

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

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

ALSO PRESENT: Ron Carr, Village Attorney
Tim Baker, Village Engineer
Susan LaQuay, Board Secretary

GUESTS: Mr. Doug Reith, LS, regarding Doran Subdivision
Mr. Greg Hudson, regarding Hudson & Mowins
Mrs. Cathy Hudson, regarding Hudson & Mowins

Upon motion by D. Arthur and second by Chairman Pelcher, the minutes of the September 28, 2010 Planning Board meeting be approved with a minor correction. Motion passed.

NEW BUSINESS

Discussion/Action regarding Hudson & Mowins – Greg and Cathy Hudson - driveway

Mr. and Mrs. Greg and Cathy Hudson, Applicants, are present to address the Board.

Chairman Pelcher stated he had looked at the site a few days ago. He asked if the Applicants own the old NAPA building now. They confirmed that they do. Mr. Hudson stated that the proposed driveway will allow tractor trailers delivering to NAPA to drive through rather than back out onto East Genesee Street. The driveway and parking area shown on the drawing will be newly blacktopped. The driveway will be 13' 6" wide. Chairman Pelcher asked why the driveway is angled instead of straight. Mr. Hudson stated they will require an angle to get to the rear parking lot. He stated he received a letter from Mr. Nobles stating it is okay to have paving on his property. He provided a copy of that letter to the Board.

T. Baker stated he recommended that the Applicant come to Planning as there are two existing site plans, one for the site where Hudson & Mowins is and one for the site where the old NAPA building is. Mr. Hudson has already started redeveloping the old NAPA building. The ARB has approved the façade. The two sites are separate parcels at this time. Mr. Hudson currently owns the old NAPA building and is in the process of acquiring the Hudson & Mowins property from his family. They have joined occupancy and the Applicant has actually put a walkway through from the old NAPA building to the Hudson & Mowins building. This has increased the size of the space of his occupancy, which T. Baker stated he

feels constitutes a change in the site plan as it was based on certain occupancy. Plus, the connection between the new NAPA site to the old NAPA site raises questions as to how the Hudson & Mowins site plan relates to the new NAPA site plan. Because of those changes and the fact that the Planning Board is looking at the East Genesee Overlay, T. Baker felt it would be good for the Planning Board to review this proposal. He noted that, although the connection has been made between the buildings and significant interior work has been done, the exterior work has been limited thus far. He feels this proposal will require an amendment to either the Hudson & Mowins site plan or to the new NAPA site plan as there will no longer be a parking area in the back, but actually a connection between lots.

D. Arthur asked if there are any issues with connecting two buildings on separate properties. T. Baker does not believe so. D. Arthur asked what the distance between the buildings is. Mr. Hudson stated it is 5'. He stated he did receive a permit from Rolf Beckhusen before any work was done. T. Baker stated there is no building code issue. D. Arthur stated his concern is a fire safety concern. This was addressed by the Codes office.

T. Baker stated he sees this change as an increase or change in occupancy as it increases the available use and area. Issues such as parking may be affected. This is why he recommended Planning Board review.

D. Arthur asked what the additional building will be used for. Mr. Hudson stated it will be garage space for servicing cars. He stated they would like to get started on the exterior work soon.

Chairman Pelcher stated he understands what T. Baker is concerned about, but he is not sure what the Planning Board needs to do. He feels that less parking may be required as NAPA was a retail use. T. Baker stated he feels the proposal meets the threshold for site plan review.

D. Arthur stated he feels this is a preexisting nonconforming issue. The Applicant is not changing the footprint. The building was used for retail before, which would require more parking spaces than a garage will require. His only issue is that he does not like the acute angle with which the driveway approaches the NAPA parking lot. There are already issues with the rear parking lot that have not been resolved. There is limited space back there and there is no sidewalk. To have a dedicated driveway as a thru-way between the properties without addressing the pedestrian access is a concern. He would prefer to see the driveway come in straight so as not to reduce visibility issues. T. King noted that a tractor trailer could not make the turn if the driveway were straight. J. Schanzenbach suggested flaring the edges or curving the driveway to address this. L. Barnett stated there are rarely ever more than three cars in the front parking lot and no cars in the back lot other than employees. He feels that the pedestrian issue is not a problem from a practical standpoint. D. Arthur stated he understood the point, but there are parking spaces in back, which requires that pedestrian issues be addressed.

T. Baker stated that the old NAPA building had parking spaces laid out on the property. Large garage doors have been installed on the east side and parking spaces that used to be there are not any longer. This represents a functional change to the site plan. He noted there is no formal on-paper site plan on file. Chairman Pelcher asked about parking on the old NAPA building site. Mr. Hudson stated do not plan to have customers park on that site. The customers still park in the lot where the current Hudson & Mowins building is located. Technicians still pick up cars where they always have and the parking lot is just to traverse the lot to get to the garages. There is plenty of room for parking spots if necessary, but he has no plans for parking.

Chairman Pelcher stated he feels a slight curve to the proposed driveway is preferable to an acute angle and the Board agrees. Mr. Hudson stated he can do that. He would like to get started ASAP as the asphalt plants will be shutting down pretty soon with the change in season.

Chairman Pelcher asked R. Carr if this is an issue the Planning Board will need to vote on. R. Carr stated he will defer to T. Baker regarding this. He does not see where this constitutes a significant change. T. Baker stated his rationale is that this is a change in a property that affects other approved site plans. He realizes there may not be more parking required on the old NAPA site, but they will now be running more business on the Hudson & Mowins site. He stated he does not feel it is a problem, but just wanted to keep Planning involved. He is sensitive to the issues with the new NAPA site plan not being followed and this proposal is taking a parking lot and changing it to a drive-thru. He feels that the Applicant is doing a great job, but at some point changes to an existing commercial property where there is no existing site plan should require Planning Board involvement and site plan approval. R. Carr noted, however, that nothing is being modified as there is no existing site plan. This application is not for approval of a site plan modification, but just for putting in the driveway. He does not believe it is an issue for site plan review.

L. Barnett stated his concern is that the proposed driveway is going right back into the rear of the new NAPA building, which is where the 3 HVAC units were supposed to have been installed. There was supposed to have been a sidewalk located there as well. This issue is still being addressed with Mr. Nobles. If the Planning Board determines that NAPA has to do something different in the back of the building, he is concerned that it could impact the location of this driveway. He wants Mr. and Mrs. Hudson to be aware of this possibility. Mr. Hudson stated he will put the driveway where he can with the understanding that the issues regarding the new NAPA building may impact his plan. L. Barnett stated he would not recommend blacktopping the driveway until the NAPA issue is resolved. Chairman Pelcher agreed and stated he does not want to approve this and have it change later. He feels the Planning board may have a decision regarding the NAPA issue at the next meeting. He will contact the Applicants later in the month or after the next meeting.

At this point, the Applicants left the meeting.

Later in the meeting, during discussion regarding NAPA Auto Parts, T. Baker asked to revisit this issue. He used the Byrne proposal for the Wacky Wyatt's property as an example. That Applicant is proposing to do everything within the envelope except for putting in gas pumps and he wants to change entrances and add entrances and reline parking, etc. This meets the threshold for site plan review. In the case of Hudson & Mowins, they did remove parking when they put in the garage doors. The argument is that there is no site plan so there is no need for a site plan amendment, but T. Baker feels that there is a de facto site plan that exists after a certain amount of time. If this is not the case, older sites may never be subject to Planning Board review. He is especially concerned in light of the fact that this proposed driveway potentially impacts an adjacent recently approved site plan by turning a parking lot into a drive thru. He would like to know what the threshold is for site plan review. R. Carr noted the thresholds are set forth in the code. L. Barnett suggested that NAPA should be responsible for returning to Planning for an amendment regarding the new connection to Hudson & Mowins. J. Schanzenbach asked if change in use would require site plan review? R. Carr stated possibly. J. Schanzenbach stated he feels that the Hudson & Mowins change of the building from retail space to garage space would constitute a change in use. R. Carr stated that if the change in use is to a use that is also permitted in the code, then it would not require review. R. Carr stated this is a unique situation involving two 2 separate lots and 2 separate buildings that are connecting.

T. Baker noted that the parking calculation for Hudson & Mowins is based on square footage, which went way up when they connected the buildings. He feels it should be viewed as one large occupancy across the two lots even if the deeds are not combined.

T. Baker stated he is looking at how the community can evolve towards new requirements. He feels the Village needs to have requirements somewhere for existing sites to come in for review or else the Planning Board will never have a mechanism to require them to update and meet new requirements, such as sidewalks. He agrees this should not be required for minimal changes, but proposed there should be a point at which they should be required to come before the Planning Board. He also suggested there should be a de facto site plan considered for existing sites. J. Schanzenbach asked if the Village should adopt a set of triggers for site plan review? D. Arthur stated he feels that is a great idea. R. Carr stated they need to be careful to not be too restrictive and trigger review for minor changes. D. Arthur suggested this proposal could be considered for a change in use, an alteration in traffic flow, and an alteration in pedestrian access.

Chairman Pelcher asked if there is any curb at the old NAPA site. T. Baker stated you can pull off the road across the entire building front. He noted they are not proposing to use that entrance anymore. Chairman Pelcher noted that filling stations and garages have a different requirement for curb cuts and referred to code 72-27 (b), which states that "curb cuts should be no more than 30' in length." T. Baker stated they have changed the use and become a commercial garage and asked if they need to meet that requirement. D. Arthur asked if the curb cuts were nonconforming when it was a retail business. T. Baker stated it was. Now the use has changed. He noted that because it is located on Route 31, the DOT has curb cut approval as well. He noted the proposed Byrne Dairy and stated his last discussion with them was that they believe they can get approval for exit-only onto Route 31 from the DOT. Chairman Pelcher stated he has just received a copy of an email from the DOT to Onondaga County. He read this to the Board. This email from the DOT requested that the OCPB referral be amended to allow a right-in/right-out proposed Byrne Dairy site along Route 31. T. Baker noted that the Village can still deny this curb cut.

Chairman Pelcher stated that Hudson & Mowins has a permit already. The trigger for site plan review should have been the joining of the two buildings. However, this did not happen. T. King stated the sidewalk issue may impact the driveway. J. Schanzenbach suggested the Board tell the applicant this proposed driveway will be triggering issues for this and other sites. D. Arthur stated that the reality is they could both tarvia right up to their respective property lines in the same location and they have a driveway and the Planning Board has no jurisdiction. R. stated they can argue that putting in the driveway will alter the traffic flow through the NAPA lot.

T. Baker stated he pursued this issue because he wanted to give the Planning Board the opportunity to review the site and potentially require a sidewalk to conform to current requirements. D. Arthur agreed that this would have been a good thing and feels it unfortunately is a missed opportunity.

Ultimately, the Board determined that the driveway is not an issue the Board can deny. The Applicant and neighboring property can tarvia right up to their property lines anyway. J. Schanzenbach stated he feels the driveway may be good as it would eliminate tractor trailers backing out onto East Genesee Street. Chairman Pelcher agreed and stated the Board may not want to block it if it may indeed improve traffic safety.

Discussion/Action regarding Doran Subdivision – Canton Street

Mr. Doug Reith, LS is present to address the Board on behalf of the Applicants. He stated they are looking to cut a 1.2 acre lot out of a 9.5 acre lot on Canton Street. The code requires a minimum of 80' of frontage and Mr. Reith stated this proposal provides 150' of frontage. He stated there is enough room where they could leave 60' to allow for a future road to provide an entrance and exit in case the Verkler/Johnson property is ever developed.

R. Carr stated he feels this proposal does not require site plan review as it is not divided into three or more parcels. This proposal involves only 2 parcels and is not creating substandard lots. There is nothing for the Planning Board to do.

Continuation of Discussion/Action regarding new app for Meigs Road – Tom Sciuga – Golden Legacy II

Chairman Pelcher stated a few Board members, including himself, met with the Applicant and engineers at the site. Mr. Sciuga stated at that time that he will come back to Planning with a slightly different plan to show a change in the radius of the front drive to allow for connection in future either to Conifer Village or a Canton Street connector. Mr. Sciuga was concerned about meeting the frontage requirements, but felt they could make the turn and still keep the frontage.

T. Baker stated as it had been proposed, Mr. Sciuga would be providing all the right-of-way necessary to the far end of property. Now the proposal, as he understands it, is that Mr. Sciuga will provide enough right-of-way for the road that he needs at this time and he is proposing a new alignment that will put the road onto his neighbor and if the neighbor needs to connect, he can provide the additional right-of-way so it is not all Mr. Sciuga's burden. He stated the tighter radius being proposed will actually put the road on a better alignment to tie into a proposed connection to Ford Street. He thought they would be providing new materials for him to go over, but he did not receive anything. He left a message with Mr. Trasher.

J. Schanzenbach asked about the water issue. T. Baker stated the plan is to take the shortest route and reconnect to the loop around Tri-County, which will give the Planning Board the loop they want. Mr. Sciuga will be leaving a "T". Chairman Pelcher stated some drainage issues are still unresolved, but they will be taken care of.

T. King asked if they had discussed any additional planting. Chairman Pelcher stated this was not addressed, but this will be addressed in the future.

T. Baker stated he is working with the Applicant to get these changes done. They may shift the buildings as Mr. Sciuga does not want to downsize them.

Continuation of Discussion/Action NAPA Auto Site plan revision– relocation of condenser units

Chairman Pelcher stated he sent a letter sent to Joe Mastroianni. This was provided to the Board Members. He stated he also called Mr. Mark Davidson from Town Mechanical, who is the gentleman who wrote the letter that Mr. Mastroianni provided stating why the units should not be moved. Mr. Davidson stated he did not install the units and has not had a chance to look at them. He will be the one moving them if necessary. He discussed the technical data with him as well. Chairman Pelcher also called Dean Johnson of the ARB. Mr. Mastroianni had stated that Mr. Johnson had told him it was okay to move the units and Mr. Johnson denied telling him this. Mr. Johnson stated the ARB feels the location

is terrible and he did suggest ways to minimize the look of them, but he never said it was a good place to move them.

Chairman Pelcher stated he also checked the landscaping in the back and the trees are where they should be according to the site plan, but they are dying already. He also counted the parking spaces and there are 50. There are supposed to be 52 spaces. However, the spacing is okay and they are lined correctly. T. Baker stated there are two unlined spaces just on the east end along the back.

Chairman Pelcher stated they still need to resolve the sidewalk issue. T. King noted that the Board had previously determined there was no room for that sidewalk. Chairman Pelcher agreed and at that time it was not really a big issue, but now with the connection with Hudson & Mowins, it could be a problem. They already cut through the lots.

T. Baker wanted to revisit the Hudson & Mowins issue briefly. This discussion is included above with the initial discussion.

Chairman Pelcher stated the Board needs to anticipate what NAPA's response may be regarding the HVAC units. He feels they may come back to the Board and say it is too costly to move them if the Board requires this. L. Barnett stated that the problem is theirs as this cost is being incurred because of their own actions.

T. King asked why there is no room for the sidewalk that was included in the approved site plan. Chairman Pelcher stated there isn't room because the building was built 20' larger than planned. He stated he would want the sidewalk now given the parking in the back of the building. T. Baker noted that NAPA proposed the sidewalk. The Village initially did not ask for it. D. Arthur stated he also is now concerned about the lack of a sidewalk if there is now going to be a thru-way behind the building. He would be willing to give up the sidewalk if not for that. Nicole Schlater stated the Board should assume they will pave up to the property line since Planning has no jurisdiction and they will need to mitigate that with a sidewalk. D. Arthur stated he feels there is room for the sidewalk if they move the berm. He suggested the Board could say they will allow them to leave out the sidewalk if they put up a rail or a barrier to stop thru-traffic.

Chairman Pelcher stated that the landscaping was required for screening for the residential neighbors. The trees are in bad shape and need to be addressed.

Regarding the driveway, J. Schanzenbach stated he feels the driveway may be good as it would eliminate tractor trailers backing out onto East Genesee Street. Chairman Pelcher agreed and stated the Board may not want to block it if it may indeed improve traffic safety.

Regarding the HVAC units, the Board has determined they want the long run for the units and want them moved to the back end corner. They will need to be on the ground and be enclosed. The Board will also address the front landscaping, which is grass now, and will ask if they broke up the tarvia as planned. They will also need to replace the vegetation in back.

OTHER BUSINESS

Continuation of discussion regarding Parking Survey

Nicole Schlater stated she had received some corrections from L. Barnett. She made those corrections and will get this sent out.

The meeting was adjourned at 9:05p.m. Then next meeting is scheduled for Tuesday, October 26, 2010.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary