

**VILLAGE OF BALDWINSVILLE**  
**PLANNING BOARD MEETING MINUTES**  
**Tuesday, March 27, 2007, 7:30 P.M.**  
Approved 4/24/07

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- PRESENT:** Chris Savacool, Chairman  
Dave Arthur  
John McFall  
Robin Augello  
Larry Barnett  
Edward Rock
- NOT PRESENT:** Russ Lucy
- ALSO PRESENT:** J. C. Engelbrecht, Village Attorney  
Dan Faldzinski, Village Engineer  
Susan LaQuay, Secretary
- GUESTS:** Tom Loturco, PE on behalf of Aspen Springs

**REGULAR MEETING - 7:30 P.M.**

Chairman Savacool noted that this will be the last meeting for R. Lucy as he has resigned from the Board effective in May. He stated the Board is grateful for Mr. Lucy's long service to the Village as a member of the Planning Board. He noted this is also the last meeting for R. Augello, who has been elected to the position of Village Trustee.

Chairman Savacool noted that the item "Discussion/recommendations regarding signage" under OTHER BUSINESS on the agenda will be a difficult issue to discuss thoroughly at these meetings. He suggested taking this issue up in a smaller committee that will report back to the whole Board. J. C. Engelbrecht stated those meetings would be subject to rules governing Public Meetings and, therefore, they would have to be posted for public notification in advance. Chairman Savacool stated he understands and this will be done. He asked for volunteers to serve on this committee. J. McFall, L. Barnett, and D. Arthur volunteered. L. Barnett noted that the ARB has an interest in this issue and D. Arthur noted that the Zoning Board does as well. D. Arthur suggested that the committee be comprised of members from all Boards. Chairman Savacool stated he will approach the other Chairs and arrange a meeting prior to the April Planning meeting and will post the public notice appropriately.

Chairman Savacool noted that R. Augello is also the Planning Board's liaison to the ARB and, therefore, a new member will have to be selected as the representative to the ARB.

**APPROVAL OF MINUTES**

Upon motion by L. Barnett and second by J. McFall that the minutes of the January 23, 2007 Planning Board meeting be approved as submitted. Motion passed.

J. McFall noted a correction and upon motion by R. Augello and second by J. McFall that the minutes of the February 27, 2007 Planning Board meeting be approved as corrected. Motion passed.

## **OLD BUSINESS**

### **Revisions to Aspen Springs Subdivision**

Tom Loturco, PE is present on behalf of the Applicant. D. Faldzinski noted that the Board had reviewed his memo dated January 2, 2007 at the February meeting. He stated he has received a letter from the Applicant in response to those comments.

Mr. Loturco indicated the locations of the 2 detention basins on the property and noted there will be no changes to the main detention basin in the rear of the property. He stated that, at the request of the DEC, the second detention basin was installed at Route 31. He stated that as it was installed, they revised the plans to use 24" pipe in case additional development takes place in the future. He stated that, as designed, the detention basin meets DEC regulations. He noted it has already been constructed.

Chairman Savacool asked how the detention basin outlets. Mr. Loturco stated it is staged and indicated there is a detail on the top of the page. He stated that pre-development peak flows match the post-development peak flows.

Mr. Loturco stated that one outstanding issue is a letter they have received from the DOT, which indicates a few things they are requesting as this detention pond is a tributary to their system. First, the DOT had a question regarding concentration and sheet flow for the existing drainage system. Mr. Loturco stated they were wondering about the difference in routes to the basin and noted that any change in grading causes water to go in a different direction than what exists. However, he noted it all ends up at the same point of interest.

Mr. Loturco stated the letter from the DOT also questions the water quality and volume. He stated their plan provides more water quality volume than what the DOT is requesting. D. Faldzinski stated he agrees with this.

Mr. Loturco stated the DOT requested a summary of outlet control calculations and this has been provided. He noted this calculation is already included in the drainage report. D. Faldzinski agreed and stated he had reviewed this as well.

Chairman Savacool asked what the retention depth of the basin will be. Mr. Loturco stated it is 6' based on DEC recommendations. D. Faldzinski noted that adjacent ponds in the area are also 4' to 6' in depth. DEC guidelines require a 6' depth to be maintained and he does not view this basin to be an additional hazard as others in the area are of similar depth. Mr. Loturco noted the 6' depth is to prevent freezing and vegetative growth which would compromise the water volume. He also noted that the DEC requires flat areas in the basin to provide a landing to address safety issues.

Chairman Savacool stated that he is particularly concerned about this basin as it is close to the road and other basins in the area are not as close. D. Faldzinski stated there is a guard rail to protect vehicular traffic and, therefore, the question is as to whether this is a high traffic area for foot traffic. He stated he does not feel this needs to be treated any differently than residential areas backing up to natural water features.

Chairman Savacool asked J. C. Engelbrecht what the Village's liability might be for this basin as he does not remember one this deep. L. Barnett noted it is also very visible from the road. J. C. Engelbrecht stated he will check with the insurance company regarding this. He noted that swimming pools are required to have a 4' fence. Mr. Loturco stated that the DEC requires a berm and flat areas within the basin. He noted it is incumbent on them (the Applicant) to build it to DEC's regulations. D. Arthur stated he is also concerned about the safety of this basin and suggested planting thick or prickly shrubbery as a deterrent to children who may want to play in or around the basin. Chairman Savacool asked if signage is an option for this type of drainage basin.

D. Faldzinski stated that the DPW has been given the task of coming up with a program to maintain these basins. The safety issues have been discussed by the DPW. He suggested this may be something this committee can review and determine a proper approach to.

J. C. Engelbrecht asked if the DEC had given any opinion regarding safety. Mr. Loturco stated they had not addressed that issue. L. Barnett noted that he is concerned about safety; however, he noted that kids are as likely to play in the river and so he is unsure why he views this differently, he does. He noted that a pond may be more enticing to kids.

J.C. Engelbrecht asked if the DEC has any opinion regarding fencing. D. Faldzinski stated they do not address the issue and it is left up to each municipality. He noted the consensus thus far is to not have fencing or bushes as they would interfere with maintenance.

J. C. Engelbrecht asked what the area of the 6' depth is. Mr. Loturco stated it is approximately 60' x 45'. D. Arthur measured it on his copy of the plan and stated it is actually 80' x 50'. J. C. Engelbrecht asked what other municipalities require regarding safety. D. Faldzinski stated he is aware of only one instance where Plumley has encountered a municipality that required a fence and that was only a split rail fence, so it was less for safety and more for a means of denoting the boundaries of the area. Mr. Loturco stated that they have put up one fence around a drainage basin and in that case it was located directly off a parking area. Since doing so, the fence has been a hindrance to maintenance. He also noted it does not keep kids out because they can climb the fence and then anyone coming to help them would have difficulty getting in. He stated he has not heard too much about kids getting into detention ponds. D. Faldzinski agreed and noted it is not so much the kids that will be playing in or around it as much as it is the kid who is left unattended that would be an issue and that can happen anywhere.

Chairman Savacool stated the Planning Board's main issue at this time is safety and liability. He asked J.C. Engelbrecht if there is any legal ground regarding requiring signs. J. C. Engelbrecht stated that almost all the detention basins he drives by in other areas do not have fences. He stated there is no definitive answer, but he will talk to the insurance company to see what they have come across regarding this issue.

Mr. Loturco stated they have designed the detention basin per DEC regulations and would like to leave with approval tonight. He noted again that it has already been constructed.

D. Arthur suggested the Board could grant approval contingent on final DOT sign-off and review and also pending attorney review within an agreed upon timeframe to allow the Applicant to proceed and at the same time give J.C. Engelbrecht time to consult with the insurance company.

J. C. Engelbrecht asked what problems might be created if they do not receive approval tonight. Mr. Loturco stated there are financing issues awaiting this approval. D. Faldzinski noted that the DOT will be quick to sign off on this, likely in a week. Mr. Loturco noted that the developer would also like to begin home construction as well and this is awaiting approval.

J. C. Engelbrecht asked the Board what they may require if it is left to their determination. D. Arthur stated he does not believe a fence will be effective as there are other detention basins in the immediate area that do not have fencing. Mr. Loturco suggested a "POSTED" sign and noted this would limit liability. He feels an approval conditional on signage would be appropriate.

J.C. Engelbrecht asked how steep the slope of the basin is before it reaches the 6' depth. Mr. Loturco stated the slope is 4-on-1, which is not very steep.

D. Arthur stated he feels that the Board should consider signage as a requirement.

J. McFall stated he would recommend that J. C. Engelbrecht check with the insurance company. He stated he does not feel they will require anything more than a sign. J. C. Engelbrecht stated he will contact the insurance company and have an answer within 7 days.

Upon **motion** by Chairman Savacool and second by J. McFall to approve the drainage revisions to Aspen Springs Subdivision drawing pages C12 and C17 (revision date 3/1/07 ) with the condition that the developer will provide a sign pending recommendations by the insurance company within 1 week from today and conditioned upon final approval from NYS DOT. **Motion carried.**

## **OTHER BUSINESS**

### **Discussion/Recommendations regarding East Genesee Street Overlay District...**

Chairman Savacool stated the Board has received a list from D. Faldzinski regarding the overlay district considerations. He stated the Board needs to determine how to proceed with discussions regarding this issue and determine what the goals are for each area. He noted the EDR plan will be able to guide the discussion and noted the goals outlined on page 3 of that plan, which were established in order to create the plan itself. Chairman Savacool noted that a key concept in terms of design is “face the place”, which relates to both the river front and the street line. Buildings should face the areas they are intended to enhance. Other key concepts are to maximize views and link green space to connect certain areas of the Village for ease of movement through certain areas.

Chairman Savacool noted there are some interesting things happening in the Village, for example the firehouse area and the Lock Street DPW garage. The Village Board is currently considering proposals from developers regarding these areas.

D. Faldzinski reviewed his list of overlay district considerations regarding the East Genesee Street corridor as follows:

- **Building Setback Line Location**

D. Faldzinski stated Board should consider where the East Genesee Street right-of-way ends and where the sidewalk will need to be placed. He stated EDR’s proposal discusses facing buildings to East Genesee Street and the Board will need to look at providing a certain width of walkway and room for benching, etc.

J. McFall asked what the setback for the library is. D. Faldzinski stated the back of the sidewalk to the front of the building is approximately 12’. J. McFall stated he feels this would be a good guideline to follow in the future. D. Arthur noted that EDR really attempts to emphasize pedestrian space to provide a safe feeling of distance between the walkway and the road. D. Faldzinski noted this concept will drive the location of the building on the lot.

- **Front, Side and Rear Yard Requirements**

D. Faldzinski stated there is currently a 0’ front setback and no side setback requirement unless the property is adjacent to a residential use. The rear setback is currently 20’. He noted most of the areas in question back up to the river already and the Village has a trail and a right-of-way for the trail system. It is not likely that any building would encroach within 20’ of the rear line.

Chairman Savacool stated the goal is to fill in the gaps. He does not feel this item currently presents any obstacles. He asked D. Faldzinski if the 20’ rear setback is a problem in the area. D. Faldzinski stated they should look at businesses that do not abut the Seneca River and see how they are impacted. Chairman Savacool asked what the purpose of the 20’ setback is and D. Faldzinski stated it is to keep buildings from being too close to the river and serves an aesthetic purpose as well.

D. Arthur noted that parking requirements will impact this item as parking will be required in the rear of the lot per the EDR study. He noted the goal to get storefronts up to the road and the front building line is the most critical issue for this East Genesee Street overlay district. Chairman Savacool agreed. D. Faldzinski stated he feels leaving the requirements as they are would be sufficient.

- **Lot Area and Coverage Requirements**

D. Faldzinski noted there is a 75% allowance for lot coverage with the building. This does not allow much room for parking. He stated it is difficult to build to this coverage requirement when considering parking requirements. The Board could consider making the 75% more stringent. D. Arthur noted that if the Village were to set a reasonable rear setback requirement, this would take precedence over the coverage requirement.

Chairman Savacool stated he would like to see the flow of traffic through this area and the parking as well. He is concerned that it will not mesh as each developer has individual plans. He would like to see the back area behind the buildings flow well.

L. Barnett noted the first thing EDR shows is the trees lining East Genesee Street. He asked D. Faldzinski if these trees are figured into the front setback. D. Faldzinski stated they are. J. McFall stated the Village could ask property owners to plant trees along property lines between businesses. The Village itself can put trees between the proposed park land where the firehouse is currently located and Eckerd's and the diner. He stated that these are small steps that could be readily accomplished. He feels that the parking issues and the goal of eliminating curb cuts along East Genesee Street are difficult tasks and will take time. D. Arthur noted the purpose of this discussion is to try to develop some guidelines and laws to inch towards accomplishing the overall vision. J. C. Engelbrecht stated the EDR vision will likely take decades to reach, but could start now with small steps over time.

Chairman Savacool stated they should identify as a Board what they would like to see for the area so if a new developer comes in for a property, for example if the post office were to leave, the Board would be able to tell that developer what is required. For example, they would tell the developer to move the building to the front of the lot.

D. Arthur asked, regarding the goal of getting buildings closer to the street, how the Village gets to the point where there is a law to have the parking in back. D. Faldzinski stated the Village will draft a conceptual plan with more detail than the EDR study and use it as an intermediate plan to go by. They will be able to consult the plan and revise it based on incoming applications.

D. Arthur stated he feels the Board should first establish the overlay district and then address potential issues within that district. East Genesee Street is a reasonable focus for now as it is the main entry to the Village and the Board can then branch out from there. He feels the Board needs to establish a border for this overlay district and see what the feedback is from Board of Trustees and the public.

- **Types of Uses within Corridor**

D. Faldzinski stated B2-Zoning allows for some questionable uses. It includes allowances for auto sales, kennels, pet shops, veterinary clinics, etc. The Board has the ability to include or exclude other uses.

D. Arthur asked if the Board could limit the number of each type of business. J. C. Engelbrecht stated this would be difficult because if an area is zoned to allow for certain types of businesses, the Village cannot really say there can only be so many of each type. D. Faldzinski suggested requiring special use permits for businesses the Village does not want multiples of to provide some degree of control. J. C. Engelbrecht stated to do this the Village would have to define specific problems those types of businesses are creating and how they have failed to address them. He agrees that this approach would give the Village some additional control. D. Faldzinski noted he is not certain if it is legal to set limits per use and asked if there is any language in the code that states certain uses are only permissible with approval from Planning. He noted, for example, that gas stations and garages need special use permits. J. C. Engelbrecht stated there are special use permits in the code, which must be granted by the Board of Trustees.

J. McFall stated that he thinks that Eckerd's may be the first lot to change as they were recently bought out by Rite-Aid. Chairman Savacool stated he views Eckerd's and the Post Office to be the biggest obstacles to movement behind the buildings in this area. He stated he would like to see a developer, for example on the Eckerd's lot, having that property as 2 lots with one building facing East Genesee Street and another facing the river with a parking area in the middle. J. McFall noted this is somewhat difficult to accomplish as on the one hand they are trying to get everyone closer to East Genesee Street while at the same time trying to get things closer to the river. D. Faldzinski agreed this is a challenge and noted that developers coming in will want to maximize their property by putting the building in the middle. J. McFall suggested that the Village should write into the law that any new building on East Genesee Street needs to have a building right up to the street. Chairman Savacool stated in addition the Village should encourage development in the back to go up to the river, keeping in mind the 20' easement for the trails.

D. Arthur suggested limiting the building density to lot size. He stated this may encourage subdivision so a developer would sell the back half of the property towards the river, which would be developed separately. D. Faldzinski noted that this lot in the back would be considered a nonconforming lot as it would not have frontage on a roadway, which is required in the code. Chairman Savacool stated the Village would have to look at changing this and agreed that the Village should really look at how they can construct the overlay district in such a way as to promote subdivision.

J. McFall noted that extending Denio Street down to lot 8 would allow ingress and egress along the river and also lots 12 and 13 are vacant.

Chairman Savacool suggested they should consider less code and more of a conceptual plan so a developer will not just see limitations, but will be able to see that the Village will work with them.

L. Barnett suggested starting with easy ideas to implement, like trees. He suggested a limit on what trees can be utilized because there are so many varieties and some won't work well along East Genesee Street. He stated limiting types of trees will also provide uniformity.

Chairman Savacool asked the Board Members to list some things that can be accomplished now and what can be done long term. They should identify laws that will need to be changed or enacted that will promote and not hinder development.

J. C. Engelbrecht stated that Section 72-27 addresses special use permits. He thinks that D. Faldzinski's suggestion of utilizing special use permits is a good idea and stated he will look at this section of code to see how to accomplish this.

Upon motion by J. McFall and second by L. Barnett, the meeting was adjourned at 9:15 p.m. The next Planning Board meeting is a Special Meeting scheduled for Tuesday, April 3, 2007.

Respectfully Submitted,

Susan A. LaQuay  
Planning Board Secretary