

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Tuesday, June 26, 2012, 7:30 P.M.
Approved 7/24/12

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
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)

Minutes from the May 22, 2012 meeting were not yet completed and will be reviewed /approved at the July 24, 2012 meeting.

OLD BUSINESS

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

Marco Marzocchi is present to address the Board. Chairman Pelcher noted he has been in contact with Mr. Marzocchi throughout the month and last emailed him with a list of things the Planning Board would like addressed.

Mr. Marzocchi stated he wants to focus on the plan and the progress they have made in coming up with a workable solution between Widewaters, Mayor Saraceni, and Jim Orlando. They have all put in many hours in committing themselves to come up with a plan that is workable for everyone. He does, however, think it is important to point out that it is Widewaters' position from his reading of the code that reuse of a property does not require Planning Board approval. He stated while he does not want to focus on that, he does want it being on record as their position. Chairman Pelcher stated he understands that this is their position, but the Planning Board, for the record, disagrees.

Mr. Marzocchi stated he has modified the site plan in light of the email he received from Chairman Pelcher and would like to include the revised drawing with the application. This was submitted this evening and includes the revisions based on comments in Chairman Pelcher's email. Comment #2 asked for basic information and this is all included. The building size is noted, as well as the existing entrances and exits along with the proposed entrances. The existing vestibule has 2 entrances and the vestibule is for one space. The plan also shows 2 additional entrances, one for each of the additional proposed spaces. Mr. Marzocchi noted there may be one user or there may be three. The entrances may change depending on the needs of the tenant(s). Chairman Pelcher stated the Board just wants a general idea so the

members can make an informed decision. D. Arthur asked if all the entrances are on the front of the building. Mr. Marzocchi stated they are all on the front at this time.

Chairman Pelcher's email also noted the use of the building will change from a single use to a multi-use. Mr. Marzocchi confirmed this but noted again that they are not certain how many there will be. It is unlikely there will be more than three.

Mr. Marzocchi stated the revised plan also includes the locations of the handicap parking spaces and the dumpsters. He noted they had evaluated putting the dumpsters in other locations but, given the logistics of trucks maneuvering on the site, they decided the location shown on the plan was the most appropriate. D. Arthur asked if there would be any food waste in the dumpsters. Mr. Marzocchi stated they do not envision a restaurant as a tenant. M. Markham is concerned about the location of the dumpsters as the parking lot is graded to the catch basin, which goes directly into the river. Mr. Marzocchi stated he will discuss this with the Village Engineer, but the dumpsters will have an enclosure. D. Arthur also stated he does not care for the location of the dumpsters. They are located along the walking trail and the plan does not show any enclosures. Mr. Marzocchi has an example of the enclosure with him, which he will include as part of the application.

Chairman Pelcher's email inquired where the mechanicals will be located and how they will be screened. Mr. Marzocchi stated he can't answer that question just now because he doesn't know how many tenants there will be. The plan does identify the existing rooftop units, which may be reused or changed depending on the tenants' needs. He stated he does understand that they have an obligation to screen this per the overlay district. D. Arthur asked where the mechanicals will be located if not on top of the building. Mr. Marzocchi stated he is not sure, but he is willing to commit to not having them on the ground. He stated that, given the space, they will likely be on the roof.

Chairman Pelcher noted the Village has just finished putting in a new sidewalk on the west side of the building and there is quite an elevation between the sidewalk and the Applicant's property. He stated the Board will likely want some curbing along the sidewalk in front of the building between the sidewalk and the parking lot. Mr. Marzocchi is concerned this could be a problem from a construction point of view. Mr. Chemotti noted that the sidewalk there is higher than the elevation of the pavement. Chairman Pelcher stated that may meet the requirement for a curb.

The revised plan indicates the direction of drainage using arrows. Mr. Marzocchi stated there was a note on the original plan stating that the existing drainage patterns would remain.

Chairman Pelcher stated he would like to see details regarding the fence and planting buffer along East Genesee Street as well as the details regarding the signage. Mr. Marzocchi stated he is not sure what the signs will be like at this point, but he noted they do intend move the current location. They will be putting in the ornamental fence, which he discussed with Mr. Orlando and with Mayor Saraceni. Mr. Marzocchi stated it is his understanding that the Village will be constructing the sidewalk along East Genesee Street. D. Arthur noted these details should all be shown on the plan. He would like to see the fence, the curbing, the sign types, etc. The plan as it has been submitted is incomplete.

Mayor Saraceni stated there is a 4-way agreement between Key Bank, the B'ville Diner, the Village, and Widewaters. He stated a lot of the components in the drawing were negotiated with 2 signatories (the Village of Baldwinsville and the B'ville Diner). He noted the Village has already started moving forward with some of the commitments. Mayor Saraceni handed out copies of a letter of intent between the 4 parties outlining what each party will be responsible for. He stated they were hoping to have it signed prior to this meeting because it directly relates to this drawing. However, as of now there is no agreement between Widewaters, the Village of Baldwinsville, the Diner, and Key Bank.

Chairman Pelcher wanted to address the sidewalk across the front of the building, which Widewaters refers to as an overhang. He stated it looks like it continues on to the west side of the building and connects to the Village sidewalk. Mr. Marzocchi stated that it is not a sidewalk. It is just striping that represents a fire lane across the front of the building.

Regarding parking spaces, Mr. Marzocchi stated the 97 spaces include the spots that were impacted by the dumpster because they were added elsewhere to keep the number at 97. Chairman Pelcher asked if these are shared spots or if they are all theirs. Mr. Marzocchi stated they are not all theirs and noted that the drawing shows a bold line, which is their property line. Inside that dark bold line are 12 parking spaces that do not belong to their site. Chairman Pelcher noted that, while there is plenty of parking and this would, therefore, not affect any approval they may receive from the Planning Board, it is still standard procedure to include that information.

Mr. Marzocchi stated there will be no new lighting locations, but there will be new fixtures and possibly new poles where the existing ones are now. Chairman Pelcher noted in his email that there is spillage onto the Village Square property, but this may not be a bad thing. M. Markham noted that extra lighting in this area might be good as there are no residential properties that will be impacted. Chairman Pelcher agreed that this is not really an issue given the nature of the properties involved. Mr. Marzocchi noted they will be updating the wall packs.

Chairman Pelcher noted that Mr. Marzocchi had previously mentioned a problem with the easement on the river side. Mr. Marzocchi stated the trail is actually outside of the easement area (defined by the dashed line). M. Markham stated he was very involved with securing the easements for the trail and this is 1 of 2 properties with both a northbound and a southbound easement. G. Humphrey is looking for the deed that shows this. Mr. Marzocchi stated his information is based on the survey done by Applied Earth Technologies, but it may not be an issue. He stated he is discussing easements regarding the Diner with Mr. Orlando and also is having discussion with Mayor Saraceni regarding an easement through Village Square to Denio.

Mr. Marzocchi stated he would like to leave with an approval tonight or certainly at the next meeting. Chairman Pelcher stated they may be able to make a decision by the next meeting, but would like to discuss the plan further.

Chairman Pelcher asked why they did not choose to locate the dumpsters on the east side of the property. Mr. Marzocchi stated they had considered locations on the east side towards the back of the building, but this encroached on the drive way. M. Markham stated he would like to see it on the east side towards the front of the building. Mr. Marzocchi stated he prefers it on the back west corner of the building. The dumpster will likely take up 2 spaces. M. Markham stated he does not like the location shown on the drawing. The Village put a lot of effort into the Village Square and trail and he does not want to see a dumpster placed there. Mr. Marzocchi stated he is sensitive to that, but feels that this location is appropriate as dumpsters are typically located in back. Chairman Pelcher stated that the overlay considers this property to have 2 frontages, so while Mr. Marzocchi is considering the dumpster to be in the back, it actually is not. D. Arthur suggested putting it against the building on the east side. Mr. Marzocchi stated he will look into this. Chairman Pelcher stated, however, that he likes the dumpsters located in the north east location where the 2 parking space are. They would be less obtrusive here and even if they take up 3 to 4 parking spaces, the parking requirement is still met. Mr. Marzocchi stated he will move it to that location (where the bottom 2 to 4 spaces are on north east side).

Chairman Pelcher stated he is happy with the reduction in curb cuts, which is a goal of the EDR plan. He would like to see more details on the fence as there have been problems with this in the past. The Board agreed. J. Schanzenbach stated he would like to see details on the style, spacing, materials, height, etc. D. Arthur would like to see details regarding the signs and plantings as well. M. Markham would like to

see more detail (size, width) regarding the berm area along East Genesee Street. Right now there is a guardrail there and he would like to see something substantial because people are used to exiting in that location. Mr. Marzocchi stated the memorandum of understanding addresses the fence and he will speak with the parties about the details. He will show the details on the new submissions as well as the berm details.

D. Arthur noted that the area around the diner shows textured concrete and would like to know more detail regarding this area. Mr. Marzocchi stated that is not part of his plan and is part of what the Diner is looking to do. He stated he would like their plan to be considered independently of the Diner's plan. However, that property currently belongs to Widewaters but will likely be sold to the Diner so they can move forward with their plan sometime in the future. J. Schanzenbach stated this concerns him because the Applicant's plan should only show what he intends to do on the property. The Applicant can absolutely be tied to what is on the plan even if it supposed to be the work of someone else. Mr. Marzocchi stated he understands this and will remove the Diner work from his next plan. His intent was to show the plan as a whole and how it will eventually look when completed by all parties. T. King stated she appreciates the intent and it is great to see what is planned for the future, but it would be a good idea to remove it to avoid confusion. She asked what would happen with the center island area, the green space that is outside of the parking. Mr. Marzocchi stated it would be part of this application. It is his goal to do the entire green area behind the Diner and he will have to come to terms on this with them. Included in those terms will be shared parking. Widewaters' improvements will go up to the sidewalk and will include all the improvements to the parking lot.

D. Arthur noted if the Diner work is deleted off the drawing, the dumpster relocation will no longer be part of this plan. The goal of modifying the entrance to Key Bank will not be shown. If Mr. Marzocchi deletes this work off the plan because it is not his work, then D. Arthur stated he personally may not be willing to vote in favor of the plan. Mr. Marzocchi stated he has a problem with hearing that a Board Member plans to vote no on an application regarding a piece of property he does not own. D. Arthur clarified that he isn't saying he would vote no, he is saying he does not think he could vote yes. Chairman Pelcher noted that is just one Board Member and suggested they keep moving forward. D. Arthur asked if it would make sense to add these items to the letter of intent rather than removing them from the whole project. Mr. Marzocchi stated he has not even signed the letter of intent as of yet. Mayor Saraceni stated the Village and the Diner have both signed this letter. Key Bank is still reviewing it. He noted a lot of the elements that are illustrated are contingent on agreements regarding work the Village will do on the ingress and egress, reduction of curb cuts, construction of the replacement sidewalk, the sidewalk connecting East Genesee Street to the trail, etc. J. Schanzenbach stated he thought this is an agreement between four members, but Mr. Marzocchi just made the comment that he wants to move forward independently, which in effect negates the agreement. Mr. Marzocchi stated he wants to move forward with his plan. This plan is intended to be completed in phases on various schedules. He wants to be sure they want to move forward with their application and the other parties all have their plans which will likely be done. He believes they should either take them off the plan or be sure the plan accurately reflects what is phase 1, what is phase 2, etc. Chairman Pelcher agreed and would like any solid agreements to be shown on the plan. Mr. Marzocchi stated he would like to show on the drawings what the separate phases are and who is responsible for them rather than removing them.

D. Jones noted that some of the vagary in the letter of intent was done intentionally to give deference to the Planning Board. Mayor Saraceni stated the letter of intent is intended to show that the Village is involved in this and is willing to work with the Applicant as far as helping them adhere to the overlay district. The Village benefits from the reduction in curb cuts. The letter of intent was an attempt at showing who was going to be responsible for which improvements.

N. Schlater stated she thinks the collaboration is great and there are a lot of things in the concept drawing that address longstanding issues the Planning Board has been concerned with. However, in terms of site

plan approval, she noted there have been problems in the past with applicants who have submitted and gotten approval for a plan that never came to fruition. They want to avoid that happening here. For example, what happens when a portion is sold to the Diner? That sale may alter the site plan. D. Jones stated that the sale of that portion would involve a simple subdivision, which is an issue currently being addressed by the Village. However, if the sale of the portion of the property would significantly change the nature of the properties, it may not be approved.

T. King suggested approving the site plan for Widewaters' property without the textured concrete bed and sidewalk and then have the Diner, once they have purchased this land, come to Planning with those items on it. M. Markham agreed he would prefer to see it that way and only wants to consider what this Applicant is responsible for. Chairman Pelcher also agreed, stating that he really likes the whole plan and it is good to see it, but he really wants to see what this Applicant is doing separate from other future applications. Mr. Marzocchi stated he will leave the Diner's plans on this drawing and label it as future phase by the B'ville Diner. He will not be looking for approval of that.

T. King asked where the Diner's dumpsters will go now that their part of the plan is not being considered. Chairman Pelcher stated they will stay in their current location. They are on Village property.

J. Schanzenbach asked if the Village or the Applicant will be eliminating the curb cut and putting in the sidewalk on East Genesee Street. Mayor Saraceni stated it is difficult for Mr. Marzocchi to say because until there are agreements in place it is hard to make clear which of the 4 parties is responsible for what work. He noted the Diner played a huge role in this plan especially because Mr. Orlando has rights to an east and west egress. In order for the Village to do all the work they have committed to they have some demands that will need to be met.

Chairman Pelcher asked if the sidewalk is contingent on anything. Mayor Saraceni stated the Village has committed to that and is moving forward. That is part of the letter of intent. They still need to determine Key Bank's position. Key Bank is excited about the plan, but has not signed yet.

Chairman Pelcher stated the Planning Board may include in their recommendation that Planning does not yet know who will be putting in sidewalk.

Mr. Marzocchi stated that he has done this for 21 years and this is the most he has ever shown for an existing structure, which is why his opening remark included the position that he does not believe that site plan is required to reuse this building.

Regarding the memorandum of understanding, Mr. Marzocchi stated he does not think those things are critical components to the Planning Board's decision. They can approve a plan with a sidewalk and a fence. Who does the work should not matter. J. Schanzenbach stated he wants Mr. Marzocchi to be aware, however, that if approved items are not completed, he may not get his C of O until they are completed, even if he does not believe those items were his responsibility. Mr. Marzocchi stated this does not concern him because he will not start work without an agreement between Widewaters and the other parties.

Chairman Pelcher wanted to be sure there will be a striping and a sign between the newly built Village sidewalk on the west side and the striping along the front of the building to make it a safe place to cross. However, he noted this is a minor issue. M. Markham noted that pedestrian access to a building is typically striped.

J. Schanzenbach asked if they would consider eliminating the pop-out vestibule on the front of the building and just having a covered walkway in that location. This would not only given them more flexibility, but would eliminate a potential hazard where pedestrians will have to walk around it out into

the parking lot if they aren't trying to access that particular retail space. Mr. Marzocchi is concerned that a change to the vestibule may force a visit to the ARB and he would rather avoid that. Chairman Pelcher noted he will have to go before the ARB for signage and exterior changes.

Mr. Marzocchi stated he will bring a revised plan for the next meeting. He noted he will provide only an example regarding the mechanicals because they will not have the particulars regarding those until they have tenants. Chairman Pelcher stated he needs to keep the overlay in mind when developing this revised plan.

OTHER BUSINESS

Discussion/Action regarding next overlay district

Chairman Pelcher distributed EDR books. He noted the River Street overlay is pretty much done. He wanted to know what the Board would like to work on next. J. Schanzenbach stated the four corners is most interesting to him. D. Arthur noted there are things going on right now that may have been affected by an overlay.

Mayor Saraceni wants the Board to consider that all 4 municipalities passed 45B, which is a 100% property tax exemption for 8 years and phases out over 12 years, for redevelopment of residential space above commercial space. Given this, things could happen pretty quickly in four corners area.

Chairman Pelcher stated he was at the Village Board meeting two weeks ago and they do not like how big the extension of the East Genesee Street overlay makes the entire overlay. He noted that EDR shows it as one overlay and explained the Board initially intended to make it two separate overlays, but was not able to differentiate them sufficiently to require this. The Trustees, however, would like to keep the requirements the same, but make it two separate overlays. Mayor Saraceni stated he is comfortable with it as the Planning Board proposed; however, the Trustees have suggested there would be more flexibility in the future if there are two separate areas. He asked D. Jones if it is a big issue to have two separate overlays with the same characteristics. D. Jones stated it is not an issue other than the fact that they will have to explain it every time it comes up. D. Arthur noted that the Planning Board is projecting 30 to 40 years out and cannot see where there are enough differing characteristics to necessitate two separate areas. Chairman Pelcher noted if the Trustees want more flexibility, they can overlay the overlay in the future. D. Jones noted, however, that it might be more digestible to have two smaller overlays rather than one larger one.

Chairman Pelcher stated he would like to write a letter to the Trustees strongly suggesting one overlay. The argument is flexibility versus simplicity and clarity.

The meeting was adjourned at 9:25 p.m. The next meeting is scheduled for Tuesday, July 24, 2012.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary