

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Tuesday, October 23, 2007, 7:30 P.M.
Approved 3/25/08

PRESENT: Chris Savacool, Chairman
Dave Arthur
John McFall
Don Cronk
Larry Barnett
Carl Pelcher
Ed Rock

ALSO PRESENT: Ron Carr, Village Attorney
John Camp, Village Engineer
Susan LaQuay, Secretary

GUESTS: Hal Romans, regarding Aspen Springs Subdivision
Jim Nobles, regarding NAPA Auto Store

REGULAR MEETING - 7:30 P.M.

APPROVAL OF MINUTES

Upon motion by D. Arthur and second by E. Rock that the minutes of the September 4, 2007 Planning Board meeting be approved as submitted. Motion passed.

Upon motion by J. McFall and second by D. Arthur that the minutes of the September 25, 2007 Planning Board meeting be approved as submitted. Motion passed.

OLD BUSINESS

Site Plan Review regarding 91 Syracuse Street (NAPA Auto Store) – Jim Nobles

Mr. Jim Nobles is present to address the Board. Chairman Savacool noted that he had submitted plans last week and J. Camp has an engineering memo addressing them dated October 23, 2007.

Mr. Nobles stated there are two driveways into the site, but the one by the railroad tracks will be eliminated. The property line will be moved to create two equal parcels. Mr. Nobles noted that Plumley Engineering informed him that he will need to move the store closer to the sidewalk and he will, therefore, lose 8 parking spaces. He will put additional parking behind the store to address this. He noted, however, that there are typically less than 15 cars including the drivers and employees. Chairman Savacool noted that the plan to eliminate one driveway will be very beneficial as the Board has been striving to eliminate curb cuts on the street. Mr. Nobles asked how close to the sidewalk the building will need to be. Chairman Savacool stated this is still to be determined. The Board Members will go to the site to see where the building line will need to be.

J. Camp reviewed his engineering memo dated 10/23/07 (FILE: F98.SPR.002) as follows:

We have reviewed sheet SP 1 of 1 dated September 2007 for the above-referenced project and have the following comments:

1. The plan shows an adjusted property line between two existing lots. Both existing lots are zoned “industrial”.

J. Camp feels this is a logical step and a step in the right direction. He wanted the Applicant to make sure this gets done. Mr. Nobles stated the surveyor and lawyers have told him it should be an easy thing to do.

2. The plan shows a single, shared driveway from Genesee Street to both lots. The plan also shows a reciprocal access and parking easement.

J. Camp noted this is necessary to consolidate the 2 curb cuts into 1. Each lot will have legal access to the driveway and several parking spaces. D. Arthur asked if the easement will be incorporated into the deeds for the lots. J. Camp stated this would presumably be done at the same time as the lot line adjustment.

3. The applicant has provided an analysis of the parking requirements for the project. This analysis includes the proposed Napa building and the existing repair shop and dance studio. The parking requirements for the retail space are defined in the Village Code. According to the Village Code, the parking requirements for the repair shop and the dance studio can be determined “upon approval of the Planning Board”. The applicant has proposed 4 spaces for the repair shop and 7 spaces for the dance studio. The project is proposed to provide 49 total parking spaces.

J. Camp stated the Applicant is suggesting that the repair shop can be served by 4 parking spaces and dance studio can be served by 7 parking spaces. For those two uses there is no clear definition in the Village code so these numbers are proposed by the Applicant for consideration by the Planning Board. There are a total of 49 spots in the project, the project including both lots. He noted the total parking spaces required for NAPA is 37 spaces. Chairman Savacool noted that as long as there is the reciprocal parking easement in place, the Board can consider those lots together in terms of providing enough parking for the NAPA store. He also noted this will survive a change of ownership.

4. The following should be shown on the plan:
 - a. zoning of the project lots and all adjacent lots
 - b. location of any private stormwater pipes that connect to public infrastructure
 - c. proposed grading
 - d. proposed building height
5. The proposed 18-foot aisle to the rear of the proposed Napa building could create problems for two-way traffic in the vicinity.

J. Camp stated the reality is there will probably not be a lot of 2-way traffic there, but in the event that a car is entering at the same time a car is leaving it would be difficult for those cars to navigate through there at the same time.

6. The applicant should consider providing vegetative screening to the rear of the project.

J. Camp noted the lots to the rear are zoned R1 and it is reasonable to ask that screening be provided between the two zones (industrial and residential).

7. The Village Code requires a minimum setback distance equal to the height of buildings in industrial zones.

J. Camp noted if the proposed NAPA store will be 20' tall, code says it has to have a 20' setback on all sides from the property line. However, if the Board is requesting a certain setback, there may be some way to address this zoning requirement.

Chairman Savacool stated a zone change to Business would make sense and noted that the Village is trying to phase out the Industrial zoning designation. He asked Mr. Nobles if he would consider this zone change. Mr. Nobles stated he would be willing to request the zone change as most of the surrounding lots are commercial with the exception of the R1 in the back. J. Camp noted the setbacks would be less stringent if the zoning was changed to Business. Chairman Savacool, therefore, suggested that Mr. Nobles apply to the Village Board to have the zone changed. D. Arthur asked if he would need a variance for the side yard setback if he is granted the zone change. Chairman Savacool stated he does not believe he would need a variance. R. Carr noted that the side yard and rear yard requirements will be same as B1 and there are no side yard requirements except as required under 72-13(H). He noted B2 has no side or front yard setback requirements. D. Arthur stated he feels it is logical to have it rezoned to B2. Chairman Savacool agreed and stated a change to B2 would eliminate the front yard setback requirement and also replace the antiquated zoning designation. R. Carr noted the zone change will go to the Village Board but the lot

line adjustment will be addressed by the Planning Board. Easements will be part of the development and the Applicant will be required to have reciprocal covenants on both lots.

D. Arthur noted that the plan shows an existing lot line behind the body shop and it looks like the body shop is right on the line. He feels it would be prudent to adjust that line at the same time as the other line adjustment to provide more property behind the body shop. Mr. Nobles noted that nobody will be building on this part of the property anyway and he will ask Plumley to move it over 6' to the southwest. D. Arthur stated this would be advisable as it doesn't make sense to have a building right on a lot line. Moving it may avoid a future problem if this property changes ownership.

Mr. Nobles will apply to change the zoning to B2.

Discussion/Action regarding Aspen Springs final subdivision plan

Mr. Hal Romans is present to address the Board. He stated Aspen Springs has received preliminary approval of their plan. He stated the stormwater facilities have been constructed and the infrastructure is in. He noted they still have to fence the stormwater facilities. Mr. Romans provided the Board Members with a review letter he received from Plumley Engineering and provided Mr. Carr with the legal descriptions.

He noted that they have submitted as-builts to the Village. D. Arthur asked if the pump station is completed. Mr. Romans stated he believes so. He has letters from James Trasher dated September 20 concerning the sanitary sewer testing and the walkthrough that was done. They had discussed that it just needs to be field tested and calibrated.

Mr. Romans noted that the final plan is supposed to be a reflection of the preliminary plan. There may be slight modifications, but the final plan is the affirmation of the preliminary plan to show that it was built in conformance with what was approved. Chairman Savacool noted that legal descriptions of roads will be part of this. The dedication of the roadways, etc. will not be done until this is complete. Mr. Romans stated the Applicant's attorney is working on this.

Chairman Savacool noted that the final plan must be signed and filed with the County before they can start the construction of houses. D. Arthur noted that a home is being constructed right now. J. Camp stated this is common practice, to do one lot. However, it will not have a certificate of occupancy. R. Carr stated they could give conditional final approval, but this cannot be signed and filed.

Chairman Savacool noted that most of the outstanding issues are minor and seem to be legal in nature. In the past, the Board has granted conditional approval. He stated he spoke with D. Faldzinski from Plumley and he had sent his memo dated 10/11/07 to the developer indicating some things that still need to be completed. The developer is in the process of working on these items. D. Faldzinski suggested the Village should secure a letter of credit from the developer.

Mr. Romans stated they are seeking approval subject to completion of engineering and legal issues. They would be willing to post a letter of credit.

Chairman Savacool asked if there were further questions. Hearing none, he outlined a motion as follows:

Motion to grant conditional approval of the final plan for Aspen Springs Section 1 as detailed on four sheets dated May 14, 2006, last revision dated April 9, 2007. Such approval is contingent on the satisfaction of all outstanding engineering and legal requirements as outlined in a letter from Plumley Engineering, Dan Faldzinski, dated October 11, 2007, which is a four-page letter with attachments. Approval is contingent on these issues being satisfied and, if necessary, securing a letter of credit for any outstanding construction items and also contingent on payment of all legal and engineering fees.

Chairman Savacool noted that the Board has relied on Plumley Engineering to do a lot of the final details regarding this plan and Plumley has been working on this for the past few months. He noted that D. Faldzinski has stated he is comfortable with this and has done a thorough review.

E. Rock asked if the bond amount is set based on a scenario where the Village would have to do all the construction items. Chairman Savacool stated this is correct. D. Faldzinski will start working on this tomorrow with Claude Sykes, who will identify any remaining items that are outstanding. He noted any construction related items will be included, for example the fencing around stormwater management areas that has not been done yet.

Mr. Romans stated he understands that they will not be able to start until the plan is signed and the conditions are met. He stated this will be completed as soon as possible and they are aware that they cannot pull permits until this is signed and filed.

Upon **motion** by D. Arthur and second by D. Cronk to grant conditional approval for Aspen Springs Section 1 with the conditions and contingencies noted above and as stated on record by Chairman Savacool. **Carried 7:0.**

Upon motion by J. McFall and second by E. Rock, the meeting was adjourned at 8:40 p.m. The next Planning Board meeting is scheduled for November 27, 2007.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary