

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Tuesday, October 26, 2010, 7:30 P.M.
Approved 12/28/10

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

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

GUESTS: Mr. Joseph Mastroianni, PE, regarding NAPA Auto
Mr. Jim Nobles, regarding NAPA Auto
Mr. Joe Wilkenson

Upon motion by L. Barnett and second by D. Arthur, the minutes of the September 28, 2010 Planning Board meeting be approved as submitted. Motion passed.

OLD BUSINESS

Continuation of Discussion/Action NAPA Auto Site plan revision– relocation of condenser units
Mr. Joe Mastroianni and Mr. Jim Nobles are present to address the Board.

Mr. Mastroianni stated they have a letter from Extreme Mechanical explaining why placing the condensers in the back would not be advisable. This was submitted. The main concern is that they would have to be in the parking spaces and would not only take up parking room, but may be damaged. Also melting water may damage them as well. He stated he had spoken with Chairman Pelcher via telephone and had suggested (3) alternatives:

- A. Maintain the units in their current location, but build a partial structure around each to shield them from view. These would be open on the south side for airflow.
- B. Bring them straight down to the ground from their current location and place them on concrete pads. These would also be shielded.
- C. Take one unit straight down with shielding and/or greenery and the other two would come down to the ground and move back towards the southwest corner as far as possible. Mr. Mastroianni stated this is the most agreeable option.

The only other alternative would be to move them to the back, which the Board prefers, but the Applicant does not.

B. Scherfling stated that of the (3) alternatives presented above, he prefers option C. In the drawings, each one has an individual blockade, but he would prefer just one. L. Barnett, N. Schlater, J. Schanzenbach, and Chairman Pelcher agree.

J. Schanzenbach stated it will be important to be sure that the refrigerant lines and the electrical feeds are not exposed and in view. These should be run inside the building. Mr. Mastroianni stated that they will be inside. J. Schanzenbach stated he wanted to be sure this is specified in the minutes.

L. Barnett stated that the barricade should not be vegetation, but should be of a similar material to the siding because vegetation is not reliable as a shield. Mr. Mastroianni agreed.

B. Scherfling wanted to discuss the vegetation in the back. Chairman Pelcher noted that the trees are dead already. Mr. Nobles noted that one is indeed dead and he will be taking it back to the nursery to be replaced.

T. Baker wanted to specify how far back the last unit will be by the southwest corner. Mr. Mastroianni noted it is shown to scale on the plan. They will bring the last one straight down and then have 6' between each unit. He stated he does not want the last one even with the back corner of the building. J. Schanzenbach stated the distance between units should not exceed 6'. The back of the screening will have hinged access for maintenance.

D. Arthur asked when this will be completed. Mr. Nobles stated he will have to call Towne Mechanical. Mr. Mastroianni stated it will be done by the end of the year. Chairman Pelcher stated it should be completed by 1/1/11 and a temporary COO will be issued until that time.

Upon **motion** by L. Barnett and second by D. Arthur, the Planning Board will accept alternative (C) on sheet P3 of the amended site plan for NAPA Auto, located at 74 East Genesee Street. **Motion passed.**

NEW BUSINESS

D'Angelo property – 92 Oneida Street

Chairman Pelcher stated he has been in contact with Mr. Garrett D'Angelo, who owns a large corner lot on Phillips/Oneida Street. He would like to sell a corner of this lot to a neighbor. He was told by the County that he needs the Planning Board Chairman's signature in order to subdivide this lot. R. Carr looked into this and did not think this was necessary, but Mr. D'Angelo had a letter requesting this and R. Carr recommended that the Board discuss this before Chairman Pelcher sign off on the plan.

Chairman Pelcher stated the lot has more than enough frontage and Mr. D'Angelo will still be in the center of his lot. After the sale, he will still have 129' of frontage (only 75' is required) and he will be selling off 90' of frontage. Chairman Pelcher visited the site and stated it looks like the property already belongs to the neighbor who will be purchasing it because of the way the land sits.

D. Jones asked if this request came from County Mapping. Chairman Pelcher stated he is not sure.

T. Baker spoke with Mr. D'Angelo as well. His concern is that they may be creating a potential for someone to try to build on a substandard size lot. He has no problem if the parcel is added to the buyer's deed as that will just be shifting the lot lines, but is concerned about creating another lot. He would like to be sure it is understood that the buyer will rerecord his parcel to include this addition as one lot.

Chairman Pelcher noted that the neighbor may request to build a garage on the parcel in question; however, he does not believe this should be Mr. D'Angelo's concern.

D. Jones stated that the County has begun a push to clean up the sloppiness of the tax maps not matching deed descriptions. He feels this may be why they are requesting this formality. He does not see any problems with having Chairman Pelcher signing off on this as it will meet frontage requirements.

T. Baker noted that R. Carr had mentioned that the Village should adopt codes regarding minor subdivisions and one of the requirements should be subdivision of the land will not create any new lots and all lots must be incorporated into existing parcels. The NYS law under DOH is the creation of 4 or more lots under 5 acres within a 5-year period. That really is in regard to the subdivision of farm land and the concern is to provide for water and sewer systems.

N. Schlater asked if any action by the Planning Board is required. Chairman Pelcher stated the County just needs his signature and he just wanted the other Board members to be aware. D. Jones stated the County just wants to be sure that the Village Planning Board approves this transaction pursuant to the description. D. Arthur noted the Planning Board really does not want a subdivision, but rather a lot line change as they do not want (3) lots, just a new boundary line between the (2) addresses. D. Jones stated that technically the seller must first subdivide the property before sale. Because it would be simultaneously acquired by the purchaser, there would be no subdivided lot and the subdivision would exist for only a fraction of time. D. Arthur stated he feels the Board should consider wording the motion in such a way as to prohibit the parcel from becoming a third lot. Chairman Pelcher stated he feels this may be a moot point as the parcel alone would not be a buildable lot anyway. T. Baker noted that once it is a lot of record that it could be considered an existing nonconforming. He suggested making the motion to authorize the transfer of property from one tax map parcel to the other so it is understood that it is going from one to another as shown on a map.

D. Jones stated he does not feel that they are looking for the Planning Board to sign off on this; rather they want to see that the Planning Board has no objections. They can include that this is not a new tax map parcel, but increases the buyers parcel. He is aware of some instances where during a real estate transaction a lawyer has seen an abstract where the parcel was not approved by the county and the seller now has a problem. The County may be covering for this potential issue.

Chairman Pelcher stated that with the Board's approval, he will craft a letter with D. Jones after tonight's meeting. All Board Members approved.

Upon **motion** by D. Arthur and second by L. Barnett to authorize Chairman Pelcher to sign a letter to the County stating that the Planning Board has no objection to the transfer of land from the northeast corner of Mr. Garrett D'Angelo's property at 92 East Oneida Street to the owner of 7 Phillips Street. **Motion passed.**

OTHER BUSINESS

Golden Legacy II – Meigs Road (Tom Sciuga)

Chairman Pelcher stated he and T. Baker had a short informal meeting with Mr. Trasher and Mr. Sciuga. They stated they did not want to be on this agenda. They told T. Baker that they would be submitting materials for the next meeting.

OVERLAY DISTRICTS

Chairman Pelcher stated that this has stalled a bit and he is not ready to present anything new to the Board. This will be revisited at the next meeting. T. Baker stated he will try to get the description and map completed in the next few weeks. Chairman Pelcher noted that the CEO is out from work for an extended period of time, which has not allowed T. Baker the time to have this completed.

BYRNE DAIRY

Chairman Pelcher stated he and B. Scherfling had a last-minute meeting tonight with Byrne's representative (Christian) and Mayor Saraceni. Byrne Dairy showed a new plan. Nothing has really changed except that the DOT did give permission for the right turn onto East Genesee Street. He wanted to see if the Village would give him parking on the side of the liquor store. Chairman Pelcher did not feel that the Village Board would be willing to do that. D. Arthur asked if the turn onto East Genesee Street would be westbound in and westbound out. Chairman Pelcher confirmed this. He noted this is veered wrong on the plan and will need to be reworked. N. Schlater asked why they want that because a Spruce Street exit would not be far. Chairman Pelcher is not sure and feels a Spruce Street exit/entrance would make more sense as well. T. Baker noted that the building part that they will retain for their use (at 10,000 square feet) is much larger than a typical Byrne store, which is 4000 to 5000 square feet. Chairman Pelcher noted they had considered taking down part of the building, but that was determined to be too expensive.

Gettman Drive – Joe Trionfero

Chairman Pelcher stated that Joe Trionfero contacted him last night stating he and two neighbors have offered to purchase a parcel of land to extend their backyards and keep development from occurring there. At one time, a developer had planned to build houses on that land, but this did not occur and the owner is willing to sell to them. T. Baker showed the Board Members where the lots are located on the map. Chairman Pelcher stated their goal is to protect their properties from further development, but also from snowmobilers, etc. He stated he is not sure if the Planning Board has any jurisdiction because they have not asked to re-subdivide off a parcel as a separate lot, but the property owners just wanted to be sure it is okay for them to do. T. Baker noted there is an approved subdivision back there that was never built, which included how they were going to deal with the runoff. This is only a concern if it is developed in the future.

Continuation of discussion regarding Parking Survey

N. Schlater stated she has not sent this letter out to business owners yet. After the last meeting, she heard concerns that a survey had already been done. She confirmed that it has not been done already, but she is now concerned that some of the questions about Village-owned parking will lead some to believe that the Village is doing something with their own parking. She is concerned that the survey may raise alarms, which may alter the way business owners answer the questions. She would like to remove the questions related to Village-owned parking and feels that the survey would then provide more useful data. N. Schlater also noted that Lori from Chamber of Commerce has offered to send the survey out to business owners via email rather than hardcopy letters through the mail. Chairman Pelcher stated he is fine with this, but would like to see it before it is sent out.

The meeting was adjourned at 9:35p.m. Then next meeting is scheduled for Tuesday, December 28, 2010.

Respectfully Submitted,

Susan A. LaQuay

Planning Board Secretary