

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Tuesday, September 26, 2006, 7:30 P.M.
Approved 10/24/06

PRESENT: Chris Savacool, Chairman
Russ Lucy
Dave Arthur
Larry Barnett
John McFall
Edward Rock

ALSO PRESENT: J. C. Engelbrecht, Village Attorney
Dan Faldzinski, Village Engineer
Susan LaQuay, Secretary

GUESTS: Mr. Douglas Reith, LS, regarding Johnson Subdivision
Mr. Jim Nobles, regarding NAPA Auto Parts
Katie Barnett, student

REGULAR MEETING - 7:30 P.M.

APPROVAL OF MINUTES

Upon motion by D. Arthur and second by E. Rock that the minutes of the August 22, 2006 Planning Board meeting be approved as submitted. Motion passed.

OLD BUSINESS

Johnson Subdivision

Mr. Douglas Reith, LS, is present to address the Board. He stated that he had gone to the Johnson property to stake out the lots and discovered a lot line problem. Mr. Reith distributed maps to the Board. He stated the north lot line is affected the most.

Mr. Reith stated that when he went to the property, the neighbor, Mr. Decker, told him the stakes did not look right and showed him his survey, which was done by Mr. Sehnert, LS. Mr. Reith stated he and Mr. Sehnert spent time looking at the surveys to try to find out what had happened and did not reach a concrete conclusion. He stated their best guess is that the survey done 30 years ago is incorrect. He stated that one line, based on the location of 2 monuments he found, goes through Mr. Leppard's house and there is no explanation for this. After this length of time, he figures they likely have adverse possession and decided to agree with Mr. Decker's survey and the issue has been resolved. He stated they then went back to the original deed for this property and came within 4/10 of a foot of what their deed called for.

Mr. Reith stated the easement given to the County by the adjoining property owner for the sewer line (the dashed lines on the map) was supposed to run along the north line of the Johnson property. When the deed was filed, it was done by bearings and distances and he had found enough information to locate the easement. He does not think this is what was intended, as he believes they made an error in determining where the north property line is located. Due to this, he stated there is a problem in that the easement is over the property line. He is concerned it may cause issues for the Village down the road, but he does not feel this is Mr. Johnson's problem.

Mr. Reith stated that he also found that a cleanout is the Johnson's side of the property line just inside the south side of the easement. This raises a question as to where the rest of the line is located going east.

Chairman Savacool asked when the easement was granted. Mr. Reith stated it was less than ten years ago. J. C. Engelbrecht asked when the landowner hooked up the sewer line to the County. Mr. Reith stated it was never hooked

up. J. C. Engelbrecht asked what is located in this particular location. Mr. Reith stated it is swamp land. J. C. Engelbrecht asked if the property owner had closed on this yet. Mr. Reith stated he had not.

J. C. Engelbrecht suggested this could be corrected now and a new easement could be granted to run along the correct property line. Mr. Reith stated he is concerned that this could be a problem because the actual location of the pipe is not known. J. C. Engelbrecht stated that the Johnson property owners need to fix it as much as they can on their property and that if the pipe is actually located on the other side of the property line, at least the Village and the owners of the Johnson property would have done as much as they could for the property they now know that the Johnsons actually own. Even if it does not help the situation, it is all they can do. When they sell the property, they will have to tell the buyer that there is an easement and plan accordingly. Mr. Reith stated that because this is swamp area anyway, they are not likely to build on it.

J. C. Engelbrecht stated they cannot solve the problem if the pipe is indeed on the other side of the property line, but at least the Village would have done all it could to avoid a dispute with the County.

Mr. Reith stated the pipeline already exists and asked what is the point of creating another easement if they cannot move the pipeline? J. C. Engelbrecht stated the intent was to have the easement run along the property line and that did not happen. The property owner now has an opportunity to fix the problem in regards to the intent of the easement while they still own it to avoid a dispute with the adjoining property owner.

D. Arthur suggested they plot where the pipe is and make sure that it does not encroach onto the Applicant's property any further than what the easement is and make sure it is appropriate on the Johnson side. J. C. Engelbrecht stated they should try to get the Johnson property owner to agree now to the location of the easement to avoid conflict in the future.

D. Faldzinski stated the Village should let the County know that a potential problem has been discovered. Mr. Reith stated he would be more comfortable having the County marking out the easement themselves. J. C. Engelbrecht stated the Village will give the County notice and they will have done all they can do. D. Faldzinski suggested the notice be written such that an easement is to be added to the property 10' on both sides of pipeline. J. C. Engelbrecht stated that is if the County actually wants to get involved in solving the problem. The owner of the Johnson property can grant an easement to run along the new property line and file it. J. C. Engelbrecht stated they cannot extinguish the old easement as described, but can grant a new easement in addition to the old one.

J. C. Engelbrecht noted that the intent 50 years ago was for a 20' easement and this will be accomplished by the granting of a new 20' easement along the property line. The issue now is really between the County and the other property owner. Chairman Savacool stated he does not feel it is the Johnson's responsibility to locate the pipe, but the Village has a responsibility to notify the County and other property owners that there is potentially an issue. He asked what the Village should do beyond this. J. C. Engelbrecht stated that the Village has solved it by having this applicant grant what was intended to be granted 50 years ago. The new easement will follow the property line. Chairman Savacool stated, therefore, that there is no need to locate the pipe and the Village will just have the Johnsons grant the 20' easement. D. Arthur stated he feels this issue is similar to the discrepancy between a plan and an as-built. There was a plan set and there is an as-built, which was found by chance and it was not on a property that they controlled. He feels that a 20' easement following the property line is appropriate. Mr. Reith stated he feels this will be acceptable to the property owner.

Mr. Reith stated the other change due the adjustment in the lot lines is that everything had to be shifted and it may affect the planned location for the Oak Crest Road extension. D. Faldzinski stated that the spec for that road is 80', which would not fit anyway as there is only 60' available. Mr. Reith noted there is still enough room for pavement and suggested the easement could just be decreased for that location.

Chairman Savacool agreed this could be a potential problem in the future as the lot lines will rotate and the other property owners may not be willing to give property for the right-of-way to make up the difference. He noted, however, that this is really an issue for whoever comes in to develop this property in the future.

J. C. Engelbrecht asked if the Village cares that the right-of-way will be less. D. Faldzinski stated they can deal with this down the road. Chairman Savacool agreed and stated that issue does not affect this particular plan as long as the future buyers are aware that they may have issues with the right-of-way.

D. Arthur asked if it will be a problem that one of the lots is landlocked for development. Chairman Savacool stated this is not a subdivision issue.

Mr. Reith stated there is no paper road regarding the Oak Crest Road extension and they are only assuming this section of land was left over for that road. There is no actual plan approved showing this 60' as a road. He noted that future owners should be careful they do not mistakenly think this is a paper road. Chairman Savacool agreed that there is nothing that shows it as such. D. Faldzinski noted that the road was part of the master plan back in the 1980s, but nothing was set.

D. Faldzinski suggested the new easement be described as 20' from the new north line.

The following resolution to approve the amended map (dated September 25, 2006) regarding the Johnson Subdivision, located off of Canton Street in Baldwinsville, New York, for which a final plan was approved by the Planning Board on July 25, 2006 based on a map dated July 25, 2006, was outlined by J. C. Engelbrecht:

That concerning the Johnson property, Mr. Johnson has filed an amended map dated September 25, 2006 wherein he has presented a correction on the north property line. When the surveyors compared the property lines for his property as well as the adjacent property, Mr. Johnson's line is just slightly south. It was the intent years ago that the property Mr. Johnson owned had a 20' sewer easement parallel to the north line. Mr. Johnson is willing and it is a condition of approval for this amendment that a more modern description of that sewer easement be written and a new 20' easement for the sewer line be granted parallel to the newly located and corrected north property line.

J. C. Engelbrecht added for the record that this issue was brought to the Planning Board by Mr. Johnson and from the perspective of subdivision approval it is minor and the subdivision will not need to be resent to the County or be noticed for public hearing.

Upon motion by D. Arthur and second by J. McFall, the resolution to approve the amended map as outlined above is granted. Motion carried.

D. Faldzinski stated that notice should be sent to the County Sewer Department and the Onondaga County Department of Water Environment Protection to the attention of Robert Hayes. D. Faldzinski stated he will call the engineer of record for that particular project.

NEW BUSINESS

NAPA Auto Parts

Chairman Savacool stated the Board had received drawings, the application, and an EAF form. Mr. Jim Nobles is present to address the Board.

Mr. Nobles stated that NAPA wants to vacate the current building and would like to put up a new building on the lot between the railroad tracks and the existing NAPA building. Chairman Savacool asked if a site plan map has been completed yet. Mr. Nobles stated it has not. Chairman Savacool stated that the Board will therefore look at what they have, but will need to see the plan prior to serious consideration.

Mr. Nobles stated he checked Dean Johnson, one of the architects on the Architectural Review Board, to see what the property could accommodate a year ago. Mr. Johnson told him it would accommodate a 6000 square foot building. Mr. Nobles stated he does not need a huge parking lot and would like to just take the existing lot and put a new building next to the old building. Chairman Savacool asked if the plan will follow the parking prototype provided. Mr. Nobles stated it will. He stated NAPA currently leases the existing building, which will be left in place.

Chairman Savacool stated he has some concerns regarding the site. The site next door has problems with ingress/egress. Mr. Nobles owns that as well and stated he would like to pave it all to make one big parking lot. He stated he does not intend to demolish the existing building that houses the dance studio.

D. Faldzinski stated he did a preliminary layout using the conceptual plan provided. The prototype plan called for a lot width of 145' and when this is applied to the existing lot, there is an overlap of the buildings. Also, the prototype plan requires a lot of parking, which will eliminate parking for the dance studio. D. Faldzinski showed Mr. Nobles his sketch showing this and explained it to the Board. He stated a detention area would be required as well. D. Faldzinski stated the problem with the proposal submitted is that the facility will use all the extra space for parking, which would leave the existing facility with no access to the road and no parking.

Mr. Nobles stated he would tear down repair shop on the side of building if the proposed building does not fit.

D. Faldzinski noted that the prototype plan requires a lot width of 145' and even if they eliminated a portion of the existing building, it still would not have access to the road or parking.

Chairman Savacool stated the problem is that there are 2 separate lots and he cannot go through the property unless there is a mechanism in place for that, for example a right-of-way. There would need to be something in the deed if it were to be sold. D. Faldzinski stated that moving and extending the property lines could be beneficial and noted that the DEC requires a stormwater management facility if the property for development is over 1 acre in size.

D. Faldzinski suggested the next step Mr. Nobles should take is to hire an engineer and an architect to work on a site plan and determine if this is a feasible proposal. He noted that in regard to parking requirements based on the Village code, the proposal will require at least as many spots as stated in the prototype plan for a 6000 square foot building. Chairman Savacool suggested that Mr. Nobles talk to NAPA and see if they can vary from the prototype plan.

D. Arthur noted that property lines have been a stumbling block for these properties in the past. He recommended that the Applicant consider looking at this issue closely and, since he owns both lots, he should consider reconfiguring the lot lines and subdivision to address this problem.

D. Faldzinski stated that he does not think there will be sufficient room to accommodate the current proposal. He suggested considering eliminating the existing building or purchasing the other one to make it more feasible. Mr. Nobles stated he will contact Dean Johnson to discuss possibilities. D. Faldzinski also noted that he will need to meet DEC regulations regarding drainage issues.

OTHER BUSINESS

J. C. Engelbrecht stated he would like to address the issue of the number of copies Applicants must submit to the Board. He stated he often does not receive plans and there are frequently not enough to go around. Chairman Savacool suggested requiring Applicants to submit 14 sets of plans and applications. They currently are asked to provide 11 sets. This would provide enough for each of the seven Board Members and one each for the Village Attorney, the Village Engineer, the official record, the Village Clerk's office, the Codes Enforcement Office, the DPW, and SOCPA when applicable.

Upon motion by J. McFall and second by L. Barnett, future Applicants will be required to provide 14 sets of plans and materials with the application. Motion carried.

Upon motion by J. McFall and second by D. Arthur, the meeting was adjourned at 8:30 p.m. The next Planning Board meeting is scheduled for Tuesday, October 24, 2006.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary