

**VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES**

Tuesday, August 24, 2010, 7:30 P.M.

Approved 9/28/10

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. Joseph Mastroianni, PE, regarding NAPA Auto
Mr. Jim Nobles, regarding NAPA Auto
Mr. James Trasher, PE (CHA), regarding Golden Legacy II
Mr. Tom Sciuga, Applicant regarding Golden Legacy II
Ms. Tammy Carter-Kinney, regarding Golden Legacy II

Upon motion by D. Arthur and second by L. Barnett, the minutes of the July 27, 2010 Planning Board meeting be approved as submitted. Motion passed.

OLD BUSINESS

NAPA Auto Site plan revision– relocation of condenser units and removal of rear sidewalk

Mr. Jim Nobles, Applicant, and Mr. Joseph Mastroianni, PE, are present to address the Board.

Mr. Mastroianni stated they had an evaluation of the units completed by Town Mechanical, Inc. and distributed a memo to the Board regarding the findings. He noted it lists 4 concerns. Item 1 discusses protection of the units in the back parking area. Snow and ice from the roof will likely fall on the units if they are located in the back. Item 2 addresses plowing concerns. Item 3 addresses potential damage from snow and ice falling from the roof. Mr. Mastroianni stated the main item he wanted to discuss is item 4, which discusses the performance of the units. The units were evaluated and the industry standard is that they should not be more than 50' away from the end of the dispersion point. If the units are on the back of the building, they would be 120' away as the building is 120' long and 50' wide. On a side note, the stones the Board had expressed concern about at the last meeting have been relocated on the property and the parking striping has been modified.

Chairman Pelcher noted that he had requested that information be submitted prior to the meeting and wondered why this memo was just now being provided. Mr. Mastroianni stated that they just received

this document today. Chairman Pelcher stated it is difficult for the Board to evaluate information that is not submitted in advance and was frustrated that this was not submitted earlier.

Mr. Nobles stated it is difficult for him to keep track of what the contractor is doing. He suggested, as an alternative regarding the units, taking them off the side of the building and putting them down on the ground just below where are now with plantings around them. This will keep them on the side of the building, just not on the structure itself. He stated he feels badly that the parking striping was not done properly and that the stone was placed by the sidewalks. The contractor for NAPA made changes as he thought necessary and had told Mr. Nobles he had spoken with Dean Johnson. Mr. Nobles stated he spoke with Dean Johnson about it and Mr. Johnson does not remember speaking to the contractor about the units or other changes.

B. Scherfling asked what the size of the units is. Mr. Mastroianni stated he isn't sure. B. Scherfling stated that most units can usually go a lot further than 50'.

Mr. Nobles noted that the units at the Moose Club across the street were vandalized and they needed to build a fence and something over them to keep them from being messed with. Because of this, he is nervous about having these particular units located in the back parking lot out of sight where they can potentially be vandalized.

Chairman Pelcher stated the Board will need time to review the information provided tonight. He emphasized that this should have been submitted sooner. Mr. Mastroianni apologized for the delay in getting this to the Board. Chairman Pelcher noted that the site plan discussed the location of the units specifically and the location in was agreed to by the Applicant.

L. Barnett stated there is a principle of fairness to all applicants to the Planning Board. There is an expectation that a site plan will be followed and if there is no recourse when it is not followed, this will cause problems in the future. It is unfair to the applicants who do exactly what the site plan requires if there is no consequence for those who do not. From a business standpoint, it is his opinion that the contractor should be liable for the cost of changing the location of the units.

D. Arthur wanted to address the landscaping. Mr. Mastroianni stated the stone was moved to the west side of the building and the area will be topsoiled and seeded. D. Arthur noted the east side is still tarvia. Mr. Mastroianni stated this will also be topsoiled and planted as well.

Chairman Pelcher stated the Board will review the materials submitted tonight and get back to them within two weeks.

Mr. Nobles and Mr. Mastroianni left the meeting at this time.

L. Barnett noted that the minutes from last month indicated that the temporary COO is up in August or September. He believes the Village should not issue the permanent COO until this issue is resolved and suggested perhaps extending the temporary COO instead. Tim Baker stated he would prefer to give them more time, perhaps a one-month extension, to address this issue.

J. Schanzenbach stated he does not believe item 4 in the memo provided, that the unit should be located not further than 50' away. Even if this were true, only one unit would be affected and yet all three were moved. D. Arthur noted that it is the responsibility of the Applicant to select a unit that will work from the agreed-to location in the back of the building. L. Barnett agreed. The Applicant knew what the

approved plan was and chose insufficient units. Tim Baker noted they could compensate for that with a larger feed line.

Chairman Pelcher noted that Item 4 was also very vague in stating that anything more than 50' will adversely affect the performance. B. Scherfling noted this likely addresses the efficiency and noted, for example, if they had a 10-ton unit and had to run 250', they would need a 1-5/8" line and the efficiency would be reduced by 3%. T. King stated she would like to know the size of the units and the specifications of the system so the Board can make an educated decision.

Chairman Pelcher stated he was in the NAPA store recently and the 1st air handler he saw was in the lobby area, located at least 30' from the front of the building. This means the unit would only have to handle an approximately 90' run from the back of the building.

D. Arthur noted that Item 1 addressed potential snow damage. Chairman Pelcher stated he believes it would be much easier for them to protect the units from snow damage if they were located on the ground instead of hanging on the side of the building 15' in the air. T. King noted concerns regarding the snow plows could easily be addressed with bollards. Tim Baker noted there was supposed to have been a sidewalk there anyway, which the Applicant had agreed to.

J. Schanzenbach wanted to address Mr. Nobles' suggestion that they move the units to the ground just below where they are currently located to keep them on the side of the building. Tim Baker noted there is no requirement for a side yard setback other than what is needed for fire separation. D. Arthur stated he would consider allowing them to move it to the ground, but farther back on the property at the rear corner with screening. Tim Baker noted they seem to be short of space off the back of the building as they made it 20' longer. D. Arthur noted that the plan shows they have 15' and the tarvia goes past the back corner for additional parking. Chairman Pelcher noted that Mr. Nobles was suggesting relocating them just below where they are now, more at the middle of the side of the building, with bushes, but screening with bushes does not tend to last.

Tim Baker noted that the plan shows a double row of pine trees in the back, but they only have a single row. Even with just the single row, the sidewalk will still be tough to fit in. He feels that placing the units not in back but at the corner, as D. Arthur suggested, would help them to keep the space in the back maneuverable.

J. Schanzenbach stated he feels the Board needs to be cautious with the wording regarding how they will be allowed to run the refrigerant line and the electrical lines. The Board should stipulate that they run everything inside.

Chairman Pelcher reviewed the discussion. The Board is suggesting the Applicant be allowed to move the units to the back corner of the building. He asked what should be specified regarding screening. T. King stated the Board should also be specific about the location as well. She suggested requiring that the screening needs to line up with the back of the building and the units need to be located immediately inside it, taking into consideration the specifications of the unit and the manufacturing requirements. J. Schanzenbach stated they be required to maintain the minimum recommended spacing. Chairman Pelcher stated the Board should provide the Applicant with guidelines and have him come back with a plan that meets them. D. Arthur stated he feels they should specify that the fencing for the screening not be chain link and the screening should not be plants. J. Schanzenbach the fencing should not allow visibility of the unit.

Chairman Pelcher stated he will send Mr. Mastroianni a letter giving them guidelines to follow and have them come back to the Planning Board before doing anything. He suggested amending the site plan regarding the rear sidewalk to alleviate the financial burden.

Tim Baker stated the plantings along the back are in a single row, not the staggered row shown on the plan and stated when they do a replanting, he will make sure they follow the plan and do it staggered. Chairman Pelcher noted he has seen the trees and they don't look healthy. J. Schanzenbach stated he feels Chairman Pelcher should address the landscaping in the letter as well. This is addressed in Item 2 in the memo the Applicant provided. D. Arthur stated he has a problem with the tarvia on the east side. That should be yard.

J. Schanzenbach suggested the Applicant resubmit a plan showing the correct parking and insure that it meets the approved site plan.

NEW BUSINESS

Discussion/Action regarding OCPB Resolution regarding 85 East Genesee Street –Special Permit Request

Discussion/action regarding new app for Meigs Road – Tom Sciuga – Golden Legacy II

Mr. James Trasher, PE (Clough, Harbour & Associates) Mr. Tom Sciuga (Applicant) are present to address the Board. Chairman Pelcher noted this plan had been submitted approximately two years ago, but has since expired. A new application has been filed and the Applicant has resubmitted the same plan. Mr. Trasher confirmed that this is the same plan and nothing has changed. Chairman Pelcher stated it is important to review it as there are several new members to the Planning Board.

Mr. Trasher summarized the plan. Golden Legacy I has been constructed and is operational. Back in 2008 they wrapped up site plan approval for Golden Legacy II with conditions. The plan had been being reviewed by three engineers for the Village (Plumley, C & S, and Tim Baker). The proposed development is of two 24-unit buildings. There is a right-of-way that has been filed up to the edge of the property. At that time, they proposed the extension of a roadway that would be within an access easement to allow for turnaround of snow plows, Village vehicles, etc. because their site plan review was going on at the same time as the developer for Tri-County Mall. They worked with that developer as much as they could when they initially did their plan for Golden Legacy II. It was suggested that they have one unified detention facility between the two developments, which would be more desirable to the Village as well. However, the other applicant has stopped development and this Golden Legacy project was put on hold until approximately three months ago. As the plan was approved with conditions in 2008, they were told to come back to the Board. The last approval process took approximately 6 months. They are here mainly for input as the plan is complete. Mr. Trasher noted there was no plan to connect the two developments as neither Applicant wanted people being able to access the other.

Chairman Pelcher stated he and Tim Baker had a brief meeting with Clough, Harbour & Associates yesterday. Mr. Baker was concerned that there may be a future connection with this development to Landrush Way and the radius would need to be sharper. He also wanted to keep in mind the potential for connection to Ford Street in the future as well. Mr. Trasher stated that idea is to have subdividable parcels within the one piece of property at Tri-County. However, an extension of the roadway would really cut up their property and make it unusable.

Mr. Baker stated it is unfortunate that this amount of time has passed since the prior approval. He feels that in the last review the Village engineers had possibly overlooked the fact that the property at this time does not have frontage on a Village-maintained road. There was discussion at the time of how to deal with plows turning around at the end of the stub. The Village has a road right-of-way that extends to Mr. Sciuga's property. Mr. Sciuga's property line adjacent to Tri-County Mall has a curve in it that is the extension of the radius on the other property. It is his belief that they were attempting to lay out a road that would go through there and it would be extended across Mr. Sciuga's property at some point in time. He did talk to Mr. Trasher about the extension and Mr. Trasher proposed tightening up the radius so that some of the right of way for this road could come from the Tri-County Mall owner. At the time of the original plan review, Paul Anderson represented the owners of the mall property and discussed the concept of selling pad sites. The frontages for this property were very limited. There was some frontage on Downer Street and some frontage on Meigs Road, but for the number of pad sites they had, they needed to create a roadway to provide frontage. They suggested a private drive, but then the issue was the creation of landlocked parcels. Mr. Baker suggested at that time to Mr. Anderson that they do a road. That suggestion was in response to the Downer Street traffic study. During that study, one of the recommendations was additional east/west connectors to take the pressure off of Downer Street. There was hope that Legacy Drive further to the south would be developed and there was some discussion about the potential for Landrush Way to be developed. The extension to the east would be on land currently owned by Conifer Village, which is laid out as a corridor that could be upgraded into a road. From there it would enter Village property and then connect to Mildred Avenue, providing a link to Canton Street. The other issue that came up in the Downer Street study was the intersection in and around Meigs Road. There is a current traffic light at Frawley Drive, which was erected by what was then Eckerd (now Rite-Aid) and they maintain it, not the Village. During the study, the possibility of moving that light was discussed. It is too close to the Meigs Road location to be effective. The proposal was to find a new entrance to the mall property that would line up with Ford Street and the light would be moved there. Tim Baker said he discussed moving that light with the owner of the mall property and with Rite-Aid, which would involve a property swap and, as nothing is moving forward on the mall site, neither party has an interest in moving forward with that at this time. It was envisioned that the new main entrance to the mall site would be opposite Ford Street and the other entrances all the way to Meigs Road would be closed. In addition, they talked about moving the entrance of the auto store from the east side of the parking lot to the west side. The Village would like to develop other ways to travel east-west other than Downer Street. If Mr. Anderson's group were to bring in a road opposite Ford Street and subdivide lots off of it, they could connect to a Village street. This would also solve the problem of the turnaround stub there is right now at the end of Landrush. Mr. Baker noted that things have changed since the last time this application was before the Planning Board. The Tri-County developer is now interested in a connection between the properties and the Downer Street traffic study has been completed. There was also an unresolved issue regarding access to the parcel as right now no Village road reaches the property. There is a question as to whether the road with a stub constitutes access. A right-of-way paralleling the arc would provide service to Mr. Sciuga's property and would keep open the opportunity for the next property owner to connect. Mr. Baker noted that these parcels along Meigs Road were all carved from one large farm lot. The road was envisioned a long time ago, although he is not sure why the right-of-way is shaped the way it is. He will investigate this. The outstanding issue is access and he would like to have more information on this before making a recommendation.

D. Arthur noted to the west of the property there is a proposed roadway. This is presently non-existent. Mr. Sciuga stated that with the past approval they were going to extend the road at their expense to meet the Village specs because it was in the right-of-way. Mr. Baker agreed, but stated this was not brought to the Village Board for their approval and for them to accept the road. The review ended prior to the

Village Board being involved. This still needs to happen. Chairman Pelcher stated he has no problem with bringing this to the Village Board.

D. Arthur asked if Mr. Baker is proposing extending the road across frontage beneath the property line so it could be expanded upon later. Mr. Baker stated this is what he is proposing. Before the adjacent property owner did not want anything to do with it; however, now in light of more recent discussions it would be desirable for them to build the road to Village specs and turn it over to the Village. D. Arthur stated he feels it is irrelevant what other developer will do. The Board should discuss what the proper planning would be to extend that road across the property line just like they would require an applicant to extend a sidewalk across a property line. The Board should propose discussion regarding extending that road across the frontage of the property.

Mr. Trasher asked if they should be extending the road or giving a right-of-way? Giving a right-of-way is more desirable than building a road. This will allow neighboring properties the opportunity to connect. Mr. Trasher stated if there is a 60' right of way, then there are setbacks. The right-of-way with the setbacks will make a lot of the land unusable. D. Arthur asked if the extension would then affect the building location on the property and Mr. Trasher stated it would. Mr. Sciuga stated it would affect the renting/purchase of the property as well. Mr. Trasher wanted it noted that Mr. Sciuga had previously changed his plans to accommodate the mall property owner to make their plans work together to the Village's benefit. D. Arthur stated he feels it is admirable that they were willing to do that. However, the Board has to look at what is going on right now. Mr. Trasher stated they had no ability to build at the time of approval in 2008 because part of their plan was tied to the neighboring property and once he stopped work on his property it impacted their plan. They had been building a stormwater facility where he had to give right-of-way. The site plan was contingent on approval of the drainage.

Mr. Trasher stated that the idea of creating a road for a hypothetical subdivision may not work. As proposed, it may create undevelopable land.

Mr. Baker stated there is potential to change the radius, which may improve things. If it were made tighter, it could pull the road back from the buildings and not cause any setback issues. This would involve the participation at some point with the adjacent property owner, but their development is on hold. Mr. Trasher stated that a right-of-way plus the setback is not acceptable.

Chairman Pelcher stated he would like the Board members to visit the site. He stated he is not very concerned with the other developer at this time. The Board wants to consider Mr. Sciuga's proposal first as he is trying to do something now and the other development is still on hold.

D. Arthur proposed creating an easement across the frontage and not building an actual road and redirecting the radius. He asked if a deeded easement would address the issues. Chairman Pelcher suggested they could "T" the road. Mr. Trasher showed on the map what he feels a change in radius would do to the property.

T. King asked if the fire department has any issues with the dead end road. Chairman Pelcher stated the fire department had looked at it and were okay with the plan.

Mr. Baker stated the alternative to bring the road through would be to putting in a Village-spec cul-de-sac. He would prefer a thru-road.

Chairman Pelcher stated he feels that a visit to the site will be very helpful and feels they should be able to work out this issue with the road. He asked if there are any other concerns.

D. Arthur asked about the retention pond. Mr. Trasher stated it is self-contained and was worked out previously. The basin is lined to protect the aquifer. Mr. Baker noted that previous shopping center plan was deficient in that a drainage ditch was supposed to be made impervious. This was not done. He stated he is not concerned with the minimal amount of vehicles at Golden Legacy and he does not feel there are enough to compel Mr. Sciuga to line the ditch now. Mr. Trasher stated the ditch is not on their property. They have pipes.

Mr. Baker noted that the plans that were submitted do not show the water line that goes across Mr. Sciuga's property. He recommended that this water line and the one on Landrush Way be looped back together across Mr. Sciuga's property. This should be shown on the drawings. Mr. Sciuga noted he does not have a looped design on Golden Legacy I and yet he has adequate pressure. J. Schanzenbach suggested a location for this and this was discussed. Mr. Sciuga stated they can build with this in mind.

Chairman Pelcher stated he feels this is a good plan and wants to meet at the site to work out the issues brought up at this meeting.

D. Arthur emphasized that the Board will want the elevations and the drainage culverts as shown on the approved plans to end up where they are approved to be. He noted that with Golden Legacy I there were field changes that he does not feel worked out well. He would want field changes brought to the Board. Mr. Trasher stated that field changes happen in any construction job and it is not always possible to stop work to go to Planning. He noted that nothing was changed with Golden Legacy I without Claude Sykes or Dan Faldzinski present. D. Arthur noted there were some pretty major changes and with this proposal they will need to be more in contact with the Board regarding any changes. Now things are different in that the CEO and engineers will have a dedicated Board Member to confer with for each project.

The Board will meet with the Applicant and engineers on site at a time to be determined.

Mr. Sciuga and Mr. Trasher left the meeting at this time.

The Board decided that D. Arthur will be dedicated to this project as he has the most experience with the original application.

T. King stated she does not feel the dead-end road scenario is a good idea, nor is relying on another developer coming through in the future. She does not feel that the properties should outlet on to Ford Street, but should go through to Conifer. This would keep more traffic off of Downer, which is what the traffic study recommended. She also does not feel that the plan includes enough landscaping and notes that there are no trees around the border of the property. D. Arthur noted that Legacy I included a lot of plantings. T. King also feels the retention basin should be a more natural shape.

Chairman Pelcher noted that the original application regarding Golden Legacy II never went to the Village Board.

Continuation of Action/Approval regarding East Genesee Business Overlay District

Chairman Pelcher stated he had a meeting with the owners of Burger King. They are possibly selling the building to Tim Horton's /Cold Stone Creamery. He would like the overlay district approved before that happens. They have stated they would like a drive-thru. However, it would be different from the one at Dunkin' Donuts in that it would be contained entirely (entrance and exit) on their lot.

Mr. Baker stated he has completed the description for the overlay district, but still needs to complete the map. Chairman Pelcher stated he would like to have this completed and approved at the next meeting.

Continuation of discussion regarding Parking Survey

N. Schlater stated she will email this to the Board for feedback. It will be finalized at the next meeting and be ready to be sent out to business owners.

OTHER BUSINESS

Byrne Dairy

Chairman Pelcher stated the Village Board has approved the special use permit. R. Carr stated it is subject to many provisions, including a sunset provision.

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

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary