

**VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Tuesday, April 25, 2006, 7:30 P.M.
Approved 5/23/06**

- PRESENT:** Chris Savacool, Chairman
John McFall
David Arthur
Edward Rock
Larry Barnett
- NOT PRESENT:** Russ Lucy
Evelyn Mercer
- ALSO PRESENT:** J. C. Engelbrecht, Village Attorney
Dan Faldzinski, Village Engineer
Susan LaQuay, Secretary
- GUESTS:** Mr. Patrick Hovey
Mr. Joe Mastroianni, PE
Mr. Joe Saraceni, Village Trustee
Mr. Anthony Saraceni, Village Trustee

REGULAR MEETING - 7:30 P.M.

APPROVAL OF MINUTES

Upon motion by L. Barnett and second by D. Arthur that the minutes of the March 28, 2006 Planning Board meeting be approved as submitted. Motion passed.

OTHER BUSINESS

Chairman Savacool noted the Strategic Development Plan for the Village has been provided by EDR and copies of the "rough final" are available to Board Members. EDR is looking at giving a final presentation on June 1, 2006 at the Board of Trustees meeting. He requested that the Board Members look at it between now and May's meeting and comment on it at that time. The Planning Board will submit these comments to the Village Board.

OLD BUSINESS

Continuation of Discussion/Recommendation regarding Zone Change Request - 5, 7, and 9 Mechanic Street

Chairman Savacool noted at the March meeting the Planning Board had discussed making a recommendation. SOCPA had no comment with regard to the zone change request except a comment regarding drainage. At that time the Board also stated the main concern would be the architectural character of the proposed building and viewed this particular location as a transitional area between commercial business and residential zones. The Applicant was sent to the ARB for their input. Chairman Savacool reviewed the memo from the ARB dated 4/3/06 as follows:

"The design of any commercial structure on this property shall incorporate residential characteristics consistent with the neighborhood and other residential structures, such as horizontal siding, steep roof, faux dormers to give the appearance of a second story, porch and railing details, functional, double hung windows (at least on the front elevation) rather than casement, sliding or fixed picture windows, window shutters or trim, residential style door(s) not commercial aluminum entrance doors, and the building should be located close to the street to be consistent with existing residences.

The design must comply with ARB Guidelines and will require application for ARB review. "

Chairman Savacool noted the advice from ARB important as the Board wants to be careful recommending a zone change without placing certain deed restrictions on the property to be able to hold the developer to certain standards. He noted the Planning Board needs to make a recommendation to the Village Board regarding this proposed zone change. However, there has been a change in the plan. The Applicant, Mr. Hovey, is looking to add two additional sites to the plan. J. C. Engelbrecht noted this had been before the Board of Trustees and has already been sent to SOCPA and also formally referred it to the Planning Board for a recommendation. He noted it is a significant enough change that the process must start over.

Mr. Joe Mastroianni, PE, is present to address the Board, as is Mr. Patrick Hovey. Mr. Mastroianni noted the original application was for lots 5, 7, and 9 Mechanic Street. Since the application, Mr. Hovey closed on the 4th lot, 11 Mechanic Street. The application was resubmitted to include all four lots (5, 7, 9, and 11). There is a separate application for 8 Mechanic Street.

Mr. Mastroianni outlined some changes to the plan. There is currently a single-family house located at 5 Mechanic Street. Since Mr. Hovey acquired the next lot, this house will now stay (it was originally planned to be razed). It will be renovated and will house a commercial use. The new building will be constructed on the remaining three lots. 8 Mechanic Street has an existing house. This property was added by Mr. Hovey contingent on zone change approval. This house will also be renovated.

Mr. Mastroianni noted that there is a small strip mall located next to 8 Mechanic Street and the existing commercial sites are shown in red on the plan.

Chairman Savacool asked what was planned for parking. Mr. Hovey stated if the zone change is successful they plan to expand parking behind the existing house on 8 Mechanic Street. The rear yard parking area would be attached to the other parking. He noted there is an entrance already and the driveway would be just for that building.

Chairman Savacool stated that in the future they will want to address the transition between the parking lot and the residential lot next door. Mr. Hovey stated he understands this.

J. C. Engelbrecht asked the Applicant if he feels the memo regarding deed restrictions provided by the ARB is acceptable. Mr. Hovey stated it is acceptable to him. Mr. Mastroianni noted that the ARB purposely made the language general to provide them with leeway in the design of the building.

Chairman Savacool asked how quickly they are looking to start building on these sites. Mr. Hovey stated he is limited as to when he gets the right zoning, but regarding construction he feels it will be one year or so before building can begin. Chairman Savacool stated he would like to hold back on a recommendation at this point to allow the Board to gather additional information on the two new lots and also to allow the Board to hear back from SOCPA. He stated they can consider this again at the next meeting and give a recommendation to the Board of Trustees at that time. He asked if anyone had any reservations they would like addressed at that time. D. Faldzinski stated one concern has been addressed regarding the aesthetics of the proposed business. He stated that the Board should also consider a potential deed restriction regarding the use as well, as the Applicant is seeking a B1 zone change and this district includes businesses like retail stores, banks, business offices, laundry services, restaurants, motels, hotels, theaters, and other recreations uses. He noted some of those uses would generate a lot of traffic. Mr. Hovey noted that most of those uses would not work in that area anyway. Chairman Savacool suggested D. Faldzinski look at this issue for the next meeting. Mr. Hovey noted that this had been addressed with the Village Board already.

Chairman Savacool stated this issue will be on the agenda again next month.

Festa Fairway – Revised Piping Plan

Mr. Mastroianni is present to review this plan. Chairman Savacool noted the original plan was previously approved. However, there have been some changes that J. C. Engelbrecht determined to be significant enough to warrant consideration of the Board for approval. Mr. Mastroianni noted the approved plan had 30' easements behind the properties on Brooks Place, cutting through the property at 31 Curtis Avenue, and tying into the pipe on Curtis. The

easements shown previously have not changed and the same property owners are involved. The property owned by Mr. Magnarelli shown on the plan has an existing pipe that was proposed to be filled and graded. This would not tax Mr. Magnarelli's property. However, they were not able to reach an agreement with Mr. Magnarelli even though the proposal would be to his benefit. Mr. Mastroianni spoke with Claude Sykes and D. Faldzinski and they also spoke with Mr. Magnarelli with the same result. Therefore, they plan to move the manhole as far as possible to the west and the pipe will be at least 4.8' in distance from Mr. Magnarelli's property line. He stated they had located his property line with a survey and will do everything possible to make sure nothing falls onto his property. The pipe will then go around to tie in with the pipe underneath Curtis Ave. Mr. Mastroianni stated that the existing pipe may affect the drainage on Mr. Magnarelli's property and so that pipe will also be tied into the structure. D. Faldzinski noted that Mr. Magnarelli will be left with his current yard drain and noted that the previously approved plan had indicated that every residential lot adjacent would receive a yard drain as well.

Chairman Savacool asked if this will change Mr. Magnarelli's property in any way. Mr. Mastroianni originally they had planned to plug the existing pipe. There is a 4' drop at that location. They planned to grade over the pipe, which would get rid of a lot of problems for that property owner. However, Mr. Magnarelli wanted them to do this in addition to other work that was not feasible. He stated Mr. Magnarelli's property will not be affected by the piping plan.

J. C. Engelbrecht stated the original solution was clean, as everything was new and the old line would be capped. He suggested maybe the Board could talk to Mr. Magnarelli. Mr. Mastroianni advised against this, as one of the items Mr. Magnarelli wanted was a 20-year guarantee that there would never be a drop of water in his basement and if there is he will get a new foundation dug. Mr. Magnarelli stated to Mr. Mastroianni that he feels he is owed something by the Village because he has had to live with his neighbors who he does not like.

J. C. Engelbrecht stated he wanted the Board to address this change because it involves having to keep the old pipe in that area just for that one property owner.

Mr. Mastroianni showed the Board where the new piping is located. He showed where Mr. Magnarelli's private pipe ties into the public structure and noted this will not change. Chairman Savacool asked if the Village is exposed to any liability, given the nature of the private pipe entering the public pipe. J. C. Engelbrecht stated the lines are blurred between what is private and what is public, as everything except for this one property's pipes will be reconstructed and turned over to the Village.

L. Barnett asked if when the pipe is severed and the new pipe is put in if there is any possibility it will create backflow onto Mr. Magnarelli's property. Mr. Mastroianni stated this would not happen because the inverts will drop down. He noted all the other property owners recognized this plan will benefit them and so they were happy to sign easements.

Mr. Mastroianni stated he had sent Mr. Magnarelli a four-page letter outlining storm issues, home values, etc. Chairman Savacool asked if the Village should send him a letter as well indicating the potential issues regarding the situation. Chairman Savacool suggested they could state that this is the plan that has been adopted and unless they hear from him in a given amount of time then the plan will proceed. Chairman Savacool feels this will give Mr. Magnarelli a last chance to change his mind.

D. Faldzinski stated he feels the proposed change is minimal and does not impact what was previously approved. All other storm water will be collected by yard drains and they will really not need the existing drainage line in place as it is really a hazard and serves no practical purpose.

Chairman Savacool noted the previous plan was already approved and noted the Board can approve this revised plan as an alternative.

Upon motion by J. McFall and second by L. Barnett to approve the Festa Fairway Sheet P1 alignment modifications done on 4/7/06 as an alternative to the original piping plan approved by this Board. Motion passed.

Discussion/Recommendation regarding Code changes

Chairman Savacool noted the Board had received a memo from the Code Office stating there is a June 1, 2006 deadline to get recommendations to the Board of Trustees. He noted that at the last meeting the Board had suggested a committee be formed. This suggestion was sent to the Village Board and Chairman Savacool has not heard back regarding this. Joe Saraceni, Trustee, is present at the meeting, as is Anthony Saraceni, Trustee. Joe Saraceni stated it had not been addressed at the Trustee's last meeting. He stated he will make sure it is on next week's agenda.

Chairman Savacool stated he thinks it is a good idea to form a committee. D. Arthur stated he had discussed it with both Joe Saraceni and Anthony Saraceni and feels it is necessary to responsibly look at the codes more thoroughly. He feels the Board looking at it individually is sufficient for preliminary review, but believes that extensive review should be undertaken by the suggested committee.

L. Barnett stated it is difficult to evaluate without knowing the problems exist for other Boards as well. He feels they need input from the others.

Joe Saraceni and Anthony Saraceni stated they will address this at the next Trustee's meeting and will see if they can coordinate a meeting between Boards. Anthony Saraceni stated he thinks it is great that the Planning Board took the initiative to make this recommendation. He noted that the Village spent a lot of money on the EDR plan and he does not believe rushing this process is a good idea, as the codes are important and have serious impact on the community. D. Arthur agreed and noted a lot of history could be brought into the discussion if all the Boards were brought together.

D. Faldzinski noted it is good timing to be addressing the codes as the storm water local law and illicit discharge law should be adopted sometime this summer. Chairman Savacool noted that this particular law is very comprehensive and will affect every developer in the Village. He stated they will likely have an in-service for this Board regarding this law prior to adopting it.

Upon motion by J. McFall and second by L. Barnett, the meeting was adjourned at 8:10 p.m. The next Planning Board meeting is scheduled for Tuesday, May 23, 2006.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary