

**VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Tuesday, November 28, 2006, 7:30 P.M.
Approved 1/23/07**

- PRESENT:** Chris Savacool, Chairman
Russ Lucy
Dave Arthur
John McFall
Robin Augello
- ALSO PRESENT:** J. C. Engelbrecht, Village Attorney
Dan Faldzinski, Village Engineer
Susan LaQuay, Secretary
- NOT PRESENT:** Edward Rock, Board Member
Larry Barnett, Board Member
- GUESTS:** Ms. Debra Case, 27 Syracuse Street
Mr. Tom Monica, 27 Syracuse Street

REGULAR MEETING - 7:30 P.M.

Chairman Savacool introduced and welcomed the Planning Board's newest member, Robin Augello, who was recently appointed and is also the Planning Board's representative to the Architectural Review Board.

APPROVAL OF MINUTES

Chairman Savacool noted that the date in the last paragraph of the October 24, 2006 minutes needs to be changed. There were no other corrections noted.

Upon motion by R. Lucy and second by D. Arthur that the minutes of the October 24, 2006 Planning Board meeting be approved as corrected. Motion passed.

OLD BUSINESS

Continuation of Discussion regarding Zone Change Request/ Recommendation – 27 Syracuse Street

Chairman Savacool noted the Board has received materials from D. Faldzinski and stated that D. Faldzinski had met with Ms. Case at the site and at Plumley and discussed the parking issue and the ingress/egress issue. D. Faldzinski developed a conceptual plan that shows the parking spaces and the ingress and egress. He stated that one thing that the Board had wanted to do was work on this conceptual plan and then send it to the DOT for comment, which D. Faldzinski received via email today. He asked D. Faldzinski to summarize the DOT position regarding this project. D. Faldzinski stated that the response from Mr. Grainer indicated that the DOT has reservations about the effects of additional traffic into this site as the existing driveway is located at a traffic light in between Tappan Street and Syracuse Street. He commented that it is a narrow entryway that would need to be limited to one-way use, either ingress or egress. D. Faldzinski stated he does not think egress would be successful and he would propose using it for ingress only. He stated the DOT is still concerned about the operational and safety impact of additional traffic into the property. D. Faldzinski noted that the DOT has not written their opinion in an official letter yet, but he believes they will provide a written detailed response if the issue is pursued further. D. Faldzinski noted that regardless of the

Planning Board's recommendations, the DOT will ultimately have jurisdiction over access to this facility if the use does change, which is what is being proposed at this time.

Ms. Case stated she has seen the letter from the DOT. She thanked the Board for assisting and supporting her thus far and was grateful that D. Faldzinski had worked so diligently to get the information to the DOT.

Chairman Savacool stated that SOCPA had met regarding this issue and sent their resolution (OCPB Case # Z-06-373, dated November 21, 2006) outlining two reasons they believe the application should be disapproved. Those reasons were outlined as follows:

“NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning board recommends that the application be DISAPPROVED for the following REASON(S):

1. It is difficult to evaluate the impact of the proposed use, particularly access and parking, on Syracuse Street and Water Street.
2. The Village lacks a plan for the waterfront and Syracuse Street corridors to address issues such as zoning, traffic, access management, and parking management.”

Chairman Savacool noted that he is not suggesting that this Board accept or reject SOCPA's resolution as this is for the Village Board to determine. J.C. Engelbrecht stated, however, that the Board of Trustees will very much look to this Board as these are fundamentally the issues the Planning Board deals with regularly. He stated if the Village was to overrule SOCPA and approve the request over their objections, this would require a supermajority and the Board would need to state in detail their reasons for overruling their resolution. D. Faldzinski referred to the SOCPA resolution and stated that their first comment could easily be fixed. He feels the second comment, however, needs to be addressed by the Village.

Ms. Case asked if parking was an issue with the Red Mill Inn as well. Chairman Savacool stated it was and this issue was worked through during the site plan process. He stated the Board relies heavily on the DOT in regard to traffic issues.

Chairman Savacool stated the Board has identified that there is potential for this area to develop and they need to determine if there is the potential for zoning changes, but perhaps this needs to be part of a larger plan. J.C. Engelbrecht noted this process was started with EDR. Ms. Case stated she is familiar with the EDR plan and noted that this process could take years. She stated her window of opportunity is not that long.

Chairman Savacool stated they will need to give the DOT something they will be happy with as far as a plan for this area of the Village. He stated Ms. Case can set up a meeting with the DOT to let them know what she is planning and ask them what she needs to do to make it work. D. Faldzinski tried to accomplish this, but the DOT was still not satisfied and Chairman Savacool felt it may be beneficial for Ms. Case to go to them personally. He stated the Planning Board is not saying the project cannot happen, but is saying that the DOT needs to get on board with this if possible. He told Ms. Case she will likely need to hire an engineer from this point.

J.C. Engelbrecht asked Ms. Case what her timeline is. She stated she was hoping to leave tonight's meeting with an approval. J.C. Engelbrecht stated the Planning Board could consider looking at this area of the Village to get an idea as to the use of that area and this could be happening at the same time as Ms. Case is working with the DOT. Chairman Savacool suggested leaving this issue open and not making a recommendation yet to allow Ms. Case time to pursue this further with the DOT and allow the Planning Board time to look more closely at this area.

J. McFall noted that at the last meeting the Applicant had talked about using the property on Water Street for access and parking. Ms. Case stated this was agreed to by the neighboring property owners and she plans to get a legal document put together. The neighbor has agreed to sign this.

Chairman Savacool again stated a personal meeting between Ms. Case and the DOT may be beneficial. He noted the location of the property right at the traffic light is the big issue. He stated this problem could be addressed by completely removing this entrance and have ingress on Water Street and egress on Syracuse Street or vice versa.

D. Arthur stated, as he understands it, the main problem is with the 10' width of the ingress and he feels this 10' may not be satisfactory in the future. He feels that if the back parking area is agreed to by neighboring property owners to allow for use as parking, etc., then this addresses some of the DOT's issues as it gets her traffic away from the traffic light. He believes this project can be accomplished with more work. He asked if SOCPA has seen a plan for the proposed use of the property. D. Faldzinski stated he does not think SOCPA has seen a site plan or a plan for the use of the property, nor have they seen the parking plan. He thinks they referred to the survey of the property, which shows very little detail regarding parking arrangements.

D. Arthur stated he sees the first comment in the SOCPA resolution as just that, a comment, in that it can be fixed and he does not agree with the comment. He stated the second comment stating there is a lack of planning on the part of the Village is incorrect. He noted that the Village has worked with EDR on this for 2 years now. He believes there is a plan in place for the Village and discussions continue to take place and, therefore, he does not feel that the second comment is accurate. He noted this is a small property with minimal impact and is not a spot zoning issue. The Village Board is given the opportunity to make zone changes where it is determined to be appropriate. He feels the SOCPA comments could be revisited.

D. Arthur stated if the Applicant feels she would like to continue to pursue this, the issues could be resolved. Chairman Savacool agreed and noted the Board is receptive. He stated it is really a DOT issue now. J.C. Engelbrecht suggested the Board may want to try to do a "mini-review" of the areas surrounding this property.

D. Faldzinski noted that Water Street is a one-way street and if you do not block off ingress at 27 Syracuse Street and force people onto Water Street, people may shortcut between 23 and 25 Syracuse Street. Chairman Savacool stated they cannot eliminate this access entirely, but could consider making it a walkway somehow.

D. Arthur asked how much parking the Applicant really needs for her two businesses. D. Faldzinski stated the number is based on 1:100 square feet of floor area and that means 8 are required for 27 Syracuse Street, 2 spaces for the upstairs and 6 spaces for the proposed restaurant. Regarding 25 Syracuse Street, D. Faldzinski stated they should revisit this with Rolf to see what this zone change was approved for. Ms. Case stated that when she originally met with the Board regarding 25 Syracuse Street almost three years ago, the requirement was 9 spaces. D. Faldzinski stated the total would likely be 17 spaces with the understanding that some may need to be dedicated to 23 Syracuse Street.

Ms. Case stated she understands that the Board is recommending that she meet personally with the DOT. She asked if she should also try to meet personally with SOCPA. J. C. Engelbrecht stated SOCPA is not likely to meet directly with applicants.

D. Arthur suggested Ms. Case get something in writing from the neighbors regarding parking. Chairman Savacool stated he does not feel this needs to be a legal document at this point, but she should talk about this conceptually with the DOT first and then pursue a legal document based on the DOT's response to this possibility. D. Faldzinski stated the DOT would at least be able to tell her if it will be worthwhile spending her time and hiring an engineer. D. Faldzinski stated it may take weeks to a couple of months to get a meeting with the DOT as they are very busy. He stated the DOT's major concern is the width of the driveway at 27 Syracuse Street, particularly as it does not meet their commercial/business driveway standards and is in a difficult location. He stated he would anticipate any proposal to the DOT would need to include the elimination of this access.

Chairman Savacool stated he would like Ms. Case to let the Board know as soon as possible if she will be proceeding further with this as the Planning Board can get started on looking at this area in general. Ms. Case stated she will be sure to keep Chairman Savacool informed as to her progress. She thanked the Board for their time and consideration.

Chairman Savacool asked J. C. Engelbrecht if this Board need to take an official action regarding this issue. J.C. Engelbrecht stated the Board can just let it set for now. Chairman Savacool stated he will send a memo to Mayor O'Hara to let him know the status of this recommendation.

Discussion/recommendation regarding local law filing regarding cell towers

J.C. Engelbrecht stated the Village Board is seeking comment from the Planning Board regarding this issue. He stated a firm that deals solely with cell tower issues made a proposal to the Village, which they have done with a number of other municipalities, that if the Village enters into a three-year contract with them they will represent the Village as cell tower applications come in. As part of this contract, they provided a draft of a law creating basically a cell tower overlay district. J. C. Engelbrecht stated he and Claude Sykes went over it several times and now it is before this Board for their comments/recommendations.

D. Arthur stated he had read through the entire draft of this Local Law. He offered the following comments/recommendations:

Section 72-71(Y): Should consider including a definition of what constitutes the height of a tower. "Tower Height" should be described/defined.

Section 72-73(B): After "...provided, however, that any visible modification..." add "...or possible hazardous modification of transmit or receive technology..."

This section is written to address more of the aesthetic issues involved with modifications, but it should also address the potential impact of new technologies on health issues.

Section 72-72 (A): This section excludes not-for-profit corporations. D. Arthur does not agree with this exclusion when there is the potential for impacts on health and safety. Chairman Savacool stated this is just to provide the Board with the opportunity to allow exemption if deemed necessary as it states the Board may exempt. Public services are exempted. J. C. Engelbrecht stated he feels this may be included to address the fire company as it is not part of the Village and should remain.

Section 72-75(I6): This addresses the Zoning District or designation in which the property is situated. However, there is no zoning district or designation in our current code that permits cell towers. This should be addressed and the Village should determine what zoning designations permit cell towers.

Section 72-75: Consider adding the requirement that a routine structural inspection be provided as these structures are put up and left for many years. Inspections are not addressed and should be. D. Arthur noted that these structures go up and are there for many years and should be required to subject to routine inspections. Chairman Savacool noted that on reading through the law, he had noted many sections that dealt with structural integrity but did not note any requirements for inspections.

Section 72-75(Q): Should include the requirement that a cell tower placed in a business district will require review by the Architectural Review Board. D. Arthur felt this is important to deal with the aesthetic impact of these towers. J. McFall stated he feels that these towers should blend in with surroundings.

Section 72-76(F3): This refers to specific zoning again (as with the 4th bullet point above), which does not exist in the current code. Chairman Savacool feels perhaps the intent is to capture this in the future when zoning is determined.

Section 72-78(A): As above in the first bullet point, height should be clearly defined/described. This section should be reworded to make it more easily understood. Specifically, Board Members agreed that the following excerpt did not make sense and should be revised:

“...and a minimum of ten (10’) ft. lowers height to allow verification of this height need.”

Section 72-84(B) It should be added at the end that no public hearing/notification is required “as long as there is no change in the originally approved technology and/or health risk due to changes in transmission technology.”

Section 72-85(A): After “...with due regard for the public interest...” it should be added “...to include aesthetics, visual impact, structural safety, and potential health impact.”

Section 72-87: As with the above addition to Section 72-84(B), after “...where there is no increase in height of the Tower or structure required...”, consider adding “...and as long as there is no change in the originally approved technology and/or health risk due to changes in transmission technology.”

Section 72-92: D. Arthur stated this section deals with fines and penalties and asked if there are fines and penalties set up for this. J. C. Engelbrecht stated they have mirrored them to existing fines and penalties.

Section 72-94(A): After “...and require the removal of Wireless Telecommunications Facilities” add “...at the expense of the owner. “

Section 72-94(D): Where this refers to facilities that are not removed that are required to be, consider if “substantial progress” is too broad of a term that will need to be more specific. Consider if it is more beneficial to the Village to be vague or specific (i.e. a percentage in the definition of substantial progress).

D. Arthur stated he feels this draft is very well written.

J. C. Engelbrecht stated these recommendations should be sent to the consultant for their review.

Upon motion by J. McFall and second by R. Lucy, the meeting was adjourned at 8:20 p.m. The next Planning Board meeting is scheduled for Tuesday, January 9, 2007.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary