

**VILLAGE OF BALDWINSVILLE**  
**PLANNING BOARD MEETING MINUTES**  
Tuesday, January 25, 2011, 7:30 P.M.  
*Approved 3/7/11*

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**PRESENT:** Carl Pelcher, Chairman  
Larry Barnett  
Terrie King  
Jim Schanzenbach  
Bob Scherfling  
Nicole Schlater

**ALSO PRESENT:** David Jones, Village Attorney  
Tim Baker, Village Engineer  
Ron Dean, CEO  
Susan LaQuay, Board Secretary

**GUESTS:** Mr. Christian Brunelle, Applicant, regarding SonByrne (Byrne Dairy)  
Mr. James Patel, regarding SonByrne (Byrne Dairy)  
Mr. Robert Berry, regarding SonByrne (Byrne Dairy)  
Mr. Jeff Corfield, regarding SonByrne (Byrne Dairy)  
Mr. Eric Will, regarding SonByrne (Byrne Dairy)  
Ms. Dawn Hickman, regarding SonByrne (Byrne Dairy)  
Ms. Cheryl Waters, regarding SonByrne (Byrne Dairy)  
Ms. Bridget Jessup, regarding SonByrne (Byrne Dairy)

**OLD BUSINESS**

**Continued discussion/action regarding Byrne Dairy (SonByrne)**

Mr. Christian Brunelle is present to address the Board. He stated he was initially here in May and was granted a special permit by the Village Board in August. He has been working with Tim Baker and the Codes Enforcement Office. He proceeded to highlight the changes to the proposal since the last meeting, as follows:

1. The biggest concern of the Board and the Village officials has been the side parking onto Spruce Street. The plan originally proposed 7 parking spaces at that location. These spaces presently exist. They are not striped, but are used. The Village does not want this to continue as it is unsafe and wants this parking removed. The new plan shows this parking is eliminated. Mr. Brunelle stated he technically needs 147 parking spaces because of the size of the building. The last plan had 57 spaces and this plan has 59 spaces. He removed the 7 in question on Spruce Street and put parking along the other side of the pumps and at the end of the pump line.
2. T. Baker had brought to his attention the open curb cut. This was reduced and they put curbing in. The loading zone has been left in its current location.
3. The dumpsters were moved and are to be inside the building (detail V). The building is large enough to accommodate this. This is done at other Byrne locations. Pickup is frequent enough and health inspectors have not expressed concern.
4. The driveway has been modified. The original plan showed a full-access driveway. He had a meeting with the NYS DOT in June and they agreed that they would allow a right-in/right-out driveway, not full access, and this has been amended to reflect this.
5. The Planning Board had mentioned sidewalks. They will continue the sidewalk through the site. The plan shows a 5' concrete sidewalk. They realize this will need to be more detailed

with the driveway and specs, but they have no problem extending the sidewalks at their cost. These will be designed by Plumley Engineering.

6. The lighting has been addressed. He had sent out a plan showing they will use full cutoff lighting, dark sky compliant. Since then a new lighting plan was done by LSI lighting engineers. He has submitted a photometric plan. This will be reviewed by the DOT as well. He is aware that lighting is a concern for the neighbors on Spruce Street and this was addressed. The proposed lighting is made for tight zoning in residential areas.

Chairman Pelcher was pleased that the Applicant has addressed some of the Board's concerns. He noted he is very concerned about screening on Spruce Street. They are proposing a 24-hour store and headlights shining on houses at late hours is concerning. The Village is doing overlay districts now that require screening between residential and commercial properties. B. Scherfling noted that the Village will require an 8' fence when going against a residential property. Mr. Brunelle asked where this fence would be. Chairman Pelcher stated it would need to screen along Spruce Street. Mr. Brunelle stated he is not sure if this would be applicable as the property does not abut any residential properties on Spruce Street. However, he is will to address screening at this location. Chairman Pelcher noted that the East Genesee Street curb cut is still a concern. There is no sidewalk on the Byrne side of Spruce Street. T. King noted that the driving lanes are partially in the right-of-way. N. Schlater noted that the curb cut is blocked off with striping, but it still is still beyond the maximum for a curb cut. They would need an island to break that up. Chairman Pelcher agreed that striping is not sufficient as it is not visible in the winter. J. Schanzenbach asked if the island along Spruce Street will be curbed as there is no existing curb between the lot that is there and Spruce Street. Mr. Brunelle stated the island will be curbed all the way around, including the Spruce Street side.

J. Schanzenbach asked why the parking lot is in the right-of-way. Mr. Brunelle stated it is due to the depth of the lot. J. Schanzenbach asked if they will be able to make the parking work if they were to widen it so the parking lot is not in the right-of-way. Mr. Brunelle stated it would not work. J. Schanzenbach stated he feels there are liability concerns if the parking is in the right-of-way. Mr. Brunelle noted there is no actual parking in the right-of-way, but T. King noted that the driving lane is in the right-of-way. T. Baker stated that at every meeting he has pointed out that generally the Village does not have site development into the right-of-way. This precludes the installation of sidewalks and limits what is available for landscaping. He understands this is an issue with this property. Regarding liability, this brings up questions regarding maintenance, plowing, etc. He noted this is not dissimilar to a driveway entering the right-of-way; however, this is not a typical use of a right-of-way.

R. Dean stated they need to consider foot traffic. Pedestrians will have to walk across driving lanes as there are no sidewalks. The site has preexisting problems and he would like to see these resolved, not continued.

T. Baker stated he is concerned that the one-way entrance will not stop people driving eastbound from entering. L. Barnett stated that he is concerned about this entrance as well given the heavy traffic at rush hour times. He is not sure why they would want a curb cut onto East Genesee Street when they have a controlled curb cut on Spruce Street already. Mr. Brunelle stated that he feels that for this site to succeed, they need this more convenient access. R. Dean noted that given the traffic flow, people will not likely go that way from the pumps and will likely go to Spruce anyway.

Chairman Pelcher asked how many Byrne Dairy stores are located in a Village setting. Mr. Brunelle stated there are several, for example Geneseo and Trumansburg. Chairman Pelcher stated he feels they may need to alter their design to fit better in a Village. This is not off a highway and that needs to be considered. The Village is trying to increase pedestrian traffic and make the Village friendlier to pedestrians and he would like to see their plan altered to address this. Mr. Brunelle asked what he should

do. He does not want to make the project unfeasible. He stated they need the six pumps to make the project worthwhile.

Ms. Dawn Hickman (E. Oneida Street) noted that the Quik Fill has only two pumps and they do good business. Ms. Bridget Jessup stated she lives across from the liquor store. She noted she cannot turn onto Route 31 at 5 PM and she is not pleased with the idea of lights shining into her home at all hours and is also not excited about the traffic or the noise. She stated she does not mind the Byrne Dairy store itself, but is concerned about the gas pumps. Ms. Cheryl Waters lives on the corner of Spruce and Genesee Street. She is also concerned about the increased traffic and lights. Mr. Jeff Corfield lives nearby. He asked if the other Byrne Dairies that are located in villages have houses nearby. Mr. Brunelle stated the Genesee location does have homes within 25'. Mr. Robert Berry works for Liquor Express. He asked about the dumpster situation. He is concerned that they will not have anywhere to put their cardboard. Mr. Brunelle stated that will go in the back room. Mr. Berry is concerned that this will interfere with deliveries. Mr. Berry is also concerned about roadside signage and wants to know what SonByrne will be doing for the liquor store. Chairman Pelcher stated that the issue to be discussed tonight is just the store itself. Mr. Brunelle stated it is premature to address signage. Mr. Berry stated that the liquor store has already had to move their parking. Chairman Pelcher noted that this is not a Planning Board issue and is between the building owner and the liquor store.

T. Baker noted that there is a development in the works across the street. The preliminary plan is to line the driveway up opposite Spruce Street. This may improve access to the Byrne site.

Chairman Pelcher stated he does not feel the plan fits into the Village as it stands now. He would like to see the drive lanes moved out of the right-of-way, the islands widened, and sidewalks for pedestrians. The sidewalks can be in the right-of-way, just not the drive lanes.

R. Dean asked Mr. Brunelle if there was any further discussion after their meeting regarding removing part of the building. Mr. Brunelle stated this was considered but was determined to be too expensive. It would kill the project. J. Schanzenbach asked how big the building is. It is 3500 square feet.

N. Schlater asked why the pumps are oriented the way they are. Mr. Brunelle stated this orientation allows for closer parking for customers. He noted that curbing would block the delivery door on the side of the building. Mr. Brunelle stated that Byrne Dairy has a practice of side loading milk and ice cream and front loading grocery items, such as soda, beer, etc.

Mr. Brunelle stated that if the drive lane is moved back out of the right of way, it will not be wide enough. J. Schanzenbach noted they can gain back that width on the other side. Mr. Brunelle is concerned about how many parking spots will be required. J. Schanzenbach stated they can obtain a variance through the Zoning Board. L. Barnett does not feel that cutting down on parking would be an issue. They could take out the parking along the bays. T. King stated she would prefer losing some parking to having driving lanes in the right-of-way and no sidewalks. Mr. Patel, owner of the liquor store, stated he would like to see at least 20 parking spaces for his business. J. Schanzenbach stated he understands that concern, but Mr. Patel is the lessee of the storefront and that is a decision between him and lessor. Chairman Pelcher noted that Mr. Patel's lease includes 10 spaces.

J. Schanzenbach stated it is his opinion that the best way to make this plan work is to make the building smaller. This would require less parking and provide for better drive lanes. It would also allow for widening of the islands. Mr. Brunelle stated this is not doable. They want to be a permanent business in Baldwinsville and this will not work for them. Chairman Pelcher stated the Board does not want to discourage development in the Village; they just want to be sure it is good development that fits well within the Village.

L. Barnett asked why they need the curb cut on East Genesee Street. Mr. Brunelle stated it is for convenience and easier access to the site. J. Schanzenbach noted the concern is the large number of curb cuts on East Genesee Street and the Village is trying to use side streets for entrances when possible.

Chairman Pelcher stated he wants the sidewalk through the East Genesee Street entrance to be well defined.

Chairman Pelcher asked if the Board is willing to agree with the DOT and allow the East Genesee Street curb cut. L. Barnett stated he is willing to do this if it is necessary to the success of the business. His only concern is the traffic flow. Mr. Brunelle stated he lives in Baldwinsville and is familiar with the traffic in this area. There may be some difficulty getting in and out, but this is no different than other businesses. J. Schanzenbach stated he feels this entrance may alleviate some of the concerns on Spruce Street. Chairman Pelcher stated he does not believe it is a significant safety issue.

J. Schanzenbach asked if they have considered opening up the back of the building for parking rather than loading. Mr. Brunelle stated they will consider that. Chairman Pelcher feels this would make sense.

J. Schanzenbach asked if they will repave or use the existing pavement. Mr. Brunelle stated they will topcoat. It will look new. He noted it depends on the grading. They will also use the existing drainage.

N. Schlater asked where the houses are located in relation to the curb cuts. Mr. Brunelle stated he can provide an aerial photo that shows this. N. Schlater noted that ideally curb cuts do not line up directly across from houses.

Chairman Pelcher stated he does not believe the curb cut on East Genesee Street will kill the project, but there is still a long way to go before this can be approved.

Mr. Patel stated he does not feel there is enough parking provided by this plan for two businesses. He thinks having his customers park across the lot is unsafe. J. Schanzenbach noted that having Byrne Dairy there will provide synergy with the liquor store and will benefit the liquor store and increase their business. Mr. Berry stated this will only increase their business if they have the parking to support it. Mr. Patel does not believe the parking for the liquor store is adequate. N. Schlater noted that there is a high turnover of parking spots for their type of business as well as for the proposed Byrne Dairy. Mr. Brunelle agreed and noted that the parking lot will not be packed as much as it was when Wacky Wyatt's was there. He noted the site used to have a loud bar up until 2 am.

Mr. Brunelle stated he will return to the Planning Board with a revised plan. He asked for clarification on what needs to be addressed. Chairman Pelcher stated he would like him to address parking and sidewalks. J. Schanzenbach suggested a rough outline showing where the houses on Spruce Street are in relation to the site. Mr. Brunelle stated he will have a site plan superimposed on an aerial photo showing this.

## **OTHER BUSINESS**

### **Burger King Property**

R. Dean stated the potential applicants are still in the negotiating phase for this building and they may be waiting to see what happens with Byrne Dairy before proceeding.

### **NAPA Auto**

R. Dean stated he was planning to issue a certificate of occupancy for NAPA. However, he discovered on final review that the builder not only ignored the correct size of the building, but he ignored the architectural details of building as approved by the ARB. He referred to page 2 showing the detail the

columns were supposed to have. They should have a fractured base block 2' above grade and the architectural posts above that. Right now, referring to the photo, there are just slender straight columns that have been wrapped with aluminum. Also, referring to page 2, the brackets on the corners of the building and running up to the gable roof are shown on the drawings front and back on the building and all corners. This detail breaks up the building and takes away the box store look. These were not constructed. R. Dean spoke with Chairman Mott of the ARB today and made him aware of these missing architectural elements. He told Chairman Mott that he feels the solution is that he can issue the C of O for the building upon Mr. Nobles applying for a permit to convert the columns and the details to how they are shown on the approved plan.

### **Overlay Districts**

Chairman Pelcher provided copies of the East Genesee Street overlay. He added the corrections made at prior meetings.

L. Barnett stated he is concerned about the depth of the patios being 50% because it is 50% of an unknown value. Chairman Pelcher noted this has to do with build-out values. They specifically addressed patios because they can count towards the 75% build-out value. T. King asked why patios have been included at all. She believes they are a good idea when talking about the river front, but does not believe they make sense on East Genesee Street. N. Schlater stated she feels that patios, if done well, give the sense of a building being there. She feels, however, that maybe this climate does not support patios. T. King does not feel they fit with the EDR plan. Chairman Pelcher stated he will remove 3(d) (II) (III) and (IV).

J. Schanzenbach stated he would like it spelled out that sidewalks are to go from the shoulder of the road to the front of the building. T. Baker agreed and noted this will leave space for outdoor tables and landscaping, etc. Chairman Pelcher stated he will add to 3(a) that a sidewalk shall span for the full width of the lot from the building to the curb. Landscaping will be allowed within the sidewalk area with Planning Board approval. L. Barnett feels that 3(b) should state that all new construction shall include 60" minimum sidewalks for the width of the lot. Chairman Pelcher will add that. In 3(h), he will get rid of "preferably" as this gives too much leeway.

T. King stated that they need to define what a "story" is, the height, etc. Chairman Pelcher stated he is comfortable just putting a 45' height for a three-story building, including mechanicals.

Chairman Pelcher stated he is concerned about rushing these through and wants to be sure they can be changed in the future if needed. D. Jones stated it would not be a big deal to amend these if necessary. T. Baker stated they will have the chance to do housekeeping when they are revising the entire code.

Chairman Pelcher stated he feels the overlay districts should show curbing plans, sidewalk plans, landscaping plans, pictures, etc. There is no time now, but they can come back to this. D. Jones cautioned about being too specific and noted the Board will need leeway. Being too specific can cause interference.

Upon **motion** by L. Barnett and second by J. Schanzenbach to forward the East Genesee Street Overlay District as revised this evening, January 25, 2011, in conjunction with the East Genesee Street Overlay District Map dated January 24, 2011 for Village Board review. **Motion passed.**

Chairman Pelcher stated he will make the changes and will send them out on Friday. He would like any comments by the following Friday so he can send this to the Village Board.

The meeting was adjourned at 9:45 p.m. The next meeting is scheduled for Tuesday, February 22, 2011.

Respectfully Submitted,

*Susan A. LaQuay*  
Planning Board Secretary