

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Monday, March 22, 2011, 7:30 P.M.
Approved 4/26/11

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

ABSENT: Dave Arthur

ALSO PRESENT: Mayor Joseph Saraceni
Tim Baker, Village Engineer
Ron Dean, CEO
David Jones, Village Attorney
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. James Trasher, PE, regarding Aspen Springs
Mr. Joseph Alberici, regarding Aspen Springs
Mr. Kevin Hanlon, regarding Aspen Springs
Mr. Earl Styers, resident
Mr. Robert Weichert

Upon motion by J. Schanzenbach and second by N. Schlater, that the minutes of the March 7, 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.

Chairman Pelcher reviewed the changes the Board had requested at the meeting on March 7, 2011. He noted the dumpster location has been moved and the fence has been addressed. Mr. Brunelle stated the first 40' of the fence is 4' high and the remaining 48' is 8' high. Chairman Pelcher noted the ATM has been removed from the plans. He noted the Board had requested a drainage plan. Mr. Brunelle noted the plans show arrows indicating the infiltration system. They are proposing a simple infiltrating system with perforated pipe underground. J. Schanzenbach asked where it discharges to. T. Baker stated it runs north and ties in down the road towards the tracks. However, the pipe was not located. Mr. Brunelle stated they will work with the Village. He stated there is an existing catch basin on site and because there is no curbing, it takes the entire impervious surface of that lot and also takes everything from the road. Now that they will be putting in curbing, the drainage will be more controlled.

Mr. Brunelle stated they have added curb stops and trees. The plan shows 11 pear trees, but he will be looking for direction regarding the types of trees to put in. Chairman Pelcher stated he spoke with OCPB

and with Ron Dean regarding this and R. Dean met with the OCPB arborist. He also contacted National Grid for ideas. He stated the Board has 2 intents regarding the trees, to screen the property from the residential neighbors and to mitigate headlights shining towards houses. He suggested a low hedge on the middle island, which would screen the property and be low enough to allow visibility. Mr. Brunelle stated they had done this in Lakeland and the shrubs were dead within a year because they had been plowed over. Chairman Pelcher stated OCPB feels it can be done with proper planning and they will make the recommendations reasonable. T. Baker stated he has a discussion with the chairman of the tree committee and suggested an American hornbeam or an Eastern hop hornbeam, which don't get too large and there aren't many around. He also suggested an ornamental spruce because they are located on Spruce Street, as long as they won't self-propagate and become invasive.

J. Schanzenbach noted the green space shown in the plan that used to be parking and asked if the asphalt will be completely removed. Mr. Brunelle stated it will be.

N. Schlater asked about the easement across the adjacent property that had been discussed at the last meeting. Mr. Brunelle stated it is 99% figured out with help from Doug Reith, LS and the in-house attorney. There was an easement granted from Delaware Railroad back in 1959 that does not go through to the Orlando's property. He has copies of the deed showing the easement to the CSX property. D. Jones requested copies of the deeds and these will be provided.

Upon **motion** by J. Schanzenbach and second by N. Schlater to recommend to the Village Board that they accept the SonByrne site plan #PB2010-001 dated March 22, 2011 pending agreement on landscaping. **Motion carried.**

Mr. Brunelle asked why this needs further approval from the Village Board as the special use was already handled. Mayor Saraceni stated that the Trustees wanted Planning approval prior to special use permit being issued. Although this has been granted, the Board of Trustees will need to finalize it. They will still need to go before the ZBA for a variance regarding parking and this will be on the ZBA's April 11, 2011 agenda.

Aspen Springs – Zone Change Request

James Trasher, PE is present to address the Board. Mr. Alberici, the developer, is present, as is his real estate agent, Mr. Hanlon.

Chairman Pelcher stated he visited some of the sites that Mr. Trasher had suggested (Sun Harbor and Van Wie Drive East). He said they seemed wider than 60' and he checked with Onondaga County and indeed they are. Mr. Trasher stated there are numerous projects with this type of development and he has several that have widths less than 60'. He stated the state of the current market and their desire to reach a certain price-point to make their lots competitive with areas that do not have Village taxes has led to this request for a zone change. He stated they would be willing to lock into 5 or 6 footprints if necessary. R. Dean has requested pictures of examples of this type of development and he will provide these.

J. Schanzenbach asked what the typical lot width on Van Wie East is and Mr. Hanlon stated they are close to 60' and that area is meant to be a hamlet-type development. T. King asked how steep the lots are. Mr. Trasher stated they have a 10% grade in the center section area. He showed the road profile and the grades.

J. Schanzenbach expressed concern that this could be considered spot zoning. Chairman Pelcher agreed that this is a concern. Mr. Trasher stated he does not feel this would be considered spot zoning as they would be rezoning an entire development and Chairman Pelcher agreed this does somewhat mitigate the

issue. Mr. Trasher also noted that a residential area in close proximity (Brooks/Curtis) has lots narrower than what they are requesting. He noted they are not looking for a decision now, just a recommendation for what to do next. He stated that since April of 2010 they have had slim to no interest in their homes averaging \$250,000. However, since they have been talking about the \$150,000 to \$180,000 price range, they have already generated interest. He noted there are only 5 families living in the development presently and only 5 of 54 lots have been constructed. An increase in homes and families on these lots will result in more taxes for the Village and will also benefit the developer and the current homeowners.

D. Jones stated this zone change would be a change in the law and there would have to be a public hearing regarding this. This will allow the Village to get input from the existing homeowners in the development.

Chairman Pelcher stated he realizes that sooner is better for the developer, but they will have to discuss this thoroughly and need to proceed with caution to be sure nothing has been overlooked. Mr. Trasher stated he will be happy to provide more information as needed.

B. Scherfling stated the homes are nice individually, but he feels together they all look too alike. T. King agreed.

N. Schlater stated she does hear of people now looking for not only smaller houses, but new houses, too. She believes there is a demand for this type of development and that the high-density is a good idea. She feels the lots are much like a traditional subdivision. However, she feels that the site is not very walkable. The Village sidewalk does not continue all the way up to this development and one of the Village's goals is to increase pedestrian traffic. She would like to see a connection to the Village as this would complement the bigger goals the Village has for development.

Chairman Pelcher stated that a development incorporating cluster housing generally needs some green space set aside to make up for the smaller lots. He suggested incorporating this and using it to connect to Festa Fairways via a walk path or sidewalk. This would then connect to the Village. T. Baker noted that Festa Fairways does not have sidewalks either.

Chairman Pelcher stated the Planning Board members will meet on their own and hammer some things out and then call them. He suggested they come to the next meeting in April to hear the recommendations and he will contact them to let them know if the Board needs anything from them before that meeting.

OTHER BUSINESS

East Genesee Business District Overlay

Dave Jones stated that Mr. Robert Weichert and Mr. Earl Styers are present to get clarification from the Planning Board as to the intent of the East Genesee Business District Overlay.

Chairman Pelcher stated the Village wants to be prepared should any new development be proposed for any vacant lots. New buildings should line up with what is currently there to create a corridor. The Village is trying to create a pedestrian feel for the business district and encourage parking in the rear of businesses rather than in front. He read from the East Genesee Business District Overlay memo dated February 8, 2011. Their goal is to sustain the unique character of the historic downtown area and also address areas where residential zoning bumps up to commercial zoning.

Mr. Styers asked what this does that the current zoning law does not other than give the Village more power. He stated the areas being addressed are pretty much all parking that is required because of the density of the buildings that face the street. He does not feel that walking is a problem in the Village. He stated he has a commercial building at 46 Oswego Street which is not included in this district, but his

parking lot is affected. He stated that the parking lots are really needed for the people who inhabit the commercial buildings that face Oswego Street. Chairman Pelcher stated that this type of parking is what the Village wants to encourage. The intent is to discourage parking in front of commercial buildings.

Mr. Weichert stated the areas addressed are from Mechanic Street to Elizabeth Street and he does not feel there is a need for more regulation on top of the regulation that already exists in the code. J. Schanzenbach noted that the existing code does not clearly define setbacks and does not really address sidewalks at all. The Village worked with a consultant to develop a master plan regarding connectivity. Under the current code, a new developer would not have to consider sidewalks in their plans. The overlay would require this.

Mr. Styers stated there is no need for this regulation because there are no vacant lots in this area. Any vacant areas are currently used for parking. He is concerned the Village wants to put buildings in the parking areas. J. Schanzenbach stated that is not what this overlay does. It looks at the area as a whole. N. Schlater added that it address specific areas without having to change the entire code and enables the Village to use this regulation only in areas where it is appropriate. This needs to be in place before a developer comes forward with a proposal.

Mr. Weichert stated he feels this is counterproductive because more regulation discourages development. J. Schanzenbach disagreed, stating he feels the opposite is true. It promotes development by providing for more lot coverage and it also clarifies things for potential developers.

T. King stated that this overlay looks towards the future and plans for what may come up. It may not have a use now, but will be effective when new development occurs. If a building burns down, a new developer would have guidelines to follow. The Village needs to be prepared to deal with changes. Chairman Pelcher stated the regulations need to be in place even if they aren't in use now because if the Village waits until a developer makes a proposal, that developer may feel singled out with new regulations. T. King stated that the overlay is more of a clarification of code and is not intended to restrict development.

Mr. Styers stated he feels the Village already has control of development because proposals have to come to Planning already. He feels the overlay will stop a developer from even coming into the Village.

Chairman Pelcher stated it is important to develop and maintain a comprehensive vision for the urban core of the Village so the Village does not up with strip mall development or the like.

Mr. Weichert stated he can see the efficacy of an overlay on the river side and on Lock Street, but disagrees with it on this side of East Genesee Street.

Mayor Saraceni stated that some time ago the Village spent approximately \$12,000 on an EDR study and made a promise that this would be a working document to steer the Village towards the future. Eight years ago when he was elected to the Board of Trustees, the Village still had a firehouse, there hadn't been a fire at Mr. Styers' building, and Lock Street looked completely different. No one would have guessed at all those changes. The Village is trying to look ahead so when opportunities present themselves, the Village is prepared. This overlay is designed to take the recommendations from the EDR study and codify them to allow that vision to move ahead. This is an attempt to address areas of the Village that are unique and the north side of East Genesee Street is a unique area.

Chairman Pelcher understands that this may seem like overregulation. However, they have tried to keep things very simple so there is some vision and when developers do come in, they will think this is a great place to be and want to be a part of this Village.

Mr. Weichert stated that not everyone agrees what the purpose of the Village should be. He believes the Village government should be for public health, welfare, and safety and he feels the present board feels we should be in the entertainment business, like Paper Mill Island and owning property for development on Lock Street. He does not feel that is the purpose of the Village government.

Mr. Styers stated he was at the Village Board meeting last Thursday and, according to the East Genesee Street business District Overlay, Mr. Charlie Farrell's building is noncompliant. D. Jones clarified that Mr. Farrell's building is not included in the overlay and is not affected.

Mr. Weichert stated his parking lot is in the district, as is Mr. Farrell's because they front on Oswego Street. T. King stated that this overlay protects their parking. Chairman Pelcher stated their parking would not be affected by this overlay. Mr. Weichert stated he is concerned because he can envision a scenario similar to something that happened in Fulton when a Kinney Drugs took a whole block and demolished buildings. He is concerned that this could happen with an overlay in play.

Chairman Pelcher stated the Board appreciates the comments from the public regarding the overlay districts.

N. Schlater asked if Mr. Weichert and Mr. Styers have received the parking study that was mailed out. They did not. Mr. Weichert gave her his email address and she stated she will add their information when it is provided.

Curtis Avenue/Gettman Drive – Subdivision

Chairman Pelcher reminded the Board that he had been approached in October regarding some neighbors who were interested in buying some property behind their houses on Gettman Drive/Curtis Avenue.

T. Baker stated the area in question is a remnant from a subdivision that was left undeveloped and it has been serving stormwater needs. Numerous people have expressed interest in purchasing it for development. If it were to be developed without proper drainage and infrastructure, it would push water onto neighboring properties. To avoid this possibility, a couple of neighbors wanted to be able to purchase this property together and add a portion to each of their existing lots. They would just be moving the property lines and are not adding any structures.

Chairman Pelcher stated the two neighbors have already purchased the lots and filed with the County.

D. Jones clarified that they are not creating a 3rd lot, they are just adding acreage to their existing lots. Onondaga County is looking for the Village's blessing regarding this and the acreage will be added to their tax map numbers. Chairman Pelcher will sign off on this.

Lock Street Overlay

Chairman Pelcher stated one question they need to address is whether to include the other side of Lock Street. He feels that those lots are already narrow nonconforming lots and it would be easy to include them.

Mayor Saraceni stated the Board of Trustees is awaiting the Planning Board's recommendations regarding the PDD.

T. Baker stated he met with Doug Reith, LS to discuss the issue of needing 10 acres to qualify for a PDD. He stated the zoning extends to the middle of the river and this will put the property in question over the 10-acre requirement.

Chairman Pelcher gave an overview of what a PDD is. It is a type of overlay that allows a municipality to allow for different sorts of houses than what they would typically allow (narrow lots, condominiums, townhouses, etc), the idea being that the Village could take some precautions to see that it is developed in the manner the Village would like it to be. The Village would not be the developer, but would be looking to sell the land to a private developer. An RFP will go out and would set a timeframe for completion based on performance. Mayor Saraceni noted that the Tri-County Mall site is a PDD and the Village did not include a performance attachment and it is still sitting there undeveloped. Therefore, a performance attachment is a necessity.

N. Schlater asked about the order of events. Does the Village form the PDD first and then send out the RFP or do they send out the RFP and use the responses to form the PDD? D. Jones stated they will develop the PDD in conjunction with the site plan. It is a situation that is least restrictive to the developer as they will not be hamstrung by the code, but will allow the Village to ask for certain concessions, such as lighting, aesthetics, etc.

T. Baker stated the Public Works Committed is discussing this and would like the Village to put together a set of guidelines of what the Village is looking for. Then they will solicit proposals and select a preferred developer and agree on a purchase price. At that point, the developer would be able to move forward with coming to the Planning Board for approval of the PDD as the developer envisions it and then finalize the purchase and begin development.

Chairman Pelcher stated the Village would have the option to provide design guidelines and standards in the RFP. T. King stated they are not typically restrictive as to colors, etc, but to width, height, depth, setback, etc. Mayor Saraceni suggested including public access to water or green areas. T. King suggested stipulating green areas that can be either public or private and/or stipulating that waterfront areas will be public. T. Baker stated the Public Works Committee would prefer not to tell a developer specifically what to do, but wants to say things like "higher density" or "owner-occupied" or "condominiums." This will leave it open to the developer's creativity. B. Scherfling stated he would want to be sure to include sufficient guidelines in the RFP so they don't end up comparing apples to oranges.

D. Jones suggested doing a Lock Street Overlay and then also doing a PDD for that specific area of Lock Street. J. Schanzenbach stated he feels for the purposes of the PDD, they should exclude the other side of Lock Street up to Salina as it is too different of an area from the river side of Lock Street. Chairman Pelcher agreed that they should just be looking at the one side of Lock Street to the center line of the river to meet the 10-acre requirement.

Parking Survey Update

N. Schlater stated she is still getting information and handed out the summary of what she has so far. She stated she did hear from the Greater Economic Development Agency and found out that they are awaiting the results to create a map of parking within the Village and add parking signs. They want to include the Village-owned parking lots and also identify business-owned parking on a map. Based on her results, there is not enough information to outline all the business-owned parking, but they can at least get the process started and create a map in 2 stages, starting with Village-owned parking and adding business parking when more data is available. She asked if there is already a map of the Village-owned parking. T. Baker stated there is not a map for this specifically, but it can be delineated on an existing map, like one of the EDR drawings.

N. Schlater stated she spoke with some people regarding the parking issues and one issue that came up was enforcement of the 2-hour street parking law, especially in the 4-corners area. Some cars are parked there all day long. Mayor Saraceni stated this is a conversation that can be had with law enforcement. Another comment that came up was the need for signage for parking.

N. Schlater stated that she has found that the existing parking requirements in the code are somewhat meaningless and suggested the Village go with best practices and use as the basis of the new parking code. The goal is to promote an overall better parking strategy beyond the code.

Chairman Pelcher suggested having names for municipal lots, for example "River Lot."

Work Session to Discuss Aspen Springs Rezoning

Chairman Pelcher would like to schedule a work session to get some thoughts together before the next meeting. He asked if this will need a public notice or if this would violate any open meeting laws.

D. Jones stated they can have a work session without posting notice. Chairman Pelcher scheduled this for Tuesday, April 5th and he will email the Board members as a reminder and to finalize a time and place.

The meeting was adjourned at 9:30 p.m. The next meeting is scheduled for Tuesday, April 26, 2011.

Respectfully Submitted,

Susan A. LaQuay

Planning Board Secretary