

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES

Tuesday, May 27, 2014 7:30 P.M.

Approved 9/23/2014

PRESENT: Carl Pelcher, Chairman
Dave Arthur
Terrie King
Mace Markham
Joseph Saraceni
Jim Schanzenbach

ALSO PRESENT: Mayor Richard Clarke
Jamie Sutphen, Planning Board Attorney
Stephen Darcangelo, Village Engineer
Gregg Humphrey, Code Enforcement Officer
Susan LaQuay, Board Secretary

GUESTS: Rick Presley, Village Trustee
Megan O'Donnell, Village Trustee
Mike Shepard, Village Trustee
Ruth Cico, Village Trustee
Mark Wilder, Village Trustee
Richard Hovey, regarding 136 East Genesee Street
Joseph Mastroianni, regarding 136 East Genesee Street
Sal Lomedico, regarding Sal's Pizza 41 East Genesee Street
Steve Fudali, regarding Lock Street

Chairman Pelcher noted that T. King contacted him and stated that she will likely be several minutes late. B. Scherfling was called into work and will not be in attendance.

Upon motion by D. Arthur and second by M. Markham, the minutes of the April 22, 2014 Planning Board meeting are approved. Motion passed.

OLD BUSINESS

Discussion/Action regarding 136 East Genesee Street – Festa Fairway Business Parcel 2

Mr. Joseph Mastroianni and Mr. Richard Hovey are present to address the Board. Chairman Pelcher reminded the Board that there was an issue at the last meeting about sidewalks. He has since received a letter from Mr. Mastroianni outlining a few options regarding this. Mr. Mastroianni reviewed the options. He noted he met with Stephen Darcangelo at the site and the closest sidewalk is near Curtis Avenue over 900' away. In between there are some houses whose yards bank down towards the road. One option is, in lieu of building the sidewalk now, the applicant would be willing to provide an agreed-upon amount of money to cover a reasonable estimate of installing sidewalks in the future when it would make more sense to do so. A sidewalk installed now would not connect to any existing sidewalks and would deteriorate over time. Stephen Darcangelo stated the sidewalk would be 80'L and 5'W. There would be a curb cut made into the concrete at Festa Fairway. The cost would be approximately \$7200. Mr. Hovey agreed with this amount. Stephen Darcangelo stated the Village has a bid price on a sidewalk project right now for \$15/square foot. This cost of \$7200 would be \$18/square foot, which would account for future costs. J. Sutphen stated that the Board needs to decide if they want a

sidewalk there or not. There is no mechanism in place right now to accept money in lieu of sidewalks and because of this the Board cannot require it. However, the Applicant has offered and the Board can certainly accept. The Village will have to use a legislative act to permit this kind of fund to be set up. The money could be accepted in escrow to be held by the Village Clerk until the legal mechanism is in place.

M. Markham stated he does not see anything in the foreseeable future in that area that would require a sidewalk. This could potentially happen in 10 to 15 years and holding money in escrow for that length of time does not seem advisable. Stephen Darcangelo noted that the sidewalk along Meigs Road is partially funded by Community Development (75%) and the remaining is funded by the Village. Money held in escrow may not necessarily be used to build this particular sidewalk, but would be available to the Village to use in any sidewalk expansion project in the future. M. Markham stated his understanding was that it was the general consensus of the Board that the Village should require sidewalks for each development/site plan in the future. D. Arthur noted that Planning has precedence to require a sidewalk and suggested they make a recommendation to the Village Board. J. Saraceni suggested they take advantage of the fact that some trustees are present this evening and ask their opinion. Mr. Wilder stated he would be happy to discuss this in a DPW committee meeting and consider any recommendations Planning may have. Chairman Pelcher stated that Mr. Hovey would like to see this issue resolved regarding his property as soon as possible so he can get his project started. J. Saraceni stated that in his experience anything that would add to a treasurer's responsibilities would set a confusing precedent for future developers. He noted the Planning Board has the opportunity now to require a sidewalk be installed and a future sidewalk program may be established to fill in the gaps. He would prefer to see a sidewalk installed by the Applicant now as the Planning Board should take advantage of opportunities as they present themselves. D. Arthur agreed. He appreciated the creative alternative presented by the Applicant, however.

Chairman Pelcher noted that the majority of the Board seems to want a sidewalk now. Stephen Darcangelo has reviewed the drawings and sees no problems with this. The option requiring a sidewalk installed now by the Applicant will be referred to as "alternative A."

Upon motion by D. Arthur and second by J. Schanzenbach to accept the site plan for 136 East Genesee Street dated 3/27/2014 with alternative A where the developer puts in a sidewalk and with the contingency that any lighting situations will be addressed if neighbors complain about any spillage of light onto their property. **Motion carried.**

NEW BUSINESS

Preliminary Review/Informal Discussion regarding 41 East Genesee Street – Sal's Pizza (fmr. Fat Johnny's)

Mr. Sal Lomedico is present to address the Board. He reviewed the submission. He is planning to remove the dilapidated fence at the back of the property. He would like to install some granite curbing in the front along East Genesee Street. The submission shows some granite curbing in back as well, but he would like to revise that to show poured concrete curbing instead. M. Markham asked what the distance between the curbing and the edge of the sidewalk would be along East Genesee Street. J. Schanzenbach noted the plan does not show measurements, but he thinks if the planter box and the sidewalk width are consistent then it is closer to 13' from the end of the building to the road. Subtracting the 4' for the planter box and they are left with 9', which is less than what is required in the East Genesee Street overlay district. He understands that it is a good idea to dress up the front of the building, but unfortunately there may not be room as the overlay requires a 13' build-to line. Chairman Pelcher stated it would be helpful to have scaled drawings and have exact measurements on any future plans they submit for this project. T. King agreed and noted that the drawings do not print to scale. G. Humphrey suggested using planters rather than permanent granite. J. Schanzenbach is concerned this may be an issue with the DOT even if it is allowed in the overlay.

J. Schanzenbach noted that parking requirements have changed. The plan submitted only shows 3 spaces of their own. He asked if the Applicant has an agreement in place with the hardware store regarding shared parking. Chairman Pelcher stated an agreement with the previous owner may have transferred with the property; however, Mr. Lomedico will have to look into this. J. Schanzenbach stated they will need to know the square footage of the building to determine how many spaces he will need. They will likely require 5 to 9 spaces. Mr. Lomedico stated he will be adding spaces when he takes

the fence down. J. Saraceni noted that legacy issues come up all the time and they Board is just pointing out things for him to consider going forward. The worst-case scenario would be the need to apply for a variance.

D. Arthur asked if the entrance on the east side of the parking lot is an existing entrance or is it currently a wall. Mr. Lomedico stated it is an entrance with two sets of stairs. G. Humphrey noted they will be adding a vestibule.

J. Sutphen stated the Applicant will need to fill out a SEQR.

OTHER BUSINESS

Lock Street PDD – Joint discussion with Board of Trustees

Chairman Pelcher has prepared a power point presentation regarding the Lock Street PDD. This was reviewed. He noted that the EDR plan was purposely vague to allow for flexibility; however, the Board does need to abide by the general principles, which includes increasing density and maintaining the public right-of-way.

The 2011 RFP indicated that the property was zoned R1, but suggested it be rezoned to a PDD. It closely followed the EDR plan. The 2013/2014 PDA showed the price for each apartment as \$4000, the price for each townhouse is \$6500. In the PDA, no units were defined as SFH. Mark Wilder stated the Village Board was presented with a conceptual design of 52 apartments and 48 patio homes/townhouses. The Village Board thought this would be a good starting point.

D. Arthur stated he and other Board Members had been to the site and cannot see how 48 patio homes, some with 2-car garages, will fit. J. Schanzenbach agreed, stating that having 2-car garages will greatly diminish the density. M. Markham asked what would happen if the Planning Board came up with a plan that does not meet the density requirements. Chairman Pelcher stated that density is the primary concern of the Planning Board, but the Board will need to see accurate measurements to discuss this effectively. J. Saraceni stated that the PDA that was presented to and accepted by the Village Board showed this type of density and also showed that density with an access road and did not include state land that the Village has since purchased. There is opportunity further east on Lock Street that was not represented on the original concept. D. Arthur stated the Planning Board looked at all that property at the work session and walked the property and determined that the secondary parallel road is not a viable option as the space just isn't there to accommodate it. Chairman Pelcher stated he thinks there is 1200 feet of frontage after the two apartment buildings. D. Arthur stated the Board did work on density and made some recommendations. For example, they did not like the 5, 6, or 7-unit buildings and would prefer smaller buildings with certain-sized side yards. T. King agreed and stated when she had seen the site plan it appeared there was quite a bit of space from the proposed roads to the shoreline. However, when she visited the site it became apparent that the buildable property is less that it appears on the plans due to the drop off. Mark Wilder stated it would be the builder's responsibility to build that up.

J. Schanzenbach asked if the original concept plan included the now-wider Lock Street. J. Saraceni stated it did show the wider street and the developer's engineer helped the Village secure the grant for the boulevard. He stated that, as Mayor at that time, he wanted flexibility for the Planning Board to do its job without having to come up with a certain density; however, in hindsight the Village did have a fiduciary responsibility to the taxpayers to make sure as much of those funds are reimbursed.

Mark Wilder stated that if the build-out style changes dramatically the Village Board may have to redefine the PDA and is not sure if the developer would agree to that. Megan O'Donnell stated that when the developer put together their plan and agreed to the PDA they were doing calculations too and were coming to the same monetary amounts that the Village Board was. T. King stated it is confusing that the developer has shown 6 to 7-unit buildings and they are now saying they are not interested building those. J. Saraceni stated the concern was that the developer would actually underestimate the number of units.

T. King noted it is very important to have good sight line from Tabor and Marble to preserve the view sheds. This layout shows buildings (one of them is an apartment building) right in front of the view sheds, which is not acceptable from a

Planning standpoint. Preserving the view shed will decrease the density. D. Arthur stated the Planning Board could plan it with an extremely high density but he would not consider that proper planning.

Mark Wilder asked for feedback about whether or not the Village Board needs to go back and try to restructure the deal or do they need to just start over. He would prefer working with the developer they have. There are budgetary constraints to consider and they had hoped this would be a building year. Chairman Pelcher stated the next step should be a work session with James Trasher present. M. Markham asked if Ed Keplinger (civil/landscape engineer) would be able to attend. Chairman Pelcher stated this might entail an expense and he will check on it. Chairman Pelcher hoped everyone would remain open-minded and be creative and find middle ground.

J. Saraceni noted this is an unusual situation. It is not typical for the Village to also be the developer. J. Alberici is really the builder and the Village actually owns the property and determines what happens on the property, so the Village is acting as the developer. Chairman Pelcher stated he is hesitant to state that the Village is the developer. Stephen Darcangelo agreed and stated the Village is acting as the owner, not the developer. J. Saraceni stated he is speaking more about the mindset, not the legal term.

D. Arthur stated the Village needs to come to an understanding about the density requirements and then they can make plans and guide the developer appropriately. Rick Presley stated he is optimistic that this can happen. D. Arthur noted that communication is key between the Boards and having this meeting together is a good idea. T. King stated she is glad this meeting happened as well because it was difficult to understand what the Village Board was looking for and it is important to have a consensus between the Boards. M. Markham is concerned there will be a point, however, where neither board will be totally satisfied. D. Arthur noted that Planning did not have a good understanding of the financial costs and responsibilities and the Village Board may not have had a good understanding of the planning process. J. Schanzenbach stated the Planning Board will do its best to make the plan as dense as possible and consider financial concerns.

Chairman Pelcher stated there will be a work session in 2 weeks on June 12th at 7 pm at Village Hall.

The meeting was adjourned at 9:00 p.m. The next meeting is scheduled for Tuesday, June 24, 2014.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary