

**VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES**

Tuesday, July 27, 2010, 7:30 P.M.

These minutes are not yet approved.

PRESENT: Carl Pelcher, Chairman
Dave Arthur
Jim Schanzenbach
Bob Scherfling
Nicole Schlater

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

GUESTS: Mr. Joseph Mastroianni, PE, regarding NAPA Auto

Upon motion by J. Schanzenbach and second by D. Arthur, the minutes of the June 22, 2010 Planning Board meeting be approved as submitted. Motion passed.

NEW BUSINESS

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

Mr. Joseph Mastroianni, PE is present to address the Board on behalf of the Applicant. He stated the site plan was originally approved last year, but there have been some changes to the site plan that need to be addressed with the Planning Board. He stated that ARB approved their proposed changes to mount covers over the HVAC/cooling units on the side of the building in order to camouflage them and make them more aesthetically pleasing. According to the approved site plan, the units were to be located in back of the building. The approved site plan also required a sidewalk in the back. During construction, it was determined that the three units would not be able to move the necessary heat and air all the way to the front of the building to balance the atmosphere and, therefore, they were instead mounted on the side of the building. Mr. Mastroianni stated they also moved the back door to the side and, therefore, did not build the sidewalk that was included in the approved site plan. He stated they received notice from the ARB a few months ago that the units needed to be moved or covered and they would need to address this with both the Planning Board and ARB. Mr. Mastroianni met with the ARB on August 2, 2010 and covers for the units were approved. He stated this meeting tonight is to request an amendment to the original site plan to accommodate the new location of the condenser units and address the rear sidewalk. He stated the site is paved up to the back of the building so there is no need for a sidewalk there.

Chairman Pelcher noted these units were moved without the approval of the Planning Board and asked who decided to move the condenser units from their approved location. Mr. Mastroianni stated that decision was made by NAPA corporate as this issue was encountered during construction of other NAPA stores. Chairman Pelcher asked when they were moved to the present location on the side of the building. Mr. Mastroianni stated they were placed there when the building was constructed.

D. Arthur noted these units are not air conditioners, but are condensers. Mr. Mastroianni agreed that they are calling them condensers, but stated they are part of the air conditioning unit.

Chairman Pelcher noted that the approved site plan dated April 8, 2010 included a sidewalk in back. He asked when the decision was made to not build that sidewalk. Mr. Mastroianni stated the building was opened on January 20, 2010 and this was all done by that time. Chairman Pelcher noted this was not built according to the site plan and Mr. Mastroianni stated this was considered a field change. D. Arthur asked who approved the changes to the site plan. Mr. Mastroianni stated people from the Village were present during construction at various times. D. Arthur asked what people and Mr. Mastroianni stated Dean Johnson (ARB) was present at times. He noted there are often field changes made to plans and noted that Codes also visited the site routinely. D. Arthur asked if the CEO approved the changes. Mr. Mastroianni stated he is not sure. T. Baker stated the CEO did not approve them.

D. Arthur stated that these changes are in violation of the approved site plan. Mr. Mastroianni stated that this is the reason he is here, to seek approval of an amendment. D. Arthur stated that in the discussion prior to approving the original site plan, the Planning Board had discussed the location of the units specifically and had required that they be in back and out of sight and that was the purpose of their approved location. Chairman Pelcher stated he remembers as well that the Planning Board was very specific about the location of the units. D. Arthur stated he feels this violation should be addressed by the CEO. T. Baker stated that Rolf Beckhusen had notified the Applicant that they were in violation of the approved site plan and this is why Mr. Mastroianni is here, to seek approval to modify the site plan. Mr. Mastroianni stated he was told to go to ARB first. T. Baker stated that he had spoken to R. Beckhusen and R. Beckhusen was aware that the Applicant was in violation of the site plan and he had stated there were additional things that needed to be completed on the site plan prior to receiving their final Certificate of Occupancy (COO). This is one of the items. He stated the Applicant decided to go the ARB to see what they would approve before addressing the Planning Board. Mr. Mastroianni stated that R. Beckhusen had suggested that the Applicant see if the ARB would approve a way to camouflage the units and then address the Planning Board to request an amendment in lieu of moving the units.

Chairman Pelcher stated that the Applicant should have come before the Planning Board before the ARB. He stated the ARB cannot approve a site plan change. He noted that the request is to move the HVAC units and get rid of the sidewalk. He also noted that the evergreen trees on the site plan were never planted in back. Mr. Mastroianni provided photographs showing that those were planted yesterday. D. Arthur also noted that the site is short 5 parking spaces on the NAPA property and wanted to know how this happened. Mr. Mastroianni stated he is not sure. D. Arthur noted that parking was discussed during the site plan process. He noted there was a shared-parking arrangement, but the approved plan included 5 more parking spaces than the site currently has. Mr. Mastroianni stated he will check on this. D. Arthur stated this should be corrected.

J. Schanzenbach stated that he had spoken with a mechanical engineer before the meeting and the condenser that was installed is of a size that should be able to go at least 120' and it should be able to get from the back to the front of the store. He noted that even if one of the three condenser units could not reach the front, the other two did not need to be moved and should have been left in back. Mr. Mastroianni stated he is not sure why NAPA corporate decided to move all three of the units. B. Scherfling noted that maintenance of the units in their current location will be more difficult than if they had been placed in their approved location at ground level in the back.

Chairman Pelcher stated the Board will not be making a decision about this requested amendment tonight as this will need to be discussed. He feels it is too bad that NAPA didn't seem to understand that they

should have followed the approved site plan. Mr. Mastroianni stated that the building has been up for 6 months already and noted that it would have been much easier to address this and change the location of the units during construction. D. Arthur stated that the onus is on the contractor to follow the site plan. J. Schanzenbach noted that the Village has been accommodating of this project in that they did grant a temporary COO in January so the store could open and that he finds it frustrating that the Applicant would suggest that the Village should have caught this violation 6 months ago. D. Arthur asked why the trees that were planted in the back were only planted yesterday. Mr. Mastroianni stated the project had been shut down for two months and then the contractor felt it was too hot to plant them before yesterday.

D. Arthur noted this building is at the entrance of the Village and is not located on a busy commercial street. Because of this, he is discouraged by the landscaping that has been done. There is no yard, but crushed stone up to the sidewalk. He noted the neighbor to the east has done yard work around the parking lot. He does not feel there has been a lot of effort put into the aesthetics of the site and now the Applicant is asking for a change that will also negatively affect the aesthetics and the change does not make sense engineering-wise. He noted there is no topsoil on the west side of the building, but instead there is sand. The rear berm is apparently made up of construction debris from clearing the parking lot and the front yard has been, in his opinion, haphazardly put together. Mr. Mastroianni stated west side of the site will be planted and they are just waiting on the contractor.

Chairman Pelcher stated that the Planning Board should have a decision next meeting.

The Planning Board members discussed this request.

T. Baker stated he is confused that Mr. Mastroianni stated that the project was shut down by the Village for two months. He does not recall issuing a stop-work order at any time. Chairman Pelcher stated that he feels NAPA just did what they wanted rather than follow the site plan that they originally agreed to. D. Arthur agreed. He stated he feels the condensers can make the run from the back of the store to the front. They are not HVAC units and are not actually pushing air. The Applicant is in violation of the site plan and he feels the CEO needs to put them into compliance. T. Baker stated they Codes Office will not issue a permanent COO until they are in compliance. The current COO expires in August or September. J. Schanzenbach stated he feels there was no engineering reason to move the units other than the fact that it would have cost more if they were placed in the approved position in the back. D. Arthur noted they are not just noncompliant with the condensers, but are also noncompliant with the number of parking spaces and with the sidewalk that they were supposed to have put in the back. N. Schlater asked why the approved site plan required that the units be in back. D. Arthur stated that the main concern was the visual aspect of the units. The Planning Board decided they should be out of sight. Chairman Pelcher added that this was specifically addressed and was not at all vague in the approved site plan. He feels the Applicant should have come back to ask for approval of the change before they built it that way. If the reason was financial, they should have told the Board that the cost was too high to put them in back and asked to move it to the side. J. Schanzenbach stated he feels the cost savings would have been significant, but not significant enough given the overall cost of the project. He noted that if the contractor determined the line would be too long to make the unit work, they should have come back to the Board at that time. Even in this situation, only one of the units should have been moved. B. Scherfling stated the Applicant could have addressed the problem in many ways to make it work with the units in the approved position.

N. Schlater asked if it would be very expensive to have the Applicant move the units to the approved position. T. Baker stated it would potentially cost \$1000 per unit. J. Schanzenbach noted they would have to rerun the electrical as well. N. Schlater asked if there is any way to make this situation acceptable

without requiring the Applicant to move the units. T. Baker noted that the landscaping, etc. is already part of the approved site plan. The Applicant already did not do the entrance way properly and got

approval for a modified entrance way, they haven't done the striping properly, and they just did the planting yesterday; however, they are correcting things. He noted there are two properties involved. There is an adjacent property (also owned by Mr. Noble) which was nonconforming. The Applicant was going to move some of the property from the NAPA side to the other to make it less nonconforming. They were going to file deeds to do this. He stated no new deed has been filed and they will be asking for this to be done prior to issuing the final COO. T. Baker stated that this change to the approved site plan was not just an informal change. They had to build the brackets for the units to be mounted to the side of the building and the contractor must have had discussions with the Applicant regarding this modification to the approved plan.

R. Carr asked how the Codes Officer will address a site plan violation when the work has already been done. T. Baker stated that the temporary COO will expire and the Codes Officer will not issue a permanent COO until the violations are corrected. In this situation, the Applicant may have to vacate the building.

D. Arthur stated that he had counted the parking spaces. There were supposed to be 9 across the back but there are only 7. There were supposed to be 9 adjacent to the dumpster, but there are only 7. There were supposed to be 8 across the front but there are only 7. There is a total of 5 missing spaces even when counting the shared parking.

R. Carr stated the Applicant is seeking approval of a modification they have already made in violation of the approved site plan.

Chairman Pelcher stated he does not feel that the Board can make any judgments as to why this change was made, but should consider that the bottom-line is that the Planning Board had approved a site plan, the site plan was changed by the Applicant without approval from the Board, and the Applicant is now seeking approval of the changes they have already made after the fact.

N. Schlater asked if the Applicant were to address the aesthetic issue of having the units on the side of the building, would that modification then be acceptable to the Board? Chairman Pelcher noted that the Applicant did not give the Board the opportunity to consider that. They just made the change without approval. J. Schanzenbach stated that the Applicant already went through the site plan process with the Planning Board and agreed to locating the units in the back. N. Schlater stated that an applicant can agree, but then come across issues during construction that require a change. However, she does not feel that the Applicant provided the Board with a clear reason for the change. J. Schanzenbach noted that the opportunity to provide the Board with a reason was tonight and he does not feel the Applicant provided enough information to justify the change. D. Arthur noted that the Mr. Mastroianni stated the change was made because the units could not handle the distance from the back of the store to the front, but he does not believe that is the case. He feels that if the unit they chose to install did not work, they should have installed a different unit that would work rather than moving the units without approval.

Chairman Pelcher suggested sending a letter to Mr. Mastroianni requesting more information. This will be addressed further at the next meeting pending additional information from the Applicant.

OLD BUSINESS

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

Chairman Pelcher noted the DOT did not approve the curb cut onto East Genesee Street and the County agrees with that. He is not sure if the Applicant is coming back to the Planning Board or not. OCPB's concern seemed to be the site plan.

R. Carr stated this issue will be addressed in a public hearing before the Village Board in August regarding the special use permit, which the County has not taken an adverse position to. He is assuming that the Village will grant the special use permit subject to and conditioned upon the approval of the site plan by the Planning Board in accordance with the Planning Board's directive and the recommendations of the Onondaga County Planning Board.

Chairman Pelcher stated there is not much to be done until they hear from the Applicant.

Continuation of Action/Approval regarding East Genesee Business Overlay District

Chairman Pelcher asked if the Board can now approve the East Genesee Street Overlay. T. Baker stated he needs clarification regarding the boundaries. The Board discussed the boundaries on a map provided by T. Baker. The boundaries were highlighted on the map and were agreed upon. These will be defined in the overlay district description. Chairman Pelcher stated this will hopefully be ready to vote on at the next meeting.

Continuation of discussion regarding Third Overlay District

The Board discussed boundaries and the name for this overlay district. Regarding the name, D. Arthur suggested they consider any historic features included in its boundaries. Chairman Pelcher noted the railroad runs through it and the property of the former Jardine Foundry is located within the boundaries. He asked the Board members to think about a name for the district and this will be discussed at the next meeting.

OTHER BUSINESS

N. Schlater stated she is putting together a survey to send out to business owners to get their feedback and would like suggestions from other Board Members as to what to include.

T. Baker stated he asked the Chief of Police about using cameras to study parking. He was told they do not have the cameras to do that. The Codes office will instead use the summer staff to do parking counts of the Village Square lot at various times of day. Chairman Pelcher suggested doing counts at 10 am, noon, 2 pm, and 7 pm. T. Baker stated they will do these counts for one week and then repeat in two weeks.

The meeting was adjourned at 9:15 p.m. Then next meeting is scheduled for Tuesday, August 24, 2010.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary