

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Monday, March 7, 2011, 7:30 P.M.
Approved 3/22/11

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

ALSO PRESENT: David Jones, Village Attorney
Ron Dean, CEO
Susan LaQuay, Board Secretary
Mayor Joseph Saraceni
Melinda Shimer, Trustee
Megan O'Donnell, Trustee
Bruce Stebbins, Trustee
Mark Wilder, Trustee

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. Cheryl Waters, regarding SonByrne (Byrne Dairy)
Mr. John Waters, regarding SonByrne (Byrne Dairy)
Mr. Jude Plouffe, regarding SonByrne (Byrne Dairy)
Mr. Mike Durkin, regarding SonByrne (Byrne Dairy)
Mr. James Trasher, PE, regarding Aspen Springs

Upon motion by T. King and second by D. Arthur, the minutes of the January 25, 2011 Planning Board meeting be approved as submitted. Motion passed.

OLD BUSINESS

Continued discussion/action regarding Byrne Dairy (SonByrne)

Mr. Christian Brunelle is present to address the Board. He presented the new plan (submitted in advance for review), which includes the revisions discussed at the last meeting. The loading zone along Spruce Street now has delineated curbing and green space has been added. The delivery area in back has been delineated more. This delivery area is for Byrne drivers only. Dumpsters were moved from inside the building to a fenced enclosure shown on the plan. A drive has been delineated for that. Curbing and paving were previously onto the right of way. Mr. Brunelle met with their engineer who moved that and there is no longer any curbing or pavement in the right of way. The sidewalk carries through and there is still 24'. He noted that the properties behind the dumpster enclosure are zoned residential so they have added a 6' stockade fence just past the dumpster. There is no lighting in that location. Three parking

spaces were removed and he will seek a parking variance from ZBA. The plan also shows an ATM kiosk. No ATM is planned at the present time, but this is included to allow for one in the future. Mr. Brunelle also provided an aerial photo showing the location of houses around the property.

Chairman Pelcher noted that the sign on the gas island faces East Genesee Street and will flood light into the neighborhood. Mr. Brunelle stated that is not a lighted sign, but just a Byrne logo vinyl sign.

Chairman Pelcher asked if there is curbing along the store front in front of the parking spaces. Mr. Brunelle confirmed that there is.

Chairman Pelcher stated he would like to see more landscaping on the Spruce Street side to shield the residential area. Mr. Brunelle stated he will add trees. D. Arthur noted that certain trees, like maples, will not provide adequate shield for lighting and he should consider this when choosing what to put in at that location. R. Dean also noted that there are power lines to consider. The Village has a list of trees that are recommended. Chairman Pelcher stated he will get a copy for Mr. Brunelle.

Chairman Pelcher asked what material will be used for the sidewalks that are carried through the intersections. Mr. Brunelle stated the drive will be asphalt and the sidewalks will be concrete. He will meet the DOT specs and follow the DOT guidelines.

B. Scherfling noted that the fence between the site and the residential zone is 6'; however, code requires an 8' fence and it must be 40' from the road. In front of the 40', the fence can only be 4' in height. This is for visibility.

B. Scherfling stated he was researching the property and found that the property below this one is for sale and their sales brochure states that they have a right of way through where the dumpster enclosure and driveway are located. Dave Jones asked for clarification of this. Mr. Brunelle stated that this has been looked into already and there is no easement. There is a strip of land between the properties which is owned by CSX Railroad so their easement is essentially an easement to nowhere. CSX won't even discuss it. Dave Jones asked if there is any evidence of it being used as if there were an easement. Mr. Brunelle said it has not been used and they have looked into this extensively.

B. Scherfling asked if there would be a ramp from the sidewalk to the road at Spruce and East Genesee Street. Mr. Brunelle stated that the DOT will dictate how this will be.

L. Barnett agreed there are not enough trees on the plan. He would like to see the plan specify the type and number of trees and have them spaced according to their natural growing width to create a "wall." Mr. Brunelle noted that DOT does not want anything over 3' tall in the right of way and he does not want to block visibility. L. Barnett noted that landscaping has been a problem in the past with other developments and this is not a minor issue for this Board.

D. Arthur noted that he was not at the last meeting and still does not feel comfortable about the additional curb cut onto East Genesee Street. He asked if there was anything from the DOT regarding this. Chairman Pelcher showed him correspondence from the DOT approving this curb cut.

D. Arthur stated he does not like the location of the proposed ATM kiosk given the traffic flow at this location. T. King agreed. L. Barnett noted that many Byrne stores have ATMs inside the store. D. Arthur suggested he remove it from the plan now as there is no current plan for an ATM to be installed and come back in the future if it is necessary.

D. Arthur noted the roof over the pumps and stated that Byrne may have to get a variance as this is a permanent structure within the 40' setback. Mr. Brunelle stated it is his understanding that this is

considered an accessory structure, not a permanent structure. R. Dean stated he will review the code and determine which type of structure it is. He noted that most codes do not allow for accessory structures in a front yard. Dave Jones will review the code as well.

D. Arthur stated he reviewed the aerial photo and feels there is not enough room to have the driveway and dumpsters placed so close to the residential property. Mr. Brunelle noted this was put here at the request of the Board at the last meeting. T. King stated she thinks there is enough room.

Chairman Pelcher opened up the meeting to public comment.

Mr. Waters asked if this project will definitely be a 24-hour store. He stated he appreciates the precautions they are taking to screen the light and noise, but he is concerned that noise will still be an issue. Chairman Pelcher stated that Planning cannot dictate the use of the site as it is allowed within its zoning designation.

Mr. Patel asked about improved signage for the liquor store. Mr. Brunelle stated he will be addressing signage with the ARB. Mr. Patel asked if there will be a dumpster for the liquor store to use. Mr. Brunelle stated they will work this out and it is not a Planning Board issue.

Mr. Waters stated he feels it would be nice if the trees could be spruce or an evergreen tree that will be there all year long for screening. Mr. Brunelle stated he is concerned about the type of tree from a safety/visibility standpoint.

Ms. Plouffe asked where the fence is located and what the traffic flow pattern will be. Mr. Brunelle showed both on the plan. Chairman Pelcher noted that the curb cut onto East Genesee Street was eventually accepted by the Village in part because they feel it will alleviate traffic onto Spruce.

Ms. Waters asked if there will be additional lights on the corner. Mr. Brunelle stated there will not be.

J. Schanzenbach wanted to clarify the height of the fence. The first 40' from the right of way going back will be 4' high. It will then rise to 8' and will extend the length of property line that abuts residential properties.

Ms. Plouffe asked if music will be played at the gas pumps. Mr. Brunelle stated they do not usually do this at their sites, but if they do it will only be during the day.

Mr. Berry asked about snow removal. Mr. Brunelle stated they will truck the snow off site if necessary. D. Arthur stated he feels there should be a statement regarding this on the site plan. Chairman Pelcher stated it is sufficient that it is part of the minutes. T. King noted that it is in the storeowner's best interests to remove snow to accommodate customers, so she does not feel it will be an issue. R. Dean noted that the parking requirements will mandate this as well.

Mr. Berry noted the location of the handicap parking spaces and asked if Mr. Brunelle would be willing to move them to accommodate both retail stores. R. Dean stated that the code states there must be a certain number of handicap spaces, but does not specify location. D. Arthur noted that the handicap parking fits the law and they are compliant. It is not for the Board to determine their location.

Ms. Plouffe asked if the Board has discussed the potential upcoming development across the street and how it will impact this development, especially regarding the entrance location. Chairman Pelcher noted that Board tries to anticipate future development when considering site plans, but cannot get too far ahead

since no application has been made. However, they have discussed this potential development in regard to the entrance and how it will line up with this site.

D. Arthur asked R. Dean if the Board needs a detail for sidewalks. R. Dean stated that Mr. Brunelle will submit standard construction details that will have to accommodate delivery and gas trucks. Mr. Brunelle stated Plumley is engineering this and this will be detailed. He noted the DOT dictates the sidewalks that are in the NYS DOT right of way.

J. Schanzenbach asked about stormwater/drainage. R. Dean noted that the flow will change as the curbing is not there presently and this will be trapping the water onsite. Chairman Pelcher stated he would like to see plans from Plumley regarding the drainage. R. Dean stated they will need to reflect elevations, especially in light of the fact that they will be trapping water that is currently not being trapped. Mr. Brunelle stated that he has never had to have a grading plan done prior to an approval. D. Arthur stated this Board has never approved a site plan without seeing a drainage plan. R. Dean noted that Baldwinsville has a lot of flooding issues so this should be addressed.

Chairman Pelcher stated the Board will meet again in two weeks. Mr. Brunelle should submit a new plan to be reviewed then. Mr. Brunelle stated he will submit a new plan addressing the following concerns:

1. Landscaping along Spruce Street. He will get a list from Carl regarding the approved trees/shrubs. They will be sure to add more trees and he will work with R. Dean.
2. Stormwater plan. He will get a general plan from Plumley and will work with R. Dean.
3. Fence. He will clarify the height requirements.
4. The ATM kiosk will be removed from the plan.

R. Dean stated he may need a variance for the dumpster. The code requires a 6' side yard back between residential and commercial properties. Mr. Brunelle stated he will address this as well.

R. Dean stated they will also discuss if he will need a variance for the roof over the gas pumps and will determine if it is an accessory or permanent structure. This may also be considered an "as-of-right use" at a gas station. R. Dean noted this is a roof, not an actual building. The pumps and islands would not require variance, but the roof may, although he does not believe it will. Dave Jones stated they could liberally interpret the vagueness of the code to allow for this without it being a slippery slope.

NEW BUSINESS

Aspen Springs – Zone Change Request

James Trasher, PE is present to address the Board. He stated this subdivision previously obtained approval from the Planning Board. The first section of the project was developed off of Route 31. Only 6 or 7 homes have been constructed and they are working with the builder (J. Alberici & Sons) to see what can be done to spur development on the rest of the site. They have been discussing this with Tim Baker and Ron Dean and are requesting that the Village add new R-1b zoning to allow for the construction of smaller, narrower homes on minimum 7200 square foot lots. They have put together sketches of various homes that would be constructed by the Albericis. The current zoning for these properties is R-1a. This requires an 80' lot with 25% lot coverage. They are requesting 60' lots with 33% lot coverage.

A new zoning ordinance would have to implemented by the Village Board of Trustees. The Board of Trustees would like a recommendation from the Planning Board.

The existing lots would remain R-1a and the remaining lots yet to be constructed would be newly zoned R-1b.

Chairman Pelcher noted they would want 33% lot coverage, 40% total. He asked if the garage would be included in this. Mr. Trasher stated that the sketches provided show the square footage in the corner. He stated that, for example, a 1400 square foot house on a 7200 square foot lot with a standard 2-car garage of approximately 400 square feet will get them up to 25% lot coverage. However, what if a property owner wants a pool or shed? This is why they are requesting 33%. He stated they have also discussed moving the front yard setbacks closer to the road.

Chairman Pelcher noted that the drainage plan will be impacted because there will be more houses. Mr. Trasher stated that all the drainage will be incorporated into the old plan. They can look at the difference in the impact with anything new they will do and improve the drain infrastructure as necessary.

Chairman Pelcher stated he had looked into R-1b zoning in other communities. He stated Canandaigua and Clay both have this.

James Trasher noted that Sun Harbor is similar to this. The 2nd section of Starlight Estates in Camillus is similar to this. Oakbrook in Radisson is similar in style and character to this. He will send Ron Dean a list of similarly-zoned or styled subdivisions to provide a visual reference.

Chairman Pelcher noted that no open areas are shown in the plan. Mr. Trasher stated this plan is really just to open discussion about this proposed zone change. Open space can be incorporated.

D. Arthur noted the memo that was received from Ron Dean. He asked where the language came from for the proposed R-1b zone. This was provided by Mr. Trasher, who just took the Village's R-1a language and rewrote it to reflect the new numbers, etc. R. Dean stated that the Codes department made the comparison analysis in the memo.

R. Dean stated that as they are creating narrower lots, they will have to address the maximum impervious coverage of the lots.

T. King asked what assurance they will have regarding the types of homes that will be built. Mr. Trasher stated they will add a caveat regarding what will be constructed in this development.

T. King stated she is concerned this could be considered spot zoning and may set a precedent. Chairman Pelcher is concerned about changing the expectations of the current residents. However, he stated he did speak with one homeowner who stated he was fine with the change. Mr. Trasher stated they want this change to allow the development to move forward and does not want Aspen Springs to sit there empty.

Chairman Pelcher stated he would like to see the following issues addressed:

1. Open space. New urban development wants to see connections to open space.
2. Drainage and impervious surfaces.
3. Smaller lots- fire safety issues.
4. Connection to the Village.
5. Concerns about spot zoning.

Mr. Trasher stated they could ask for variances for each lot, but felt rezoning may be better option.

Chairman Pelcher stated he likes the idea of clustering and smaller homes.

Mr. Trasher stated this development will be of financial /tax base benefit to the village. He will provide the numbers to show this.

J. Schanzenbach asked why the front yard setback is 20'. Mr. Trasher stated they felt that would look best, but they can pull it back if necessary. He noted it is 20' from the right of way, not the pavement.

Chairman Pelcher stated they can put this on the agenda for the next meeting. Mr. Trasher stated he will bring Mr. Alberici with him.

OTHER BUSINESS

Lock Street – Rezoning

Chairman Pelcher noted there are some Village Trustees here tonight. The Village is looking at rezoning Lock Street into more of a PDD, which will increase density. He noted the EDR plan recommended condos on the north end (closest to Dunkin Donuts), then town houses, then single-family residences. The EDR plan did include the former Town of Lysander building, which is no longer available.

Mayor Saraceni stated that the Village over the years has been acquiring property along Lock Street as it becomes available. Phase I and II studies have been completed and a lot of this is through the effort of Mark Wilder, Trustee. He noted this is a unique position for a Village to be in where it has the opportunity to develop an entire section of the community in the way they want. EDR could help to craft the guidelines. The Village Board is excited about this project.

D. Arthur asked how much of Lock Street the Village owns. Mr. Wilder stated it owns 6.2 acres and there is some room for further acquisition. The Village may have to consider lowering the acreage requirement of a PDD to accommodate this. D. Arthur asked if the Village-owned properties are contiguous. Mr. Wilder stated they are all connected by at least a common boundary. He provided a plan prepared by Plumley. He noted that part of the property is old DPW property and part is old canal property. There is minimal soil contamination and no stormwater issues. The Village Board is looking to Planning for guidance on zoning issues. They would like a buffer along the river to extend the trail and would like to have building-type restrictions. They want to maximize river views.

Chairman Pelcher noted they may want to consider a HOA if there is a PDD because of so many shared spaces.

Mr. Wilder noted there are traffic considerations. For example, it is difficult to pull onto East Genesee Street at the end of Lock Street. They may want to consider making this a one-way street. He stated they will be writing up a solicitation document and giving it to interested developers and listening to their ideas. They are looking for feedback from developers. They would want to include a sunset clause that is performance-based.

D. Arthur noted a PDD requires one owner and asked how they will manage land that is not owned by Village. Mr. Wilder stated they will encourage the developer to acquire these properties. D. Arthur stated he is concerned about writing a PDD before all the properties are within the boundaries. Chairman Pelcher stated he will check on this, but it is his understanding that this can be done.

Mr. Wilder stated they will take the Planning Board's ideas and put them in the solicitation document. They are hoping to have this move forward this year.

Mayor Saraceni stated there is not as much empty business space downtown as one would think Conroy's will be filled, the Styer's building will be filled. If the Village is going to expand, and there is pressure to expand out the commercial area, this is the opportunity to increase density downtown. He stated he would like to be on the March 22nd agenda with EDR.

Railroad District Overlay

Chairman Pelcher has written up the proposed intent of this 3rd overlay.

He noted they will have to make a decision regarding Lock Street when considering this overlay. There is the possibility the north side will be PDD. The south side will remain R1. He noted all the overlays have some residential included and an overlay does not change residential zoning.

D. Arthur asked if they are still planning to do a separate Lock Street overlay. Otherwise they could state that a PDD may be developed within the overlay. This could encompass the north side so it will match the other side. He proposed doing a separate Lock Street overlay that would incorporate the entire street and allow for a PDD which would override the overlay in the future if it happens. D. Arthur noted that EDR planned a separate Lock Street overlay to incorporate high density. That way, if the PDD never happens, the Village still has an overlay to control development of this area.

L. Barnett stated the benefit of a PDD would be that it gets developed all at once.

D. Arthur asked if a portion of a PDD can be sold. D. Jones stated this can be done. The buyer would just buy into the PDD.

Chairman Pelcher asked the Board members to review the purpose and intent and this will be addressed at the next meeting.

Parking Survey Update

N. Schlater stated she received 13 surveys back (they were sent to 60-70 businesses) and she is compiling the information. She would like to reconvene the parking committee to go over the recommendations.

D. Arthur noted that the Sheehan's told him they had not received a survey and wanted to give some input. N. Schlater stated she will call them.

The meeting was adjourned at 10:05 p.m. The next meeting is scheduled for Tuesday, March 22, 2011.

Respectfully Submitted,

Susan A. LaQuay

Planning Board Secretary