.

Markham suggested if Mr. Muraco thinks he might split the interior into two spaces he should do the ingress and egress doors now for the other 2 potential spaces. Mr. Muraco stated it is difficult to find a tenant for 7,000 square feet, which the remaining square footage not being utilized by Dollar Tree. He stated the timing is very important for this and M. Markham stated he would like to see this get started. J. Sutphen reminded the Board that they only get one opportunity to have input and this opportunity is during the site plan review process. D. Arthur acknowledged this and stated that while timing is important and it would be nice to get things moving, the Board still has an obligation for due diligence. J. Saraceni stated he wishes the Applicant had come to Planning sooner in the process and the Board will work as fast as the schedule will permit. T. King agreed and noted Planning process does not seem to be holding up the tenant. S. Darchangelo stated that no certificate of occupancy will be given until the site plan is approved and completed. Right now, the plan submitted presents the layout with the entrance modifications. He will need to come back with a site plan modification if he changes this in the future. He cautioned that any modifications made without Planning approval are a risk.

J. Saraceni noted there are 62 parking spaces. G. Humphrey stated that is plenty as he only needs to have 46 spaces. S. Darchangelo asked if any of those are leased or under agreement with other businesses or property owners. Mr. Muraco stated they are not. D. Arthur noted that even if some parking was contracted or agreed for use by other businesses, he would still have enough. Mr. Muraco stated he will be working with Mr. Orlando regarding parking for the Diner. D. Arthur stated the plan will need to indicate the number and location of all the parking spaces and the building square footage.

J. Saraceni asked what the plans are for signage. Mr. Muraco stated that Dollar Tree will reuse the marquis sign and will submit a signage package.

D. Arthur provided a copy to Mr. Muraco of the East Genesee Street Overlay District. He suggested Mr. Muraco read through this and noted in particular the requirement for screening along East Genesee Street. The existing guardrail is not adequate and something will need to be done with that. Mr. Muraco stated he would like to work with the Village regarding this area and stated he is not going to propose anything there. D. Arthur stated by law those guidelines need to be applied. Mr. Muraco asked if that is even his property and believes it may be Village property. J. Saraceni stated those are his curb cuts and his access to his property off of the state road. Mr. Muraco stated that he would like to block off access to Village Square and asked why he should let people enter his property from the Village lot. He stated, however, he will not block off that access point. He noted there is no official agreement with the Village for this access. He would like to get this done. T. King noted the Planning Board was unfortunately not part of those conversations. J. Saraceni stated that when Mr. Muraco purchased the property he met with then-Mayor Saraceni, G. Humphrey, Chairman Pelcher, and S. Darchangelo, as well as now-Mayor Clarke. At that meeting, Mr. Muraco made it clear he did not want to get rid of a curb cut by East Genesee Street and would not be modifying the building. There was discussion about the Village obtaining an easement for access from Village Square as one does not exist, although the access has always been there. J. Saraceni stated he does want to see a project move forward on this property and he feels this Board is very responsive. They will let the Applicant know up front what they will expect and, although time is of the essence, the Board must do proper review.

J. Sutphen stated that this application must go before the County Planning Board regardless. She suggested the Board look at the site plan requirements detailed in the Code on page 345-34 and let the Applicant know what they will need to see. She reviewed these requirements. Mr. Muraco stated he has a deed and official survey, which he will provide. S. Darchangelo stated he will not need to see any sanitary sewer or topography. Regarding storm water drainage, the previous applicant provided a sheeting flow diagram across the property. The site plan will need to show the locations of signs, curb cuts, gutters, and street trees. The plan will also need to show pedestrian walkways and zones.

J. Saraceni noted that in previous meetings with Mr. Muraco, they had discussed islands in the parking lot. Mr. Muraco stated this will take away from his parking. J. Saraceni indicated a location on the property where parking will not be affected. D. Arthur showed Mr. Muraco a copy of a plan submitted by Mr. Orlando showing green space. D. Arthur noted that a pedestrian was hit recently on the Diner property and pedestrian safe ways and walkways are extremely important. He would like to see some greenspace and sidewalks off the main street. He noted the East Genesee Street Overlay

District really emphasizes the importance of pedestrian safety and walkability. Mr. Muraco stated he will do hatching to indicate pedestrian walkways, but he will not be proposing any sidewalks. T. King suggested a speed table in front of the building. Mr. Muraco suggested stop signs at the entranceways to the building. D. Arthur stated he would like to see something between the Diner and the driveway.

Mr. Muraco stated he will be looking to the Village to help with work along the front of the property along East Genesee Street. D. Arthur noted this is a discussion he needs to have with the Village Board.

Mr. Muraco stated he is being asked to do a lot of site work for a site and building that is not changing use. D. Arthur stated this will go very smoothly with cooperation between the Applicant and the Village. He noted the Planning Board has moved away from conditional approvals and may sometimes consider them due to seasonal issues, but not for general site plan issues. He suggested the Applicant work closely with G. Humphrey and S. Darchangelo.

J. Saraceni and J. Schanzenbach showed where an island can be added to create a nice driveway. J. Schanzenbach noted that it removes 2 parking spaces, but they are added back in another location. Mr. Muraco noted that tractor trailers come through there and may run an island right over. J. Schanzenbach stated it will likely stop any tractor trailers. D. Arthur noted the Board would love to see trees to break up the lot and add green space.

J. Saraceni stated he feels it is a good idea to formalize an ingress/egress agreement between the Village and Mr. Muraco. Mr. Muraco will meet with Mayor Clarke and S. Darchangelo about this.

J. Saraceni noted that the ingress/egress curb cuts are very wide. Mr. Muraco stated he will not be removing a curb cut. He would be in violation of his deed. He would like to negotiate with the Village regarding work along the front and he does not want to put anything on the plan that may obligate him. He noted the guardrails will be removed. He noted he does not own the sidewalks. T. King noted that everyone is responsible for sidewalks in front of their property even though they do not actually own the property the sidewalks are on.

J. Sutphen suggested the Board Secretary summarize the list of requirements the Board would like to see on the site plan for the next meeting.

J. Saraceni stated he is not sure what the County will say. He recalled that they had recommended that the plan submitted by Washington Street Partners across the street be rejected and the Village had to provide reasons why it was approved despite their recommendations. J. Sutphen stated they will need to file plans by December 19th for the December 30th SOCPA meeting. She stated she will submit this to the County.

J. Sutphen noted that the street sign size will need to comply with code. Mr. Muraco stated signage will be included with Dollar Tree's submissions. G. Humphrey stated he sent Dollar Tree the Village sign ordinance. He noted there was a prior variance with 2 signs – a 75' square foot building sign and a street sign. G. Humphrey stated that the building sign can be a maximum of 20% of the square footage of the building frontage that they occupy. S. Darchangelo clarified that even though Dollar Tree is providing the sign package, Mr. Muraco is still the applicant.

D. Arthur wanted to emphasize again that pedestrian safety and green space are very important to this site plan.

NEW BUSINESS

Discussion regarding adding "Minor Site Plan" For Existing Buildings to the Overlay District

J. Sutphen stated she had discussed this with Chairman Pelcher. G. Humphrey noted that presently if someone comes in and just wants to, for example, paint their building they will need to go to Planning and submit to County because they are in an overlay district. J. Schanzenbach asked what language would require this. J. Sutphen stated Code 345-68 states "all property development and improvements" within the overlay district will require Planning review. T. King and M. Markham stated that painting can be considered maintenance rather than improvement. S. Darchangelo suggested rather than creating a "minor site plan" mechanism they should create a definition of what is intended by the words "development and improvements."

J. Sutphen stated she and Chairman Pelcher had discussed code 345-68 (which states “all property development and improvements shall be subject to site plan review” and she proposed adding, “The Planning Board may waive any specific site plan requirements of section 345-34 after a Planning Board review of a preliminary concept plan for the site and upon specific findings by the Planning Board that the proposed plan as set forth in the preliminary concept plan, a) does not involve significant site, lighting or architectural modifications; b) complies with the purpose and intent of 345-65 and shows sufficient site plan and other information for the Planning Board to make such a determination.” This gives the Planning Board the opportunity to review a concept plan and determine if it is not significant and waive full site review.

G. Humphrey stated he foresees issues with the fee involved for submitting to the Planning Board if an applicant just wants a sign, for example. D. Arthur suggested adding a list of simple improvements that would not require site plan review such as sign modifications or changes. G. Humphrey noted that a change in sign location is a site plan issue while a change in the design or facing of the sign is an ARB issue. J. Sutphen noted, however, that a concept plan allows the Village to maintain a degree of control of these sites.

J. Saraceni stated he remembers when the ARB was formed prior to the Village Commons project. T. King asked what the formal power of the ARB is. D. Arthur noted the ARB was originally an advisory Board, but it has since been more empowered. G. Humphrey noted that the code includes penalties and enforcement action.

M. Markham stated he feels that if a business owner wants to repaint they should not have to do a site plan. The Board should have enough faith in the Code Enforcement Officer to allow him to determine if the Applicant needs to see the Planning Board. G. Humphrey stated he believes it needs to be in the code, however, so it is not subjective.

S. Darcangelo suggested writing a memorandum to the Village Board outlining the types of scenarios they are thinking about with regard to this issue. He feels it is important to define within the code property modification and improvement. J. Schanzenbach agreed a memo is a good start, but feels it should be codified at some point.

S. Darcangelo noted, as an example, how the Planning Board handled Sal’s Pizza. This plan proposed extensively more work than Mr. Muraco is proposing and the Board required less from that applicant. J. Saraceni noted Sal was not adding entrances or removing parking and it is a very small parcel that is not located in the center of the downtown district. S. Darcangelo agreed and felt the Board handled the application for Sal’s Pizza appropriately. J. Schanzenbach stated the Board needs to be careful, however, to treat each applicant the same way, especially when dealing with the same parcel. Mr. Muraco’s property was reviewed in the past and much more was required of those Applicants. M. Markham noted that this application is different than the others, though, in that the other Applicants were coordinating with other property owners. This application is much more cut and dry.

OTHER BUSINESS

Four Corners Overlay

Chairman Pelcher is not present. This overlay will be addressed at a future meeting.

December Meeting Dates

D. Arthur noted that the November 25th and December 23rd meetings have been combined into this meeting.

Upon motion by D. Arthur and second by M. Markham to cancel the December 23, 2014 Planning Board Meeting.

Motion Carried.

The meeting was adjourned at 9:05 p.m. The next meeting is scheduled for Tuesday, January 27, 2015.

Respectfully Submitted,

Susan A. LaQuay

Planning Board Secretary