

**Village of Central Square  
3125 East Avenue  
Central Square, New York 13036**

**Planning Board Meeting**

**June 20, 2013**

The Village of Central Square Planning Board met at the Village Hall on June 20, 2013. Members in attendance were Co Chair-Maryellen Commisso, Barb Davis, Zita Bookman and Burt Alm, Stephen Williams was absent. Guest that were also present Mayor Millard Murphy, CEO Dale Hodge Jr., David Bardoun- Land Surveyor, Tom Weatherup, Robert Seniecle, Anthony Mirra, Colleen Mirra, Robert Gardner, Vincent Cossack-Attorney for Bob Gardner and John Wilbur with Trucks- R- Us.

The Meeting was called to order at 7:00PM by Co-Chair Maryellen Commisso followed by the Pledge of Allegiance.

The minutes were read from the May 9, 2013 meeting and corrections were made on page nine on the fourth paragraph with Barb Davis (There was no place that we see that question was never resolved. It was brought as a concern but it was in the 2008 meeting and it was never resolved.) Barb Davis made a *motion* to accept the May 9, 2013 Planning Board minutes, and Burt Alm seconded the motion, all in favor "AYE."

**Old Business:**

**CEO Dale Hodge:** Dale stated that this was an official meeting and the last meeting was a discussion. I have a copy of a site plan revision and the Planning Board members will get a copy. This is in regards to B&M Used Cars.

**B&M Used Cars:**

**Dave Bardoun:** The discussion was talked about from last month's meeting. B&M Cars has been surveyed and everything is to scale and how things will fit using the true dimensions of a 10x20 parking space. It shows the boundaries on the property and where all the buildings are and the relationships from the building to the property lines and the driveways. Also shows the ingress and egress and the lighting poles and the highway boundary. I detailed the map to show you what B&M would like to do. While we were in the process of doing this, I walked the property a few times to get a feel for it and as we were going in and out of the driveway that comes in from Summerhill Village. We really starting looking at the property and thinking the best solution for a lot of this would be to put these cars on this grassy knoll behind the fast track. The section one through six on the map is where B&M would like to put the cars.

**Barb Davis:** That is all lawn area right now and tall lawn area now?

**Dave Bardoun:** “No”, that is all mowed and it is a real nice area. There is nothing between that driveway and the back of the Fastrac. There is actually a berm that goes up the fast track but this is the lower section and that is all mowed. Basically in doing everything what we’ve done at the bottom of the map in the site plan notes; we have given you detailed parking spaces. There are actually twenty three proposed sales parking spaces and that is including the lawn area. The other area to the south of the driveway is just for employee and what we call inventory and pre-inventory cars which would be cars coming in from auction or cars that are not on the line yet to sell. He needs the transition area. There are four spaces reserved on the map for employees and then there is another eight spaces for pre inventory spaces. Also, there is an area reserved right up by the building for customers, there is one handicap and two spaces. We put the handicap on the Summerhill Village side because people drop off rent to Tom Weatherup. There is a ramp going into the building so all the handicap accessibility is there. Basically we are trying to show the ingress and egress through Summerhill Village to give you an idea how things are fitting over there.

**Zita Bookman:** I am looking at the map and I want to know what is all on the bottom of the display area of the map.

**Dave Bardoun:** That is all display area and not for the customers.

**Zita Bookman:** She asked some questions regarding the map and where the bowling area was on the map.

**Maryellen Commisso:** Tom Weatherup is agreement to have these cars back of the building and that would be fine with Tom?

**Tom Weatherup:** “Oh Yes”

**Dave Bardoun:** Tom Weatherup is part of the site plan because it is still Summerhill Village so this is a combined site plan.

**CEO Dale Hodge:** I wanted to note that it is not a fire lane. It would always go through the front and that is only a private road.

**Maryellen and Zita:** Are the customers still going to drive in to the Bowling Alley?

**CEO Dale Hodge:** That is one thing that Dave Bardoun and I discussed and of course you can make a recommendation for a barrier.

**Zita Bookman:** That was recommended at the last meeting.

**Dave Bardoun:** B&M is under the agreement also that we should have something there. Dave was suggesting having some type of signs along the boundary line whether they are every twenty

of fifty feet. For instance: Customers from B&M Sales please enter from Summerhill Village. As far as the burden, you do not see buffering between commercial properties, commercial is commercial properties. Fastrac is on the other side; they do not have any buffering. I can understand if there is a hazard. Basically this is a parking lot to a parking lot, a lawn to a lawn and on Fastrac side. Buddy is willing to do something to make sure it is delineated but as far as showing trees or a fence or anything like that it is in the middle of a parking lot. Nothing is going to grow there but it would be nice to have landscaping.

**Zita Bookman:** You could have boxes there and have things growing in them, like trees or flowers.

**Barb Davis:** I think I understand where you are coming from but as far as the Planning Board you being actually required as we identified at the last meeting that you are not playing as nice as neighbors here and that we were encouraging for B&M to try to do something and trying to play nice as neighbors. That is one thing that I am actually disappointed that I do not see anything here as far as trying to play nice as neighbors.

**CEO Dale Hodge:** When I spoke to Mr. Bardoun I told him there would have to be some concrete barrier or some other in expensive alternatives rather than buying a fence.

**Dave Bardoun:** It is actually something we have discussed with Tom Weatherup. We wanted to get the input from the Planning Board as to what to put there. There is so many options there could be a fence, could be a stone barrier, concrete barrier or fence posts with signs. The problem no matter what you put there unless there is a sign that says something there they are still go to park into the Bowling Alley. We are looking at the Planning Board for some direction to go into.

**Zita Bookman:** We need to get something in there so people just don't brassily drive through.

**CEO Dale Hodge:** I agree with Mr. Bardoun regarding the signage and also there is a problem with customers parking on Bob Garner's property. Some sort of barrier would eliminate this problem. I have seen this happen between businesses because of that particular reason so barriers would help especially when they have a shared space and they always put barriers up to solve the problem.

**Dave Bardoun:** We really do not have a shared space they understand is not a shared space there. What we are trying to do there is show a delineation of the boundary line. That is what we do as a surveyor. We go in and make sure that line is marked. That line has never been marked that like an imaginary line to everyone there and needs to get marked.

**Barb Davis:** The only thing I see with the contibury you are taking space away from, I mean you only got five feet from the line to a car and you do not have a lot of room there even to plow.

**Dave Bardoun:** There is a lot of liability there too as well, people backing into things and turning around. That is one of the things B&M is trying to stay away from the liability.

**Barb Davis:** We had a similar conversation with the medical center to Dunkin. We suggested they put inn staircases because people are going to walk from there to Dunkin, it's going to happen and those are things people will do naturally.

**CEO Dale Hodge:** One thing I have seen done is putting up ropes with the flags, not that it would be an ideal thing but there has to be some sort of barrier.

**Dave Bardoun:** That is what we are looking at the Planning Board for some kind of guidance. Once you show something we do not want to set something in stone until we got feedback from the Planning Board. It would be almost nice too like you said the fire lane is not there in the back. There is excess from the back, that was actually a reserved roadway is what that was. When Tom Weatherup was developing the back of his property that sixty foot strip of land was designed to be a roadway to route 11 and that was before they had access through the Summerhill Village and McDonald's property on the other side. There is a lot of cross joint easements on a lot of those properties.

**Tom Weatherup:** With the easements at RiteAid, Ice cream stand and such, they cannot put up any barriers or guardrails.

**CEO Dale Hodge:** Did anyone contact the state for the front where the cars are parked?

**Dave Bardoun:** We did and all that has to have it cannot be encroaching in the road boundary. We basically showed that as a five foot set back from the highway boundary. That is a long ways back from the blacktop. Pointing to the map; there is forty feet to the actually blacktop. There is gravel in there now and where Buddy has his cars now that is why we show that on the map. The cars are in the Highway boundary so Buddy had been made aware of that and he know where the highway boundary is and will set back evenly with the pole and guide wire. There has to be an adjustment where the cars are placed now. Buddy knows where the boundary is. Buddy Hamner is not present at the meeting tonight but his partner Robert Senicle is present.

**Zita Bookman:** When the Car carriers come in they are going to have to be instructed.

**Tom Weatherup:** That type of car carrier will never come in again. Tom talked about the carriers coming in the Bowling area because they did not know where they were going or where the line was.

**Dave Bardoun:** "Yes", no one even knows where the boundary line and we marked it the other day and the two back corners were marked also.

**Tom Weatherup:** I want to mark the line and Dave Bardoun will have to definitely mark it.

**Maryellen Commisso:** Did we here from Bob Gardner at all to see how the other side feels?

**Vincent Cossack:** (Bob Gardner's Attorney). Vince commented on the site plan, but unfortunately it doesn't really address the problem. In 2008, they approved the original site plan for the car dealer for the eight cars. Since then that continues through this dealer and there is

nothing that was continued and constant problems arose between neighbors. These problems come from two sources:

1.) It is the customers, visitors to the dealership to drive over the Bowling Alley's driveway to the parking lot and then to the lot to the dealer. That is a visual problem and I am sure you are familiar with that property. Any person driving down that road is going to go to this dealership and they are going to assume that driveway is their means of access to and from that dealership. That is a fact and this is created because there is no driveway access to this dealership from East Ave. If there was another driveway there they would still probably come through there just because the lay of the land. I cannot say that this is the dealership's fault but it doesn't lessen the fact that the problem exists. Vince stated that even if the signs got put back on the property it will still not stop the people from driving in. They would drive in the parking lot, circle around and drive back out. In 2008, the Board approved that site Plan knowing a retail establishment was going to go in which invites customers in and out. The only access to that property is from the rear. Nobody from East Ave is going to see that access even exists or that is the way they have to go. It is a problem created by the site Plan approval of the Board in 2008. The Board invited customers to come over the Bowling Alley property to this dealership. Back then the Board should have looked out for and protected the interest of the adjacent neighbor knowing, just visually that customers were going to come on and off the Bowling Alley property. Vince discussed that this problem will still continue for the customers to drive in through the access and use the driveways. It's not fair and it doesn't protect the rights of the adjacent property owner and it should be somehow stopped and prohibited by this board.

2.) The second source of problems is not such an innocent problem. It's been willful and intentional conduct of the prior dealership and this dealership bringing trailers onto my client's property to off load cars onto their property. They park the trailers onto my client's property all because of a simple reason-there is no room on their property. They can create this site Plan all they want but with eight cars on the property why are they putting trailers on my client's property. If they had plenty of room they wouldn't be putting trailers and off loading cars. That is with eight vehicles now they want to take most of the area with show vehicles, which is their business. However they do not have any room to off load their vehicles. The car dealership will tell you this has stopped and they have not done this that is true to an extent. The extent is they do not do it during the Bowling Alley business hours. They brought trailers in at four, five, six in the morning when the Bowling Alley is not opened and unloaded the trailers, vehicles and then leave. We have customers that constantly told my client that they have seen them on his property. This has caused many face-to-face conflicts between these neighbors since 2008. Many incidents have occurred regarding the parking and it has festered. It's going to lead to trouble and violence and someone is going to get hurt. It's not right. It's not fair and just like you to know this is from the willful and intent conduct of the neighbor. The car dealership has done this with cold; disregard rights of the property owner. They want to increase the parking to seventeen vehicles in the front and apparently a number of vehicles in the back. We could care less if the board approved a hundred vehicles for this lot it is none of our business as long as board looks out for the abject property owner. If you increase the number from eight to twenty five or whatever they want on there. It will increase the number of customers going to and from this dealership. It's not the customer's fault it is just the lay of the land, which we need protection from. It's going to increase the number of trailer loads the vehicles coming to and from this to off load cars. How are they going to maneuver these vehicles in and out and around? There is no room! The Zoning, as I understand it requires four parking spaces for the employees as

determined by the code Officer which is 10x20, 200 square feet or 800 square feet, and one for a customer that is a total of 1000 sq. feet. If you increase this to 23 cars how can you justifiably feel that there is only going to be one, two or three cars? There is going to be times where there might be five, six, seven customers based on the number of vehicles. The thing about putting up a sign about every 20 feet and not telling them to come on the Bowling Alley property doesn't eliminate the problem of the car dealership coming over to our driveway into our lot. If they read the sign and if they honor the sign they are going to driving out our parking lot and will go in the back entrance. The likeness of this will be close to zero. It is a substantial liability lists to my client. Somebody, a customer, transporter that gets hurt in the Bowling Alley lot they will sue everybody. Its problems that there is no solution or resolution to by virtual the layout of the land, the past and continued conduct of this adjacent neighbor. They threatened violence. Where does that come from? We are property owners. Stay off our property that is all the Bowling Alley asks. The Car dealership is going to do what they want. They told my client that he does whatever he wants to do and he doesn't care whose property it is. The only way to solve this problem is to require a fence from the front boundary line to the rear corner of the Summerhill building. That way one the customers from the road will see a fence and know that is not excess from the Bowling Alley's driveway.

**Maryellen Commisso:** You are saying the fence you are inquiring about is about 200 feet long?

**Vincent Cossack:** Is showing Barb on the site map where he thinks the fencing should be put up. I do not want to block anything and do not want to go all the way in the back with the fence.

**Maryellen Commisso:** Which is about 195 feet.

**Vincent Cossack:** A customer coming down the road and sees the fence, a six foot tall fence whatever the board feels is right in their discretion and they are going to see the fence and know that it would not be access to the Bowling Alleys driveway and the access must be in the rear. No Fence, no notice to any customers driving down the road they are going to drive on the Bowling Alleys lot and drive over to the car dealership. If there is an accident my client is going to get sued. That should have been a requirement of 2008. My client wants protection as an adjacent property owner entitled too with the situation as it sits. Nobody can stop the visual appearance of these properties. You have a big open area, you have a driveway right there and that is just the way it is. You can't change that. They are creating the problem therefore they should have the burden to solve the problem. They should be required (if the board is so moved to grant the application) it should be conditioned upon a fence six foot tall from the street line to back corner of the building. That solves all the problems because one they will not have problems with customers anymore, with tractor trailers and all problems with neighbors will be eliminated. If the Board has authority the Board should go back and revoke the 2008 site plan and require a barrier part of that, which that is what they should have done back in 2008. I was told it was discussed in that meeting and somehow my client was told that they were going to require a barrier. He was under the impression it was all resolved but it didn't happen. My client needs to be protected.

**Barb Davis** to CEO Dale Hodge: The distance of 20ft. in-between the two with the passage way in there is normal parking area is sufficient for cars pulling in and out of there isn't it? Would this be sufficient?

**CEO Dale Hodge:** "Yes"

**Maryellen Commisso:** to Dave Bardown: where did you come up with sixty foot wide on the map?

**Dave Bardown :** The spaces are turned, they are angled. We've done site plans with less that. We made enough room between twelve and six and one through five on the map for them to back out and turn around. Some of the commercial site plan parking lots are just for sales. They allow for ten feet because it's not for customers. It's not for anybody than the owners of the cars which would be the dealerships to get to the cars in and out of there. There are plenty of acres here and they got two acres. There is plenty of room for tractor trailers or anything on this property. This is why we want to accommodate more cars over in there, there is plenty of room they are just doing it in the wrong places.

**Tom Weatherup:** I have lots of room there my property goes all the way around the Bowling Alley.

**Vincent Cossack:** With all due respect if they had the room and used the room we would not be here tonight.

**Tom Weatherup:** Lots of times people from the Bowling Alley cut through the road and go to McDonald's. We're not trying to hold back anybody and there is no question that people will continue to come in their driveway and some of them to drive through and some to come to the Bowling Alley.

**Barb Davis:** There had been times when I bowled and cut through Pathfinder's to get out using the light.

**Dave Bardown:** He agrees with Barb about people using other driveways and cutting through. It's not just this one it's a continual process.

**Tom Weatherup:** I do not have a problem with people using our drive through here from the Bowling Alley we are not going to try to restrict the use.

**Vincent Cossack:** I am not talking about isolated instances here this happens on a daily basis.

**Barb Davis:** I understand that the concern is the liability and the wear and tear on your parking lot.

**Vincent Cossack:** That is Correct

**Tom Weatherup:** I built the Bowling Alley in 1971 on the side that we are talking about now. There has been very little maintenance done to the parking lot.

**Bob Gardner:** The holes get filled and I fill them. I do not have fifty thousand dollars to put a new driveway in.

**Tom Weatherup:** You can't tell me that people in cars in the parking lots are causing any trouble. The trucks are what causing the holes because they come in and turn.

**Vincent Cossack:** That the issue the customers to their property should not be on my client's property.

**Barb Davis:** We have to hear from both sides too because we do not want the people from the Bowling Alley to going through either and if we are going to eliminate one we are going to eliminate the whole problem.

**Robert Senicle:** I understand the barrier and I agree with the barrier and a couple things to highlight on we do not own the trailers. Cars that I buy are from franchise stores and are driven individually by drivers. I do not have trucks. I do not go to auctions to buy trucks.

**Maryellen Commisso:** "Yes", I know and we understand that is a matter of giving instructions to the driver and tell them where to go "Do not enter in the Bowling Alley entrance." That is just a matter to giving instructions on wherever you are buying it from.

**Barb Davis:** Just Curious: Have you two even talked to each other to try to work this out?

**Bob Senicle:** As a matter of fact "yes" we have offered at our expense to rock this whole parking lot and maintain it at our expense.

**Bob Gardner:** You said you would repair the driveway and parts that B&M uses. While Buddy was on vacation someone had plowed in the winter months and made big holes back there. That is when Buddy said he would fix this. He said he would take care of it. I have proof of the holes and proof of where they we pushing the snow up forward onto my property.

**Burt Alm:** What is the plan is for winter snow removal for B&M? Under this plan how do you plan to remove snow off this property and where does it go, assuming that you do not go on the Bowling Alley's property?

**Dave Bardown:** It gets plowed directly towards route 49, towards the ditch and where it drains. There are a lot of cars that are removed for wintertime display there so not going to be anything in that lawn area. Basically the seasons allow them only so much for so many cars.

**Burt Alm:** Not having the look of the lay of the land, which way does the natural drainage go on that property?

**Tom Weatherup:** To the rear of the property.

**Dave Bardoun:** The back goes to the rear but the front goes into the ditch right out by the highway there.

**Burt Alm:** You are saying that there is lots of room in the rear to expand.

**Dave Bardoun:** “Yes” there is.

**Burt Alm:** Why hasn’t this business ever created their own entrance on 49?

**Tom Weatherup:** The Planning Board didn’t want me to put another driveway on 49 because you have the Bowling Alley, driveway for me and Fast Track entrance.

**Barb Davis:** I read somewhere that state will not allow another cut in. You have to have 100 feet in between driveways.

**Burt Alm:** So requiring another access for this property 49 is something we cannot require from the Planning Board because of State regulations.

**Dave Bardoun:** They do have access that is one of the DOT requirements. If you are landlock and you do not have any other entrance there might be a possibility but, this property has an entrance or access.

**Vincent Cossack:** The problem to this situation was created by them (B&M) because they went into this lot knowing the fact that it doesn’t have a driveway. It was a pre-existing condition.

**Dave Bardoun:** There is an access and there is a service road it’s just what the DOT and most developers want for commercial properties. They want multiple properties using one service road. A service road is the key for good development.

**Zita Bookman and Barb Davis:** When the Citizen Outlet was there they didn’t have all the traffic like the used car lot.

**Bob Gardner:** The Citizen Outlet only had one to two cars there wasn’t many.

**Barb Davis:** That was in our interest because of the traffic.

**Dave Bardoun:** They brought this property with the sixty foot strip of land next to them it’s not like the property was put in after the fact or subdivided after the fact all these properties are good.

**Vincent Cossack:** The customers and the general public have no idea about the access to this property is in the rear. It’s a given that they are going to drive in the Bowling Alley driveway.

**Maryellen Commisso:** I don’t know how to actually stop that to be honest with you. I think that even a fence: I six foot fence is sitting kind of ugly with me. I think a barrier needs to be there but not a six-foot fence when you come down the road. I am not so sure how I feel about that. I

know when car shopping and I saw a dealership there and an entrance I think I would still pull in there, park along the fence and walk around. I am not so sure that the fence is your one-hundred percent solid answer.

**Vincent Cossack:** It's not a matter of us assuming the risk of who goes in next door and if their customers are going to drive over the Bowling Alley property and if the Board cannot take the position that too bad. I understand what you are saying the beauty and the prettiness are all well and good as long as it accomplishes the goal. I am not trying to tell you what to do, I am simply saying a barrier provided a customer going down the road and they visually see that they will know that they do not come in the Bowling Alley's driveway.

**Barb Davis:** Last Month when we were here, the Planning Board had mentioned that we would like to see some type of barrier so we are in agreement on that. I am just having a hard time with the six-foot fence.

**Maryellen Commisso:** What I would like to propose is that we table this till next month. Contact our lawyer, do some research on this and make sure the Planning Board is doing everything legal that we are supposed to be doing. I would like to propose that we table it for now and we will go to legal counsel and make sure that we are doing everything correctly and taking both parties best interest at hand here. Zita and Barb and Burt all agreed also. Does anyone have any other comments?

**Dave Bardoun:** With the area along the service road can they just get approved to put the cars in the back that don't affect their property along the front?

**Maryellen Commisso:** Again, I would like to not do nothing at this point until we make sure everything is all set because I think if say at this point if we said yes we would be adding to the problem that already exists. So I would have to say "No" at this point.

**Maryellen Commisso :** The next meeting is July 18, 2013 at 7:00PM

**Vincent Cossack:** as long as it's not in August, we have no objections.

**Burt Alm:** The access road in the back of the property; what kind of condition is that in? I go up to Summerhill occasionally and take RiteAid over to that road but I have a hard time visualizing this access road that is stone road. My initial reaction is that is more than one lane wide? It is run-a-crush road. If I was a potential customer and driving from fast tract or even up 49 or even knew that I had to go to the back. At this point I am not sure how quick I would want to run in on that access road if it's all gravel and stuff.

**Dave Bardoun:** It's a nice stone and run-a-crush road. It is the same as Bowling Alley's parking lot.

**Tom Weatherup:** People travel it every day.

**Burt Alm:** Even in the winter, spring?

**Dave Bardoun:** It's their office for Summerhill's rent and used every day.

**Bob Gardner:** Right at the end of the lane there is two drainage spots and people have gotten stuck in there that I have pulled out.

**Burt Alm:** There needs to be a barrier to distinguish the differences between the properties. Personally, I am trying to envision seventeen vehicles up on that space and it just seems like way too many, especially if you have room in the back to put additional vehicles. If they want to put the cream of the crop in the front and have a small sign that says more vehicles in the back and make people realize there is more there. There could be a sign down by McDonald's saying entrance B&M Auto. We have to do more about directing people in the proper place.

**Barb Davis:** Bob Gardner could put up a sign that says Bowling Patron's only.

**Burt Alm:** We have to stay in our limits of signage too and their needs to be some compromises made on the part of being the auto place to accomplish what they want to accomplish but they need not to have such an aggressive approach out in the front. I rather see them put more to the back especially if there is lots of room out there.

**Dave Bardoun:** That area in the front is just for display. B&M has eight cars now and there is twenty feet in between the cars. They are trying to utilize their space now.

**Barb Davis:** Seventeen cars is a lot of cars.

**Burt Alm:** The more you are going to put out up front the more you will attract to the neighbors property. Why not put more display in the back and attract to the back where the entrance is and exit is.

**Bob Senicle:** There is no visibility for the cars in the rear from the road other than the idea for the car dealership is made mention of the six-foot fence is visibility with retail sales and visibility from the main road is a big factor. If I put up the six foot fence, essentially what I have is a forty foot piece of property between a hill and Fastrac with a six foot tall fence without an entrance in the front. I will not have any success because there will not be any entrance with type of a set up. I think that even a sign up next to McDonald's is not going to direct people to go with that.

**Burt Alm:** You obviously need some signage to get people back there. We cannot cure people's habits and driving.

**Vincent Cossack:** Signs are not going to overcome the natural lay of the land it just appears that way. The more cars out front the more customers. I am not trying to stop him from putting more cars out there. If there is no way around that there has to a significant barrier so someone driving down the street knows visually they do not enter that way. There is no other solution to this and I am not trying to tell you what to do. Customers will visually coming from the street will know that they cannot come in this way with the barriers. A significant barrier has to be presented.

**Burt Alm:** I am trying to re-emphasize that how difficult this problem is going to be.

**Zita Bookman:** Right now the property is zoned for eight vehicles? Is that correct?

**CEO Dale Hodge:** It's not zoned; it was approved for eight vehicles.

**Zita Bookman:** How many vehicles are on the property at the time being?

**Bob Gardner:** There were ten vehicles when I left.

**Tom Weatherup and Bob Senicle:** There are two personal cars that are parked there.

**Dale Hodge:** There are eight cars out front.

**Maryellen Commisso:** We will table this for the July 18<sup>th</sup> meeting at 7:00PM.

**Dave Bardoun:** Does the Public hearing stay opened or does it go into Public Hearing?

**Maryellen Commisso:** We went into Public Hearing and we will have a continuation of this meeting for next month.

## **New Business:**

**Trucks-R- Us: John Wilbur** spoke, I have been on the property for 21 years, I bought the property from Tom Weatherup and I own the property next to me except 25 feet that is stoned. I had a purchase offer on it and went over a bunch of options with CEO Dale Hodge about wetlands and wet land buffer, abstract stated 80 foot no build. I retracted my offer and lease it so I could some time cleaning up the property and try to sell more vehicles. CEO Dale Hodge told John Wilbur that he couldn't park cars on the strip of land that he cleared and cleaned up.

**CEO Dale Hodge:** What I told John Wilbur that it is a separate parcel.

The Planning Board members locate the car wash and John Wilbur's property on the map.

**Burt Alm:** Do you own the car wash?

**John Wilbur:** "Yes" and I have permission to use this property that we are discussing from Rocklyn and Mrs. Marshfield. I never did anything other than just park on as you see down in through here (showing Planning Board on map). I own 14 foot off this corner so I never wanted to spend the money from this road here back and then I stopped because I ran out of money. It cost me ten thousand dollars, for an excavator, gravel and removing of the old building. I wanted to clean it up to make it look good; basically all I want to do is park cars there.

**CEO Dale Hodge:** John, I just wanted to make you aware that this is not anything that we can make a resolution on tonight because he does not have an actual application. This is a discussion under new business.

**John Wilbur:** My personal opinion is that I do not need one because it's been: the whole property (Foxwood acres) was a New York State Automobile dealer for twenty-five years. Bob Mirrow has the New York State dealers license to sell mobile homes.

**Maryellen Commisso:** Does he still have it?

**John Wilbur:** "Yes", you have to in New York State

**Maryellen Commisso:** I mean on this property

**John Wilbur:** Foxwood has been gone for ten years now that is my point.

**Barb Davis:** The code is, if it has not been used in over a year it has to come to the Board.

**John Wilbur:** But, I have been using it and the proof is in the examples here. I will get you the letter from Rocklyn to say that I have been using it.

**CEO Dale Hodge:** On a parcel that has been vacant for more than a year, it's an approved use so they do not need for a variance. An approved use for the commercial district and what the code requires is that all uses require a site plan review. The quality to scale and the requirements that is totally up to the discretion of the board. I always recommend that we have a detailed map to scale. This is where we are at with John and you require a site plan review even for this parcel.

**Barb Davis:** With the expansion of the size of that is John going to need a SEQR?

**CEO Dale Hodge:** How it affects the traffic flow it is a possibility.

**John Wilbur:** What is a SEQR?

**CEO Dale Hodge:** It's a State Environmental Quality Review, short for SEQR. What we have to do is a short form to the state and it is pretty quick. It lets the state know what you are going to do and they review to see if there is going to be an impact on the environment, traffic or any type on a state road. I believe in this case a SEQR will be required.

**Maryellen Commisso:** And will have to go to County Planning?

**CEO Dale Hodge:** It is a state road. No, it's got to be within 500 feet of a county road to require County Planning.

**Barb Davis:** All that we have being doing John since I have been on the Board is we just want to make sure that everybody is treated exactly the same and we go through all the steps.

**John Wilbur:** If I wasn't using it for the last twenty years I probably wouldn't have a problem or fifteen years because Mrs. Maschfield and Michael Speech left. I kind of helped her out, I cleaned up her ditch, I mowed and then when she sold it to Rocklyn I tried buying from her then

and she told me she had someone for more money and she did sell it to Rocklyn. I spent the money to mow it, stone it and get rid of the shed. Right now where the vehicles are now is on my property so I shouldn't have to ask permission. I did tell Dale the other day that the reason there are two up and inner up top driveways to keep people from driving in and out of there.

**Maryellen Commisso:** So I am saying you need to fill out the SEQR.

**CEO Dale Hodge:** I am sure that you need to fill out the SEQR form. I wasn't sure if you wanted to fill it out and move forward with this. To move forward with the site plan review the application fee is \$150.00 and then we would schedule you for the next available meeting.

**John Wilbur:** And that is if I want to put 200 cars there.

**CEO Dale Hodge:** That is if you want to do retail. Basically what you are doing is retail use.

**John Wilbur:** Now it's my property and I still have to get permission?

**Barb Davis:** No, but where you have the cars now.

**John Wilbur:** Right along the side the twelve or fourteen feet that I own.

**CEO Dale Hodge:** You have been selling there anyways.

**John Wilbur:** Dale you were going to look for the original site plan was approved for.

**CEO Dale Hodge:** I didn't find a site plan.

**John Wilbur:** There is nothing, I have been there for twenty one years.

**CEO Dale Hodge:** At that point we will do the SEQR.

**Barb Davis:** Looking at the map on the property John had cleared approximately 120x90 feet wide. I didn't clear it I just stone it.

**Burt Alm:** Is it feasible to build there? Is it wetlands?

**John Wilbur:** I didn't clear it, I just stoned it. That is a million dollar question, can you build there. When I went to Rocklyn and told them my reason I did not to buy and I wanted my money back. On the site map, Rocklyn claims his map only showed wet land (showing the planning board on the map the area). Dale and I looked it up and we were with the purser and we came out 75 feet across the whole back of the property. They had a site plan like the one with a dollar general, all the parking and a movie gallery on the map.

**Mayor Murphy:** Isn't there a ditch along the back part of that John?

**John Wilbur:** It's the ditch that goes from Green Acres all the way to the Village Offices.

**Mayor Murphy:** He had to dig the ditch down there because it was part of the trade off so it would flow.

**John Wilbur:** I do not know if he did or didn't dig it or not but I have all the old pictures from the car wash when Tom was building it and he had a bull dozer and Tom had it all planned out. I do not know where all the water comes from but I know there is a natural spring. There is four or five foot galvanized tube that I have two well pumps in to feed the car wash.

**CEO Dale Hodge:** We should be getting the new flood maps in soon.

**Barb Davis:** What is John Wilbur going to need here to use this area that he just spent all that money on.

**John Wilbur:** Right and nothing is there now other than where I did put cars (pointing to map).

**Maryellen Commisso:** To use this area that is what John Wilbur will still need a site plan.

**John Wilbur:** When I come in with the site plan I will just have it done and I am going to show 200 car parking. I am not going to through this every time I want to expand.

**Maryellen Commisso:** No you won't have too.

**CEO Dale Hodge:** John Wilbur will have to move forward with the site plan.

**Maryellen Commisso:** You do not need an engineer to come in as long as it's drawn to scale, you can draw it.

**John Wilbur:** I have a friend that said he will put together a site plan that will be in color with parking spots.

**CEO Dale Hodge:** If you are going to do any lighting include that in with the site plan and do not leave anything out because the last thing that wants is surprises.

**Mayor Murphy:** Especially if you want to change your sign or anything like that.

**John Wilbur:** The surrounding neighbors have to be contacted as well.

**Mayor Murphy:** Any one that is a neighbor.

**CEO Dale Hodge:** Anybody that can be impacted by the land.

**Maryellen Commisso:** John Wilbur will come back next month. The Planning Board will have a public hearing and he needs to bring in the site plan and the SEQR form. If we have nothing else we will adjourn the meeting. Barb Davis made a motion to adjourn the meeting and Zita Bookman seconded the meeting. All in favor "AYE". The meeting was adjourned.

Respectfully Submitted,  
Kim Cusson  
Village Secretary