

**VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Tuesday, June 27, 2006, 7:30 P.M.
Approved 7/25/06**

PRESENT: Chris Savacool, Chairman
John McFall
David Arthur
Edward Rock
Russ Lucy
Evelyn Mercer
Larry Barnett

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

GUESTS: Mr. Christopher Hurd, regarding Johnson Subdivision
Mr. Joe Mastroianni, PE, regarding Johnson Subdivision
Mr. Douglas Shortslef, regarding Johnson Subdivision
Mr. Mark Murphy, regarding Syracuse Home
Mr. David Schlosser, Schopfer Architects, LLP, regarding Syracuse Home
Ms. Eve Ryan, regarding 69-73 East Oneida Street
Mr. Paul Anderson, regarding Crossroads Plaza

REGULAR MEETING - 7:30 P.M.

APPROVAL OF MINUTES

Upon motion by J. McFall and second by E. Mercer that the minutes of the May 23, 2006 Planning Board meeting be approved as submitted. Motion passed.

OTHER BUSINESS

Chairman Savacool noted the Board had discussed the Johnson subdivision at the last meeting. This application was not sent to SOCPA in time for their meeting as it was not submitted in time to meet the deadline. It has now been sent to SOCPA and will be discussed at their next meeting.

Chairman Savacool stated he will remove the Benson Subdivision from tonight's agenda as no one will be present to address the Board.

Chairman Savacool stated he will add an informal discussion regarding the proposed subdivision for the Johnson property to tonight's agenda. He stated this application was initially just to change lot lines, but now includes the plans for the larger property as well.

Chairman Savacool stated he and D. Arthur had attended the Board of Trustees last meeting regarding code revisions. At that meeting, they expressed the Planning Board's desire to get all the boards together for discussion regarding codes. Mayor O'Hara asked Trustee Dave Mott to convene meetings including members from each board and the first meeting is this Thursday, June 29, 2006, at 7 pm. Any Planning Board members interested are encouraged to attend.

Chairman Savacool stated that tonight is the last meeting for Evelyn Mercer. She has retired from the Planning Board and ARB. Chairman Savacool noted she has served the community on this Board for over 20 years and will be greatly missed. Chairman Savacool stated the Village is planning an event to recognize her contributions to the

Village and stated they see her as a great asset to the community and noted she will be difficult to replace. The Board Members thanked her for her service.

OLD BUSINESS

Site Plan Review – Syracuse Home

Mr. Mark Murphy from Syracuse Home and Mr. David Schlosser, an architect from Schopfer Architects, LLP, are present to address the Planning Board. Mr. Murphy gave the Board a brief overview of Syracuse Home. He stated they have been in Baldwinsville for 30 years. Syracuse Home is a skilled nursing and rehabilitation facility and includes McHarrie Town, which is an independent retirement community. They are now planning an assisted/enriched living facility, which will be primarily funded by Medicare and Medicaid. He stated they will still have 120 beds. When the addition is complete, they will then convert the original building back to health-related, but not skilled nursing, apartments with a 40 to 45-unit section focusing on memory care.

Mr. Schlosser stated the existing Syracuse Home skilled nursing facility sits on approximately 12 acres of a 139-acre parcel which is accessed from Meigs Road. There are two curb cuts on the north and south. The south curb cut is an employee entrance and the north curb cut is a visitor entrance. McHarrie Town is completely detached from Syracuse Home.

Mr. Schlosser stated the proposed plan is to move the existing facility to the south and add 55,000 square feet on one level. They plan to create a neighborhood design with interior courtyards and a variety of “neighborhoods” broken up in to private and semiprivate rooms. He stated it took Syracuse Home approximately 3 years to get approval for this from the Department of Health. Coming with the approval is a financial cap on project, putting forth some extreme challenges as dollar amounts are approximately 2 years old. When complete, 80 beds will move over to the new section and then the “old” section will be redone. He stated the core area is for food services, staffing etc. The existing 80 beds will become a 46-bed memory care/assisted unit. There will be two separate entrances for the two types of facilities. Only 6 to 7 staff members will be added at any shift and the infrastructure for this already exists. He stated they will be adding pavement for access and a visitor parking area and are keeping the area between the facility and 690 as a water shed and screening area. There will be no modifications to the existing curb cuts. They hope to start construction in September or October.

Mr. Schlosser presented a drawing of the exterior of the proposed building. He stated it will have a residential look, not commercial. He stated they have received comments from Plumley Engineering and have looked at them. All information requested will be submitted in the final package.

D. Faldzinski noted his engineering comments dated June 22, 2006 are the result of the plan still being at the preliminary stage and he reviewed them as follows:

Site Plan

1. The site plan should include a summary table indication building, pavement, and other site areas, setbacks, and a comparison of proposed vs. code criteria.
2. The site plan should provide some dimensioning of proposed improvements along with providing ties to adjacent property lines.
3. The applicant should complete a Full (long) EAF using the most recent version of the document located on the NYSDEC website.

D. Faldzinski noted that a long EAF had been submitted. However, it is not the most recent version. Mr. Schlosser stated they usually do use the most recent form, but completed and returned the one that was sent to them by the Village. D. Faldzinski stated he would prefer they complete the most recent version.

4. Fire access lanes of at least 28' are required for private roads or within private parking areas. The applicant should coordinate the location of the access lanes with both the Baldwinsville code enforcement officer and fire chief.

Mr. Schlosser stated they have met once already with Mayor O'Hara and DPW and fire officials. D. Faldzinski wanted the applicant to be aware that the Village Code has more restrictive access lane requirements than New York State.

5. The applicant should provide information which supports the number of new parking spaces being provided.

D. Faldzinski noted that the Village does not have a standard for this type of use.

6. The site is located within the Canton Street Wellhead Protection Area. As a result, the project will be subject to the regulations as part of Article XIX Wellhead-Watershed Protection Overlay District within the Village Code.
7. The application for the proposed project action which is within 500' of the Village limits will need to be sent to both SOCPA and the Town of Van Buren for review.
8. The Planning Board should give consideration toward requiring a master plan of the property which would demonstrate the complete build-out of the facility along with potential connections to Oakcrest Road, Rifts Drive, and Canton Street.

Mr. Schlosser stated there will be no modifications to Meigs Road and that the plan before the Board is the master plan for the entire parcel. He stated Syracuse Home wants to maintain its isolation, so they will not be changing the curb cuts. D. Faldzinski stated he had only asked for this if they had additional plans for the property over the next 10 to 15 years.

Traffic

1. Information regarding the amount of increased traffic resulting from the project should be provided.
2. The traffic flow capacity at peak periods of the day along Downer Street near the intersection of Sorrell Hill and Meigs Road has been identified by recent traffic studies as being at a point near or at failure. As a result, the applicant should analyze the impacts of traffic along Downer Street as a result of the proposed development and coordinate this information with the Village and the Onondaga County Department of Transportation.

D. Faldzinski stated he is not asking for a formal traffic study if the trip count is not over the threshold. Mr. Schlosser stated they will touch base with the County for clarification and noted that the staff shifts are from 7 o'clock to 3 o'clock, from 3 o'clock to 11 o'clock, and from 11 o'clock to 7 o'clock. They are staggered by 15 minutes so the ingoing and outgoing traffic will not be simultaneous. He noted that the peak hour for visitors and staff is 3 o'clock, which does not coincide with standard business hours. Mr. Schlosser stated they will put this in written form and contact the County.

3. Meigs Road has been identified by the Village of Baldwinsville Public Works Department to be a sub-standard roadway in need of some drainage improvements (ditching and piping) and eventually an overlay. Increased traffic onto the road from future developments will likely worsen conditions and increase the potential for safety-related issues. As a result, we recommend that current and future developers work with the Village to mitigate these issues.

D. Faldzinski noted this comment may not be applicable due to the minimal increase in traffic.

Stormwater

1. An infiltration system in addition to a detention basin should be provided to recharge stormwater into the ground similar to pre-development site conditions. This will aid in minimizing impact to the well-field.
2. Stormwater run-off from new pavement areas and buildings will need to be captured and conveyed into a stormwater management facility. The new stormwater detention facility should be designed according to NYSDEC regulations. A drainage report will be required to demonstrate the proposed discharge meets water quantity and quality requirements.
3. A NYESEC State Pollutant Discharge Elimination System (SPDES) stormwater discharge permit for construction activity exceeding one acre of disturbance will be required for the proposed action. In addition, a Stormwater Pollution Prevention Plan will be required.

Mr. Schlosser stated that civil engineers are being brought on board and will address the Stormwater comments as noted above.

Utilities

1. The extension of proposed utilities including water, sanitary sewer, gas and electric services should be detailed within the plans.
2. Information regarding facility potable water and fire fighting demands should be provided to the Village. Adequate fire protection should be provided for the facility. The location of fire hydrants and other appurtenances should be coordinated with the Village code enforcement officer and fire chief.
3. The applicant shall coordinate with and obtain approvals for all utility connections and extensions with the Village of Baldwinsville Superintendent of Public Works, Claude Sykes.

Engineering

1. Construction details for all of the proposed improvements should be provided.

Mr. Schlosser noted these will be forthcoming.

Miscellaneous

1. The installation of sidewalks or other walking paths between this property and other adjacent properties should be reviewed.
2. A site lighting plan and lighting details should be provided.

Mr. Schlosser stated these two comments will be addressed in the next round of plans.

E. Rock asked if they will be adding staff. Mr. Murphy stated the 40-bed assisted living unit will be new, but will not be staff-intensive. There will be a total of 18 new staff members divided over a 24-hour period, which he does not feel will significantly impact traffic. He stated visitors for this program will not likely be more than 10% of the 40 residents at any given time, which is not significant in regard to traffic.

D. Arthur noted that according to the drawings submitted, there are three different tax parcels. He suggested the Applicant may want to combine them. Mr. Murphy noted they are all under one ownership and there are actually 10 tax parcels on the property. He stated he is not sure if they need to be joined or not.

D. Arthur asked if there are any hydrants on the south side of project. Mr. Murphy stated that nothing been developed yet, but there will be hydrants.

Mr. Schlosser asked when the application will be sent to SOCOPA. D. Faldzinski stated they will need the new long form EAF and then it can be sent. Mr. Schlosser stated this will be completed promptly and they will also provide the information regarding traffic, as they are looking to avoid delay. D. Faldzinski stated that as soon as the long EAF is

received, the application can be forwarded to SOCOPA with the understanding that if there are any significant changes then it will have to be resent. J. C. Engelbrecht noted that the Board should plan to send the application to the Town of Van Buren as well.

Upon motion by D. Arthur and second by E. Mercer, the Planning Board will send the Syracuse Home application to SOCOPA and the Town of Van Buren. Motion passed.

NEW BUSINESS

Zone change recommendation regarding 69 – 73 East Oneida Street

Dr. Eve Ryan is present to address the Board. She stated the application has already been sent to and reviewed by SOCOPA. She stated the home used to be a Catholic Charities boys home and had at one time been a nursing home. It was sold to a private person to be used for a residence. She is currently trying to purchase the property to use as a veterinary office on the first floor and a residence on the second floor. She stated this home is very large and is built well for this use. Ms. Ryan submitted a petition in favor of the zone change she circulated in the neighborhood, which was signed by many neighbors. She stated in the process of getting signatures, she got a lot of information from the neighbors about the area. She also noted that the immediate neighborhood includes an apartment complex, a bus garage, train tracks, a large church, and Wacky Wyatt's restaurant. As there are already a lot of nonresidential properties on that road, she does not feel her plan for 69-73 East Oneida Street will add significant traffic. Ms. Ryan stated she feels that the cumulative impact of all the other uses in the ¼-mile area is not consistent with a strictly residential neighborhood and even though some of these uses are exempt from codes, they still impact the neighborhood. She stated most of the neighbors she spoke with like her idea. She stated her veterinary office will only see cats and will not be a shelter, but a medical facility. There will be no external structural changes or environmental impacts and very few traffic changes. She intends to preserve the historic appeal of the building. She does not plan any additions and wants to enhance the existing building. She feels the zoning matter is strictly a use issue.

D. Arthur asked what the actual address is. Ms. Ryan stated the legal address is 69-73, but 73 is the number on the house. D. Arthur asked her to clarify for the record that she is only requesting a zone change for a single property. Ms. Ryan confirmed this.

Ms. Ryan stated she feels this property is unique in its location in that on one side of it is the entrance to the apartment complex and Catholic Charities is on the other side. There is no home across the street.

D. Arthur noted that the property is in a R2 zone, not R1 as is noted in the application.

Ms. Ryan stated she had reviewed the code. She stated the code says home-based business must occupy less than 50% of the first level and she is looking to occupy 70% of the first level for her business. She noted the code also limits home-based businesses to two employees, but she will need a third. She stated that she does not feel that obtaining variances under the residential code would work, so she is looking for this zone change. She stated her long term goal is to keep the business there for many years.

E. Rock noted he used to work at an animal hospital and her submission stated there will be no overnight business, but animals need 24-hour care. Ms. Ryan stated there will be no staff there after 6 PM, but she will be there for any overnight care required as she will live on the second floor.

J. McFall stated he considers this to be spot zoning and is not in favor of the plan for this reason.

Chairman Savacool stated he agrees with what Ms. Ryan has presented. However, spot zoning is not looked favorably upon. He stated there are certain obstacles she must overcome to not be considered spot zoning. The request must conform to a comprehensive Village plan or must benefit the public as a whole. J. C. Engelbrecht agreed that this is a major problem.

Chairman Savacool noted that Ms. Ryan had mentioned that there are many nonresidential uses in the area. He noted that none of them are contiguous and stated that the Village has turned down many of these types of requests for the reason that they cannot look at individual projects and say that they like this idea or they don't like another idea and change zoning for one parcel. He noted this is the challenge the request faces. He stated he considers this a good idea for this site, but he still cannot back spot zoning. J. C. Engelbrecht agreed that the feels the issues present major problems for the proposal. D. Faldzinski added that if this property were to be rezoned, adjacent properties would have more likelihood of rezoning as well.

Chairman Savacool stated he feels her application is very d thorough and it is a good idea, but he cannot overcome the obstacle that this is spot zoning. He stated he researched other avenues, like use permits, etc, or a ZBA application for use, but the problem cannot be self-created and this situation would be considered so.

R. Lucy stated he does not expect that East Oneida will change back into the quiet residential neighborhood it once was. It is a busy street with many nonresidential uses and he feels the facility she proposes is no different than, for example, the church on East Oneida Street. He stated he is in favor of this facility.

D. Arthur asked what percentage the top floor is of the entire building. Ms. Ryan stated the home is split evenly between the first and second floors and she would need to use 70% of the first floor.

Chairman Savacool asked if she would be able to put in the business with only two employees and using 50% or less of the square footage for the first level. Ms. Ryan stated she does not believe that she could conform to that code.

D. Arthur stated he feels this is clearly spot zoning, but there may be way for the Zoning handle this as she is not asking for a lot. He stated he does not feel the Planning Board can approve this request.

Ms. Ryan stated it is her goal to change this to a business zoning designation. She noted that even with variances from Zoning, she would no longer be in compliance if she were to decide to no longer live upstairs. She stated she plans initially to live on the second floor, but does not think she will always live up there and is looking for a long-term solution. She feels that five to ten years from now East Oneida Street will have a different face and there will likely be more municipal uses. J. McFall suggested she could raise these points before the Zoning Board.

Chairman Savacool explained to Ms. Ryan that legally he does not feel the Village could survive any challenges to this zone change.

L. Barnett asked what type of signage she would have. She stated she will have one sign in front that complies with the codes. He stated he likes the concept, particularly the idea of preserving the character of the building.

Chairman Savacool called for a vote on a recommendation to the Village Board of Trustees and Mayor O'Hara regarding the zone change request for 69 – 73 East Oneida Street, Baldwinsville, NY. A "no" vote would be to recommend that the Village Board deny the request. A "yes" vote would be to recommend that the Village Board approve the request.

The vote is as follows:

J. McFall	-	no
E. Rock	-	yes
D. Arthur	-	no
R. Lucy	-	yes

L. Barnett	-	no
E. Mercer	-	no
C. Savacool	-	no

The Planning Board voted 5:2 to recommend that the Village Board of Trustees deny the zone change request.

Chairman Savacool noted that the Village Board can choose to accept or reject the Planning Board recommendations. He suggested that Ms. Ryan make a compelling argument to the Village Board.

Ms. Ryan asked if spot zoning is illegal in New York State. D. Faldzinski stated it is illegal. Ms. Ryan asked why her request was allowed to progress so far. Chairman Savacool stated that each application is treated separately and the Board needs to thoroughly review each request. D. Arthur stated that the final decision is the decision of the Village Board, even in regard to New York State law. Chairman Savacool clarified that, even though spot zoning is illegal, the determination needs to be made if a request is indeed spot zoning. Absent a compelling public need or being part of a comprehensive Village plan, this would be considered spot zoning.

OTHER BUSINESS

Informal Discussion Regarding Crossroads Plaza (Tri-County Mall)

Mr. Paul Anderson from Anderson-Barney Real Estate Management is present to address the Board. He stated they are in the process of closing on the sale of Tri-County Mall. He stated they will redeveloping this property and had had a survey drawn recently. The plans submitted show the existing facility on the 1st page. The 2nd page gives an indication of the breakdown of the interior as it is presently. The 3rd page shows what they are considering doing with the site. He stated the plan is to reduce the building from 200,000 square feet and take down everything from Mr. C's to the furniture store and convert it to a strip mall. They would maintain access from the front and back parking lots and would keep Vicki's enclosed as a freestanding store. The theater would be maintained. Mr. Anderson stated everything is being redrawn and the engineering needs to be done. He is here now to make the Board aware of the project and to ask about their concerns. He stated they will be patching the lots. There will be a new roof where the batting cages are and the batting cages will come down. He noted there are a lot of easements on the property.

Chairman Savacool asked D. Faldzinski if he has any engineering issues. D. Faldzinski stated he does not foresee any issues that cannot be overcome. He noted that any time there is more than one acre of disturbance, a project is subject to DEC stormwater regulations. Mr. Anderson stated there are no designs for the corner of the property near HSBC as he was told that is a detention area. He stated he would like to have another informal hearing before they start any real planning. He stated the theater needs a new roof as well. They are hoping to attract national tenants as well as some local tenants. Mr. Anderson stated they want to get the mall filled up in the short-term with 1-year lease tenants and are looking at doing the demolition and rebuild this time next year. D. Faldzinski noted that the most important element up front is the use and traffic issues.

Informal Discussion regarding Johnson Subdivision (Canton Street)

Mr. Joseph Joe Mastroianni, PE and Mr. Doug Shortslef are present to address the Board. They presented the plans to the Board Members.

Mr. Mastroianni noted there are wetlands through the area and the blue lines outline the limits of the wetlands. They have been marked out and surveyed by a professional biologist. He noted there is the potential to come in off of Canton Street. He stated he had met with Ellen Hahn and Kevin Bliss at the DEC and they had no major issues as long as the plain maintains 100' offset from the wetlands. Chairman Savacool noted that there is room for a mitigation area to offset any disturbance to the wetlands.

Mr. Mastroianni stated they will develop along Canton Street and possibly through to Route 48. Chairman Savacool noted they will have to coordinate with Van Buren as well.

Chairman Savacool asked if they have been informed of the need for an archeological survey. Mr. Mastroianni stated they have started this process.

Chairman Savacool asked if the Board Members have comments. D. Arthur stated they should make certain to avoid hairpin corners. J. McFall stated he feels this is a good plan.

D. Faldzinski asked if there will be a zone change from residential to PDD. Chairman Savacool stated this will be discussed and is definitely being considered in the future.

Upon motion by J. McFall and second by E. Mercer, the meeting was adjourned at 9:00 p.m. The next Planning Board meeting is scheduled for Tuesday, July 25, 2006.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary