

**VILLAGE OF BALDWINSVILLE**  
**PLANNING BOARD MEETING MINUTES**  
**Tuesday, April 22, 2008, 7:30 P.M.**  
Approved 9/23/2008

PRESENT: Chris Savacool, Chairman  
Don Cronk  
Carl Pelcher  
Dave Arthur  
Larry Barnett  
Ed Rock

ABSENT: John McFall

ALSO PRESENT:  
Ron Carr, Village Attorney  
Marie Giannone, Secretary

GUESTS: Paul Anderson – Anderson-Barney  
Jason Kantak, TDK Engineering Associates, P.C.  
Jim Nobles – NAPA  
Joseph A. Mastroianni

REGULAR MEETING

The minutes of the February 26, 2008 and March 25, 2008 meetings were approved.

**OLD BUSINESS**

**The Shoppes at Baldwinsville Site Plan Review – Discuss any changes and Onondaga County Planning Board’s recommendation.**

Chairman Savacool said the planning board received the resolutions from the Onondaga County Planning Board on the zone change and site plan for The Shoppes at Baldwinsville dated April 8, 2008. Chairman Savacool read the zone change OCPB Case #Z-08-148 as follows:

“NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

The applicant must complete a traffic study to meet Onondaga County Department of Transportation requirements and submit it to the Onondaga County Department of Transportation for approval; the applicant must complete any mitigation required by this department.”

Chairman Savacool read the site plan OCPB Case #Z-08-149 resolution as follows:

“NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. The applicant must complete a traffic study to include access management to meet Onondaga County Department of Transportation requirements and submit it to the Onondaga County Department of Transportation, the Syracuse Metropolitan Transportation Council, and the Downer Street Corridor Study Advisory Group for approval; the applicant must complete any mitigation required by the Onondaga County Department of Transportation.
2. The applicant must develop a lighting plan to ensure that no glare or spillover is allowed onto adjacent properties and the county right-of-way, and the plan must be approved by the Village Engineer.

The Board (Onondaga County Planning Board) offers the following comments:

Every municipal review provides the opportunity to improve community appearance, and the Village may wish to consider requiring the applicant to provide sidewalks for pedestrian traffic and some landscaping on site.”

Chairman Savacool said that they have requested the applicant to provide a lighting plan and pedestrian access to their plans.

Dave Arthur said that there are sidewalks to the east, but nothing to the west and it would be nice to have sidewalks as suggested by the Onondaga County Planning Board. Paul Anderson said he was meeting with Eckerd’s people and he would bring this up.

Chairman Savacool said the main issue for discussion relates to the traffic study raised by the Onondaga County Planning Board. Chairman Savacool said a traffic study was done at the beginning of this project. The Traffic Impact Assessment – Tri County Mall Re-Development was done by Gordon T. Stansbury on June 14, 2007.

Chairman Savacool said if another traffic study has to be completed and presented to each of these groups noted in No. 1, this could delay the project. The problem is trying to get these groups together for approval.

Dave Arthur said since the project is not adding any ingress/egress to this site as this is already designed for a shopping center, all traffic studies which were done in the past took into account that there is a shopping center at the Downer street area. Chairman Savacool said that a responsible traffic study would have anticipated that the shopping center at some point would be filled to capacity and this site’s square footage is comparable or less than what exists there now. Chairman Savacool said if you are at capacity with the current site, then why would the developer have to do something extra to mitigate the problem that could exist.

Chairman Savacool asked Mr. Ron Carr, the Village Attorney, for his input on this. Mr. Carr asked Chairman Savacool for clarification on the Downer Street Corridor Study Advisory Group and Syracuse Metropolitan Transportation Council relating to submission of a traffic study. Chairman Savacool said

that Tim Baker, our Village Engineer is not present tonight and that he could elaborate on these groups. Mr. Arthur said that the Downer Street Advisory Group was part of Town of Van Buren. Mr. Carr said the recommendation is in the resolution but Mr. Carr said he had a difficult time understanding why because he did not see the jurisdictional overlay to it. To require the developer to do a traffic study in accordance with county requirements, and then to get approval of the county department of transportation, which of course has no jurisdiction at all over this project or the streets basically bordering this project because the county road stops at Meigs Road. Mr. Carr said he acknowledges that this project is within 500 feet of a county road but it does not border on a county road. Mr. Carr said he could make an equal argument that every time the village did something a county traffic study should be done and approved by a county DOT because as the traffic leaves the village, it will at sometime impact a county road. Mr. Carr said he did not understand where the jurisdiction is and he believed it is a little bit overreaching.

Larry Barnett said that the way the SOCPA statement reads: "The Onondaga County Planning Board recommends the following modifications to the proposed action prior to local board approval of the proposed action." Mr. Barnett raises the question if this is a recommendation of SOCPA or is that language really hiding the fact that it is mandated. Chairman Savacool said it is always phrased like that and the board has to accept it or override it. Mr. Barnett said we should go back to SOCPA and advise them that there is no increase in traffic impact as it existed for the last ten years.

More discussion followed on the traffic study that was done in the past by Gordon Stansbury. The question was raised if in fact the Onondaga County Planning Board received the traffic studies done in the past by Mr. Stansbury.

Dave Arthur said Chairman Savacool has made a good point regarding the traffic study and that the design has not changed. Mr. Arthur sees no problem in overriding it.

Chairman Savacool asked Mr. Carr if there is an item that will be addressed on site plan review which is the lighting plan, and the other which is the pedestrian traffic study, how does the board deal with this. Mr. Carr said that one item has to be done and the other item is beyond the scope of county's jurisdiction, you still override it with a super majority with the one that has been done. Mr. Carr said the board states that they did not follow their recommendation because the point in fact it has already been done or in the process of being completed. Mr. Carr said this is being followed except that there is no glare or spillover onto adjacent properties and the county right-of-way because there is no county right-of-way bordering this property.

Chairman Savacool said the board is not ready now to do a final site plan review but asked about procedure for zone change for PDD, as the applicant is concerned about getting on the village agenda at some point in getting that resolved. Discussion followed on the procedure of the village board for approval of the PDD.

Paul Anderson said the goal is to be finished with all of the mechanicals in about two weeks, which at that point construction could begin within 30 days. Mr. Anderson said Phase I will have 114,000 sq. ft between Building A & B to build the center mall and build the entrance and perimeter parking. Mr. Anderson said this has been discussed with Tim Baker, Village Engineer. Mr. Anderson said this is more classified as a remodeling that does not require a zone change. Mr. Anderson said a permit has to be

pulled for this. Mr. Anderson said they will wait if they have to have all the approvals. But Mr. Anderson said the demolition can be done without a zone change.

Mr. Anderson said they are moving ahead so they can start construction in 30 days. Mr. Carr said the reconstruction has to have a zoning district in place in order for code office to pull a permit. Mr. Carr said the PDD should be in place before the reconstruction and in order to do that one would like to have, presenting before the board, the approved site plan and the descriptive regulatory plan of the development.

Mr. Anderson said they would be ready next month with the site plan; the only place that Mr. Anderson said they may get in trouble on timing is the PDD before the Village Board of Trustees. Mr. Anderson said they would be ready with lighting and landscaping for next month's meeting. Mr. Carr asked if the lighting goes on the site plan. Mr. Anderson said that it is part of the site plan. Discussion followed on what is needed to be presented to the Village Board of Trustees for approval.

Mr. Katak said at the last planning board meeting an agreement was reached on the conceptual plan which was referred to the county. Mr. Katak said they worked with the board on everything that would be required in terms of setbacks, structure requirements, parking spaces, etc. Mr. Katak said the approved mapping has the two tables: Planned Development District (PDD) and Conceptual Site Plan Evaluation.

Mr. Anderson said their concern is the timing between the planning board and village board. Mr. Katak said he has been talking with Tim Baker on the final details of site plan Phase 1 drawings of lighting and landscaping which they will bring before the planning board at next month's meeting for approval. But without the PDD in place, before that Mr. Katak said they cannot get Phase I approved. Mr. Katak said they cannot get Phase 1 site plan approval for two buildings until the PDD rezone is approved. Mr. Carr said from the time that he is given a copy of the approved map for the plan, and this plan development statement is greatly reduced because most of these items are already laid out on the plan, from that point in time, you are really roughly thirty (30) days. Mr. Carr said if it were approved at this meeting, it would then go before the village board meeting of May 1, 2008. The village board could then schedule a public hearing for May 15, 2008. At that time the village board could take a vote and adopt it.

Chairman Savacool asked what is missing on the site plan for approval. Mr. Anderson said lighting and landscaping. Mr. Anderson also said they are working out some issues on offsite drainage and sewers with Tim Baker. Mr. Carr asked what is left with sewers. Mr. Anderson said that this has turned out to be a little complex. Mr. Anderson said Mr. Baker uncovered a 40 year old document which requires that the applicant maintain the stormwater, sanitary and on-site sewers. Mr. Anderson said there are three parcels that tie in to that private system. Mr. Anderson said that Mr. Baker is concerned, that going beyond Phase I of the project, that it be done correctly. Mr. Carr said in the Planned Development Statement which will be subject to architectural review process, can also be subject to the final site completion of lighting plan, sanitary, stormwater, and sewer plan. Chairman Savacool asked if the board can simply approved a site plan map. Dave Arthur said if the sewers are not corrected, the final site plan will not be approved. The Village Board only has to approve the zone changes in the PDD. For the PDD district, Mr. Carr said we need the development plan map approved and the planned development statement. Mr. Arthur said lighting and landscaping are minor. Chairman Savacool said that the stormwater and sewer issues will be figured out as these issues are being addressed. And Chairman

Savacool said that final approval could not be given until these issues are resolved. But for a zone change, Chairman Savacool did not see why this needed to be held up or worried about it. Mr. Carr said as long as we maintain the dichotomy between the concept of the development map as being part of the overall site plan, what the project requires is not only a zone change to a PDD, it also needs an approved site plan which is the totality of everything put together – the development plan, sewer, drainage, etc. Mr. Carr said the PDD goes forward, but the applicant is still not out of the planning board's jurisdiction unless the site plan is approved. The site plan is more than the development plan. Dave Arthur said the board is trying to interpret how the village board will look at this. Mr. Carr said he would be able to explain this to the village board. Mr. Carr said the site plan consists of a lot of things. It has a lot of maps to it; the top one may be a plan of development of the site. Mr. Carr said that is all the village is concerned about in terms of the PDD zoning district. Mr. Carr said the planning board recommends to the village board of trustees to approve the development plan and create the PDD. Mr. Carr said the planning board still has final jurisdiction of site plan approval. Chairman Savacool asked Mr. Carr if the planning board reviews the law which is recommended to the village trustees. Mr. Carr said the Planned Development law changing it to a PDD is only approving a district in accordance with that map and plan.

Chairman Savacool scheduled a special planning board meeting for Tuesday, April 29, 2008 at 7:30 P.M. which would be before the village board meets where the applicant would have the "Planned Development Plan District" in the PDD law and vote on it at that time. Mr. Kantak refers to the site plan map to show the tables on it.

Chairman Savacool asked if the board should move forward tonight or go for a week to have the name changed to "Planned Development District Plan" district and then refer from there. Dave Arthur said he was in favor of a meeting in one week. Chairman Savacool said Tim Baker would be at this meeting.

Mr. Carr said when the PDD law was drafted a provision was put in there that actually spoke to one of the points that James Kantak pointed out that they wanted, which was a concern if there were minor changes to the building layout that wouldn't change the concept but would change slightly some of the building configurations. Mr. Carr said the way the law and code were drafted there is a provision in there that basically provided for that all was needed was a modification to the site plan as long as it was not changing the overall scope or concept of the development. Mr. Carr said that kind of separates out what is meant by a development plan and for purposes of creating the PDD and still the necessity of having the approval site plan.

Chairman Savacool said he liked the wording of development plan for that document as it relates to the PDD as opposed to site plan. Mr. Kantak said in working with John Camp and Tim Baker, that is how they came up with the name "The Shoppes PDD District Re-Zone Conceptual Site Plan". Mr. Kantak said this was a concept that would go with the re-zone so that it would be followed as close as possible to comply with regulations. Mr. Carr said the whole concept for a PDD is the terminology of a planned development which is what the developer is doing. Mr. Carr said he sees the necessity to build in a little flexibility and he thought that flexibility was to first develop a development plan and if it had to be changed or tweaked, sometimes two years later or so on a building location, as long as it did not substantially alter the plan development, rather than go and do another amendment of the law, the site plan would simply be amended. Larry Barnett said the word "substantially" becomes an issue. Mr. Barnett said he agrees with Mr. Carr, but two years or five years down the road, someone can say what

does substantially mean. Chairman Savacool said as long as the board is within the parameters of what is listed in the boxes on the plan. Larry Barnett asked what is needed to move this forward.

Dave Arthur had one more comment and mentioned about the crest in Meigs Road at the Southwest side of the mall. Mr. Kantak said he is working with the developer in Sun Meadows and that this would be addressed and is in the works to have something done.

Chairman Savacool asked if the board should move forward tonight with that drawing (referring to drawing brought in by Mr. Kantak) or go for a week and get the name changed and then refer from there.

Dave Arthur was in favor of meeting in one week. Lighting and landscaping will be available for this meeting also. Mr. Anderson asked why the board is planning a meeting for next week. Chairman Savacool said Tim Baker was not available for this meeting and the board needs to hear from him regarding a couple of issues. Chairman Savacool said the board needs to take another look at the final name change being changed to "Planned Development District" Plan.

Chairman Savacool asked if anyone was opposed to meeting next week on April 29, 2008 at 7:30 P.M. No one opposed the meeting date.

Motion was made to set a meeting date for Tuesday, April 29, 2008 at 7:30 P.M. for the purpose of discussing The Shoppes at Baldwinville, Planned Development District Plan. Motion carried.

Chairman Savacool asked Mr. Kantak for copies of the drawings with the name change so that Tim Baker can review these before the April 29, 2008 meeting. Chairman Savacool asked Mr. Carr if he was going to try to get the PDD law prepared for the May 1, 2008 village board meeting. Mr. Carr said that smaller maps will be developed that can be presented to the village board recommended by the planning board in accordance with the law. Mr. Carr said this will be scheduled for a public hearing probably May 15, 2008. Chairman Savacool asked Mr. Carr to get these documents to him as soon as possible so that the village board has time to review these prior to the May 1, 2008 meeting. Otherwise, the village board may not be comfortable with setting up a public hearing before they had ample time to review these documents.

Mr. Anderson asked where the board stood with the county. Chairman Savacool said this could be addressed at the next meeting. Discussion with Mr. Kantak and Chairman Savacool on the traffic study that was done by Mr. Gordon Stansbury. Mr. Kantak said Mr. Stansbury did the original traffic study for the Downer Street area and Mr. Stansbury has reconfirmed the information to the county regarding the redevelopment of this area that there has been dozens of traffic studies done on Downer Street and all conclude the same information that Tri County Mall was a mall and with the redevelopment, technically traffic should go down because of a decrease in square footage. Mr. Stansbury confirmed this to the county; however, this was not communicated with county DOT and therefore miscommunication between two departments. Mr. Stansbury, the consultant for TDK Engineering, is trying to work out with these departments that everyone has an understanding of this plan which has already been addressed in the traffic study. Mr. Kantak said as soon as he gets confirmation he will bring it to the board. Chairman Savacool said let's bring this up at the next meeting; hopefully more information will be available.

Chairman Savacool asked if anyone has a concern with the town's recommendation that would affect how they perceive the site. No one had any comment. Chairman Savacool said the board will meet on April 29, 2008.

**NAPA Auto Store 74 & 76 State Route 31, Baldwinsville, NY – Jim Nobles**

Mr. Mastroianni of Mastroianni Engineering is present to address the board. Mr. Mastroianni said a new NAPA store 50 feet by 100 feet will be built, approximately 20 feet high. The store will be pushed back two feet from the street line. Mr. Mastroianni said they have the recommended number of parking spaces with an easement shared by two facilities. An existing entrance will be closed off and an entrance will be shared by two properties. The catch basin will be replaced in its entirety. The dumpsters will be enclosed and there will be rear screening and plantings. Concrete curbs and sidewalks will be on the Genesee Street area. Mr. Mastroianni said they are working with Toni Kleist on the aesthetics of the front of the building.

Dave Arthur said the screening to the south needs more detail in the site plan to protect the residential property. Mr. Arthur said the vegetative screening to the rear of the project should provide a substantial visual barrier between the site and the lots to the rear.

Chairman Savacool asked how far the concrete curb extends. Mr. Mastroianni showed this on the site plan.

Chairman Savacool asked Mr. Carr what is the process on a re-subdivision as Mr. Savacool said this is certainly improving the situation of the property. Mr. Carr said this is a realignment of property, making it better than what it was. Mr. Carr asked if the village has in the code wording for realignment. Chairman Savacool said he did not think this was even in the code, but the issue has been dealt with before calling it subdivision. Mr. Carr said that a map would not be filed on this. His recommendation would be to call it a realignment or re-subdivision and do it as part of the process of the site plan.

Dave Arthur said the code book reads, "SUBDIVISION – A division of any part, parcel or area of land by the owner or agent, either by lots or by metes and bounds into lots or parcels three (3) or more in number for the purpose of conveyance, transfer, improvement or sale, etc." Mr. Arthur said the key here is three in number. Mr. Carr said he did not think there is a code that addresses this. Mr. Carr said what the board is addressing is the lot lines so the property descriptions of the individual properties, unless they are altered which Mr. Carr is assuming they will be, so for this board's purposes, this should be addressed as a realignment.

Chairman Savacool asked Mr. Mastroianni when the project will be started. Mr. Mastroianni said as soon as possible. Mr. Carr asked about the mutuality of the common driveway. Chairman Savacool said the applicant was going to come up with an access easement.

Chairman Savacool asked if a variance is required because the applicant does not meet the setback requirements of the Code. The proposed adjusted property line will increase the western side yard from 0.3 feet to approximately 4 feet. The minimum side yard required is 8 feet. Neither the eastern side yard nor the rear yard conforms to zoning requirements now. Chairman Savacool also stated that the applicant is improving a non conforming variance. Mr. Carr said a non conforming structure stays a non conforming structure unless it is altered in some capacity by which alteration would increase its non

conformity. If that were to happen, it loses its non conforming status and then a variance would have to be granted. Mr. Carr said here as it has been pointed out it is still a non conformity but it is not increasing its non conformity, if anything, it is decreasing. Mr. Carr said this would not be a necessity for a variance as this is still a legal non conforming building. Mr. Carr asked if this was a B-1 district. Chairman Savacool said both existing lots were recently re-zoned "Business B-2".

Chairman Savacool said this can be sent down to county. He asked the board members if they are comfortable with the layout of this site plan. Mr. Mastroianni said he would put the vegetation on this plan before it goes to county.

Motion made to refer the proposed site plan NAPA Auto Store, 74 & 76 State Route 31, Baldwinsville, NY, plan dated April 14, 2008 to County. Motion carried.

Chairman Savacool and Mr. Mastroianni reviewed the Preliminary Site Plan Reviews from John Camp dated October 23, 2007 and February 25, 2008.

Meeting adjourned at 9:05 P.M.

Respectfully submitted,

Marie Giannone  
Planning Board Secretary