

VILLAGE OF BALDWINSVILLE
PLANNING BOARD SPECIAL MEETING MINUTES
Tuesday, April 24, 2007, 7:30 P.M.
Approved 5/22/07

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

ALSO PRESENT: Mayor Joseph Saracini
Ron Carr, Village Attorney
John Camp, Village Engineer
Dan Faldzinski, Village Engineer
Susan LaQuay, Secretary

GUESTS: Tim Webber, Schopfer Architects, regarding Syracuse Home
Dave Schlosser, Schopfer Architects, regarding Syracuse Home
Mark Murphy, regarding Syracuse home
Scott Molnar, Byrne, Costello and Richard, regarding Syracuse Home

REGULAR MEETING - 7:30 P.M.

OTHER BUSINESS

Chairman Savacool welcomed the newly appointed Board Members, Don Cronk and Carl Pelcher, as well as the newly appointed Village Attorney, Ron Carr and newly appointed Village Engineer from C & S Engineers, John Camp.

Chairman Savacool noted an invitation was extended by C & S Engineers for a meeting tomorrow night, which will be an opportunity for the Board members, as well as other Village employees and officials, to acquaint themselves with C & S and to discuss the relationship between C & S and the Village. Dinner will be included and it is scheduled for 6:00 to 9:00 pm.

D. Arthur asked how long Plumley Engineering will be working with the Village in a transitional capacity. D. Faldzinski stated there are certain projects the Village and Plumley are involved in that are near completion, such as Aspen Springs, Festa Fairway, and Syracuse Home Addition. Plumley will work with the Village until they are completed. D. Arthur stated that he has appreciated working with Plumley Engineers and welcomed C & S.

Chairman Savacool stated he had spoken with TDK Engineering regarding The Shoppes at Baldwinsville (Tri-County Mall). They are planning to set up an informational meeting with Chairman Savacool, Mayor Saracini, and the Village engineer to talk through their plans prior to the Board meeting.

APPROVAL OF MINUTES

Chairman Savacool noted a correction and upon motion D. Arthur and second by J. McFall that the minutes of the March 27, 2007 Planning Board meeting be approved as corrected. Motion passed.

Upon motion by D. Arthur and second by J. McFall that the minutes of the Special Meeting dated April 3, 2007 Planning Board meeting be approved as submitted. Motion passed.

OLD BUSINESS

Revisions to Aspen Springs Subdivision – Drainage Basin

Chairman Savacool noted there is no one present on behalf of the Applicant. He noted that this meeting had been adjourned from the March 27, 2007 meeting and continued in a Special meeting on April 3, 2007. The issue is in regard to a fence around the detention basin at the entrance on Route 31. He asked D. Faldzinski if he has heard anything new regarding this. D. Faldzinski stated he had spoken to Claude Sykes who would still prefer a 6' high chain link fence with 3 strands of barbed wire enclosing the easement around the detention basin. D. Arthur asked if this was Claude Sykes' comment after the last Planning Board meeting. D. Faldzinski confirmed it was. Chairman Savacool stated he spoke with Claude Sykes as well and confirmed this. He stated that he did go through some of the correspondence from the insurance company that indicated its preference is for a 6' to 8' fence. NYCOM had recommended an 8' fence. Claude Sykes thought that a 6' fence with barbed wire would suffice. Chairman Savacool stated he spoke with Claude Sykes about the issue of aesthetics and Mr. Sykes remained adamant about both the insurance company's stance on that and his own in terms of the Village's liability. Chairman Savacool asked R. Carr if he has had any experience with this type of issue. R. Carr stated this detention basin is being looked upon as a potential attractive nuisance. He stated he understands that one would look at this from a predicate of caution and stated it would be almost a certainty that there would be a lawsuit if a child was to enter the basin. Therefore, he understands the need to fence it. However, he stated the height and quality of the fence is subjective. He noted the insurance company's recommendation is more in line with a security fence as opposed to a type of fence that would prevent someone from inadvertently entering the basin. He stated he does not see anything that would provide the Board with guidance as to the proper height of a fence. D. Faldzinski noted he has seen no consistency from one municipality to another regarding this. J. Camp noted that he is aware of a municipality that is currently being sued because they did have a fence around a water body. This was more of a creek, but he thinks it can be looked at similarly. A child fell into the water and was swept downstream. Rescuers could not reach the child due to the fence and the child drowned. He noted other municipalities have constructed split rail fencing as more of a warning that there is a body of water there. This does not prohibit someone from gaining access either for rescue or to enter the basin. He noted that the detention basin in question is set up so that a person would have to intentionally walk into water that is approximately knee-height for 10 to 15' before it drops off.

D. Arthur asked if the DEC's recommendations are guidelines or regulations. He noted he is not a proponent of a 6' or 8' fence with barbed wire in that area entering the Village. He agreed that such a fence would limit access to rescuers in the event a child gets into the basin. He feels an older child could climb a fence, but it was part of the discussion that the Planning Board is more concerned with younger children getting into the water unintentionally.

R. Carr noted that there is a distinct difference between having potential liability and being sued. He stated he does wonder what the insurance company is protecting against as it is not automatic that the detention basin would provide an attractive nuisance. Chairman Savacool noted that it is located within a residential subdivision.

D. Faldzinski stated there will be times when the permanent pool will be 24" or less, perhaps 95% of the time. He noted that the DEC calls their recommendations guidelines, but engineers view them as regulations and follows them in their design practices. J. Camp agreed and noted they are not legally regulations, but to propose something that is different from the DEC guidelines would meet with significant resistance from them.

Chairman Savacool stated he feels the Board is struggling with this because this is something that will need to be dealt with now and in the future and the Board will need to be consistent. He recognized that some of this is subjective due to differences in locations of individual basins; however, the Board does need to come up with some sort of consistent application regarding this issue.

E. Rock stated he prefers the idea of a split rail fence. It is a simple design and relatively inexpensive, but will allow for access both for maintenance and emergency situations. D. Arthur stated he is struggling with the issue of liability as addressed by the insurance company and DPW. L. Barnett noted that a split rail fence would solve the issue of aesthetics, but would not provide security. He feels a 6' chain link fence without barbed wire would be a prudent attempt to limit access without completely destroying the aesthetics.

D. Arthur asked what liability the Village has invited with the trail system in that it is along the river. R. Carr stated that in his experience no municipality has had an obligation to fence a natural geographical feature. In situations where they are abutting a walkway, this may change, but the general rule is that a natural geographical feature does not require fencing. D. Arthur noted, however, that the walkway is actually inviting people into that area. R. Carr noted that there is always a possibility of liability.

Chairman Savacool stated that he understands that Claude Sykes is adamant about having the chain link fence with barbed wire. However, he does not feel that this type of fence is a good precedent to set. He feels that a 6' chain link fence is sufficient.

Upon motion by J. McFall and second by L. Barnett to require at a minimum a 6' galvanized steel chain link fence and preferably a more aesthetically pleasing style fence (for example a wrought iron-style fence) with gated access located in such a way as to allow for maintenance, the design aspect to be worked out with the Village Engineer and subject to Village approval. Motion passed.

D. Faldzinski stated he will be in contact with the developer to work out the details of the fence design.

NEW BUSINESS

Addendum/Revision to Site Plan Approval regarding Syracuse Home Addition – Syracuse Home Association
Tim Webber and Dave Schlosser of Schopfer Architects, Mark Murphy of Syracuse Home Association, and Scott Molnar, Attorney for Syracuse Home Association, were present to address the Board.

Chairman Savacool noted this is an issue for which the Board has already approved a Site Plan. However, at that time part of the addition and detention basin encroached upon 2 other properties that are owned by Syracuse Home Association and in order to address this, the Board wanted to be sure that lot lines would be moved to encompass the addition and basin into the site plan lot. There was discussion as to whether that needed to be done through a subdivision or through a lot line adjustment.

