

VILLAGE OF BALDWINSVILLE
SPECIAL PLANNING BOARD MEETING MINUTES
Tuesday, December 27, 2011, 7:30 P.M.
Approved 1/24/12

PRESENT: Carl Pelcher, Chairman
Dave Arthur
Mace Markham
Jim Schanzenbach

ALSO PRESENT: Joseph Saraceni, Mayor
Tim Baker, Village Engineer
Susan LaQuay, Board Secretary

GUESTS: None

Upon motion by M. Markham and second by D. Arthur, the minutes of the October 4, 2011 Planning Board meeting are approved as submitted. Motion passed.

Upon motion by J. Schanzenbach and second by Chairman Pelcher, the minutes of the October 25, 2011 Planning Board meeting are approved as submitted. Motion passed.

OTHER BUSINESS

Discussion regarding 3rd OVERLAY

Chairman Pelcher opened another discussion regarding the 3rd overlay. The options being considered were reviewed. Chairman Pelcher noted the Board had decided to do a Lock Street overlay regardless of whether a Lock Street PDD is created. D. Arthur noted that a Lock Street overlay is desired as the Lock Street area will have a different feel and different requirements than that of the rest of the Village.

D. Arthur noted one option is to extend the boundaries of the 3rd overlay district up towards East Oneida like they did with the 2nd overlay district. Those properties encompassed in this will not fall under the requirements of the overlay district until they become businesses. As business migrates north up East Genesee Street, they will be subject to the new requirements of the overlay, but residential properties will not be affected as long as they remain residential. This is similar to 2nd overlay district. The part past Spruce reflected back to the EDR business district area. Discussion was had previously about extending past the railroad tracks.

A second option was extending the overlay district all the way down Salina and extending the business district. D. Arthur noted he would not object to that, but he is not sure if that is the vision the Village has had.

M. Markham asked if Lock Street is treated as a PDD and an overlay district for Lock Street is created that includes Salina Street up as far as Curtis Avenue because of the businesses already there, can the overlay be made to have the same requirements as the PDD regarding the Lock Street section? Chairman Pelcher stated they could do an overlay for the area and put a Lock Street PDD within it. M. Markham noted that at some point the Village may also have to consider a PDD for the Jardine property. If the 2nd overlay was to be extended, the 3rd overlay district could be what is ultimately going to be the Lock Street PDD and the Jardine PDD. Would it make sense to treat those areas the same, to have a large overlay

district and two PDDs within it? D. Arthur noted the problem with that is that if they were to encompass all that property, they may not be able to write code as if everything in that area has the same regulations. He does not believe they want to be that extensive. M. Markham stated he believes that each PDD as it is developed will change the character of the whole area surrounding it and feels the two PDDs would change the character of the properties that lie in between them. What could that corridor become?

J. Schanzenbach stated he is not a fan of extending the overlay down Salina Street as this area is much different than the main East Genesee Street corridor. Everything is set much further back, properties are spaced out much more, it is not a main thoroughfare as far as traffic coming into Baldwinsville, etc. D. Arthur agreed. Chairman Pelcher noted that Salina is odd as it is all business and then changes to residential for a long stretch until just leaving town, and then it is business and commercial. It is not really connected to the rest of the downtown corridor. He does not know if the overlay should include this as most of Salina Street is R1. J. Schanzenbach does not feel it is necessary to address Salina now, but agrees with M. Markham that the area in between the 2 potential PDDs should be addressed as needed. Chairman Pelcher noted the PDDs right now are not definitely going to be created. The Jardine property, currently zoned Industrial, eventually will change to B1/B2, but may or may not become a PDD.

Chairman Pelcher stated he is leaning towards the option that goes down Salina a little way and as far north as Elizabeth Street, the option that does not go up to Margaret Street. He would be okay with going up to Margaret if others feel it is necessary. D. Arthur stated he does feel it is necessary to go up to Margaret Street as it was encompassed in the EDR business district. D. Arthur noted the 2nd option that goes down Salina cuts off the corner that he feels is crucial to tie in to overlay district 2.

J. Schanzenbach stated out that he does not feel the property across from the old Town of Lysander building (behind China King) should fall into the overlay as it does not front on East Genesee Street. Maybe it should be included in the Lock Street overlay as it fronts on Lock Street. T. Baker noted, however, that that triangle of properties is pretty much like East Genesee Street in its characteristics and uses. J. Schanzenbach agreed.

J. Schanzenbach stated he likes using the middle of Spruce Street as a boundary because everything after that is clearly residential. D. Arthur noted, however, that this was discussed in the past and those residential properties would not be affected unless they become a business. J. Schanzenbach suggested using the center of Pine Street to make the description easier.

T. Baker noted that Mr. Coholan has been working on acquiring some of the properties on the south side and has spoken with the DOT about creating an entrance road going back to an interior road. Based on the properties he has acquired, Mr. Coholan's development will not go all the way to Curtis. He will likely have an entrance mid-way between Spruce and Pine. Mayor Saraceni stated that ideally Mr. Coholan would have lined up his entrance with Spruce and acquired the corner lot on Spruce to try to straighten it out. However, the property owner was not interested in selling. He also stated the proposed entrance was located too close to the railroad tracks, which is why Mr. Coholan acquired homes going up East Genesee Street to the east. Chairman Pelcher stated it would be prudent to keep the boundary to Curtis.

D. Arthur noted they had discussed keeping the boundary at the back yards on Pine because if you come down the center of Pine Street, the west side and east sides of the street would have different characteristics. However, if you come down the backyards, both sides of the street will have the same character.

Mayor Saraceni believes the Board should consider leaving the first 3 or 4 lots to the west on Curtis Avenue out of the overlay. This is a gateway into a residential street and they might have to put specific language into the overlay district to protect development on that corner. If it remains outside of the

overlay, the development would be controlled by existing codes. If they fall under the overlay, that may allow for certain types of development that might have a negative impact on the first residential lot on Curtis Avenue. J. Schanzenbach noted that the way the overlay is written, it only affects non-residential properties. Chairman Pelcher noted it does not encourage a change in zone. D. Arthur noted that business would have to migrate sequentially up that way in order to affect the residential area because you cannot spot zone.

Chairman Pelcher recommended bringing the boundary up Spruce Street and down to Pine Street on East Genesee Street to avoid having too many jogs. D. Arthur noted that they want to have those jogs in there because they want Spruce to have similar characteristics on both sides. This is why they discussed going down the backyards.

Mayor Saraceni asked why this overlay is going so deeply into residential areas all the way over to Oneida. D. Arthur noted they are discussing extending the 2nd overlay rather than creating a 3rd overlay because the properties in the blue outline are so close in character to the 2nd overlay. The goal is to plan for future growth of the business district. As the business district moves north, there will be an overlay district in place to dictate build-to lines and character. If the property remains residential, the overlay district has no affect. Mayor Saraceni noted the original intent of the overlay districts was to address growth in the commercial districts and suggested that, as commercial zoning is created, the adjacent district would expand to include that rather than having the districts already in place. D. Arthur stated that the overlay district would then have a dynamic boundary. A static boundary is necessary as the code when written requires a map. Chairman Pelcher noted it does not hurt to have an overlay in place. J. Schanzenbach stated so much of this came from the discussion the Board had when addressing the 2nd overlay. The northern boundary at Elizabeth Street was chosen because as you came around the corner from Oswego Street, there is already some commercial property (Verizon). As they Board moved on to discussion regarding the 3rd overlay, they used the same logic.

D. Arthur stated he likes the option that comes down Salina Street to Margaret Street. M. Markham wanted to be sure this included the triangle of property behind China King if it isn't already included in the 1st overlay district.

Chairman Pelcher stated he will update the other members and the Board will vote on this issue at the next meeting in January.

T. Baker stated that G. Humphrey has been in contact with Onondaga County and they have created a new zoning map that shows property lines for each parcel. He will check to see if the overlay districts can be superimposed onto the zoning map to show zoning with and without the overlay. He stated he will look into having them do the overlay maps as well so they can be adjusted as needed.

18 East Genesee Street (old Eckerd building) – Widewaters Group

Chairman Pelcher stated he had a meeting on Friday with the lawyer representing Widewaters Group (Marco Marzocki (sp?)). Widewaters has a contract to purchase the old Eckerd building from Brookford Properties and plan to rehab the building. They were interested in finding out what the problems were between the previous applicant and the Planning Board as they were given the impression that the Planning Board was difficult to work with regarding this property. Chairman Pelcher stated he felt the Board was very willing to work with the previous applicant.

Chairman Pelcher stated they discussed some of the issues the Board had addressed with the previous applicant. However, he wants to be able to send them a document better outlining the issues. He reviewed the issues as follows:

1. **Ingress/egress in relation to Village Square project.** Because the Village Square project is already established, this should be simple. T. Baker will be the “go-to” person regarding this. J. Schanzenbach noted it was more than just the ingress/egress. It was the traffic flow. The previous applicant was concerned what the traffic would do once it came off of Village property onto their property.
2. **Reduction of curb cuts on East Genesee Street.** Chairman Pelcher stated he is not sure how much power the Village has to reduce curb cuts. D. Arthur recommended Widewaters speak with the owners of the B'ville Diner. He noted they had come up with a plan on their own regarding this and some cooperation between neighbors may lead to a solution. T. Baker stated he will see if he can get those drawings from Mr. Orlando or Mr. Chemotti. The lawyer from Widewaters stated he had been in contact with Mr. Orlando and Mr. Chemotti.
3. **The building has frontages on 2 sides, East Genesee Street in the front and the river side on the back (under the new overlay).**
4. **An easement issue was noted on the Sergei Yevich Trail.** Widewaters feels the trail extends past the easement onto their property. T. Baker will look into that. M. Markham stated he was very much involved in obtaining the easements for this and only 2 properties have a northbound easement line and a southbound easement line. This is one of the properties that has a southbound easement line. Harwood Trust readily agreed to wherever that easement went when the trail was built and M. Markham stated they stayed within that easement. T. Baker stated he has a survey of the property that Doug Reith did and they can use that as a basis to compare. M. Markham noted the Clerk's office should have a copy on file of the easement that was signed by the Harwood Trust.
5. **The plan for a possible street connecting Denio with Lock and/or Virginia Street.**
6. **A concern about a sidewalk connecting the building to East Genesee Street.** Chairman Pelcher stated he mentioned that to the representative and he did not think that would be an issue and suggested a sidewalk along the east side of the property line between the their property and the orthodontist office property. D. Arthur noted that Mr. Orlando's conceptual drawings had a sidewalk along the west side.
7. **Lighting issues.** No lighting plan was submitted with the previous proposal.
8. **There was a question if this proposal will trigger site plan review.** Chairman Pelcher referred to code 72-35(G) which states if a building is vacant for more than 6 months and it was nonconforming, the applicant will have to obtain a building permit. This would trigger site plan review as they would have to bring the building into conformance. T. Baker noted this property currently has no documented site plan. The working site plan is what exists on

the property now. If changes to a property are made, they need site plan approval. Specifically regarding this property, when the Board talked to Brookford Properties, they were adding a new entrance, which changes pedestrian traffic, parking, lighting, etc. If Widewaters wants to change the function of the outside of the building then they will need to come to the Planning Board.

Chairman Pelcher noted that the code states site plan review is required if a nonconforming property has been vacant for a consecutive period of 6 months or for 18 months during a 3-year period. T. Baker noted the representative felt they are not a nonconforming use because the parking is no longer nonconforming due to the recent changes in the parking requirements. Therefore, the six month vacancy may not be the issue. T. Baker stated the issue is the question of whether they will change the building itself. J. Schanzenbach noted there is almost no way to set the building up for new tenants without changing the sidewalks and handicap accessibility. This changes the site plan. They will need to conform to ADA standards, which will trigger site plan review. T. Baker agreed and feels the burden is on the developer to demonstrate that they will not change anything because when they do make changes, this gives the Planning Board opportunity to do a site plan review and compel them to come into modern standards. Chairman Pelcher stated he spoke with D. Jones about this today and D. Jones agrees with what T. Baker has said. However, he feels the odds are the applicant would win the argument on whether or not they need site plan review on an existing building. However, it is the Planning Board's duty to pursue this in the best interests of the Village. T. Baker stated it seems like D. Jones was talking about the nonconforming six month issue, which he does not feel is relevant. Chairman Pelcher stated D. Jones did not think it was relevant either.

Chairman Pelcher stated that the Widewaters representative stated it is unusual for them to do this type of project, but the owner has always wanted this piece of land.

The meeting was adjourned at 8:35 p.m. The next meeting is scheduled for Tuesday, January 24, 2012.

Respectfully Submitted,

Susan A. LaQuay

Planning Board Secretary