

**VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES**

Tuesday, December 28, 2010, 7:30 P.M.

Approved 1/25/11

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

ALSO PRESENT: Mayor Joe Saraceni
David Jones, Village Attorney
Tim Baker, Village Engineer
Ron Dean, Codes Enforcement Officer
Susan LaQuay, Board Secretary

GUESTS: Mr. Thomas Sciuga, regarding Golden Legacy II
Mrs. Ruby Sciuga, regarding Golden Legacy II
Mr. James Trasher, PE, regarding Golden Legacy II
Ms. Tammy Carter-Kinney, regarding Golden Legacy II
Mr. Bob Wilkinson, regarding Golden Legacy II

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

Golden Legacy II – Meigs Road (Tom Sciuga)

Mr. James Trasher, PE and Mr. and Mrs. Tom and Ruby Sciuga are present to address the Board. Mr. Trasher stated that since the last meeting he had gone back and forth with Tim Baker regarding the alignment of the road and where it should be placed. He believes the new plan showing this is acceptable in terms of the geometry of the road. He stated the drainage and the swale down to the creek along the property line was addressed, as was maintenance vehicle storage.

Chairman Pelcher noted that the garage units shown in the plan are new. Mr. Trasher stated this is correct. There is one garage unit for every apartment as this is what the demand is for. It was noted that the building line of the garage units extends approximately 2-1/2' over the proposed setback line. Mr. Trasher stated they will shift the building line a bit further down to avoid this setback issue.

D. Arthur stated he is concerned about parking and about the garages. He noted that the northern most building will have direct front access to 19 garages. However, he wondered how the other buildings would gain access to the garage. He asked if the residents would have to walk around the garage structure. Mr. Trasher suggested they could put in a walkway. D. Arthur asked why type of tenant they

will have and asked if this is a retirement community. Mr. Trasher stated there could be deed restrictions to 55 and older. D. Arthur noted there are 8 parking spaces in front of the northernmost unit – 6 spaces for 2nd cars and visitors and 2 handicap spaces. Garage access will be difficult and he does not see this as a functional parking plan for this building. He noted that the southernmost building has access to more parking. Mr. Trasher stated it is difficult to achieve easy access when there is a 1:1 unit/garage ratio. D. Arthur stated he believes this is fixable. He thinks it is great to provide garage parking for each unit, but also wants to see appropriate parking provided for 2nd cars and visitors. Mr. Trasher stated they will work on this.

J. Schanzenbach asked if there are any changes to the drainage. Mr. Trasher stated they have gone back to the old drainage pattern and proceeded to describe that. They will be managing all the stormwater on site. The size is reduced because they had previously been working with the developer of the Tri-County Mall property. Tim Baker stated he does not see the calculations for the drainage on the plan. Mr. Trasher stated this was provided both times they submitted plans. He showed where the water line would connect. Tim Baker stated they have not gone over water line sizes yet. Mr. Trasher stated they are typically 8”, which is what is there now. They will keep it the same and will discuss materials.

D. Arthur noted that the previous plan showed a much larger turning radius in to driveways. Tim Baker stated they may have to expand it out a bit at the entranceway. He stated they will do a test drive. B. Scherfling noted that the one side does not have a radius in the event it continues. Mr. Trasher stated that any expansion will require a new radius. B. Scherfling noted that the catch basin would be in the way of that and will need to be moved down.

T. King noted that the parking lot/sidewalk layout, the plans are missing some notes. The transition curb and the full height curb is shown on one side and the other side is noted as flush with the driveway. The Board would rather see it transitioned and back up to a full curb height on both sides (on C9). Mr. Trasher stated he will take a look at it.

Tim Baker stated that the road alignment is something that they can work with in the future. It will provide for a nice big radius (which started at 100 but is now at 150).

Chairman Pelcher stated he will want to see more screening landscaping on the plan. D. Arthur would also like to see more detail regarding the screening between this property and the one to the SE. Mr. Trasher noted there is an elevation difference between the properties and they are like uses. They will try to keep the existing trees as much as possible. D. Arthur noted that based on older conversations there is a difference between the properties. He believes the residents would want some screening. Mr. Sciuga noted there is a fence that separates the properties already. Mr. Trasher suggested extending this to keep out cross traffic between the properties. Chairman Pelcher wanted them to also consider the screening on the very north side. The properties on that side may eventually be developed. Mr. Trasher noted there is not a lot of room to work with there and suggested this should be addressed with the other developer (s).

T. King stated she likes the swales and the drainage on this plan much better.

T. Baker stated he will review the drainage plan and the original Golden Legacy design to recharge the well protection area. He does not see any major concern for contamination and does not see any problems with the site plan provided the calculations work out. He has not been over those details yet.

D. Arthur asked about the lighting plan. Mr. Trasher stated they will submit a photometric plan showing this.

Chairman Pelcher stated the Board can make a decision after Tim Baker gets and reviews the drainage plan. The Board would also like to see a lighting plan and would like to see the parking issues addressed.

D. Arthur asked when they plan to start. Mr. Sciuga stated he is not sure. They have not been able to promote the project yet because it hasn't been approved. They still need to work with the banks and they have a meeting with them on Thursday. He had hoped to be able to tell the bank that there is an approval. Mr. Trasher asked if they submit the new plans addressing the outstanding issues by the end of the week if it would be possible to have a special meeting rather than waiting until next month. Chairman Pelcher and the Board discussed this and agreed to hold a special meeting on January 11, 2011 at 7:30 pm.

OTHER BUSINESS

BYRNE DAIRY

Chairman Pelcher stated he and Tim Baker had met with Byrne Dairy representatives, along with Ron Dean (CEO). Byrne is still requesting parking on Spruce. They were again told that is not possible. The Village will likely want screening there. There was discussion regarding changing the building shape and taking down the liquor store. This will allow for parking in that location. J. Schanzenbach asked if the 2 buildings are structurally separate. T. Baker stated the liquor store appears to be an addition. It would make sense to take it down. This would also allow more room for trucks unloading. Byrne may submit plans for the regular January meeting.

TRAINING OPPORTUNITIES

Chairman Pelcher noted there are new board members and there is a certain number of hours of training required per year. He discussed a few options and this will be addressed further at the next meeting.

NAPA

Chairman Pelcher noted that the temporary CO for NAPA expires on December 31st and there has still been no movement regarding the HVAC units as promised. Ron Dean confirmed that the units have still not been moved. L. Barnett stated that they have had plenty of time to move them.

R. Dean stated he feels the argument that the lines were too long from the back of the building was misleading. He also noted the landscaping issue and stated he took photos of the trees. The plan reflects trees with a 5' base. The trees there have approximately a 1' base. They trees were also supposed to have been staggered, but were instead planted in a straight line. T. King noted that most plans, however, reflect a five-year growth.

R. Dean suggested a new proposal for the HVAC units. He stated they could keep them at the elevated height, but put them in back. This would address the vandalism/damage issues brought up by the Applicant. J. Schanzenbach suggested that Chairman Pelcher send a letter to Mr. Nobles stating that the Village now has a CEO on board with and he has presented the Board with a new option

D. Arthur expressed frustration that the Applicant is blatantly noncompliant. It was agreed that this completed by the 31st and he feels they clearly do not care about what has been asked of them. J. Schanzenbach agreed, but noted the only way for them to comply is to put the units on the ground in back as was decided at their last meeting. Now the board is suggesting another location in back, but elevated. He feels if this is the case the Board should give them more time. L. Barnett stated he feels they have had plenty of time already.

D. Arthur thinks Ron Dean's suggestion of keeping them elevated but moving them to the back is a better idea. However, he is concerned about changing the agreement yet again. He suggested letting the CO expire and taking action at that point. R. Dean stated he can require that they remove the condensers immediately as they are not currently being used and will not be until summer. Chairman Pelcher noted this does not address all the issues they were supposed to have addressed, such as parking.

Mayor Saraceni noted the Codes office could allow the CO to expire and then fine them for each day they are operating without one. This would get their attention without shutting down their business.

D. Arthur asked if they just remove the units, would they be issued a CO. R. Dean stated they could issue a conditional CO. J. Schanzenbach noted they are not in compliance if they just remove them. The agreement was to move them to the back. T. Baker stated the relocation will be easily addressed when they want to install them in the proper place as they will have to come to the Codes office for a permit.

D. Arthur noted that the Board's intent is not to kick a business out. However, he is tired of wasting time dealing with them if they don't want to even attempt to comply. He would like to see them fined. R. Dean noted this would give them a clear indication of the sincerity of the Board. He noted the code allows him to issue the violation to the tenant or owner or both. D. Arthur stated he believes the fine should be issued to the owner. Chairman Pelcher agreed as the owner has been at the meetings and is aware of the issue.

R. Dean noted that the condenser units were not the only issues the Applicant is noncompliant with. There is the landscaping issue, the gates to the dumpster enclosure, which are being left open for convenience and are, therefore, not serving their purpose of screening, and the need for tire stops at the back of the building since there is no sidewalk. Chairman Pelcher noted that because there was originally a raised sidewalk, tire stops were not addressed. T. King noted that the landscaping cannot be addressed until spring. Chairman Pelcher suggested they could just remove the units and cap them and can still put them in the proper location in April. They would still be in compliance as long as they followed the plan.

Dave Jones stated he will look at the code to see what can be done. He stated if the CO expires then the structure become unapproved. The code does not state they have to vacate, but that they "shall" be fined per day until compliant. R. Dean stated the fine is to be determined by a judge. D. Arthur suggested submitting minutes to the court so they can see that this issue has been ongoing.

N. Schlater asked if removing the units could constitute compliance as the agreement was to relocate them. If the intent was to remove them from view, then removal would satisfy the intent. J. Schanzenbach suggested the judge could determine whether or not removal constitutes compliance. D. Arthur suggested, given that they cannot pour concrete at this time of year, that they could be given the option that R. Dean suggested and move them to an elevated location in back. Chairman Pelcher stated they will address this again at the Special Meeting on January 11th if necessary.

Dave Jones suggested that, although the minutes speak for themselves, the Codes office should send Mr. Nobles notice to inform him of what will happen if the agreed upon deadline of December 31st is not met. R. Dean stated he will send Mr. Nobles a letter as soon as possible.

TRIGGERS FOR SITE PLAN REVIEW

Chairman Pelcher stated the Board needs to decide on what should trigger a site plan review. For example, Mavis Tire did not come before the Planning Board. The connection between two buildings for Hudson and Mowins did not come before Planning either. T. Baker stated that Mavis Tire/Cole Muffler is changing the façade. Cole still owns the building and now the tenant is Mavis Tire. There is a just a slight change in use. They had been storing tires outside, which Codes informed them they cannot do. D. Arthur noted that Hudson and Mowins stores tires out back. Chairman Pelcher also noted that Sammy Malone's also did not come before the Board for their enclosure of the open patio.

Ron Dean stated that the triggers come from the section of code that outlines what does not require site plan review. Chairman Pelcher agreed. The code lays out things the Planning Board does not have to review. Ron Dean noted that most municipalities have codes online.

D. Arthur stated he feels there is a disconnect between the Village Boards. He suggested that agendas and minutes should be shared between Boards. Mayor Saraceni agreed.

OVERLAY DISTRICTS

Chairman Pelcher stated that the Board needs to get working on the third overlay and also the Lock Street area. Mayor Saraceni noted that things on Lock Street are happening quickly. T. Baker will work on the map for the second overlay for the next meeting.

SMTC Plan

T. King noted that a few meetings ago she had been talking about lining up the roads on Mr. Sciuga's plan with the SMTC plan and the Board did not seem to have knowledge of that. She offered to email the web link to everyone. She believes this needs to be considered when developing properties. Mayor Saraceni stated he has discussed with Tim Baker roughing in a dirt road. He stated that Syracuse Home is on board with this. This will actually help them as they will pick up frontage on both sides. Syracuse Home has plans for their land in the future as a campus. He stated he also spoke with Claude Sykes regarding the Johnson property. They have an engineer working with them now. He stated that the Village Board and the Village engineer are very conscious of this issue. Chairman Pelcher stated he will review the SMTC plan on line and get together something for the Board to review. Mayor Saraceni suggested that Syracuse Home may, as a courtesy, be willing to share their plans with the Planning Board.

PARKING SURVEY

N. Schlater reviewed the new version of the survey. This will be sent out next week.

D'ANGELO PROPERTY

Dave Jones stated he made certain that Mr. D'Angelo was aware that the Planning Board is not a mechanism to move his project forward and the responsibility is his. He has not heard back from him.

The meeting was adjourned at 9:35p.m. Then next meeting is a special meeting scheduled for Tuesday, January 11, 2011.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary