

**VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES**

Tuesday, August 27, 2013 7:30 P.M.

Approved 9/24/13

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

ALSO PRESENT: Mayor Joseph Saraceni
Stephen Darcangelo, Village Engineer
David Jones, Village Attorney
Gregg Humphrey, Codes Enforcement Officer
Susan LaQuay, Board Secretary

GUESTS: Mr. Mark Murphy (regarding McHarrie Towne Phase 3)
Mr. Kurt Hackwelder (regarding McHarrie Towne Phase 3)
Ms. Kathleen Bennett (for Morgan Management regarding 197 Downer Street)
Ms. Amy Dake (for Morgan Management regarding 197 Downer Street)
Mr. Todd Morgan (from Morgan Management regarding 197 Downer Street)
Mr. Mark Costitch (for Morgan Management regarding 197 Downer Street)
Mr. Mike Gritzke and Mrs. Sharon Gritzke – residents of 105 Downer regarding 197 Downer)

Upon motion by D. Arthur and second by T. King, the minutes of the June 26, 2013 Planning Board meeting are approved. Motion passed.

The minutes from the July 23, 2013 meeting will be reviewed/approved at the September meeting.

OLD BUSINESS

Discussion/Action regarding Baldwinsville Apartments (197 Downer Street - former Tri-County Mall site) – Morgan Management

Ms. Kathleen Bennett, Ms. Amy Dake, Mr. Todd Morgan, and Mr. Mark Costitch are present to address the Board.

Chairman Pelcher stated the Board has received a resolution from SOCPA dated August 14, 2013 (OCPB Case # Z-13-245). Comments on page 2 were reviewed as follows:

- 1. The applicant should contact the Onondaga County Department of Transportation and New York State Department of Transportation to provide copies of existing traffic data for analysis.*

Ms. Amy Dake stated they did submit the traffic study to Onondaga County DOT and this was reviewed. Their main comments refer to the trip generations. The Applicant provided trip generations for the PM peak hours. The DOT asked that they also provide it for the AM peak hours and she has that information with her tonight. They also asked for a gap study somewhere on Downer Street between Crego Road and Meigs Road. Ms. Dake stated she spoke with Dave Cooper

at Onondaga County DOT who explained further what they were looking for. The Applicant will be doing the requested gap study; however, they are waiting until school is back in session so that the traffic will be more “normal” than the summertime traffic. This will be done during the morning and evening peak hours. The county wants an idea of traffic delays on the side roads that are not signalized. Ms. Dake stated that Dave Cooper also mentioned that their ownership of Downer Street goes as far as the western edge of Meigs Road and they would not take ownership of or maintain any traffic signal that may be installed at Meigs Road and they do not have a desire for a signal at that location.

2. *The applicant should provide a copy of the SWPPP to the Onondaga County Department of Transportation and New York State Department of Transportation for review.*

Ms. Bennett stated they have not done that, but they will certainly share it with them.

3. *The Onondaga County Department of Water Environment Protection recommends that the municipality and/or applicant contact the Department at (315) 435-6820 early in the planning process to determine sewer availability and capacity.*
4. *The Board encourages the Village and applicant to work together to provide a site layout that is consistent with the desired traditional character of the Village. A more formalized road network (versus driveways) that features sidewalks, curbing, lighting, trees or other right-of-way landscaping, and formal connections to Meigs Road and Landrush Way, could promote village character, an improved pedestrian experience, and relieve traffic pressure on Downer Street. Recommendations also include placing buildings where they will face sidewalks, roads and public spaces and locating parking and storage behind buildings, as is found within village environments.*

Chairman Pelcher noted that the Village and the Applicant have worked together on the site layout. He noted that, although the comment mentions Landrush Way, he believes they meant to reference Conifer Village because at the Coordinated Review (on August 12, 2013) they had said Conifer. Ms. Bennett believes they also spoke about Landrush Way. Chairman Pelcher stated he will get that clarified.

Ms. Bennett compared the old plan to the new one. She noted the Board had expressed concerns about the old plan regarding sidewalks and pedestrian traffic in front of garages. Mr. Costitch stated, to address this issue, they came up with a new plan that brings the buildings closer together by narrowing the pavement between. The buildings originally had 70' between them, but they have reduced this to 60', which will bring the buildings closer together and provide more refuge for pedestrians and more room for vehicles backing out of garages. They also came up with an alternative plan that flips the buildings to face each other. Ms. Bennett stated the center buildings face the roadway and there is a more cohesive sidewalk. The garages are now on the side instead of in front of the buildings. This design is much more pedestrian-friendly. Mr. Costitch stated the advantage of this new layout is that it does aesthetically have a nice feel to it. The fronts of buildings are facing the roadways. There is also a lot of green space between the buildings. The original intent was to create more private spaces, but this new layout opens up the site and gives a better visual. The pedestrian ways are well marked.

Ms. Bennett noted the comment mentions a sidewalk from Landrush Way. She stated it is their intention to make this a private development. The roads will not be dedicated to the Village and will be privately maintained. With respect to Conifer Village, they have spent a lot of time discussing access and sidewalks and have determined that for a number of reasons, liability being one, they do not want to provide access there either. They will be putting in a sidewalk along Meigs Road.

Stephen Darcangelo suggested the Applicant put a sidewalk from Conifer to Downer Street rather than the sidewalk on Meigs. Ms. Bennett stated that a sidewalk from Conifer would cut across their private property and then would have to go along the backyards of the homes on Downer. She sees a number of issues with this. Chairman Pelcher

suggested bringing a sidewalk in from Conifer to the main boulevard and then up the main road to Rite-Aid and Downer Street. Mr. Costitch stated they would be very concerned about having a public sidewalk through the middle of a private development. He feels it would be too much of a liability. Ms. Bennett noted that all the sidewalks within the site will be privately owned and privately maintained and the Applicant does not wish to incur the liability of other developments. J. Schanzenbach noted that there will still be non-residents walking through the site all the time and he can't see why it would be an additional liability issue. He also noted that SOCPA recommended that they provide a connection to Conifer for the seniors traveling to Rite-Aid. An audience member stated there is a Conifer resident who is currently suing the owner of the property because they fell while walking through the site. The Board Members stated they are not aware if this is the case. J. Schanzenbach noted that anyone can sue at any time, but that does not mean they will win a lawsuit. Mr. Costitch stated that inviting residents of other communities onto the property subjects the Applicant to more liability than they would have just from their community. D. Jones noted it would not be labeled as a municipal way, it would just be a sidewalk. Mr. Costitch asked if there would be an easement. D. Jones stated they Village is not looking for one. Chairman Pelcher noted that people will cut through the site anyway and feels a sidewalk would allow the Applicant to have more control over where they are walking. Mr. Costitch stated he had the impression that it would be a more formalized, dedicated type of connection, or even a conveyance of land. T. King stated it would just be a sidewalk. Mr. Costitch stated they may be able to work with that. Chairman Pelcher noted the village has a master plan to make the Village more walkable.

K. Bennett noted the Village would be asking them to bring people adjacent to their storm water management facility. Gregg Humphrey stated they are asking for the sidewalk on the north end where there is a road already. M. Markham noted this is a stub road in place at that location and this is where the Village would like to see a connection. K. Bennett reasserted her belief that this would expose her client to additional liability, which they do not want exposure to. Their intent is to maintain the site as a private piece of property.

Mr. Costitch noted that a sidewalk would have to meet ADA requirements. The existing grade is 79 at that location and the parking lot grade is 86. That is a big grade difference to address. He stated they could put in ramps, but they would be extensive. D. Jones noted that they would be installing this as a duty to their residents, not necessarily as a duty to the neighboring residents. Mr. Costitch disagreed, stating they meet ADA requirements on site. It is the grade change between the Conifer property and theirs that would be an issue.

D. Arthur stated he thinks the Applicant has the right to preserve the property as private and not to have adjacent residents walking through. He noted the residents of Conifer Village have access to their own sidewalks and can access the sidewalks on Downer Street off their own property.

M. Markham noted that the stub road from Conifer comes right up to the swale. He noted that the roadway is very level through there. Mr. Costitch agreed, stating there is not a big drop there now. However, they will be filling in the corner. He noted there is a hole there now. The existing grade is 81 and the finished grade will be 85.

Chairman Pelcher asked that they consider this connection further. Ms. Bennett stated they have discussed it at length and they will discuss it further.

5. *The Board encourages the Village to review the Downer Street Corridor study for roadway, intersection, right-of-way and urban design recommendations for this and future projects along the corridor and to coordinate with the County, State and Town of Van Buren regarding potential associated mitigation.*

Chairman Pelcher stated he has read this corridor study several times. He noted it is partially predicated on a retail establishment at this site with more stores than were at the old Tri-County Mall. It was also predicated on some future connection between Meigs Road and Canton Street. There are no immediate plans for this, but he hopes it does happen someday. The study noted that the residents in the area wanted the light at Frawley to remain. He does not see how the Board can ask the developer to move that light and their entrance to Ford Street. Chairman Pelcher stated he has been in

touch with the Van Buren Planning Board Chairman. Town of Van Buren Supervisor Claude Sykes was at the last meeting and was also at the coordinated review.

Ms. Dake stated that in the original study they indicate that the signal at Frawley Drive is currently warranted or will be warranted with this project. She stated they look to move it to Meigs because that was the recommendation of the corridor study, but Meigs does not currently warrant a traffic signal. Meigs Road is also very close to the driveway of Auto Zone and that parking lot would be blocked frequently if there was a light at Meigs. M. Markham stated he thought the county wanted to move the light from Frawley to Meigs. Ms. Dake stated she spoke with Dave Cooper and he stated the County does not own the intersection and, therefore, would not maintain or own a traffic signal at that location. He also agreed with her that the T-intersection does not make it a desirable location. In its current location, it serves their site and the entire residential neighborhood. J. Schanzenbach asked if they will develop traffic loops to control the light. Mr. Costitch stated he does not know the answer to that right now. T. King noted the light is currently controlled by the cars on Frawley Drive. J. Schanzenbach stated he thinks it should be controlled from the other side of the intersection, but how that happens is up to the Applicant to figure out. Mr. Costitch stated they will entertain traffic loops. They do not want to see their plan delayed by having to seek approval from Rite-Aid.

Chairman Pelcher stated he is concerned about the eastern access to the property where there is no light and he does not want to see people using it as a shortcut to try to make a left hand turn when the light is busy. The Village may consider putting up a "No Left Turn" sign. Mr. Costitch noted they have modified their drawing to show a one-lane exit rather than two lanes. Ms. Bennett noted this was in response to a comment from Onondaga County and was also addressed at the coordinated review. Chairman Pelcher just wanted them to be aware that if it becomes a problem the Village may put up a sign to address that. Ms. Dake stated that the driveway there will be self-limiting and will likely not need to be restricted. Most hours of the day it will be relatively easy to make a left turn from there and people should be allowed to do so. During peak hours of the day when it is difficult to turn left there, the residents will learn quickly that it will be easier to go to the signal. Chairman Pelcher stated that the traffic study noted there are more accidents on that stretch than is acceptable as it is. He is concerned that if someone is taking a left will cause problems that may result in accidents. Ms. Dake stated the Village could consider just restricting it during peak hours if the need arises.

6. *The Board encourages the Village and applicant to contact Centro and the school district to discuss potential transit opportunities for this site, such as a formal park-and-ride lot, shelter, bus pull off location along Downer Street, pedestrian crossings, or other opportunities to provide enhanced transit service for residents.*

Chairman Pelcher stated he spoke with Centro and was told they will not be able to bring busses into the site due to the radiuses. Right now, there is an informal agreement with Rite-Aid to go into their parking lot. Mr. Costitch stated they can have a discussion with them about this. He showed a diagram showing a program which runs busses and fire trucks, etc. It shows a fire vehicle throughout the site and the radiuses will accommodate Centro. Chairman Pelcher stated he spoke with the Baldwinsville Fire Department and they agree that it is traversable. However, busses are different as they need to be smoother in their transitions. Mr. Costitch stated the program does not include any backing, K-turns or any maneuvering like that. He stated he can plug a Centro vehicle into the program and send it to them. Chairman Pelcher will give him Centro's contact information. Mr. Costitch stated they have addressed their turning radiuses. Chairman Pelcher noted that the school district is also concerned and would like a bus stop.

7. *The site plan should be reviewed for emergency vehicle access by the local fire department.*

Chairman Pelcher noted that this has been done already.

Chairman Pelcher stated the Planning Board does have some concerns. A major concern is the location of the club house and the pool. This has been addressed at previous meetings. There are residents present who would like to comment on this issue as well. Mike and Sharon Gritzke of 105 Downer Street are present. Mr. Gritzke stated they have lived there since 1976 and are here to present a petition on behalf of neighboring properties. He stated they are not opposed to the

project, but would like to address issues of concern. There are seven (7) bordering R1 properties that will be impacted. Six (6) of these will bordering the noisiest, busiest part of the property (the clubhouse/pool). He stated his property borders the entirely westerly line and back – 344'. The placement of the pool, clubhouse, and maintenance building, the entrances and exits that border these R1 properties produce a great impact on the most restrictive zone in the Village. He and the petitioners do not believe that the pool, clubhouse, maintenance building, entrances or exits should border R1 properties. They feel a central location is more plausible. Regarding traffic, Mr. Gritzke stated the light was installed over the drug store because Eckerd refused to locate there without it. At the time, the light was not very useful. However, it has added value since that time. However, they feel there are other alternatives for the light. Meigs Road should be considered. He is aware that the County does not want to pay for this, but Morgan could do it. Mr. Gritzke believes that a left turn signal at Meigs and Downer could eliminate the need for a curb cut on to Downer Street. Mr. Gritzke stated that when Tri-County Mall was first constructed, there was a 90' buffer between the parking lot and the existing R1 properties because Planning at the time recognized the importance of buffering. He does not feel that this plan provides for sufficient buffering and, in fact, should offer more buffering than the mall, not less, as it is a more invasive use. He also feels that this project is considered upscale and should have an upscale fence or a substantial buffer created with a shorter decorative fence. He believes the Planning Board has the power and authority to do the right thing for the existing R1 properties and long-time citizens bordering this property.

Chairman Pelcher commented that the club house and pool location has been discussed at every meeting with the Applicant. Mr. Costitch stated that the current plan shows a very extensively landscaped berm with a 45' green area and a 6' decorative fence. The fence would be effective as a sound barrier. Within the pool area there would be a mechanical cabana-type building and fencing along that side, so there will be a double-layer of fencing. The fence will be substantially higher than the pool. Landscaping does not do a considerable amount even at 100' for sound. This could be better addressed with a fence. He stated they have put in quite a bit of effort into providing appropriate barriers. He noted that the location of the club house/pool is a signature of a Morgan community. The community center is visible upon entering the site and people would not have to seek it out. They feel this location contributes to the success of their communities. It is also a good marketing tool. Chairman Pelcher asked if there is an appropriate central location. Mr. Costitch stated they have tried trading locations with some apartment buildings; however, they feel having a 3-story building where the clubhouse/pool is would have even more significant impact on neighboring properties. The clubhouse is a one-story building with fencing and landscaping for buffering. The apartment buildings are much taller and will have much more significant impact to neighbors. J. Schanzenbach asked how tall the apartment buildings are. G. Humphrey noted that the height should be measured to the peak. Mr. Costitch did not know the height of the building offhand.

J. Schanzenbach stated he likes how they have turned the internal buildings and they obviously took some of the comments into account when deciding to turn those buildings. He noted that the location of the clubhouse has been discussed extensively and they need to start discussing alternatives. He suggested getting rid of building B entirely and moving the club house to that location. Mr. Costitch stated he does not handle the numbers and cannot really say how it will affect the project. J. Schanzenbach noted it is a very dense project and the location of the clubhouse has been discussed at every meeting, even at the County meetings. He noted that the Applicant has stated they have discussed other options and asked for an example of what they have considered. Mr. Costitch stated they considered swapping building E and the clubhouse and determined that the taller building will have a more substantial impact on neighboring properties.

T. King stated she is not against the pool, just its location. The noise from the pool will impact the neighbors. She understands why they want it in that there, but thinks it is an inappropriate location. B. Scherfling stated he lives next to a park and to try to cut down on the noise he has installed a berm with a high fence and trees. That has not helped.

Ms. Bennett stated the pro forma does not support losing 16 residential units if they were to eliminate a building. J. Schanzenbach stated that may be the case, but they do need to start discussing alternatives. He suggested that they could approach Rite-Aid about purchasing some property and relocating the club house to that property. Mr. Costitch stated they can certainly pursue that. However, if they are in a position where they are negotiating with a neighbor, particularly

with a corporation, they will not be in a good position from a negotiation standpoint. He stated they will continue to look for viable alternatives as they have been and will be sure to present them. Chairman Pelcher stated the Board would appreciate seeing some of their alternative locations. Ms. Bennett stated they really had been focusing on the County issues as she had the impression that it had been discussed thoroughly and was all set, but they will discuss it further. Chairman Pelcher stated they thought so too until they really looked at the berm and determined it would not be very effective. D. Jones stated he is aware that there are two or three elected officials on the Village Board that are extremely concerned about this issue and he would hate to get through the planning process and then get hung up at the Village Board due to this.

T. King stated she appreciates the revisions they have made - how they have turned the buildings, the elimination of some of the pedestrian issues, etc. She thinks it looks more like a Village setting than an apartment complex.

Mr. Gritzke stated he does not feel he would be able to enjoy his backyard during the summer months if the pool and clubhouse are not relocated.

Chairman Pelcher asked if they have thought more about snow removal. Mr. Costitch stated they have discussed hatching out a few parking spaces to designate them as no parking so they will have direct access to green space to push snow into those locations. They are trying to make more room onsite to accommodate snow. Mr. Costitch wanted the Board to understand that the developer is concerned with this issue as well and it is potentially a very high expense. During extreme snow events, snow would be moved off site.

T. King stated when the Applicant originally came in, based on another project, the dumpster location did not really work for the snow removal and they anticipated moving them. She stated she cannot see on the plan how this has been rectified. Mr. Costitch showed the dumpster location they decided against. He indicated where dumpsters will now be located. Mr. Costitch stated dumpsters will be angled so trucks can pull in for pickup, but there will still be room for snow to be pushed back. T. King noted that dumpsters are shown in the middle of green space in the center. Mr. Costitch stated that location is incorrect and this will be corrected on the plan. He stated the dumpsters will be enclosed with white vinyl fence and will be on concrete slabs with bollards.

Stephen Darcangelo stated they still need to look at water distribution. Currently water supplies Meigs Road to the south through the same two connections and that requires that the water lines become public water lines. Mr. Costitch stated he has been working with Stephen Darcangelo on this and they are amenable to having public lines through the development to strengthen the system and will work with him to do that. Stephen Darcangelo stated he would still like to investigate the opportunity of providing the waterline directly from Downer Street up Meigs Road. There is concern as to whether or not that would provide adequate volume and pressure to the properties along Meigs Road and further to the south. He has not answered that question, but will be able to in the next week or so. If this would not work, they will have to build with the method that they show right now with distribution from two different connections, the service off of Downer and the service coming across Conifer. In order to do that they will need to require that the water mains become public. There may be sections that could remain private. The Village, however, would prefer to not have a dedicated water line on a private roadway. There are issues like who is responsible for the repair of a private roadway if it has to be dug up to repair the public water line. Mr. Costitch stated that is usually handled with an access easement and can be agreed upon in advance. This is typically drafted by the Applicant and reviewed by the Village Counsel. Mr. Costitch stated they will be providing a looped system and there will not be a dead end.

Chairman Pelcher stated they will want to further address the coffee shop at some point.

Mr. Costitch stated they appreciate the Board's input and he feels the plan has progressed considerably. They will work to address the remaining concerns.

Discussion/Action regarding Phase 3 – McHarrie Towne Expansion Concept Plan

Mr. Michael Murphy and Mr. Kurt Hackwelder are present to address the Board. Mr. Hackwelder stated they are hoping for site plan approval for the Rifts Drive extension, utility easements, and the resubdivision. Chairman Pelcher stated the Board still needs to review the SEQR and will need to send it to the appropriate agencies, so they will not get any approval tonight. It is conceivable that they may at the next meeting. He noted that lead agency was declared at the last meeting and letters were sent out. D. Jones stated that the other agencies have 30 days to comment and no one has responded with any objections. He noted there are two steps. First, the Village sends letters to the County and the DOT stating that the Village Planning Board has declared themselves to be the lead agency and asking if there are any objections to that. There have not been any negative responses and if there are none within 30 days the Village is authorized to do the SEQR. The Village will then submit the design and complete the negative declaration of the SEQR to the County and the 239 referral and this will be discussed at the next SOCPA meeting.

Chairman Pelcher stated the Board will review the SEQR Part II. All answers are “NO” with the exception of the following:

5. “YES.” Stephen Darcangelo stated that the site is located in the wellhead protection area so there is the potential for a small to moderate impact. He suggested using the language, “The proposed action has the potential to impact groundwater quality. This impact may be mitigated by use of stormwater detention procedures, which are proposed. The SWPPP has been presented.”

Chairman Pelcher noted that on Page 3, “agriculture” should be unchecked.

Chairman Pelcher presented a resolution for a negative declaration for McHarrie Towne Phase 3 expansion on August 27, 2013. Upon motion by J. Schanzenbach and second by M. Markham to approve this resolution. **Motion carried.**

M. Markham stated he did not notice the community center addition on the plan at the last meeting. Mr. Hackwelder stated it was on the previous submitted plans.

The meeting was adjourned at 9:55 p.m. The next meeting is scheduled for Tuesday, September 24, 2013.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary