

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
TUESDAY, April 27, 2010 at 7:30 p.m.

PRESENT: Carl Pelcher, Chairman
Bob Scherfling
Jim Schanzenbach
Nicole Schlater
Ed Rock

Also Present: Ron Carr, Village Attorney
Tim Baker, Village Engineer
Marie Giannone, Secretary

Motion to approve minutes of March 23, 2010. Motion carried.

Chairman Pelcher announced that Don Cronk has resigned as a member of the planning board. Bob Scherfling was welcomed as a new member of the planning board.

NAPA Store Site Plan Revised

Mr. Joseph A. Mastroianni, representing the client NAPA, addressed the board. Mr. Mastroianni said there is a change in the drive. Mr. Mastroianni said during construction the drive was constructed to a width of 26 feet and the radii extending onto Route 31 was replaced with straight flared tapers (shown on the site plan). Mr. Mastroianni said this field change was made to better accommodate delivery trucks to both NAPA and Baldwinsville Auto. The resultant is a driveway that is wider than originally approved and flared tapers that extend approximately 1'-5" beyond the originally approved radii.

Mr. Mastroianni also stated that Mr. Jim Nobles, owner of NAPA, contracted that the store would open in January 2010, or a fine would incur for every day the store did not open. Mr. Mastroianni said the contractor came in and poured in 8" 5000 psi concrete (similar to Dunkin Donuts Building) in January 2010. Mr. Mastroianni said the contractor increased the opening to 26 foot. Mr. Mastroianni showed the members on the plans what was originally applied for and approved. The contractor opted to make this drive bigger to allow for trucks coming in for deliveries. Mr. Mastroianni said instead of doing the radius (shown on diagram) came straight across with concrete. Mr. Mastroianni showed the board the piece of concrete in question. This would prevent tractor trailers from going over the curb when pulling in the entrance.

Mr. Mastroianni said he received a phone call today (4/27/10) from Larry Hazard of DOT, and after bringing Mr. Hazard up to date, Mr. Hazard said he did not have a problem because more concrete was added, and would talk to the village engineer, Tim Baker. Mr. Mastroianni said the problem was that there were not radius shown and that the concrete was straight. Mr. Mastroianni said this evening he was told it was the sharp point on the corner. Mr. Mastroianni referred to pictures submitted.

Mr. Mastroianni said he felt they made the conditions better for trucks coming in and out. Mr. Mastroianni said they are looking for approval of the two small wedges (as shown on site plan) and to go from 24 to 26 ft.

Chairman Pelcher said he did not think any of the board members had a problem with going wider. Chairman Pelcher said that it seems odd that the radius is so well defined that the guy putting it in could not have seen that there was a radius in the plan. Mr. Mastroianni said the guy did not see it as a problem to go wider. Mr. Mastroianni said such changes result in a field change plan resulting in an as built plan. Mr. Mastroianni said his concern was the work stoppage because of these changes.

Mr. Schanzenbach said a turning radius off of a state route is a big deal and a contractor cannot change it. Mr. Schanzenbach asked Mr. Mastroianni to go over the time line as work progressed. The apron was poured the last week in December 2009. Mr. Schanzenbach asked if DOT approved it. Mr. Mastroianni said yes and there was a DOT permit. The DOT showed a radius curve with a 24 ft. width. More discussion followed. Mr. Schanzenbach said he did not like that the contractor put it in that way without at least asking the village, but at the same time he said to the village engineer that he did not see a catch point there where a tire can catch on a sharp point. Discussion followed.

The village engineer said he did not issue a stop work order or tell the CEO to issue a stop work order. Mr. Baker said he told the CEO to discuss this with the contractor why it was not being built to code per the approved drawings.

Mrs. Schlater asked what is required at this point from the DOT. Mr. Mastroianni said because of budget cuts, DOT said they will not do a final approval but will rely on the village and village engineer or Codes office to make whatever changes are necessary.

After discussion, Chairman Pelcher said DOT will not have final approval. Brief discussion with village attorney.

Mrs. Schlater suggested something in writing from DOT delegating approval of this site plan. DOT would take too long to issue anything in writing. Mr. Mastroianni said if there was going to be a conference call with DOT, that he wanted to be in on the call.

Chairman Pelcher asked for a motion to approve the revised site plan for the NAPA Store at 73 East Genesee Street subject to approval of DOT or their order. Motion by Mrs. Schlater, seconded by Mr. Rock. Motion carried.

Brief discussion on SonByrne Sales, Inc. This item will be on the agenda for May 25, 2010. SonByrne Sales would like to put in a Byrne Dairy and gas station at the Wacky Wyatt location. Plans will be submitted prior to the next board meeting.

Ron Carr, village attorney, explained special use permit and the necessity of site plan approval. Mr. Carr said in this village special use permits are granted by the board of trustees. Site Plan approval is granted by the Planning Board. Mr. Carr said no one wants to go through site plan approval if the special use permit is not granted. Mr. Carr said in this village even though it is not formally provided for, when the board of trustees gives an application for a special use permit, they refer that application for special use

permit to the planning board for an informal advisory review on the issue of special use permit. Mr. Carr said there is a plan involved for SonByrne Sales, but after this board would review the overall project to identify any issues relative to consider for the special use permit, it would go back to the village board and they would grant the special use permit. The matter would then come back to the planning board for a site plan review of the project. Mr. Carr said there are conditions for special use permit that deal with gas stations. Mr. Carr said a special use permit is permitted by code. Chairman Pelcher said it does give some opportunity to have the property improve and work more into some of the village's plan. Mr. Carr said the use is permitted because a special use permit is a use that is permitted under the code. The board referred to the code book under Section 72-26.

Mrs. Schlater asked if SonByrne Sales has done any type of market research for this project. She noted that another gas station is up the street from this proposed site. Chairman Pelcher said that is not in the boards purvey. Mr. Schanzenbach said they probably did a survey and research on this site as they are a large regional developer.

East Genesee Overlay District

Chairman Pelcher handed out a revised East Genesee Business Overlay District write up of the suggested changes from last meeting for the board members to review. Discussion followed. Changes and discussion are as follows:

- ✓ Build to Line on side street left blank
- ✓ Redundancy on 3 a and 3b
- ✓ Vague on 3B - consistent with the character of the street
- ✓ Put in a brief description of what planning board wants to achieve
- ✓ Discussion on fronting on E. Genesee Street and corner lots – create new 3c (relating to corner lots)
- ✓ 3b – must have sidewalks
- ✓ 3c (iii) depth of the patio may not exceed percentage (whatever percentage is agreed upon) of the square footage of the first floor
- ✓ 3f Building Height – 3 story maximum, or within one story of neighboring building, but not necessary two story
- ✓ Maximum height on side street probably will not come up. Apply also to residential one story of the neighboring building (B1, B2). This applies also to residents one story next to two story

Discussion will continue at next meeting. Chairman Pelcher said he will meet with the village engineer to finalize 3 a and b to review at the next meeting.

Meeting adjourned at 9:20 p.m. Next planning board meeting is scheduled for Tuesday, May 25, 2010 at 7:30 p.m.

Respectfully submitted,

Marie Giannone
Secretary - Planning Board