

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Tuesday, August 26, 2008, 7:30 P.M.
(approved 9/23/2008)

PRESENT: Chris Savacool, Chairman
John McFall
Carl Pelcher

ABSENT: Dave Arthur
Larry Barnett
Ed Rock
Don Cronk

ALSO PRESENT:

Tim Baker, Village Engineer
Ron Carr, Village Attorney
Marie Giannone, Secretary
Mayor Saraceni

GUEST: Mr. Paul Fritz – EDR

Chairman Savacool opened the meeting and said the board is without a quorum due to the fact the some members had other work related commitments.

Approval of past minutes cannot be approved due to the lack of a quorum. These minutes will be approved at the September 23, 2008 regular planning board meeting.

Chairman Savacool made a change in the agenda and added another item as follows:

Section 72-14 of Article VII of the Code of the Village of Baldwinsville is hereby amended by adding, thereto, the following new sub-paragraph:

D. ACCESSORY RETAIL OUTDOOR SALES, permitting the outdoor sale, renting or display by a retail business of merchandise, goods or equipment that is directly accessory to and associated with the principal retail business located on the same property.

Section 72-28(A) (2) of the Code of the Village of Baldwinsville is hereby amended by adding, thereto, the following sub-paragraph:

(c) Accessory Retail Outdoors Sales Uses

Chairman Savacool said this change in the village code started with the B'ville Sports Bowl wanting to have retail sales located within the bowling alley during the off season bowling. Chairman Savacool said these meetings led to discussions on the codes and what should be done to bring codes up to date. Ron Carr, the village attorney, looked at the codes to see what could be done.

Chairman Savacool asked Ron Carr to address this issue on the proposed amendment.

Mr. Ron Carr said the only thing by way of code that allows for the **outdoor sale of any types of product is only found in commercial districts. Mr. Carr said the code is phrased to permit for the sale and storage of lumber, wood, feed, fuel and similar products, but not junkyards or secondhand material yards.** Mr. Carr said that coupled with a reference to auto sales are about the only references. Mr. Carr said that when the board was dealing with the B'ville Sports Bowl (Mr. Sidon) matter, the question came up if this would fall into the definition of outdoor sales as being one of these types of yards.

Mr. Carr said it became clear that the code did not provide for any area for outdoor sales, which would be something like a hardware store selling product outside in the parking lot area. Mr. Carr said under the present codes, he could not find anything where these types of sales are permitted.

Mr. Carr said he crafted a possible addition or amendment to Section 72-14 Permitted Structures and Uses for B-2 Districts. This is a cumulative district, i.e. what is allowed in B-2 is allowed in C – Commercial and Industrial. Mr. Carr read what is to be added as follows:

D. ACCESSORY RETAIL OUTDOOR SALES, permitting the outdoor sale, renting or display by a retail business of merchandise, goods or equipment that is directly accessory to and associated with the principal retail business located on the same property.

Mr. Carr said what he was striving for was to say that this has to be retail, and anything that is going to be displayed outside has to be accessory or connected to the type of business being conducted at that location. In this way, Mr. Carr said that would eliminate some kind of assignment coming from off premises where the parking lot can be used for some type of display not even related to the principal type of business.

Chairman Savacool asked how this was related to the Sidon property. Mr. Carr said Mr. Sidon had a bowling alley and wanted to make it a multi-purpose building. Mr. Carr said Mr. Sidon had the bowling alley, which had accessory uses of restaurant, bar and retail sales in the building. Mr. Carr said Mr. Sidon wanted to create an additional use of the building by having accessory retail sales of product not related to the bowling alley.

Mr. Carr said we don't definitely defined multi-use buildings in the village code; the village has and does permit multi-uses.

Chairman Savacool asked Mr. Carr if this is another issue that should be addressed. Mr. Carr said the concerns for multi-use buildings are in terms of defining appropriate signage and distribution of signages among the various businesses. Mr. Carr said each and every separate use has to be permitted within the district. Mr. Carr said there could be an on-site parking problem assignment within the distribution and how it is addressed with a multi-use building. Mr. Carr said at this time there is not a problem with this, but could it happen in the future, when should it be addressed by the board.

Mr. Carr said in this proposal he also proposes to amend Section 72-28(A) (2) of the code which is the site plan approval section that just merely includes for accessory retail outdoors sales uses as a use that requires site plan review.

Mr. Carr clarified that outdoor retail sales use does not mean that anyone that has parking area at their business can use their parking spaces to set up retail outdoor sales, thereby reducing their parking spaces. Mr. Carr said that was Mr. Sidon's interpretation, i.e. that he could set up an outdoor retail sales display where his patrons park at the bowling alley. Mr. Carr said that is not correct in that required parking spaces cannot be used for anything else.

Mr. Carr said these amendments are being proposed for outdoor sales of accessory retail product to be displayed on the property of the business, not to take away from required parking spaces, or displayed on the village property. Mr. Carr said village businesses in a B-2 District that abut up to the sidewalk would not be allowed these outdoor retail sales out on the sidewalk because it is not their property. It is on the right-of-way.

Mr. Carr said this does not include periodic sidewalk sales, promotional events or permits for café outdoor dining. Mr. Carr said he has been told that there are perhaps on the properties within the confines of the center business district that have locations between their building and the sidewalk that possibly is their property and would afford them the opportunity to put out product out front which may be considered unsightly.

Chairman Savacool asked if the village can regulate what businesses put outside. Mayor Saraceni said the chief enforcement officer is looking into seasonal permits for these sales provided these businesses pass some kind of aesthetics screen test. Mr. Carr said screening could be used to hide some of this product that is used for storage.

Mr. Carr said special permits are good and set up preliminary criteria that have to be met. Once that criteria is met, the special permit only gives the village board the option of just reviewing. But, Mr. Carr said once that criteria is met, the village has no choice but to allow that special permit to go in.

Chairman Savacool asked about the hardware store using their parking spaces to display outdoor material and if there should be some guidelines as to how much can be displayed

in their required parking spaces. And, Tim Baker said the issue of fire lanes comes into play. Mr. Carr said all of this has to be addressed.

Mayor Saraceni said the code enforcement officer has been working on these matters and citations have been issued. Mayor Saraceni said the fire lane issue has been taken care. Mayor Saraceni said this business has been in the village for many years and is a good anchor store business. The mayor said the village wants to work with them to keep it that way and are doing everything to correct these issues and stay within the codes. Mayor Saraceni said all this came about because of another business in that area that wanted to have outdoor retail sales in a non conforming area. The members present and the mayor were all in agreement that this will be worked out to everyone's benefit.

The Mayor said that Rolf Beckhusen, CEO, had some issues with the language in the proposed amendments. This will be further addressed and worked on so that all businesses will be the same.

Carl Pelcher said the special permits would be a solution to these outdoor retail sales displays. Mr. Carr said the special permits cannot be that flexible. Mr. Carr said it has to be grounded into some objective standards. Mr. Carr said some basic criteria for a special permit could be:

1. Within certain districts
2. On their own property
3. Would not be bulk display
4. Distance from the principal structure
5. Can't protrude a certain distance from building

Tim Baker said on the enforcement side it will be a little more difficult to enforce any regulation if people have outside sales in a B-1 district. Some of these people in a B-1 district have been doing outside sales for a long time because it has been allowed. Mr. Baker said this could be difficult to enforce. Mr. Carr said that these amendments could include B-1 districts also.

Mr. Baker then asked about home occupations in a residential district and would they be allowed outside sales. Mr. Carr said a home occupation is a very definitive item that has to be accessory to the primary use which is a residence. Mr. Carr said it could also be restrictive under this code to the inside of the building because the objective is to allow the business to operate in such a way that it is not damaging to the other residential character of the area. Mr. Baker said even though as a rule home occupations do not lend itself to outdoor sales, one home occupation was noted; that being small engine repair. Mr. Baker said a business repairs engines in the garage, then there appears lawn mower repairs that start to sit on the side yard. He said it starts to multiply. Mr. Carr said that can be an issue because the business is in a residential area and assuming the business is allowed to perform that home occupation (small engine repair) in an accessory building, it does not allow for the outdoor storage of those engines or parts. Mr. Carr said that business would be in constant violation of the code. Mr. Baker also said that those types of businesses usually start without a permit.

Chairman Savacool said this will be taken up at the next planning board meeting, when we will have the entire board present.

Next item on the agenda:

EDR Presentation – Paul Fritz

Overlay district can apply additional standards on top of the existing districts.

Additional standards within designated areas

Building Heights

Building placements

Build to line

Another alternative is the development of a regulating plan. That is creating a whole new zoning district for a certain area.

Basically Mr. Fritz said you rewrite everything for an area. Mr. Fritz said this is an extreme suggestion. Mr. Fritz also said in the regulating plan, future streets can be drawn into this. Typically the new streets are drawn for brownfield and greenfield and is an extreme approach.

Chairman Savacool said in their previous discussions an important issue is the access roads on future streets. He asked how this can be incorporated into the plan. Chairman Savacool said that is a huge issue and under the regulating plan it can be addressed. Chairman Savacool asked if there are other ways to accomplish this besides the regulating plan.

Mr. Fritz said this can be controlled in the overlay district with

- desired setbacks
- little restrictive
- can create resistance from developer
- run into potential “taking” problem

Mr. Fritz said the ideal way is to do the writing plan on paper and commit to it.

Mr. Fritz refers to the handout “Sample Form-Based Code” dated August 26, 2008.

Chairman Savacool asked if this form based code is different from a regulating plan. Mr. Fritz said it is a water down version of a regulating plan. Mr. Fritz said in a regulating plan, everything is defined, where the form based code is more traditional zoning.

Chairman Savacool addressed the setback issues on frontage types and asked where does the structure actually start if there are awnings, stoops, or porches on the build to line structures. Mr. Fritz said some encroachment is allowed on the build to line.

Chairman Savacool asked how is the plan executed to move forward and how is this paid for, and how much can the village do on its own.

Mr. Fritz said this can be publically funded through LWRP – Local Waterfront Revitalization Project. The village of Baldwinsville has this funding. Mr. Fritz said because the village has this funding they can go after funding for site plan review.

Mr. Fritz said his recommendation was some type of overlay district tackling one area at a time. He said the village's East Genesee Street corridor by the river should be the first priority. He said there are two frontages to consider:

1. River (south side)
2. East Genesee Street

Mr. Fritz said the river frontage has to be defined. The Silver Fox is an ideal marker for setbacks. Mayor Saraceni said the village has a defined line along the river because of the walking trails. Mr. Fritz also said an ideal marker for the Genesee Street corridor is the Dunkin Donuts building. John McFall said there are two vacant properties for sale that need to be addressed immediately. Mr. McFall said this needs to be addressed because if someone comes in and purchases the property, the planning board should have a plan in place on build to line. Mr. McFall said if someone came in right now and wanted to build an ice cream parlor with front parking, we would be out of luck because we do not have any plans laid out for this corridor. Mr. Fritz said he thought this area could be a sub plot with some priorities as follows:

- Build to Line
- Height of buildings
- Minimum of two story building
- Dealing with Waterfront
- Shared parking
- Signage more restrictive

Mayor Saraceni asked what can be done with all the trash compactors that each property has and if it can be confined to one area. Some suggestions were:

- High quality screening
- Consolidation of trash among businesses

Discussion followed on trash and the consensus was that the trash screenings should have a consistent look to it.

Tim Baker said on the two frontage buildings, there will be a back side of the buildings that are fronting on East Genesee so there would be trash screening at the back which would be another frontage. Mr. Fritz said not necessarily as trash screenings could be placed on one corner. Mr. Fritz said these are realities that have to be dealt with. Mr. Fritz said another community faced the same situation that fronts main streets and all the pedestrian and parking works well. Mr. Baker said right now there is one primary

structure on each lot. Mr. Baker said the Rite Aid building has frontage on East Genesee but their primary building in back on the water. Mr. Baker asked Mr. Fritz if these businesses will be encouraged to have a primary structure on East Genesee, subdividing the lots into two with the new drive through so that there will be one primary structure for two lots. Mr. Fritz said all of the above is possible and that he would allow for flexibility. Mr. Fritz, referring to the Rite Aid property, said some type of street wall and tree buffer could be used for this area.

Chairman Savacool said how does the planning board make sure that whatever plans are developed, that these are carried out in the future when new board members are on the planning board. Mr. Fritz said that a lot of the communities that have been successful and hold onto their plans and make sure these are passed down as new members take over. Mr. Fritz said the village has to stay focused. Mayor Saraceni said this should be asked of newly elected officials when they are running what their position is and how will that vision be carried out.

Mr. Ron Carr asked if these future plans are on paper and someone has property where the future plans shows a street going through, wouldn't that devalue their property at the present time. Mr. Fritz said this is a fine line but these plans have meaning and at least there can be an expression of desire. Mr. Fritz said the planning board does have the right to state that they have a master plan for the area and asking the businesses to work with the planning board.

John McFall asked is there is an official historical district for downtown Baldwinsville. Mayor Saraceni said there is an official historic district for Oswego Street. John McFall said that a historic district should be made from the Oswego Street corner, over the bridge to the Baptist Church, on West Genesee to the end of the village offices and across to the old post office, down to Virginia Street. Mr. McFall said by creating an official historic district, it could be regulated by what could be built in the district. Mr. McFall said the fire on the corner of W. Genesee is an example because the village has no say in what can be built to replace the burned out building. Mayor Saraceni said going with an overlay district will have verbiage in it stating architecture has to be consistent with materials used in the 1920s.

Chairman Savacool, referring to Mr. Fritz's February 14, 2008 memo, asked Mr. Fritz to explain Alternative #3 Model Project Status. Mr. Fritz said he did not think Alternative 3 was a valid alternative. Mr. Fritz said the model project status only works if you are working with a developer that you trust. A developer has to be able to understand what the plan is about and the developer helps to get site plan reviews/approvals quicker. Chairman Savacool asked Mr. Fritz if there was an overlay plan in place, would Mr. Fritz work on this with the planning board giving Mr. Fritz model project status. Mr. Fritz said yes. Carl Pelcher asked how to proceed.

Mr. Fritz said:

1. Draw up districts
2. What is wanted for the corridors

3. Complete overlay district

Mayor Saraceni said the plan should be called “Genesee Street Corridor”. Chairman Savacool asked if the reduction in curb cuts and ingress/egress should be part of the overlay district. Mr. Fritz said shared access should be verbalized for the area south of East Genesee Street. Mr. Baker suggested that all ingress/egress and curb cuts should be put on the overlay districts so future business can see what is envisioned in the plan.

Mr. Baker said he checked with the DOT and Baldwinsville is on the predesigned list which could mean someday DOT could come in and design a new project but it may be 25 years. Mr. Baker said his experience with the DOT is that they work with what is out there and do not fight battles of moving ingress/egress and adjusting driveway locations. DOT will fix it up the way it is. Mr. Baker said if a plan is in place and some adjustments have been made as to ingress/egress, etc. DOT will design it according to what is there.

Chairman Savacool asked if an overlay district is created and address priorities, how you add to it. Mr. Fritz said the overlay district is amended. Chairman Savacool asked if the overlay districts can be as minimal or comprehensive. Mr. Fritz said yes.

A work session meeting to further discuss the EDR project was set up for Tuesday, September 9, 2008 at 7:30 P.M.

Motion to close meeting at 9:30 p.m. by John McFall and second by Carl Pelcher.

Meeting adjourned at 9:30 P.M. The next regular planning board meeting is scheduled for September 23, 2008.

Marie Giannone
Respectfully submitted,
Marie Giannone
Planning Board Secretary