Mr. Molnar stated that the mortgage premises will be the site plan lot. Since the addition crosses over into the 2 immediate adjacent parcels owned by the Syracuse Home Association foundation, this needs to be addressed to the Planning Board's satisfaction and to Syracuse Home Association's satisfaction. He feels that an adjustment of lot lines would be sufficient to address this issue as it would meet the objective of creating the mortgage parcel and still keep the other parcels intact. He stated the drainage basin encroaches on a 30-acre parcel and they are requesting to move the lot line only a quarter of an acre. The other lot line would only need to be moved approximately 150 feet.

R. Carr agreed that the definition of subdivision is dividing lots into 3 or more parcels and this issue can be addressed by lot line adjustments. This has already been subliminally countenanced by this Board's previous approval.

D. Faldzinski noted that the proposed relocations of the lot lines will not affect the conformity of the lots. For that reason, he thinks a lot line adjustment is a good solution because it will not create substandard nonconforming lots.

Mr. Molnar referenced the plans submitted to the Board to show where the lines would be moved. Chairman Savacool noted that currently Lot 7 has no street access. He stated this would potentially be a problem if this access were being cut off, but this is not the case as the lot does not currently have access even prior to any line adjustment. Mr. Molnar noted this lot has access through other lots owned by Syracuse Home Association foundation.

D. Faldzinski noted that the Applicant will ultimately have to come up with an updated legal description. This will give the Village another opportunity to review the issue. Mr. Molnar stated there is a surveyor working on this presently.

Chairman Savacool asked what mechanism the Board would utilize to move lot lines. R. Carr stated the Applicant would need to come back with a new description and new mapping showing the layout of the lines. Mr. Molnar stated this would not change from what is being presented tonight and the Applicant would appreciate approval of the

lot line adjustment this evening and then they can follow through. Chairman Savacool asked R. Carr if the Board could grant approval with the contingency that D. Faldzinski and R. Carr approve the new description and map. R. Carr stated there is no exact procedure and this falls within the confines of the overall site plan review process. He stated he would suspect that because the Village has a plan showing the delineation of the lots then the Board could approve this contingent upon the submittal of a corrected description. Mr. Molnar stated they would submit the deeds and surveys. D. Faldzinski stated he does not see a problem with the Board granting approval with the noted contingencies.

D. Arthur asked what would be the difference between receiving approval tonight and waiting for the next meeting. Mr. Molnar stated there is none really; however, a decision rendered tonight would enable them to move forward in anticipation of closing prior to June 30. R. Carr stated they could grant conceptual approval tonight as the plan was previously approved. They now need to have an accurate division of the line adjustments to that the actual property accommodates what is on the map. D. Arthur noted that the lines are delineated on the map provided. They are just missing the verbage. He does not see how it will be an issue so long as legal description matches what is on the map.

Chairman Savacool suggested the Board grant conceptual approval and then formalize this at the next meeting. Mr. Molnar stated this would be acceptable to them. Chairman Savacool stated that the reason there has been some resistance to this is that the Village has really scaled back on the idea of granting approval with contingencies. Mr. Molnar stated he will have the surveys and legal descriptions completed prior to May 22, 2007.

Upon motion by D. Arthur and second by E. Rock to grant conceptual approval of the lot line adjustment for Syracuse Home Association referencing Proposed Subdivision Plan sheet SD-1 with the proposed project mortgage lot lines indicated in bold on that map. Motion passed.

Chairman Savacool stated that in addition to the lot lines, Mr. Schlosser is here to address minor modifications to the site plan.

Mr. Schlosser stated they had received SEQR and site plan approval for the plan in October of 2006. Since that time, they have been up against rather severe restrictions from the state as to construction costs. They need to modify the site plan to cut costs. He noted that moving south on the site plan as it was approved, the grades drop substantially and would require too much earthwork, which would add close to 1 million dollars to the project. Therefore, they want to move away from that area. To address this, they took the southern wings and turned them 90 degrees and moved the building back to the north by 25 feet. This revision requires less earthwork and fill and gives them an additional 25 feet of screening from 690. He stated they have a contractor ready to begin construction.

Mr. Schlosser stated they have submitted new stormwater reports. The filtration system has been moved from the southern end and is now concentrated in the SE corner. This has reduced the area of disturbance on the existing site.

Mr. Schlosser noted that at previous meetings there was concern regarding the entrance and the possibility of using Legacy Drive as a potential entrance. He stated they have reevaluated this. Previously there was an entrance through the existing parking lot of the nursing home. The nursing home entrance now will become the entrance to the assisted living facility and a brand new entry will be created for the nursing home. He stated this works with the long-term plans the Village has to restrict the number of curb cuts onto Legacy Drive. Should Syracuse Home Association develop portions of the undeveloped parcels, they would connect internally to the proposed entrance drive rather than connecting directly to Legacy Drive.

Mr. Schlosser there was another modification during the SEQR process. They had an informal traffic study that showed the usage of parking would remain unchanged. They had previously increased parking by 29 spaces and now are proposing to not increase that number. They currently have 105 parking spaces and are proposing to keep this number.

Mr. Schlosser stated that the addition will aesthetically remain the same as was presented previously.

D. Faldzinski stated he has reviewed the revisions and thinks the plans are very close to addressing his comments. He noted this is a proposal for a 55,000 square foot addition with no increase in parking. He had asked the Applicant to

address this with the Board so they could determine what is necessary. Mr. Schlosser stated they have submitted a traffic study and employee counts which show the number of employees would increase by 3 or 4. He noted that within the nursing home, no residents drive. Within the assisted living facility, 29 of the 46 apartments are allocated to memory care residents who will not drive. The percentage of residents with a car is relatively small. Really the parking is needed for visitors and employees and the requirements were found to be same as the existing number and the 105 parking spaces on site now are sufficient. He noted they have now subdivided the parking site and have 3 separate parking areas, which will help the circulation. He stated that should the requirements change in the future, they own 100+ acres and would easily be able to address this.

D. Arthur asked how many residents there will be once the addition is complete. Mr. Schlosser stated there will be 166 residents.

D. Faldzinski noted that he had made an additional request for the Applicant to provide a drainage swale on the eastern side of the new access road to make sure it collects and conveys stormwater into the basin. Mr. Schlosser stated this has been revised. Tim Webber from Schopfer Architects provided D. Faldzinski with this revision via fax. D. Faldzinski noted that previously there was a question as to where the discharge was directed. At one time it was directed to the 690 right-of-way and they had asked that it be redirected onto their property to discharge directly east so the DOT would not need to get involved. This was revised and the infiltration basin will recharge into the wellhead protection areas.

Chairman Savacool asked if the DOT will need to review the revision to the ingress/egress. D. Faldzinski stated this is an issue for the Village to review. He stated it is 300' to 400' from Golden Legacy and the site distances are appropriate. Chairman Savacool stated he was initially concerned because the idea on Legacy Drive was to reduce the number or curb cuts. He is pleased to hear that this entrance road will be able to provide access to other parcels in the future so they will not require curb cuts onto Legacy Drive.

Chairman Savacool noted there are no parking requirements in the code regarding PDD districts. The Board can more or less require what it feels is necessary. He noted the traffic report indicated a very minimal increase in traffic and parking because of the nature of the facility and the nature of the residents. D. Arthur stated he believes they should be mindful of the fact that the Applicant wants to make certain they have adequate parking and have put a lot of thought into this project. His only concern is if the facility changes ownership in the future and he thinks the Board should consider allocating space for future parking if needed. Chairman Savacool asked if there are any areas that could be potentially used for future parking. Mr. Schlosser stated that the area where they removed parking would still be available. They have just decided not to utilize it now due to cost and because they would have been putting in parking spaces that were not needed and would be in locations that are unlikely to be utilized. Chairman Savacool stated he is satisfied that there is enough area to increase parking if it becomes necessary in the future. D. Faldzinski noted that even if the ownership were to change and the use were to change into a use that doubled the parking need, the new owner would have to apply to Planning at that time. He also noted that the space is available for additional parking, it is just not presently necessary to utilize this space. Chairman Savacool noted that if parking problems were to occur, this would not spill out onto Village roadways, but would be the problem of the owner due to the location of the property.

D. Faldzinski stated these are minor modifications to the previously approved plan and, therefore, will not require coordinated review.

Upon motion by J. McFall and second by D. Arthur to approve the modifications to the Syracuse Home Association Proposed Addition Site Plan. The modification are detailed in plans dated 4/9/07 with the substitution of sheet EC1.0, creating a new basin #2 that replaces the sheet in the packet. Motion passed.

D. Arthur asked what the depth of the basin would be. D. Faldzinski stated it is not a permanent pool as this is an infiltration system. He noted this is also on private property and will not to be conveyed to the Village. It has under-drains in case it does not percolate through the soil as it should and the water will only be 4' in the forebay area and should be dry after rain events. This drainage system is not meant to retain water.

OTHER BUSINESS

Additional discussion/recommendations regarding East Genesee Street between Conroy's and Cole Muffler

Chairman Savacool noted that the Village and the Planning Board is in a transition period between engineers and attorneys. He would like time to bring the new engineer and new attorney up to speed before continuing with discussions. He stated he did speak with Trustee David Mott about this and explained that one of the things the Planning Board realized going forward with this is that it will take quite a bit of time to think this out. He stated the Board has had some really good discussions so far about build-to lines and how it envisions the area in the future.

J. McFall stated there are 2 lots in this area between Gino & Joe's and China King that are vacant. If the Village wants to have buildings built right to the sidewalk, then something needs to be done quickly as these lots could potentially be sold tomorrow. Chairman Savacool agreed that this is a pressing issue.

D. Arthur stated he would like to see the boundaries for the first overlay district defined. Then the Board can more definitively look at these properties and see how they will fit into the EDR plan.

L. Barnett stated he would like to see the front building lines addressed promptly as well. In addition, he would like to address the trees and shrubs along the street line. He would like to see some kind of provision that fulfills the vision of EDR to have trees along the street. He feels there should be a list of approved recommended trees and shrubs that will do well street side.

D. Arthur asked how the Board of Trustees responded to the Planning Board not being in favor of extending Denio Street. Mayor Saracini stated that for the most part the Trustees seemed split about the issue. They had addressed concerns regarding access to this area should Denio not be extended. He stated he personally has changed his mind from wanting to see a large parking area and a large green space and would like to see Denio Street extended as a through street running parallel to East Genesee Street to allow access to the businesses along East Genesee Street. He noted many of the buildings have dual storefronts. He stated he researched this area and he originally had envisioned a large green space. However, he found that one can actually make the mistake of making a green space too large. He stated the Village is trying to create a maximum density for that area. He feels the trail is underutilized as it does not take you anywhere. He would like to see the Village create a situation where there are more buildings to draw people to the waterfront. He noted at the Village Board meeting there were a few people who wanted in and out access only regarding Denio Street, but others wanted it to be a through road. He noted that Rite Aid has purchased the Eckerd property and may determine that they want to divide that property. Chairman Savacool stated that this Eckerd property is prime property where right now they can only have one building on that lot. The Planning Board has discussed this and would like to see a building at the street and another at the river and have an open area between for parking. Regarding Denio Street, the Planning Board talked about pedestrian access and that may be problematic with a through street. He stated the Planning Board envisions Denio Street coming in and having parking in that area and some green space. The other access will be from the other direction and then they could start closing off curb cuts on East Genesee Street. Mayor Saracini stated that he also envisions 6' to 7' sidewalks along the businesses in the back. He stated there really is more room in the firehouse area than it seems and noted that he utilized the EDR disk to really look at the firehouse area.

D. Faldzinski noted that Denio Street egress is restricted during certain hours of the day and the Village will need to consider this moving forward with this area. J. McFall stated he feels the traffic pattern for the entire downtown area needs to be reevaluated.

Upon motion by J. McFall and second by D. Arthur, the meeting was adjourned at 9:15 p.m. The next Planning Board meeting is scheduled for Tuesday, May 22, 2007.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary