

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES

Tuesday, December 15, 2015 7:30 P.M.

These minutes are not yet approved.

PRESENT: Carl Pelcher, Chairman
Terrie King
Mace Markham
Mike Mazoway
Jim Schanzenbach

ALSO PRESENT: Jamie Sutphen, Planning Board Attorney
Steve Darcangelo, Village Engineer
Gregg Humphrey, Codes Enforcement Officer
Susan LaQuay, Board Secretary

GUESTS: Mr. Dave Muraco, regarding 18 East Genesee Street

Chairman Pelcher noted that B. Scherfling and D. Arthur are unable to attend this evening.

Minutes from November 17, 2015 were reviewed and some grammatical errors were noted. Upon by **motion** by M. Markham and second by M. Mazoway, the minutes dated November 17, 2015 are approved as corrected.

OLD BUSINESS

Discussion/action regarding 18 East Genesee Street - Proposed Site Plan Revisions

Mr. Dave Muraco is present to address the Board.

Chairman Pelcher stated he is concerned with some unfinished site plan items and also with some work that has been done on the site that was not part of the approved site plan. He explained the importance of following the site plan as it is approved or asking for the Planning Board to review revisions prior to any changes to the site plan being made. the importance of site plan review as the Planning Board is obligated to be sure any changes to a site are safe.

Chairman Pelcher provided a power point packet of photos illustrating his concerns, including light packs not to plan, a trailer parked onsite for several weeks (which Mr. Muraco stated is Christmas storage), the dumpsters are not enclosed (Mr. Muraco noted that he is looking to revise the site plan to move the dumpsters), the concrete pad on the rear of the building has not been removed, there are two doors on the east side but the plan only shows one, the sidewalk on the north side front of the building has not been installed (Mr. Muraco stated this will be done in a month or so), and one of the doors has been moved. G. Humphrey noted that this door is one of the revisions Mr. Muraco would like to discuss tonight.

Chairman Pelcher stated the pylon sign has not been removed as Mr. Muraco agreed to do by August 1, 2015. Mr. Muraco stated he was leaving it up until he knew what was going on with his tenants. Chairman Pelcher read an excerpt from the February 2015 meeting where Mr. Muraco agreed he would either have a properly-approved pylon sign erected or would remove the base by August 1, 2015. This agreement was made to address the Planning Board's concerns about having a blank pylon sign. Mr. Muraco stated he will not be removing the base as he has tenants now and can finally put together a sign package. He will likely try to obtain a variance and will review this change with the Planning Board when he knows what is happening with the variance. He stated he is aware he is beyond the date he had agreed to. Chairman

Pelcher stated this Board is very easy to work with, but he has a problem that changes are being made to an approved site plan without proper review.

Mr. Muraco presented the revised site plan. He stated he will be putting in a new concrete sidewalk to meet up with the existing sidewalk. He is building a new space for AT & T and believes this can be done within the next 30 days. The overhang on the plan no longer indicates a "new" overhang. Mr. Muraco stated the overhang will be repaired and reinforced in the next 30 days. G. Humphrey indicated there are rotten members around the perimeter, including some support members which can be replaced. Mr. Muraco stated he will replace anything that is rotted. J. Schanzenbach stated he would like to see the columns wrapped with fascia to match the columns on the front of the building. Mr. Muraco agreed to have this done within the next 30 days. The rear door shown on the plan was not installed and Chairman Pelcher requested this be removed from the site plan. There was some confusion as to which door was being discussed. G. Humphrey clarified this and Mr. Muraco agreed to remove it from the plan.

The revised site plan also shows the new dumpster locations, which Mr. Muraco stated was needed to more provided better accessibility for the garbage trucks to pick up. The Board Members expressed that they did not see any problem with the new locations. The dumpsters will both have 10 x 10 foot enclosures. The grass shown between the building and dumpsters will be asphalt and the dumpsters will be on a concrete pad.

J. Schanzenbach noted that the approved site plan indicates trees with a 3 to 3.5-inch caliper, but the trees that were actually planted are much smaller. After thorough discussion, Mr. Muraco agreed to request a revision to the site plan to 2-inch caliper trees.

J. Schanzenbach asked when the pylon sign will be removed or utilized. Mr. Muraco stated he intends to go to the ZBA to request a larger sign so it will be addressed after the ZBA decision. He stated this sign will be completed or removed within 45 days.

Upon **motion** by J. Schanzenbach and M. Markham to REJECT the revised site plan and the Applicant will need to adhere to the originally approved site plan, as:

1. The Applicant has not been forthcoming regarding his noncompliance with the existing approved site plan; and
2. The Applicant has not indicated that he will comply or make reasonable accommodations to come before the Planning Board regarding his as-built;

Chairman Pelcher wished to discuss the motion prior to voting. S. Darcangelo asked what should be done by the Code Enforcement Office. This is an occupied building with a temporary C of O. This puts G. Humphrey in a tough position. J. Schanzenbach stated it is clear that the Applicant has gone to great lengths to not comply and drastic steps may be warranted. He thinks the temporary Certificate of Occupancy should be revoked as the following was stated in the resolution from February 4, 2015:

The approval is made with the condition that the applicant may apply for a Temporary Certificate of Occupancy upon completion of all the improvements being made pursuant to the plans except for: any improvements in, on and to the parking lot. Any improvements not completed upon the issuance of the Temporary Certificate of Occupancy shall be completed by the applicant/owner no later than August 1, 2015, after which a permanent Certificate of Occupancy may be applied for. In the event the improvements as set forth herein are not completed by August 1, 2015, the Temporary Certificate of Occupancy shall be revoked.

After extensive discussion, the Board voted unanimously to approve above motion. **Motion carried.**

Chairman Pelcher stated that the revised site plan has been rejected. Village Attorney will send a letter to Mr. Muraco and will work with G. Humphrey to determine further action from the Code Enforcement Office. G. Humphrey and the Village Attorneys will encourage the Applicant to finish any unfinished work from the Approved Site Plan. J. Sutphen suggested requiring Mr. Muraco to send a representative to future Board meetings.

OTHER BUSINESS

Tonight's meeting is the last meeting for J. Schanzenbach, who is resigning from the Board. Chairman Pelcher noted he has been very helpful to himself as a Chairman and to the Board as a whole and has provided a lot of expertise. J. Schanzenbach expressed his gratitude to the Board Members and the Village for his time on the Board.

Nicole Schlater will be returning to the Board in January 2016 to fill J. Schanzenbach place. The Village will be looking for an alternate.

MOTION TO ADJORN by M. Markham, second by J. Schanzenbach.

The meeting was adjourned at 9:05 p.m. The next meeting is scheduled for Tuesday, January 26, 2016.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary