

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Monday, May 24, 2011, 7:30 P.M.
Approved 7/26/11

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

ABSENT: Bob Scherfling

ALSO PRESENT: Mayor Joseph Saraceni
Tim Baker, Village Engineer
David Jones, Village Attorney
Dick Clarke, Village Trustee
Susan LaQuay, Board Secretary

GUESTS: Mr. Dean Johnson, regarding 18 East Genesee Street
Ms. Wendy VanDerBogart, regarding 18 East Genesee Street
Mr. John Harwood, regarding 18 East Genesee Street
Mr. Tom Taylor, Esq., regarding 18 East Genesee Street
Mr. Michael Chemotti, regarding 18 East Genesee Street
Mr. Jim Orlando, regarding 18 East Genesee Street

The minutes from April 26, 2011 will be addressed at the June meeting as Chairman Pelcher wanted more time to review them with D. Jones.

OLD BUSINESS

Continued Discussion/Action regarding 18 East Genesee Street – Brookford Properties, LLC – Site Plan

Dean Johnson provided the Board with a site plan.

D. Arthur stated he attended the Zoning Board meeting last night. He stated SOCPA had reviewed the parking variance request and sent their recommendations, which have been received and addressed by the ZBA. A parking variance for a minimum of 60 parking spaces was granted.

D. Arthur noted a concern with this property is the deeded easement between the property owner and the owners of the B'ville diner. This has to do with an ingress/egress easement on the east side of the B'ville Diner. There is also a "gentleman's agreement" regarding parking and access. A long discussion regarding the easement followed. T. Baker stated he has reviewed the deed and it conveys access to and from East Genesee Street on the east and entrance to the shopping center on the west. It is confusing because there is only Village property to the west. Ms. VanDerBogart believes the wording refers to the entrance on the west rather than referring to a shopping center to the west. D. Jones stated there is no access on the west provided by the Village so the description is not useful and the Board could argue that

it is not bound by the language in this specific easement to keep that access open. He will look more closely at the deed and maps and provide an interpretation of what is truly in the deed.

Chairman Pelcher noted this is the first time the Board has seen a site plan. T. King Teri suggested putting in a sidewalk following the lot line to East Genesee Street as this would provide pedestrian access to East Genesee Street without walking through a parking lot. Ms. VanDerBogart noted that Kinney's does not have that. Chairman Pelcher stated that site plan review occurred prior to this current Board and there have been complaints about it. Mayor Saraceni noted that the Brookford Properties building is much farther back from the road than the Kinney's building.

Chairman Pelcher noted he is having hard time seeing how the Village property lines up with their property and the traffic flow. He stated this is a big concern because they want it to blend well. A long discussion was had regarding this. Ms. VanDerBogart stated it should line up with their most recent discussion they had with T. Baker. T. Baker stated it does not line up with the Village plan, it is more to the south. Chairman Pelcher asked if the Village can change the driving lane. T. Baker stated they could, but it has already been moved once. D. Arthur noted that the original Village plan almost matches up with the Applicants plan and asked why it cannot work. He stated he sees a straight throughfare through the Village property on the north side that would line up approximately to this plan. T. Baker stated he is not sure if this would create a traffic problem or not as he is not certain where it lines up.

Mr. Harwood stated there will be two front public entrances to the building. There will be a double man door on the back of the building for receiving. There is a raised sidewalk in front of the building that does not currently run across the whole front. J. Schanzenbach stated if they will have parking across the whole front they will need a sidewalk across the whole front as well. Mr. Harwood stated they will extend the sidewalk itself, but possibly not the overhang and the façade. This sidewalk would wrap around the west of the building. There is no sidewalk on the west side of the building presently. There grass area on the east side of the building it not curbed and they do not plan to curb it.

T. Baker noted that the plans submitted and approved by ARB included a canopy across the full front of the building. That is not the plan any longer. He stated they will have to go back to ARB to have this change reviewed.

J. Schanzenbach asked where the stormwater basin goes. Ms. VanDerBogart stated it connects behind Key Bank. T. Baker noted there is a catch basin on the extreme SW corner of the property by the trail. The property line bisects that catch basin.

J. Schanzenbach noted that the site plan does not really address the entrance to Village property to the south and he does not feel it ties in well with this at all. He feels at a minimum they will need an island on the south end or a row of parking to keep people from going the wrong way in a one-way aisle. Mr. Harwood stated they had a hard time figuring out what the destination of someone going behind the building should be.

Mayor Saraceni stated he had a long meeting last week with the applicant and tried to tackle the issues being discussed. He stated the reality is that this property runs from East Genesee Street down to the river and is a key component to any long-term traffic flow in the interior of that area. He shared some possibilities with the applicant. He feels it may be more attractive to the applicant for the tenant to look at far SW corner because traffic draws attention. He noted the applicant has committed to explore that down the road.

Mr. Harwood stated they had discussed traffic going in front of the building and going east from there. He sees this as a more contiguous tie-in. He is not opposed to the Village concept, but does not see how bringing people around back of building will benefit the trail and note there is no destination at the

moment. This is something they have agreed to review and discuss on the basis of what makes sense. He feels that it at least benefits the tenants if it is in front of the building. J. Schanzenbach agreed there is no immediate benefit to bringing it around back, but wants to keep that option open in the future. Mr. Harwood agreed to consider this when it makes sense.

J. Schanzenbach stated they still need a short-term solution on their site plan as the road is not going away on the Village side and asked how will they deal with the traffic coming off of Village property? Ms. VanDerBogart suggested making this a grass area for the time-being. Mayor Saraceni stated they had considered a minor connection that would have bollards to block it off and only open it for occasional traffic.

Chairman Pelcher noted this property is part of the Village Square overlay district (72-52.1) and there are two frontages to consider, East Genesee Street and the river front. The Village wants the riverside of the building to be as attractive as possible. He noted there will be a setback to consider. He noted the 6' high solid fence shown on the plan and D. Johnson noted that is a cedar fence. D. Arthur asked if they have seen the overlay details. He noted there is an approved version of this overlay and it is local law now, which will supercede the requirements of a business district.

Chairman Pelcher asked if they will have new mechanicals because they are splitting the building. Mr. Harwood stated that National Grid will be evaluating this, but they have ample power at the building.

Chairman Pelcher stated that mechanical/electrical systems and trash removal, etc. will require high quality screening at the discretion of the Planning Board. The mechanicals can be on the roof top as long as they do not exceed height requirements. The Applicant will need to show this required screening on the site plan.

Chairman Pelcher stated they will need to provide a lighting plan and a runoff plan. They will need to do a full site plan as this site has been vacant for longer than 6 months. D. Jones stated that code is clear that a building that is vacant for 6 months requires site plan review. Mr. Harwood noted they have a parking variance and asked what they are nonconforming on that will require them to do full site plan as they are not changing the fundamental use of the building. D. Arthur referred him to code 72-35(G) and (G-3) that states if a building is vacant for 6 months, that triggers site plan review. Mr. Harwood stated the dilemma is that they are faced with doing a lot of work and spending a lot of money that is not going back into the building and they are being treated as if they are doing a new building. D. Arthur suggested they look at the new overlay and work with T. Baker to come up with a site plan that matches up with the overlay. He does not feel they are far off from this. They will need to provide a site plan showing the layout.

Ms. VanDerBogart stated they worked with T. Baker and felt that the site plan they provided tonight was the right one. Mr. Harwood stated they left the meeting on Thursday with the opinion that this design will work with the Village. Mr. Orlando stated he did sit down with them as well and he feels the site plan is acceptable. Mayor Saraceni stated he was clear at the meeting that the plan has to be one that will address other issues and requirements, such as screening, a drainage plan and a lighting plan. D. Arthur noted that there may not be any problems with what they have now, but the Board will need to see it on a plan so they know what is there. Chairman Pelcher stated they are not saying they disagree with the layout on the site plan they submitted tonight, but they also want to see mechanicals and screening, etc. He understands the issues with the financial cost, but the Board wants to see the final plan for the site, not just stages. He noted there needs to be more detail about how they will tie in with the Village property, even if that means extending their drawing to scale on that side. He stated the sidewalk along the front of the building needs to be clarified better and they need to provide more dimensions overall on the plan. D. Arthur suggested having the dimensions checked with the fire department as well. J. Schanzenbach stated they should show setbacks, especially to the south due to the overlay. An ornamental fence is required

according to the overlay. D. Arthur stated they really need to familiarize themselves with the overlay district.

T. King stated she would like to see the addition of a sidewalk along the east property line with striping across the pavement. Mr. Harwood stated this would be a very long sidewalk and he anticipates problems with skateboarders. D. Arthur noted this is true for any sidewalk.

Ms. VanDerBogart stated she is concerned about their liability when there will be so much municipal traffic coming through their property. L. Barnett stated they should discuss this with their insurance agent.

Mr. Harwood asked if they could use vegetation as screening rather than an ornamental fence. J. Schanzenbach stated they intentionally wrote vegetation as screening out of the code. The minimum requirement is a 3' fence. They will need to show this on the plan as well as the screening for the mechanicals and trash, a photometric plan, and stormwater.

Mayor Saraceni stated he is concerned about there still being 2 curb cuts onto East Genesee Street. Ms. VanDerBogart stated they are not considering any changes to that now. Mr. Harwood stated that Kinney's curb cuts lines up with theirs and this takes away some of their flexibility. Mayor Saraceni stated he wants the curb cuts addressed with this site plan review as it is a huge part of the overlay district and the applicant has shown a willingness to entertain removing one. He stated it does not necessarily need to line up with Kinney's.

Mr. Harwood noted that they have had an empty building for 2 years now. They just want to upgrade and they want to work with the Village, but the economic reality is they need a tenant. Now they are putting money into engineering and technical services rather than into upgrading the building to accommodate and attract tenants. He asked how they can address the curb cuts in a cost effective manner and how can they make this change without leading to the need for additional changes. He stated they will try to further this in the next plan. D. Arthur suggested they take the 2 center parking lanes and move them west and close the entrance closest to diner. They could then create a sidewalk along the diner side and that will provide pedestrian access to East Genesee Street. The parking would not really change. Mr. Harwood stated they would need to widen the lanes to accommodate 2-way traffic. N. Schlater noted that people frequently use it as a 2-way now so it must be at least close to being wide enough.

D. Arthur feels they are close to having a workable plan and suggested a Board-member liaison to work with them between meetings.

The Applicant will work on a new site plan and will submit it for the next meeting.

OTHER BUSINESS

Village Parking

D. Arthur stated it was an eye-opener going to ZBA and seeing what their issues are with parking. The Village's parking requirements are so far off that they are creating a lot of work for Applicants and boards. He noted the Planning Board has done a lot of work on this and needs to look at nailing down numbers. Chairman Pelcher noted that every community that is forward thinking is reducing their parking requirements.

D. Arthur stated he feels the current requirements are a burden on businesses. He is aware they cannot pick a perfect number, but that is why the ZBA has the ability to grant a variance.

Chairman Pelcher suggested a retail requirement of 4:1000. D. Arthur noted that at least two ZBA parking variances were close to this number and he feels it is appropriate.

D. Arthur suggested that any numbers per square foot should encompass mechanicals, storage areas, etc. The current code does not do this.

Chairman Pelcher stated that he would like to keep the requirements simple and not attempt to define every type of business.

A lengthy discussion was had. The Board would like to consider the following:

- 1) Fees in lieu of parking (\$\$ to be used for public parking at a later date or for maintenance of public parking).
- 2) Reciprocal parking. N. Schlater stated she has verbage regarding this.
- 3) Civic use - requirement for a civic use to be at the Board's discretion. Consider replacing "civic" with something like "place of assembly."
- 4) Restaurant should be added to retail.

T. King stated they should have definitions about what is included in each use category.

D. Arthur stated he would prefer to not have anything just "at discretion." He would like to see some kind of guideline or number for each use.

The meeting was adjourned at 10:00 p.m. The next meeting is scheduled for Tuesday, June 28, 2011.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary