

**VILLAGE OF BALDWINSVILLE**  
**PLANNING BOARD MEETING MINUTES**  
Tuesday, July 24, 2012, 7:30 P.M.  
*Approved 9/25/12*

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

**ALSO PRESENT:** Mayor Joseph Saraceni  
Tim Baker, Village Engineer  
David Jones, Village Attorney  
Gregg Humphrey, CEO  
Steve D'Archangelo, Superintendent of Public Works  
Susan LaQuay, Board Secretary

**GUESTS:** Marco Marzocchi, Widewaters Group regarding 18 East Genesee Street  
James Hickey, regarding 18 East Genesee Street  
Michael Chemotti, regarding 16 East Genesee Street (B'ville Diner)

Upon motion by D. Arthur and second by B. Scherfling, the minutes of the May 22, 2012 Planning Board meeting are approved as corrected. Motion passed.

Minutes from the June 26, 2012 meeting were not yet completed and will be reviewed /approved at the next meeting.

**OLD BUSINESS**

**Discussion/Action regarding 18 East Genesee Street – The Widewaters Group**

Mr. Marco Marzocchi is present to address the Board. Revised plans were submitted and Chairman Pelcher noted that everything the Board asked for at the last meeting has been addressed. He asked what the louvers (shown in the new plans) are for. Mr. Marzocchi stated those are an example of the screening material which will be used to screen the rooftop mechanicals. He is not sure of the locations for the mechanicals yet. Chairman Pelcher reminded Mr. Marzocchi that the rooftop units will have to adhere to the overlay district and he will have to submit the actual screens for approval.

D. Arthur noted that the dumpsters have been moved. Mr. Marzocchi stated there is one dumpster bay with the door facing Genesee Street. The other dumpster enclosures are 12' wide and they can place the dumpster within the 12' bay at an angle. Chairman Pelcher noted that he has been to the property and the side road is wider than he had expected. J. Schanzenbach asked if the traffic is 2-way at that location. Mr. Marzocchi stated there is 2-way traffic all the way around the building because the road is at least 24' all the way around.

Mr. Marzocchi recalled that J. Schanzenbach had made a comment regarding the vestibule and pedestrians having to walk around it. He stated, however, that there is already a sidewalk at that location.

Mr. Marzocchi noted they also submitted a lighting plan. He thinks they can eliminate the pole adjacent to Village Square crosswalk and illuminate the area with wall packs. Chairman Pelcher noted that there are street lights along the sidewalk facing onto the park. M. Markham noted these shed light towards the parking lot as well. Chairman Pelcher noted he can't visualize how this changes the lighting plan to determine if it is adequate without that pole. He noted he would like to get rid of it from a visual standpoint. M. Markham asked how many wall packs will be on that side of the building. Mr. Marzocchi stated there will be three. M. Markham stated these will provide a lot of light.

Mr. Marzocchi stated they submitted an environmental impact statement with the original application. He confirmed that they were all negative declarations.

Mr. Marzocchi noted that Mr. Mike Chemotti is present to speak about the B'ville Diner. He wanted to point out that there are a lot of moving parts to this plan. Mr. Orlando and Mr. Chemotti will need to waive their easement in order for this plan to work.

T. King asked what is the status of the letter of intent that the four involved parties were supposed to be signing. Mayor Saraceni stated the Village has signed it, his signature is on that agreement. The B'ville Diner has signed it as well. It has been indicated to him that, upon Planning Board's approval of the improvements that he is presenting for the site plan, Mr. Marzocchi will also sign onto this agreement. Regarding Key Bank, the letter of intent is being reviewed by their legal department and the last conversation he had with them indicated they were comfortable with it. The agreement is not taking away their easement for the drive-thru., but rather is tightening it up. M. Markham asked how this will affect Mr. Marzocchi's plan for that side of the Diner. Mayor Saraceni noted that Mr. Marzocchi's application is independent and should be considered independently from those other plans and if the Board is comfortable with what they see and hear from Mr. Marzocchi as it relates to the Eckerd building then they will go with that. Mr. Marzocchi agreed and stated whether the plan is ever implemented or not is inconsequential to this Board. Chairman Pelcher stated he will address this in the motion by stating there are some easement issues with surrounding properties that are in negotiation. Mr. Marzocchi stated that it would have been a waste of time and money for him to negotiate those legal documents if he couldn't come to an agreement regarding the site plan. The first step is to satisfy this Board and then he can move onto the other steps and one of those would be signing onto the agreement that Mayor Saraceni referred to. He thinks they have worked out their issues and he would like to talk to Mayor Saraceni after the meeting. As far as he is aware, they have worked out the differences that they have.

D. Arthur asked G. Humphrey if he had looked at the proposed sign. G. Humphrey stated he had spoken to Mr. Marzocchi about a variance for this. He verified that it has to be 4' from the right of way. D. Arthur noted that it appears that the sign overhangs the sidewalk. Chairman Pelcher noted that is really a zoning and ARB issue. D. Arthur wanted to address the sign since it was submitted as part of the plan. Mr. Marzocchi stated he will be sure to stay away from the right-of-way line. D. Arthur note that 57-3(D1) states that no portion of the sign should overhang the sidewalk. Mr. Marzocchi stated they do not intend to have the sign extend over the sidewalk. It will be flush with some room for error from the right-of-way line. They will be seeking a variance because the 12' per side is too small. D. Arthur noted that the façade and the sign will have to be reviewed by ARB.

Chairman Pelcher read into the record the Applicant's Short SEQR Assessment Form. The SEQR A was reviewed and all questions were answered in the negative.

Upon **motion** by D. Arthur and second by T. King, to accept SEQRA as submitted with all negative declarations. **Motion carried 7:0**

Chairman Pelcher wanted to have a discussion regarding the conditions that will be included in the resolution for approval. J. Schanzenbach reviewed the list as follows:

1. It should be clear that the improvements shown to the B'ville Diner are not part of this application and will not be included with this resolution.

Mr. Marzocchi stated some of the improvements shown are to the Diner property with the consent of the Diner. He indicated the green area is on the B'ville Diner property and they want the whole approval including this. Mr. Chemotti agreed. Mr. Marzocchi stated the area of textured concrete should also be included, but it is noted on the plan that the work is to be done by other parties. The plan is supposed to indicate what work will be done by others in the future. J. Schanzenbach feels it is a little muddled. The condition is not intended to say that the Board does not want this work done, but he thought that the Diner was coming in to present that separately. Mr. Marzocchi stated the Diner would need to understand that they would have to install the patio along with all the other improvements. N. Schlater is concerned that approving the work on the diner property as part of this application could end up being contradictory to a plan submitted in the future. J. Schanzenbach stated he just does not want to get into a situation where there is work that is on the approved site plan but does not get done because two property owners are not in agreement as to whose responsibility it is.

2. The screening is not shown, but the Applicant intends to do it.  
Mr. Marzocchi agreed.

3. The existing light pole will be removed only with the approval of the Village Engineer. This pole is located on the west side abutting the Village property. If the Applicant decides to remove it, then both the pole and the base will have to be removed.

4. The pylon sign will need to be located at least 4' from the right-of-way. The plan currently shows it almost on the right of way. The Board is not giving approval for the location shown on the plan.

Chairman Pelcher questioned if this is for the Planning Board to consider. J. Schanzenbach clarified he is not talking about the sign itself, just the location because the plan shows it in a noncompliant location. Mr. Marzocchi noted that a variance from the ZBA would supercede this. Mr. Marzocchi asked if it could be made a recommendation rather than a condition.

Upon motion by D. Arthur and second by M. Markham to approve the Site Plan Application submitted by The Widewaters Group for the property located at 18 East Genesee Street based on the site plan dated July 10, 2012 with the following conditions:

- The mechanicals will be screened as per the standards described in the Village Square Overlay.
- Removal of the 40' light pole and base on the west side of the property upon the approval of the Village Engineer.
- The sign on East Genesee Street will be in compliance with the Village code.

N. Schlater – Yes      J. Schanzenbach – Yes      D. Arthur – Yes      Chairman Pelcher – Yes  
T. King – Yes      M. Markham – Yes      B. Scherfling – Yes

Motion carried 7:0.

M. Markham has been assigned to be the Planning Board liaison to follow up with this site.

**NEW BUSINESS**

**Discussion/Action regarding 16 East Genesee Street – B'ville Diner**

Mr. Mike Chemotti is present to address the Board. He noted the dumpsters will be moved up to the screened area on the west side. Chairman Pelcher stated he wants this shown on the plan and noted it had been on an earlier plan but is not on this current one. Chairman Pelcher noted the building will need 8.3 parking spaces and is in compliance with parking requirements. Mr. Chemotti noted there will be no changes to the lighting.

M. Markham noted there are shrubs shown in front of the building and asked if that cut down on the sidewalk through there. Mr. Chemotti stated it may just be drawn that way because there is an overhang in that location. M. Markham noted that the plows get very close to the building through there and Mr. Chemotti agreed, stating there is a utility pole and a sign pole that cause them to do that. M. Markham stated that because of this the landscaping will be problematic. He stated he would rather have none than have landscaping that is in constant disrepair. N. Schlater and T. King both noted they think that green space between the building and sidewalk is important and would like to see landscaping on the plans using heartier plants.

M. Markham asked who is putting in the sidewalk between Key Bank and the proposed screened area. Mayor Saraceni stated the Village is putting that in. T. Baker noted that the Village put in the sidewalk alongside of Village Square and that is 6' wide. The sidewalks on the Diner property will need to be consistent with that. T. King stated that the sidewalk shown appears to be 5' rather than 6'. J. Schanzenbach agreed and stated it may even be narrower. T. Kleist asked if there is room for it to be 6' wide. T. Baker stated there is 40' in that area and encourages a 6' sidewalk. M. Markham noted that the sidewalk plow would have a difficult time staying on the sidewalk if it were only 5' wide. Mayor Saraceni stated the Village will propose to Key Bank that the modification to the right-of-way should reflect that.

Chairman Pelcher stated that the Applicant will need to show the size of the diner and the location of the dumpsters on the plans.

Chairman Pelcher noted the plan shows granite curbing and concrete sidewalk. Mr. Chemotti stated the sidewalk is flush to the pavement elevation. Mayor Saraceni stated it needs to have curbing and noted it will protect the building. B. Scherfling noted that the picture on page 2 shows curbing on the sidewalk.

Chairman Pelcher stated a bigger picture of just the Diner would be helpful, particularly because the dimensions are difficult to figure out.

Mr. Chemotti asked how high the dumpster enclosure fence can be. Chairman Pelcher stated that in the overlay the fence can be 6' to 8' high subject to approval of the Planning Board

Regarding the sidewalk width, J. Schanzenbach stated there is a 2' strip of grass between the dumpster enclosure and the sidewalk. He suggested getting rid of that grass and having the sidewalk go right up to the enclosure, which would provide them with 6' sidewalks. Mayor Saraceni stated that the Village is considering selling a 20' section of property to the Diner and this is reflected on the drawing. G. Humphrey noted this would also provide room for the 6' sidewalk. M. Markham noted this all depends on Key Bank agreeing to the plan. While the sidewalk is shown on this plan, it will be done by the Village.

Mayor Saraceni stated he would like the Board to consider how much this will improve the area aesthetically. Mr. Chemotti stated that is why the landscaping is included behind the building and is there to screen the mechanicals. T. King stated she likes to see how everyone is working together to make improvements to this area.

Chairman Pelcher asked if the grass island with 3 trees has curbing around it. Mr. Chemotti stated it does have curbing and it is indicated on the plan.

D. Arthur asked if there are details for the wheelchair access and noted it is not shown. The curbing around the sidewalks and the green area will need some sort of ramp to the sidewalk. T. King noted that the sidewalk along the east does not really show curbing on the plan. This should be noted.

Chairman Pelcher stated there are certain things he would like to see on the plan before approval. He suggested holding a special meeting to avoid having to wait until next month. He would like to see the following at that time:

- 1) Dumpster location
- 2) Mechanicals
- 3) Show 8' fence on plan
- 4) Wheelchair access will be ADA compliant
- 5) Note the curbing around the island and sidewalk on the east side
- 6) SEQR form
- 7) Show size of diner on plan (square footage)
- 8) Make sure the parking requirements are met based on the size of the building

There will be a special meeting on July 31, 2012 at 7:30 pm.

#### **OTHER BUSINESS**

##### **Four Corners Overlay**

Chairman Pelcher stated he would like the Board Members to think about the name/boundaries and characteristics of this overlay.

Chairman Pelcher welcomed Steve D'Archangelo as the new Superintendent of Public Works.

The meeting was adjourned at 8:55 p.m. The next meeting is scheduled for Tuesday, July 31, 2012.

Respectfully Submitted,

*Susan A. LaQuay*  
Planning Board Secretary