

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
TUESDAY, April 28, 2009 AT 7:30 P.M.
(approved May 26, 2009)

PRESENT: Chris Savacool, Chairman
Dave Arthur
Don Cronk
Carl Pelcher
Ed Rock

ABSENT: John McFall
Larry Barnett

ALSO PRESENT: Tim Baker, Village Engineer
Ron Carr, Village Attorney
Marie Giannone, Secretary

Chairman Savacool called the meeting to order and said that this would be his last meeting as chairperson of the planning board. He said his term was up and told Mayor Saraceni that he would not continue as chairperson due to other personal commitments. He said that he would continue on as a board member at least until the EDR project progressed further. He said that Carl Pelcher has agreed to become chairperson of the planning board. The board thanked Chairman Savacool for his service and also thanked Carl Pelcher for accepting this position. Chairman Savacool said because this meeting had a heavy agenda, he agreed to chair the meeting.

Motion to approve the minutes of March 24, 2009 were made and approved.

Item No. 1 **Review of revised plans from Aspen Springs Subdivision**

James Trasher of CHA, representing J. Alberici & Sons, addressed the board. Mr. Trasher and the board looked at the revised site plans as Mr. Trasher explained what they wanted to revise. Mr. Trasher asked the board what would be the process to bring single family residential and attached single family residential into the village. Mr. Trasher said Mr. Alberici has been successful with this type of housing in the Town of Clay and Village of Liverpool. Mr. Trasher said they would like to go with two (2) cul de sacs in this development if possible.

The question was asked what the square footage would be of these types of homes? Approximately 1200 to 1500 sq ft.

Mr. Arthur asked why they are going to cul de sacs. Mr. Trasher said there is approximately a 10 to 12 ft grade change following the rear line between some of the lots. Because of this grade change, certain lots would have walkout basements.

Mr. Trasher said all the utilities that were previously designed function with some minor modifications. All would drain to the basin shown on the diagram.

Chairman Savacool said he saw big problems with the two cul de sacs. He said one of the cul de sacs would be okay because of the grade change, but the other one is self created and could be changed. Chairman Savacool said one of the problems in trying to switch to this type of building unit is the village codes, and not having these codes to accommodate these types of buildings.

Chairman Savacool asked the village attorney, Ron Carr, for his thoughts on this project. Mr. Carr said you are dealing with smaller lots but same densities. Mr. Carr thought this would be in line with a cluster zone concept. Mr. Carr said a cluster zone concept creates a greater ability to enhance but also keeping the same density. Mr. Baker said the same number of lots would be used, but they would be closer together and the land that is not taken up by the lots would be put into green space, possibly under common ownership. Mr. Baker said the number of units is not increased, just put clustered together. Mr. Carr said it is calculated on the basis of land mass. Mr. Carr said initially it would take the village board to adopt a law that would allow for cluster zoning. Mr. Carr said basically, it throws a lot of these elements back to the planning board because the very concept is the shrinking of setbacks and lines etc. all which would be approved at this level having applied for that kind of consideration of cluster zoning. Mr. Carr said you need a local law to adopt that concept within the zoning parameters of the village.

Chairman Savacool said it would seem that you would have to take into account the square footage of the units. Mr. Carr asked if he was talking about density. Chairman Savacool said yes. Mr. Carr said he would have to research the cluster zoning to answer that specifically. Mr. Carr said he assumed that where this cluster zoning has been done in towns and most towns basically provide for cluster zoning. Mr. Carr said most patio homes are done under cluster zoning consideration.

Mr. Trasher said the Village of Liverpool, specifically the Springmoor Development, has cluster zoning similar to what they are referring to and there is not large green space, but clustered down to give the type of development the village was looking for. Mr. Trasher said they had limited land to develop and at the same time get the tax base. Mr. Carr said that is the real reason why cluster zoning was developed, i.e. to take rather limited amounts of land that could be developed and basically allow for clustering the development that normally would not have been permitted under normal regulations.

Mr. Pelcher said downstate was trying to get away from these mini mansions that would have three or four acres around their mini mansions and instead put the mini mansions together to have common green space. Mr. Pelcher asked if that is the way to understand it. Mr. Baker said in this particular application, you would look at varying the setback/yard requirements and put everyone close together. Mr. Baker said it also reduces infrastructure by having limited frontage. Mr. Baker said the less infrastructure to maintain, the better. And, Mr. Baker said especially if we can provide the type of houses people want. Mr. Carr said there are developments that allow for common areas, but usually have a homeowners association. Mr. Carr said someone has to take responsibility for the upkeep of those common areas. Mr. Carr that usually does not evolve to the municipality.

Chairman Savacool asked the board if anyone had any reservation about this project. All the board members said to go forward with this. Mr. Baker asked what the frontages are. Mr. Trasher said he

believed all the frontages 45 ft/ 50 ft., but the side yard setbacks all meet the current village codes for single family. Mr. Trasher said he thought the next process was to have their attorney talk with the village attorney to see if the village board would consider putting into local law some type of cluster provision. Mr. Carr and Mr. Savacool agreed.

Chairman Savacool said a meeting could be set up with the mayor, members of the planning board, village attorney to discuss what kind of cluster zoning the village is looking for and different avenues that are available and progress from there. Chairman Savacool said one thing he was pretty sure about was that those two cul de sacs would not work. Mr. Trasher said if that is the biggest issue, this can be worked out and said it would be great if the village would like to see this type of project that can be developed in the village and potentially other future developments for land that is available in the village.

Mr. Baker said one concern with this application is that he was not sure if it qualified as cluster because the density is increasing. He said we may have to take a step further which would be higher density residential zoning, allowing for smaller lots. Chairman Savacool said sidewalks should also be considered as the concept is to get people to come into the village.

Chairman Savacool concluded by saying there would be outside meetings on this project:

- ✓ What is the board trying to do
- ✓ What does the developer want
- ✓ High density vs. cluster
- ✓ Have the mayor be involved in these discussions
- ✓ Present it to the village board

Chairman Savacool told Mr. Trasher that Carl Pelcher, the new chair person of the planning board, would be contacting him to let him know when the next meeting will be on this. Mr. Trasher thanked the board for their time.

Item No. 3 **Application for Site Development Plan Approval located at Curtis & Getman Sts.**

Mr. Joseph Ehle addressed the board. He handed out site plans to the board members. Discussion followed. Mr. Ehle would like to build five houses as shown on the site plans – Lots 38 A, B, C, D and E. Mr. Ehle said the lots are wooded and overgrown and there is a natural swale. He showed on the site plan where swales were put in. Chairman Savacool asked if the swales followed the lot lines. Mr. Ehle showed the board the route of the swale. Mr. Arthur and Mr. Cronk said they both looked at the proposed property at this site. Mr. Cronk asked if there was standing water at the property as you could not walk through the property. Mr. Ehle said no and that he had Mr. Beckhausen, Code Enforcement Officer, looked at the sewers and water runoff and he said if a swale was put there it would work fine. Mr. Cronk said at the northeast corner the topography comes down which is at the end of Getman. Mr. Baker said that is the cul de sac at the end of Festa Fairway and it is quite a drop 5 – 6 ft. Mr. Baker said there is a retention pond to the east of the cul de sac and that is where the outfall from Aspen Springs comes down through the area of the Jardine property. Mr. Ehle said there is a catch basin at the lot 38A, E and low end of 38B. Mr. Baker said he would check with the CEO since this information should have been passed on to the village engineer to look into. Mr. Baker also said that no one has discussed how these new properties would impact the village street with the driveways. Mr.

Baker brought to the planning board's attention in looking at this site plan that there are two stubs off Getman Drive. These are dead end (public right-of-way) where the plow goes to the end, drops the snow, backs up and plows out to the end of the stub. Mr. Baker said the two lots on the northern corner lots that were formed all have garages off the stub. Mr. Baker said he did not know the expectation of the two residences in the corner lots as he has not spoken to them. Mr. Baker said in looking at the plans, it appears that at one time a road was going to be put in. Mr. Baker thought it was a remnant left over from two builders trying to join two subdivisions that did not work together. Mr. Baker thought that there would be variances from zoning to meeting the frontages. Mr. Baker also said he did not know how the village would plow snow off the end of the stubs. More discussion followed on the road or non road situation of these lots.

Chairman Savacool said it appears that the applicant should sit down with the village engineer to work on this site plan regarding the above issues.

The question was asked how many square feet the homes would be. Answer: 1800 to 2600-2800 sq. ft. 3 to 4 bedrooms, ranch style to two story, trying to keep with the character of the neighborhood.

Mr. Ehle said they are open to whatever the board thinks will work. Chairman Savacool asked if the board had any more comments. None.

Chairman Savacool said he advised the applicant to work with our village engineer, Tim Baker, and said Carl Pelcher, Chair Person, will be in touch with them when another meeting is set up.

Item No. 4 **Village Hardware (ACE) submission of drawing plan**

Chairman Savacool met and spoke with Mr. DiSano and told him what the board would like is something informal that the board could look at (similar to site plan). Chairman Savacool said the board needed to figure out:

1. What kind of documentation is going to be required

Chairman Savacool stated some background history would be helpful. He asked Mr. Joseph DiSano, owner of Village Hardware, about the parking areas, in particular that parking used to be permitted in front of the store. Mr. DiSano said they were doing a remodel on the front of the building and extended the building out over the sidewalk. The zoning officer at the time (Donna) told Mr. DiSano not to have cars parked in front of the building. Mr. DiSano said it worked out well because traffic use to back up entering from Albert Palmer Lane. Mr. Arthur asked when the spaces were removed, were they allocated elsewhere. Mr. DiSano said spaces were picked up at the other end of the parking lot. Mr. Ed Rock asked the square footage of the building. Mr. DiSano said 10,000 sq. ft., 7,500 sq. ft. is retail; the other space is used for receiving, storage and office space. Mr. DiSano said the side of the building marked "fire lane" was marked so that patrons would not park in that area.

Chairman Savacool asked about the eastern parking area. Discussion followed. Chairman Savacool asked about the fire lane. Mr. Baker said he would defer that to the fire department, but would ask Mr. Beckhausen. No action should be taken until this is resolved with the fire department. Mr. DiSano thought there was enough room to be designated as a fire lane.

Mr. Arthur said he saw a loss of four (4) parking spaces in total. Mr. Carr asked if the building was in compliance when the CEO (Donna) asked Mr. DiSano to take away the parking spaces in front of the building. Mr. Arthur said that is the assumption of a preexisting site plan that was the amount of parking. Mr. Arthur said Donna at that time asked him to make the change and that is when he lost four (4) parking spaces. The question was asked when Mr. DiSano got the four (4) additional parking spaces. Mr. DiSano said when he applied for a permit to sell propane. Mr. DiSano said at this point he was not sure if it was four or two parking spaces, but he had the information in his file. Chairman Savacool said if those are four more parking spaces and occurred after the original site plan, it is a wash. Mr. Baker read a document dated October 15, 2003 written by Mr. Rolf Beckhausen.

Mr. Carr said if one is to assume at that time Donna said get rid of 8 spaces, if the building was in compliance and no violation of code, she really had as CEO no power to direct the elimination of those sites. Mr. Carr said she would have been doing is putting the property in non compliance. Mr. Carr said it may have been never in compliance but became a legal non conforming as to parking.

Mr. Baker reads from Donna Tagger writing to Rosemary Bucci:

“The Code Enforcement Officer regulates all fuel piping in New York State.....the application for building permit dated 1998 has been denied for the following reasons:

No plans for LP gas system were included.
The LP gas I not allowed in B-2

Mr. Baker skipped the LP gas and moved on to No. 4.

4. Property had inadequate parking spaces per violation letter 9/19/94.”

Mr. Baker said he would do more research into the violation dated 9/19/94. Mr. Baker read further:

Planning Board restricted property: no physical changes can reduce parking spaces per the planning board minutes dated 10/29/86”

Mr. Baker said there is a history here. Mr. Baker read further:

“The proposal would have to go back to the Planning Board for site review for changes to their restriction that they placed upon the site. This and the congested parking and fire department must be allowed to review the proposed fire fighting purposes which is another reason site plan review is necessary. Proposal is denied dated July 16, 1997.” All reference codes are attached.

Mr. Baker said there is a site plan showing parking along the side of the building. (This is shown to board members).

Mr. Arthur said the document shows in 1986 45 spaces, now there are 48 spaces. Mr. DiSano said he purchased the property in 1987.

Chairman Savacool said essentially what is being done is trying to make sure if the building was non conforming in some way, that it has not been made more non conforming or that it is not in violation. Obviously those would be problems. If it is discovered that the parking requirements as they existed at one time or contained in some way, then it comes down as Mr. Arthur mentioned, an issue of the fire marshal discovering whether the fire lane has enough access. Chairman Savacool said if all that is covered, then a decision can be based on that. Mr. Arthur pointed out that a 7500 sq ft retail space has a parking requirement of 1 per 100 sq ft., which would be 75 spaces.

Chairman Savacool said he thought as he stated at the beginning of this review, that this could be done informally, but he made the suggestion that since the board does not have a current site plan, it might be worth all of our efforts to getting this down on a map showing parking, storage, fire lane, etc. Chairman Savacool said right now we are working with plan and do not know which is the most recent.

Chairman Savacool asked if there were any other comments. Mr. Baker said the CEO would not follow up with any more violations until all these issues are resolved.

Chairman Savacool said he had a concern with the appearance of storage on the side of the building. He asked if screening is needed. Chairman Savacool said this also needs to be addressed. Materials that may be flammable also need to be addressed for proper storage. This will be taken up with the fire marshal.

Mr. DiSano asked is he needed a survey. Chairman Savacool said the 1998 survey was done by Mr. Steiner so it just needs to be updated to show stripping. Mr. Baker said as soon as he researches the history, he will contact Carl Pelcher. Mr. DiSano will be contacted to set up a meeting.

Mr. DiSano thanked the board for their time.

Item No. 5 **Paul Anderson, Tri County Mall Project**

Mr. Anderson thanked the board for hearing him. Mr. Anderson said next week the windows will be boarded up on at the project. Mr. Anderson said there are several restrictions on this property. Mr. Anderson said he felt there was an opportunity to start to subdivide this property and showed from the diagram parcels that could be subdivided, not changing the plans, only the concept. He said they are not going to walk away from this project as they have a lot of money invested in it. He said until the market turns around, they have to take different approaches and that is why he has come before the board.

Chairman Savacool stated:

- These are preliminary discussions
- A PDD is in place
- What happens to the PDD
- Are we looking at a rezone and subdivision

Mr. Carr said it is totally zoned as a PDD. Chairman Savacool said the PDD would have to be repealed. Mr. Anderson said we should look at the concept before going into repealing the PDD. Mr. Anderson

said he is asking the village if this should be developed as a single property/sole ownership, or is breaking it up sensible. Mr. Carr said because the PDD was created, it could be unbundled. Mr. Baker said the village board could rezone it which extinguishes the PDD. But, Mr. Baker said there has to be a zoning to go to. Mr. Arthur said the answer is that there is no longer a PDD and we start over with public roads, public utilities.

Chairman Savacool asked if there is a way to modify the PDD. Mr. Baker said yes and the parts that fall out would have to be rezoned to something else, then it would be a new PDD that would get approved. Mr. Anderson showed on the site plan which pieces would be sold off. The parcels Mr. Anderson referred to would be for professional/medical buildings. Mr. Cronk as if the waters have been tested to see if there is any interest in these parcels. Mr. Anderson said not at this time, but he said he felt there is a local use for these buildings. Discussion continued on the dividing of the parcels, traffic flow, how the traffic would move within the project.

Mr. Carr stated to do a change would require:

1. Zone Change
2. Subdivision
3. Amendment of the remaining element of the PDD

Chairman Savacool said to Mr. Anderson that if he did sell off any parcels, these parcels could not be kept in the PDD. Mr. Anderson agreed. Chairman Savacool said the parcels would have to be sold all at once, not one at a time. Also, Chairman Savacool was concerned with the two parcels that Mr. Anderson wanted to sell off that had no frontage, called flag lots.

Mr. Baker brought up the point about stormwater detention and how easy it was when it was one ownership. Mr. Baker said now the stormwater detention will be servicing a group of lots. Mr. Baker asked who is going to maintain that.

Mr. Baker is opposed to flag lots as they cause problems to access. He said Mr. Anderson's road layout is on a piece of land that is not on the flag and the new owners will not be given a driveway cut. More discussion followed on access and driveway cuts.

In continuing the discussion about the flow of traffic, Mr. Baker said the Downer Street Corridor Study has been completed and the recommendations are:

- ✓ Light goes in at Meigs Rd
- ✓ When Tri County Mall property is redeveloped, two entrances off Downer Street are eliminated and a new entrance will be built off of Ford St.
- ✓ Light at Ford Street will be moved

Mr. Baker said he suggested to Mr. Anderson that Landrush be lined up with the new road and be turned into a village street, which will give Mr. Anderson enough frontage to do the subdivision. Mr. Baker said it is a costly approach; however, if something like that kind of a plan was approved by the planning board Mr. Baker did not think that subdividing off of the streets and getting those lots out for sale are incompatible to that kind of a plan. Mr. Anderson said he was not opposed to putting a street

through the area discussed because it creates value to neighborhood with public streets. More discussion followed.

Question was asked about parking for the parcels in question being sold off. Mr. Anderson said he thought parking would be okay.

Mr. Carr said he did not know of any time limits with a site plan. Mr. Anderson said he appreciated the boarding meeting with him informally.

Item No. 6 **Discussion of EDR Project**

Chairman Savacool handed out to the board members a list of items that were addressed at the ARB meeting which he and Carl Pelcher attended regarding the EDR project. Chairman Savacool reported to the members what was discussed at that meeting. Brief discussion followed on these items.

Chairman Savacool said he would meet with Carl Pelcher on this to keep moving forward on this project. He said he would be involved in a couple of more meetings on the EDR project to assist Carl. He said he did not know if the planning board is ready to have a public meeting yet.

The next Planning board meeting is scheduled for May 26, 2009. Meeting adjourned at 10:40 p.m.

Respectfully submitted,

Marie Giannone
Secretary