

Village of Central Square
3125 East Avenue
Central Square, New York 13036
Planning Board Public Hearing
October 17, 2013

The Village of Central Square Planning Board met at the Village Hall on October 17, 2013 for a Public Hearing. Members in attendance were Chairperson Stephen Williams, Co-Chair person Maryellen Commisso, Barb Davis, Zita Bookman and Burton Alm. Guest that were present Heather Stevens, Attorney Vincent Cossack, Robert Gardner, Walter Hamner, Tom Weatherup, David Bardoun Land Surveyor , Village Attorney Steve Primo and CEO Rolf Beckhusen.

CALL TO ORDER:

The meeting was called to order at 7:02 PM by chairperson Stephen Williams followed by the Pledge of Allegiance.

NEW BUSINESS:

Steve Primo addressed the board and the public. Prior to the meeting I asked the board to go into private closed session under attorney client privilege. During that time Steve Primo discussed procedural requirements for site plan approval and to review the criteria. The plan was sent to County Planning and the Board should be getting something back from them. The application was also considered and sent to a consulting engineer. The applicant has to deposit money into the escrow account for legal and engineering fees. There is a payment reimbursement agreement it is part of the Zoning/ Planning instruction sheet package and I ask the Planning Board to direct the applicant to execute this. There should also be a code review.

Stephen Williams: I want to be laser clear on what is tonight's Public hearing for.

Steve Primo: The public hearing is to review a request for a modification site plan. The Board jurisdiction in respect to this is not limited to the parking. When an application is filed for a site a plan modification opens up the entire project.

Steven Williams: The Site Plan that Steve Primo is referring to is the B&M Used cars/ Summerhill Office. On this application we received, it does list both businesses and Tom Weatherup is the applicant.

Barb Davis: Tom Weatherup did you change this application just to your name, so that in the future if anyone else comes in?

Tom Weatherup: "Yes"

Steve Primo: There is an affidavit required under section 809 general municipal laws. Basically for the applicant it states that no state officer or any officer employed by the County of Oswego and the Village of Central Square has any interest in the person partnership or the association owning the premises. It's required to execute under section 809 and this must be signed by the applicant. The SEQR environmental form was filed and sent out to Oswego County. The Board can look at the site Plan and consider it after we hear from the applicant.

Tom Weatherup: Dave Bardoun spoke for Tom Weatherup. It was similar to the last proposal the only thing that changed was the proposed employee and sale parking. There is the existing gravel and I put all the signage on the map. The modifications are going from eight cars total of sales, to vehicles sales parking spaces 31, customer parking spaces 3 (1-Handicap), employee parking spaces 4, which is a total of 38 parking spaces. As we talked last time a few months back some of the sales areas on actually going to be parked on the grassy knoll as you pull in behind Fastrac. There will be no additional lighting, no additional signage we are here just to modify the site plan, no additional proposed buildings and no renovations.

Burt Alm: As a point of clarification on the North side of the site we have 17 spaces which I assume are vehicles for sale. There are an additional 6 spaces on the lawn display which will be vehicles for sale. What are the 3 spaces next to the Summerhill offices?

Dave Bardoun: Correct, and the three spaces are customer parking. The customer parking is for Summerhill and B&M Used cars. At the right side of the map provided you will find the employee parking and there are 4 employee parking spaces. The employee parking is actually access of what is need.

Burt Alm: You have 12 spaces, 4 employee's spaces, so what are the other 8 spaces in the 12.?

Dave Bardoun: Sales, it says on the map proposed employee and sales. It will be a designated area for cars coming in and out. Cars that are sold and talking off the front line and put out in that area in the back. We are trying to save some space for these cars that are in between, either going up for sale or going out to someone's house.

Burt Alm: Of all the parking you are estimating that 3 customer spaces are all that you are counting for?

Dave Bardoun: The employee parking there is 31 sales spots, 3 customer spots and 4 employee spots.

Barb Davis: Last time you were here you were ask to check the setback requirements on 49 for where you are proposing to have the cars up front. Did you check to see the requirements?

Dave Bardoun: Yes, We are not allowed to go beyond the highway boundary.

Steve Primo: I would like Tom Weatherup to certify that this complies with the parking setbacks if it doesn't let the board know where. Also show the Board on the plan where you are putting gravel and stone down and are there any change on the elevation?

Dave Bardoun: “No” change.

Burt Alm: I make a *motion* that we refer the site plan to a Village Engineer to review against our existing code.

Stephen Williams: Dave Bardoun and Tom Weatherup, please work on the 809 form provided. Can you also have the payment agreement to the Village of Central Square by the October 28th as well? The reason I am asking you by the 28th so it will be back in time to review. What was the previous balance?

Steve Primo: The application was withdrawn so the applicant never got to it but there is a balance that the Village paid. When you refer to the engineer I would ask for a number than deposit in escrow, discuss the scope of the work and limiting it to codes review, taking a look at the site and write the letter. I will get the number from him so it can be asserted in the payment agreement.

Steve Williams: The Village of Central Square will contact Tom Weatherup and Dave Bardoun by October 28th if there is any monies past due for the previous permitting and notify Steve Williams. Are there any questions or comments regarding B&M?

Vince Cossack: (Attorney for Robert Gardner) at the meeting in July the board incremented that the guardrail fence was not accepted. We agreed on the 4 ft. fence at that time. Since this B&M had withdrawn the application and decided they would put in a 2ft. fence which was not efficient at that time. The concern was people jumping over the fence, now this is a concern because we have already had someone injured trying to jump over the fence. The 4 ft. fence was to prevent this from happening but my client is willing to live with the 2 ft. fence. My client is willing to live with the height of the fence, if the board is willing to live with the height of the fence on one condition. The fence needs to be extended all the way to the rear property. It would stop the traffic from coming through to my client’s property.

Stephen Williams: There might be a concern of the fire trucks coming through that end of the property.

Maryellen Commisso inquired if CEO Dale Hodge checked the concern at the previous meeting.

Stephen Williams: So to my understanding, you would like to see the fence extended back deeper in to the property line. On the map you think the fence should go to the light pole?

Vince Cossack: At the July meeting the board agreed to the fence to come all the way back and this would be proper.

Stephen Williams: I would challenge that because at the time there were multiple opinions. A couple of the suggestions were the signs. One was a turn here at McDonald’s and the main sign was the entrance by McDonald’s. B&M listened to the suggestions the Board made and followed

their advice and thank-you for that. I do not think that anyone in anyway indicated that there was a consensus of the Board as to what had to happen.

Steve Primo: Vince that fence was not reviewed by this board, after he withdrew his application he could put in a fence simply by pulling a building permit.

Stephen Williams: I am confused earlier you were saying the fence should be 4ft. high and now you would like it to be extended.

Vince Cossack: At the previous meetings the height of the fence and the depth of the fence were discussed in detail. It was not agreed that the fence would be 4 feet high and should go all the way back; however that bridge would be crossed when a site plan application was proposed. It is now proposed, that fence was never there and it's now been put in. We are living with the fact that it is put in and it is only 2ft. we are living with that but we want to see it going all the way back.

Barb Davis: So you would like the Board to consider in our new site plan to have the fence go back to the pole.

Burt Alm: From the end of the fence to the lamp post, I am roughly guessing this could be a 110 ft. based on the scale of the map that the 110 ft. gap is causing your client problems. If it is your problem you have the right to correct this and put up your own fence up.

Vince Cossack: I am saying we are not creating the condition, they are creating the condition.

Burt Alm: We cannot control the actions of the people that choose to go through there. If you want to control those actions then you may need to take responsibility and initiative to control that and put up your own fence on your side to close that gap.

Vince Cossack: If the neighbor has created the condition that is challenging the traffic to our property, we have the right ask he should bear the cost.

Steve Primo: It is in the Boards authority as a condition of a site plan approval to mandate an extension of the fence, it's also in the Boards authority to not to do that. It's in their jurisdiction to consider it. Everyone understands Mr. Cossack point. Let's leave this issue and move on, the public hearing is going to be continued. There is no liability either way.

Heather Stevens: She talked about the Bowling Alley customers leaving the parking and using the road way to the back to leave and to get to a light for safety.

Burt Alm: The argument would be that there is as much traffic going out of the Bowling Alley and using that egress and ingress to get out from there to use the cross access for safety reasons to get to the light.

Stephen Williams: Barb Davis made a *motion* that the Board sends the paperwork to the Village Engineer. Tom Weatherup has heard from Robert Gardner that they would like to extend the fence.

Stephen Primo: The Board has some comments on the parking layout and would like to continue.

Burt Alm: We need to take the time on the fence issue and I would like to hear from Tom Weatherup and thought process from CEO Rolf Beckhusen on granting the building permit.

Tom Weatherup: Vince is right, after we widen the road, it made a nice road but we do get more traffic through there. When we get the site plan approved we will have cars sitting there along the road in the back and it will no longer look like a super highway. I will put up a sign no through traffic. I have no objection from anyone using the roads. I do not think a fence should be put up because of the customers going back and forth.

Rolf Beckhusen: Since the site plan was withdrawn, Tom Weatherup is allowed to pull a fence and sign permit. It is no different than any other person pulling a permit.

Vince Cossack: Stated that he understood and recognized that he didn't need anything but a building permit.

Steve Primo: Mr. Weatherup if you put up "no traffic through sign" and it is consistent; you want this volume of traffic without the sign. With the fence permit it would be just like any other property owner and it did meet our code. Tom Weatherup said he did not have a problem with the traffic coming through.

Burt Alm: I would like to move to make *motion* that the Planning Board to refer the site plan to a Village Engineer for cross referencing the plan to the Village codes to look for in potential problems. I would like to add on not to exceed \$500.00.

Stephen Williams: Is there more discussion? Steve Williams seconded the motion, all in favor "AYE" and unanimously approved. The Planning Board will extend the Public Hearing and will meet back on November 21, 2013.

Maryellen Commisso: There were no dollar amounts listed or stated in the June 20th and July 18th, 2013 meeting.

Steve Williams: Moved to make a *motion* that Tom Weatherup or representative submits the 809 affidavit reimbursement agreement and any money that is in the rears for financially obligated and his balance his brought to zero by the next scheduled meeting on November 21, 2013. The up to \$500.00 escrow is established for the engineering review for the proposed B&M Used Cars/ Summerhill Offices, 3015 East Ave. Rt. 49 Central Square. Also in escrow up to \$500.00 to pay for the legal fees for the Attorney.

Steve Primo: We will get everything back from the County the Board will make a decision on the Public Hearing on the 21st. I will do a proposed resolution it will have the terms for a guideline.

Stephen Williams: Any other discussion on the motion? Burt Alm seconded the *motion*. All in favor “AYE “and was unanimously approved. Public hearing is still opened we are going to call to order our Planning Board meeting.

Burt Alm: Going back Burt wanted to talk about the parking at B&M Used Cars and gives some opinions on the spaces for parking for B&M.

Barb Davis: Concerns from her were the ascetic’s view of the community on how crowded and compact the parking spots were. The thought of the fence and the more cars there are, people are still going to come in to the Bowling Alley and continue to park down the side of the fence to look at the cars. I do not know if having more cars will deter people stopping there and move on to look for another parking space and then customers will continue to look for an open parking spot.

Burt Alm: The concept is that B&M Used cars never having more than four customers parking there is that a real reasonable amount of parking? I feel you should have a couple more designated spots for customers parking. I think if you had six customer parking spots it would be more efficient.

Steve Primo: There is not a requirement code for the number of parking space only for customer parking and they are at code. For the purpose of the Board try a trial basics on moving some vehicles in the parking areas to have them see what this looks like. The Boards concern is to move eleven vehicles to the front and see what this looks like. Then the Board member will park their cars in the remaining 6 cars in the front for the full effect of view from route 49.

Dave Bardoun: The cars parking spaces are all to scale and we left twenty feet between everyone of the cars. We have enough angles on the spaces where they are located on the land. The only space that is bigger is the handicap parking which is required. We do not want to make it so we cannot get the cars out of there either.

Stephen Williams: Mr. Weatherup has to get current with the Village of Central Square financially. \$1000.00 in the reimbursement agreement that has to be signed and the 809 affidavit paperwork and will be done by the October 28th. B&M will place the cars a week before the Planning Board and will notify Rolf Beckhusen. The Planning Board can come down to take a look at them if you choose to do this. On Sunday November 17th B&M can start putting the cars in place for us to take a look at. This will give four days before the meeting for the Planning Board to look at to review visually what the parking should look like and then when we meet on the 21st a decision will be made at the Planning Board Meeting.

Maryellen Commisso: If we get something back from the Engineer that is negative Kim Cusson should notify B&M used cars or Tom Weatherup as soon as possible so he doesn't bring down the cars the parking.

Stephen Williams: When the Engineer is done he will notify the Village Clerk, Rolf Beckhusen or Kim Cusson and will notify Tom Weatherup if there is negative feedback. We do not want B&M Auto to risk putting the cars there if there is anything negative that comes back from the Village Engineer or Oswego County Planning. Public hearing will be continued to be opened for next month but will call to order the regular Planning Board.

Old Business:

Steve Williams: Minutes from the August 14, 2013 were read and corrections. Maryellen Commisso had no corrections, Barb Davis had no corrections and Burt Alm had no corrections and no corrections from Steve Williams. Steve made a *motion* to approve the minutes for August 14th, 2013 meeting. Maryellen seconded the *motion* and all in favor "AYE". It was unanimously approved.

Steve Williams: Carports code section 250-3 and 250-5 code review and define the definition.

Maryellen Commisso: Reading the carport letter from Mayor Ken Sherman you want the planning board to put something in the zoning 250 section of the code.

Heather Steven: The Trustees are looking at the major sections of the code that are not in place and trying to fix them, make them current and what we need them to apply to. The Village Board would like to get everything up to date and give the Board your input on carports and definition.

Barb Davis: Heather is there concern as far as getting too specific on some of the definitions. Should green houses be listed? Part of my thought is "no" because if you follow the rules on accessory structures and if someone comes up with something else new.

Heather Stevens: There will always be something new and that is why the definition is the biggest concern. Look at the current problems that are addressed and work with them to make it fit into the definition.

Burt Alm: I move that we table the item of the portable garages till next month, Burt made a *motion* to adjourn the meeting at 9:00PM, Barb Davis seconded, all in favor "AYE" unanimously approved.

Respectfully Submitted,

Kim Cusson

Village Secretary