

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Tuesday, May 28, 2013 7:30 P.M.
Approved 6/25/13

PRESENT: Carl Pelcher, Chairman
Dave Arthur
Terrie King
Mace Markham
Jim Schanzenbach
Bob Scherfling
Nicole Schlater

ALSO PRESENT: Stephen Darcangelo, Village Engineer
David Jones, Village Attorney
Gregg Humphrey, Code Enforcement Officer
Susan LaQuay, Board Secretary

GUESTS: Mr. Marty Chipkin (regarding 85 East Genesee Street/Redneck R/C)
Mr. Calvin Hall (regarding 85 East Genesee Street/Redneck R/C)
Mr. Larry Tyson (from Byrne regarding 85 East Genesee Street/Redneck R/C)
Mr. Ghunu M. Patel (from Liquor Express re. 85 East Genesee St/Redneck R/C)
Mr. Mark Costitch – (from Morgan Management regarding 197 Downer Street)
Mr. Kevin Morgan – (from Morgan Management regarding 197 Downer Street)
Mr. Tom Morgan (from Morgan Management regarding 197 Downer Street)

Approval of the minutes from the April 23, 2013 meeting is postponed until the June meeting.

NEW BUSINESS

Discussion/Action regarding Site Plan Modification for 85 East Genesee Street (Byrne Dairy) – Redneck R/C outdoor racetrack

Mr. Marty Chipkin and Mr. Calvin Hall from Redneck R/C are present to address the Board. The property is located at 85 East Genesee Street behind the new Byrne Dairy. Mr. Chipkin noted they have an existing store on the site and are proposing to build an outdoor track for electric R/C vehicles on the north side of the property over 0.41 acres. This track will be slightly larger than their indoor track. In addition to the track, they will build a driver stand with an announcer booth. All of the proposed construction will be enclosed with a privacy fence and chain link fencing. Races will be held twice a week in conjunction with the hobby shop.

Chairman Pelcher asked if there were any public comments. There were none.

Chairman Pelcher stated his main concern with this proposal would be the noise from the track. He also is concerned that the Applicant (Redneck R/C) is not the owner of the property. Sonbyrne owns the property. He stated he spoke with D. Jones regarding this and D. Jones stated they just need permission from Sonbyrne in writing. Regarding the noise, Chairman Pelcher noted that enforcement of the noise ordinance is not the jurisdiction of the Planning Board, but noted the maximum level allowed is 70 decibels at the property line between 10 pm and 7 am. He cautioned the Applicant that they will be required to adhere to that ordinance and it's possible they could be shut down if they violate it. Stephen

Darcangelo stated he will be glad to measure the noise level for them prior to starting racing to avoid any surprises. Chairman Pelcher stated he thinks this sounds like a fun idea, but he is concerned about the neighbors.

B. Scherfling asked if there will be a PA system. Mr. Chipkin stated there will be a PA system, but it's nothing fancy and will use regular speakers.

Chairman Pelcher asked if there will be lighting. Mr. Chipkin stated there is no lighting plan at this time. They may come back for this in the future.

Chairman Pelcher noted the East Genesee Street overlay requires an 8' wooden fence between residential and business parcels and this was changed to 6' for some reason. He noted the application states it is a chain link fence in the grass area for the pit. Chairman Pelcher asked what the pit area will be used for. Mr. Chipkin stated this is where people can set up tables and watch the race. He stated they would be willing to change this chain link to wooden fencing and extend it to the railroad tracks. Chairman Pelcher stated Byrne may do that for them.

Gregg Humphrey asked if they will be holding indoor and outdoor races at the same time. Mr. Chipkin stated they will be held at separate times. He noted they do not race gas-powered cars inside or outside.

M. Markham noted in the application they estimate they will bring 250 more people into the Village per week with this proposal. He asked how this will impact parking as this area was initially intended for overflow parking. Mr. Tyson from Byrne Dairy is present. He stated they addressed overflow parking already on the site. Mr. Chipkin stated this will likely bring in 55 to 60 extra cars maximum. They estimated this based on the busiest of the indoor race days. M. Markham is concerned this will have a negative impact of the other business on the site, like the liquor store and the Byrne Dairy. Mr. Chipkin stated he can't anticipate the future, but from what they have discussed with Byrne there is enough parking. Stephen Darcangelo stated that parking should be addressed further, however, as increased business equates to increased need for parking. Mr. Chipkin stated there are currently 24 spaces plus 10 along the front as well as whatever else has yet to be paved. He noted that 250 may sound like a large number, but they won't all be there at the same time. It's an additional 250 people per week.

Mr. Ghunu Patel has owned the liquor store for seven years. He stated his customers are already complaining about parking. He has 10 spaces that the landlord has given to them. However, he thinks they don't actually have that many.

J. Schanzenbach noted that when the site was going through the Planning process, the Planning Board looked closely at parking counts and the site has the required number of spots. He noted this amendment to the site plan does not increase the size of the building and, therefore, should not increase the parking requirements. He asked if adding an outdoor track increases the square footage. Chairman Pelcher stated there is no precedent for this and there is nothing on the books.

B. Scherfling asked how many people they expect on race days. Mr. Chipkin stated for a Saturday race there is a maximum of 140 entries and each individual can have multiple races. He would expect a maximum of approximately 55 cars in the lot at a time. J. Schanzenbach asked what he thought the average would be. Mr. Chipkin estimated approximately 25 to 40 cars. Mr. Chipkin noted that summer racing is not nearly as popular as winter racing.

Stephen Darcangelo noted that the current parking requirements are for a retail use facility. However, the track would be considered an event use. He stated they should check the code to see if the parking requirements are similar for these two uses. D. Arthur stated he does not think the use changes, however,

because the Applicant already has an indoor track. The building of the outdoor track just continues the business as is. Mr. Chipkin stated that the outdoor track has room for 1 to 2 more cars per class. D. Arthur noted that they will not be using the indoor track and the outdoor track simultaneously and they are really just moving their track business from the inside to the outside without expanding the square footage. He noted they recently reduced the Village parking requirements and in doing so left part of the responsibility on the business owners/landlords to ensure they have adequate parking. He thinks if the landlord is comfortable with the situation then it should be fine. He views this as more of a landlord-tenant issue than a Village-business owner issue.

Gregg Humphrey noted that the entire property had more parking than was required (58 spaces) and they added an additional 28 unpaved spaces of the R/C tenant so they really have 28 more than the code requires. Mr. Tyson noted that parking is only difficult now because of the ongoing construction. Byrne has made it clear to Redneck R/C that they have to make their business work with the parking spaces Byrne has offered to provide them with.

Chairman Pelcher stated he does not feel that parking will be a problem, but he would like a better understanding of it. He stated again that he is more concerned with the noise and would like to speak with Christian Brunelle to see about the fence. D. Arthur asked if the Board could proceed tonight with site plan approval and just get verification from Byrne. They are talking about a fence, no lights, and parking is a moot issue. M. Markham stated he is still concerned about parking due to the additional people being drawn in with this proposed outdoor track. D. Arthur noted that the parking requirements are tied to the square footage of the building, which is not being increased. N. Schlater stated she believes that outdoor space can possibly be considered in the square footage.

J. Schanzenbach asked if there will be racing at night. Mr. Chipkin stated races will be held during the day on Saturdays.

D. Arthur asked Mr. Chipkin to describe the semi-permanent announcers stand. Mr. Chipkin stated it is an 8' x 8' platform with walls and a roof. There will be a PA system. It is described as semi-permanent because it may need to be moved around as the track is reconfigured. Gregg Humphrey noted it is not really a structure as it has no foundation. It is more of a freestanding deck. Mr. Chipkin noted the platform sits approximately 3' above ground.

D. Jones stated they should calculate the parking according to the use. Some of the use is for a place of assembly and he believes this should be included. He used Hinderwadel's as an example. Their parking requirements would not be based just on their building but also on their grounds. He noted code requires 1 parking space per 350 square feet of building for a retail use. On to this requirement, they would add whatever is required for the assembly use. T. King noted they are not selling anything in the outdoor space so it should not be considered retail. D. Jones noted that a place of assembly is defined as having fixed seating. M. Markham asked if standing area would constitute fixed seating. Gregg Humphrey stated it would not. T. King noted the calculations for seating and standing are different. Gregg Humphrey agreed and stated fixed seating is based on 15 square feet and standing is based on 5 square feet. D. Jones noted the Board does have discretion for common sense. D. Arthur states his common sense says that the Applicant is shutting down one track for another and the difference in requirements is negligible. Chairman Pelcher stated they have all agreed that parking is not an issue. However, they still need to consider the fence. B. Scherfling, T. King, and Chairman Pelcher all believe it should go all the way across to the railroad tracks. Mr. Chipkin stated they are very willing to extend the fence all the way to the tracks and would agree to put in an 8' fence rather than a 6' fence. Chairman Pelcher stated he feels that some of this would be Byrne Dairy's responsibility. Mr. Tyson stated that Byrne's chain link fence goes to the dumpster barrels. They were putting up fence around the ponds for safety and Redneck R/C's fence would meet up with that.

Mr. Chipkin stated they will put up a wooden privacy fence up to the railroad right of way and then go along the railroad right of way to meet up with Byrne's fence to secure the property. Chairman Pelcher stated the fence along the railroad track can be chain link. J. Schanzenbach noted the entire north and east sides of the property should be 8'. Mr. Chipkin agreed. Chairman Pelcher noted that the map they are referring to says the fence is 6' but the Byrne Dairy map says 8'. Mr. Tyson noted the fence starts at 4' and goes up to 8'.

J. Schanzenbach asked Stephen Darcangelo if they are concerned about maintaining the swale. Mr. Chipkin noted this will not be changed at all.

Chairman Pelcher noted the last issue of concern is the noise. J. Schanzenbach stated there is a noise ordinance in the Village and warned the Applicant that they could invest all this money into the outdoor track and then end up getting shut down. He stated they could wait to get the Village noise measurements or ask for a motion at this meeting as long as they understand about the noise ordinance. Mr. Chipkin stated they would rather have a motion tonight to get project started. They are already behind and are suffering financially. Gregg Humphrey stated that the police department would be enforcing the noise ordinance.

Chairman Pelcher stated they can make a motion contingent on receiving a letter of approval from Christian Brunelle.

Upon motion by Chairman Pelcher and second by J. Schanzenbach to approve the Site Plan dated May 2013 (Project No. 2013052). The owner of the property is Sonbyrne Sales, Inc. The Applicant is Mr. Marty Chipkin of Redneck R/C. The approval is contingent upon the following:

- Installation of an 8' high fence along the north side of the property from the property line at Spruce Street to the railroad tracks.
- Installation of an 8' high fence along the east side of the property from Byrne Dairy's fence to the northeast corner along Spruce Street.
- Approval of Sonbyrne Sales, Inc.

Motion carried 7:0.

The site plan approval of 85 East Genesee Street is granted with noted contingencies.

Mr. Patel wanted to discuss parking. He stated he has 10 parking spaces. However, his customers have difficulty parking against the building and there is trouble with traffic when backing out. Chairman Pelcher noted this issue is between him and his landlord. D. Arthur noted that the entire site plan including the new and existing buildings was thoroughly discussed and all traffic and parking was extensively reviewed for safety by this Board, by design engineers, and by Village engineers. Safety was a #1 issue when reviewing this site.

Informal Presentation/Discussion regarding 197 Downer Street (former Tri-County Mall property)

Mr. Mark Costich, Mr. Kevin Morgan, and Mr. Tom Morgan from Morgan Management are present to address the Board. Mr. Costich stated they would raze the existing structures and utilizing the pavement. The utilities would not be maintained as they are outdated and need to be relocated. He distributed copies of the proposal and elevations to the Board. The plan is to construct 16 three-story apartment buildings

with 26 units each (total of 416 units). They will also construct a clubhouse and a pool for use by the residents as well as a 1200 square foot maintenance facility. They also are proposing a small drive-thru type restaurant, which is important to the project. This would also serve the surrounding community. There will be parking throughout the project in the form of parking spaces and parking garages. Currently there will be 2.1 parking spaces per apartment. Mr. Costich noted they have not run fire trucks through the plan yet and may have to adjust parking based on that. The site will be run through the Auto Turn program.

The layout is more linear since this is a village location. This will create a lot of green space and open space. There is a minimum of 60' separating buildings. The buildings have been oriented to have green space along the fronts, not along the roadways. Parking is designed for safety and parking structures are oriented to provide good visibility. Pedestrian access is also important. There is a grid system of sidewalks, many times on both sides of the street.

Mr. Costich stated utilities are existing on the site and many will be rerouted. There are a few offsite utilities and some revisions have been made to avoid having to relocate them. Regarding the storm system, they will work with the Village. He noted they realized they are in the area of a wellhead. They have created a substantial area for storm water management. There will be substantial landscaping throughout. Buffering will be provided for neighboring properties. The clubhouse will be 5500 square feet. It will house a pool, rental office, and marketing office. These have been very successful with their other projects and are very important. They do not currently have a formal tenant for the restaurant. He noted there is quite a bit of interest. There will potentially be outdoor seating. The restaurant will be commercially owned.

Chairman Pelcher asked the Applicant to tell the Board about Morgan Management. Mr. Kevin Morgan stated that the company is based in Rochester. They have about 1800 apartments in the Syracuse area. Rivers Pointe Apartments is their project in Clay, Route 31 (behind Home Depot) and is a great example of what they propose to build here in Baldwinsville. The apartments are all Class A apartments with 9' ceilings, granite countertops, and rents ranging from \$850. to \$1350. for one to three-bedroom apartments. The clubhouse will have a fitness center, swimming pool, conference room, and a theater. Morgan Management will be both the owner and the operator. They manage what they build and own it

J. Schanzenbach asked if Central New York is their primary market. Mr. Kevin Morgan stated they operate all over the country, but their main focus is Upstate New York, Buffalo, Albany, Rochester, Saratoga, Syracuse. Other markets they are currently building in are Pittsburgh and Cleveland.

Mr. Costich noted the architecture. There is masonry on much of the front elevation, porches on each level for each apartment, vinyl siding with substantial trim, etc.

D. Arthur asked who their target clientele is. Mr. Kevin Morgan stated they target younger families, empty nesters, young professionals, and those desiring maintenance-free living. D. Arthur asked if they had spoken with the school district. Mr. Kevin Morgan stated schools are generally happy to have them as they add to the tax base. D. Arthur asked if there is sufficient water supply. Stephen Darcangelo stated there are no issues with that at this time. D. Arthur asked if they will be incorporating any green or energy conservation infrastructure. Mr. Kevin Morgan stated they will be installing energy star appliances and will look at LED lighting, etc. Mr. Costich noted that the main goal of green infrastructure is to infiltrate water into the ground, but with this property being within a wellhead protection district, this may not be the way to go. They will research this issue.

Chairman Pelcher asked D. Jones about a performance bond, noting that the last project proposed for this site left the Village with a mess. Mr. Costich noted they are accustomed to providing financial guarantees with their projects. They will work with D. Jones on this.

D. Arthur noted this property current is a PDD that the Village designed specifically for the other project. This PDD needs to be reworked and cannot just be amended. It needs to go through the PDD process. Mr. Costich stated they understand the PDD process and will work with D. Jones to get this written properly.

Chairman Pelcher noted it appears they are getting rid of a Meigs Road entrance. Mr. Costich stated they have removed any unnecessary access. There will be an entrance near the hotel on Meigs Road and 2 entrances on Downer Street. They will work to align them properly and improve them. They would like to avoid having to go to the DOT if possible.

T. King noted they do not plan to connect to Landrush. Mr. Costich confirmed this and stated it is not necessary. M. Markham noted this appears to be a very closed site. Mr. Costich stated they don't want to encourage additional thru-traffic in the site. Mr. Kevin Morgan stated they want to maintain the feel of a private community

Stephen Darcangelo noted there are 3 exit points, one on Meigs Road and two on Downer Street. There is no traffic light at 2 of those entrances. He noted that Meigs Road used to be a State road, but is a Village road now. If it were still a state road, a dedicated left-hand turn lane would not be permitted without a light. He is concerned that a left turn at peak time might queue up quite a bit. He is also concerned that traffic at the restaurant drive thru may queue up deep enough to block the exit. Mr. Costich stated they could possibly shift the building's location to address this. Chairman Pelcher noted there was a traffic study done with the last PDD project. Mr. Costich stated that he has worked with the consultant who did that traffic study and will look into getting the report from him. D. Arthur asked if the entrance off of Downer into the restaurant is one-way. Mr. Costich stated it is two-way and they do not want to restrict it. Gregg Humphrey stated that an extra curb cut for the restaurant on Downer is not the direction the Village would like to go. The goal is to cut down on curb cuts. He suggested moving the entrance to the coffee shop onto Meigs.

J. Schanzenbach wanted to discuss the garages. There are 5 garage units at each end of each building and 10 enclosed detached garages. The residents do have to pay more in rent for garages. Of the five garage units at the end of each building, one is attached to a 3-bedroom apartment, but the others are open for other apartments in that building. J. Schanzenbach wanted to be sure about whether or not these spaces count in the totals for parking requirements. There is no guarantee that these spaces will be used. Mr. Kevin Morgan stated they are not sure of the figure now, but their parking ratio is high and he is comfortable they are providing enough parking. They don't want to end up with parking issues either. Gregg Humphrey noted the Village code requires 1 space per unit.

T. King asked if they will be installing playgrounds. Mr. Kevin Morgan stated they will not as there are liability issues.

M. Markham noted the Faith Ridge apartment complex has an existing storm ponds in place very close to their proposed storm pond is located. Stephen Darcangelo noted that there have been discussions in the past about combining facilities. Mr. Costich noted that if that facility is older, it may not meet current regulations. J. Schanzenbach stated he does not feel that combining has worked well in the past.

B. Scherfling stated he is concerned about the placement of the pool as he is concerned about the noise so close to the neighbors. Mr. Costich stated they will provide plenty of buffering and a berm. N. Schlater agreed and noted that the clubhouse is not very central. Mr. Costich explained that they view the clubhouse as a gateway to the project. In the past, central locations have not really worked out well.

T. King asked how the mail will be delivered. Mr. Kevin Morgan stated that will depend on the local Post Master.

T. King asked if there are any ADA units. Mr. Kevin Morgan stated the whole project is accessible and each building has an elevator. They do put blocking in the walls to accommodate handrails as needed. He stated they will be sure to meet the code regarding this and will provide accommodations for tenants as needed.

Chairman Pelcher asked when they plan to break ground. Mr. Kevin Morgan stated their plan is for late summer/early fall. The construction will be phased for financial purposes. The 1st phase will include 8 buildings and a total of 208 units with the clubhouse and maintenance facility. The 2nd phase will include the remaining 8 buildings with 208 units.

D. Arthur asked if they can walk the site in Clay. Mr. Kevin Morgan stated they can arrange for a tour of the site as well as a unit. He noted that the Clay project is not finished yet and they should take that into consideration.

B. Scherfling noted that the dumpsters on the plan are right where they would want to put their snow. Mr. Kevin Morgan stated they will work on that for the next meeting.

Stephen Darcangelo stated they will go over the sewer and water infrastructure.

M. Markham stated this project is a long-time coming. It is good to see someone come to Planning with a good workable plan. Mr. Kevin Morgan stated they are very serious about this site and have the experience and capability to get it done.

Mayor Saraceni stated Morgan would be helping with the sidewalk construction project on Meigs Road. The Village has a \$90,000 community development grant for a sidewalk off of Downer Street the length of Meigs Road, which will provide an additional 460' of sidewalk gained on Meigs. Stephen Darcangelo noted they hope to use this to turn the corner on New Legacy to match up to an existing sidewalk.

OTHER BUSINESS

4-corners overlay

This will be discussed at the next meeting.

Tim Horton's –

Chairman Pelcher stated that Tim Horton's has withdrawn their plan for 49 East Genesee Street (former Burger King).

The meeting was adjourned at 9:15 p.m. The next meeting is scheduled for Tuesday, June 25, 2013.

Respectfully Submitted,

Susan A. LaQuay

Planning Board Secretary