

VILLAGE OF BALDWINSVILLE
SPECIAL PLANNING BOARD MEETING MINUTES
Tuesday, October 25, 2011, 7:30 P.M.
Approved 12/27/11

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

ALSO PRESENT: Tim Baker, Village Engineer
Gregg Humphrey, CEO
David Jones, Village Attorney
Susan LaQuay, Board Secretary

GUESTS: Mr. Scott Jones, regarding Northside Collision
Mr. Joe Hucko, regarding former Burger King property

Chairman Pelcher is not present and D. Arthur will be Acting Chairman.

OLD BUSINESS

Northside Collision – 75 East Genesee Street

Mr. Scott Jones is present to address the Board. Chairman Pelcher stated he spoke to Village Attorney Dave Jones, Zoning Board of Appeals Chairman Brian Corrigan, and CEO Gregg Humphrey about this property. To sum up, if there is ambiguity in the code, the law states you have to construe all ambiguities in favor of the Applicant.

G. Humphrey stated he and Chairman Corrigan has spoken about this property and looked at the original and existing property lines and also looked at the lines running perpendicular to the street as side yard lines, not backyard lines, and applied the 6' setback on to those side lines. They applied the 40' setback to the back yard lines, which run parallel to the street. Chairman Pelcher provided the Board with diagrams he has drawn showing the lines in question. His drawings show figures 1 and 2, which show two different interpretations. Figure 1 demonstrates the interpretation outlined by G. Humphrey.

D. Jones started that many municipalities have a middle ground regarding this situation in which a property line, provided it is perpendicular to the street, continues to be a side yard line until it takes its first jog off course, at which time it is considered a rear yard line.

Chairman Pelcher stated Chairman Corrigan had used a Venn diagram to demonstrate his interpretation. This situation falls within the area where it can be interpreted as both a side yard line and a rear yard line. D. Jones stated this is consistent with conversations he had with surveyors. The surveyors he spoke with stated when categorizing the lines, they would consider how the lines look physically. Do they look more like a side or a rear line?

D. Arthur asked if the proposed addition is prefabricated. Mr. Jones stated it will be built ground up.

He stated he will need to change the dimensions from what he submitted on the application, however, because, based on the structural steel they will need for the structure, the building will need to be to be 1' x 1' larger. He provided a new drawing showing the final size of 23' x 31'.

J. Schanzenbach asked how the code should be interpreted as it is unclear as to what lines are side yards and what lines are rear yards. Chairman Pelcher stated Chairman Corrigan interpreted the lines in question as side yard lines.

J. Schanzenbach asked about the conveyance. Mr. Jones stated it is on hold for now and Chairman Pelcher stated that issue will be dealt with separately and should not affect their decision regarding the proposed addition. J. Schanzenbach noted that the drawing on record with this application should be the previously submitted drawing, which shows the existing setback. The latest drawing shows the proposed property line after the conveyance, not the existing property line. D. Arthur asked D. Jones what will happen if the Applicant wants to change the property lines after tonight. D. Jones stated the code does not have a minor subdivision law presently, which would take into account the property line adjustment. Therefore, this change in property lines would be outside the scope of Planning Board review. T. Baker stated it will ultimately be an issue for G. Humphrey to review when the Applicant applies for a building permit. He stated that if the line adjustment will not result in either property becoming illegal, G. Humphrey can approve the permit. However, if the adjustment results in one or both of the properties becoming illegal, G. Humphrey could deny the permit until the illegality is resolved. D. Arthur asked who reviews the land conveyance. T. Baker stated no one does as it is a matter between the buyer and seller. It is a minor subdivision process, which the Village code does not address. It becomes a matter for the Village when the property owner applies for a permit.

D. Arthur referred to the definition of a rear yard, which is "an open space on the same lot with a building between the rear of the building and the rear line of the lot and unoccupied except for parking spaces and accessory buildings," including among others either attached or detached garages. He wanted the Board to think about "attached or detached garages" when determining where the rear building line should be considered.

B. Scherfling agreed with J. Schanzenbach that the drawing they should be referring to is the previous drawing as the Board is making their decision without considering the conveyance. The conveyance is shown on the drawing before them. D. Arthur noted that the previous drawing did not show the shed, which is on the property line. Chairman Pelcher agreed that the previous drawing had some problems as well. D. Arthur noted that the previous drawing also does not show the correct dimensions and they are off 3' in one direction and 1' in the other.

T. Baker referred to the document from the surveyor and asked about the lines denoting the boundaries of Parcel E. He asked who owns Parcel E. The conveyer must have been trying to show something with that. He stated the survey map is inconclusive as to who owns this as the surveyor has not labeled it. There is a dashed line that could have indicated an old line or something that is proposed for the future, but it is unclear. According to the County tax map, Parcel E does not exist separately and it is part of Elizabeth Street. Chairman Pelcher stated this does not affect the setback. T. Baker agreed, but it does affect the site plan, which shows overflow parking in this location and 4 parking spaces are affected. Mr. Jones noted this is existing parking. T. Baker stated the problem is that they are using Village land and representing it as their own on the site plan. Chairman Pelcher stated he agrees that this is a good point and maybe it should be looked into, but the site still has enough parking without it. He would ask, however, that this not be included on the site plan.

Chairman Pelcher asked D. Jones if the Board can take action without the correct site plan in front of them. D. Jones stated if the Board agrees upon and defines what will be on the site plan, they can take

action. This is with the understanding that a permit will not be provided until the correct site plan is received. Chairman Pelcher stated he would like the size and location of the building to be accurate. Mr. Jones stated he has a drawing with him tonight showing the proper dimensions and placement of the building. This was provided to the Board members

Chairman Pelcher outlined the following motion regarding the site plan for 75 East Genesee Street:

To approve the addition to Northside Collision located at 75 East Genesee Street with the understanding that the Applicant will remove the “proposed” line from the document and will delineate where the Village right-of-way is located. The Applicant will also base the setback on the existing property line and will keep the deck and shed shown.

Upon motion by M. Markham and second by D. Arthur to approve the site plan for 75 East Genesee Street as outlined above. Motion carried 6:1.

Chairman Pelcher wanted the individual votes on record. They are as follows:

B. Scherfling	Yes
M. Markham	Yes
T. King	Yes
Chairman Pelcher	Yes
D. Arthur	No
J. Schanzenbach	Yes
N. Schlater	Yes

D. Arthur will be the Planning Board liaison for this site plan.

OTHER BUSINESS

Former Burger King property

Mr. Joe Hucko is present to address Board regarding a potential project at the site of the former Burger King. He displayed an aerial photo, which showed the parcel outlined as well as the parking easements. He noted it is a relatively small footprint to work within. The conceptual plan involves a drive-thru. Mr. Hucko stated he recognizes that an overlay district has been implemented in this area and, while he has no firm commitments from prospective tenants, those he is in discussion with have stated a drive-thru is a priority. He is here for the Planning Board’s feedback regarding the conceptual plan.

Chairman Pelcher asked if the east side shows a sidewalk. Mr. Hucko stated it does.

M. Markham asked if the curb cut off of East Genesee Street is the existing one closest to the building. Mr. Hucko confirmed it is. M. Markham asked if they could eliminate that curb cut as it is so close to the intersection. Mr. Hucko stated he will check with engineering. J. Schanzenbach noted that curb cut is not technically on their property. Mr. Hucko stated they do have an easement. A land swap has been discussed, but nothing has been agreed upon.

J. Schanzenbach stated he is not thrilled with the idea of a drive-thru; however, he feels it would be more acceptable if it were entering and exiting onto Mechanic Street. M. Markham agreed and stated he would like to see the East Genesee Street curb cut closest to the building closed. Mr. Hucko stated he has no authority to agree to that as it is not his property. Chairman Pelcher stated he understands that; however, if it can’t be closed, people may use that rather than Mechanic Street to enter/exit the property.

D. Arthur asked if the plan shows two drive-thru lanes. Mr. Hucko stated there is just one drive-thru lane and the other shown is just a blow-by lane.

Mr. Hucko noted if the building remained as is then the curb cuts would still be there. He asked why the reuse of the building would change that. Chairman Pelcher stated a drive-thru will create more traffic. N. Schlater stated her concern is not so much the volume of traffic, but the line of cars a drive-thru will create. Mr. Hucko stated that stacking would occur further back on the property given where the drive-thru entrance would be located. He noted he is not asking for a commitment, but if there is no way a drive-thru can be approved then he would rather know now. D. Arthur suggested that if he has an interested party that he should be creative. The Board already knows the corner between Mechanic Street and East Genesee Street is a mess and he would ask that the engineers be as creative as possible to mitigate traffic in that area.

T. King stated that she thinks once people know how the drive-thru works then they will automatically use Mechanic Street to enter/exit so they can utilize the traffic light. J. Schanzenbach agreed. However, he noted the goal of the overlay is specifically to reduce curb cuts on East Genesee Street. Closing that would go a long way with the Planning Board.

T. King states she thinks this is a decent start as long as it is isolated and does not spill out into hardware parking spots. Chairman Pelcher stated a plan with a drive-thru is not a definite "no." N. Schlater stated she would like him to be mindful of pedestrian access and noted that part of their plan regarding traffic mitigation is to encourage more people to walk around the Village.

3Rd OVERLAY –

Chairman Pelcher noted this is on the agenda. However, this will be tabled until the next meeting.

Update on Faith Ridge

J. Schanzenbach is the liaison for this site plan. He stated that Mr. Sciuga only has built one of the buildings so far. The south building is being planned for a future date. However, he has done the majority of the site work, including all the asphalt and garage structures and approximately 90% of the grading. He has left a level pad for the south building. There will be no playground, fence, or top coat of asphalt yet. Mr. Sciuga has indicated this is because they would be destroyed when the second building is constructed. J. Schanzenbach stated this seems okay as long as there is some agreement that those items will be completed at a future date. T. Baker stated that are working on that agreement. In the past, Mr. Sciuga has given the Village \$300. per unit as a payment in lieu of parks fee. He has 24 units now so the fee would be \$7200. They still need a number for the fence. T. Baker stated he still has an outstanding issue they are working on, but that is unrelated.

G. Humphrey stated Mr. Sciuga had planned to build the 2nd building in the fall, but is now planning it for the spring.

T. Baker proposed that the Village require \$7200 for payment in lieu of parks in addition to whatever amount they determine to be appropriate for the fence. The Village will hold the C of O until Mr. Sciuga has that payment in escrow. J. Schanzenbach stated they should include the top coat in this requirement as well as there is an inch up to the garage still. G. Humphrey noted there is still no corral for the dumpsters and this will have to be done before a C of O is issued.

ARB Liaison

Chairman Pelcher stated that D. Arthur will be the new Planning Board liaison to the ARB.

The meeting was adjourned at 8:35 p.m. The next meeting is scheduled for Tuesday, November 22, 2011.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary