

**VILLAGE OF CENTRAL SQUARE
3125 EAST AVENUE
CENTRAL SQUARE, NY 13036**

**PLANNING BOARD MEETING
MAY 18, 2017**

The Village of Central Square Planning Board met at the Village hall on May 18, 2017 at 7:00 PM. Members in attendance were Chair Maryellen Commisso, Zita Bookman, Craig Wilson and Tom Rinefierd. Maggie Kirkby was absent. Guest present was Ed Cusato.

Called to Order

Maryellen Commisso called the meeting to order at 7:02 PM followed by the pledge of Allegiance.

Old Business

The reading of the minutes from the April 20, 2017 Planning Board, Tom Rinefierd had some corrections to be made. Maryellen's corrections were already made. Zita Bookman made a motion to except the April 20th minutes with the corrections pending and seconded by Tom Rinefierd. The minutes were unanimously accepted.

New Business

There is no new business for the meeting tonight. Although the Planning Board received the site plan package for O'Reilly Auto and will review before the next meeting. Maryellen asked about the comprehensive plan that was issued to them at the meeting and did not know whether they are supposed to do anything with it.

Ed Cusato from Code Enforcement

An update on to what is going on the Village: **Ed:** Permits have been issued for several pool permits, a couple of deck permits, residential project that have been submitted and issued. They are normal projects. There has been no update on Brian Warden's Thelma Road project that has not been completed and has not asked for final until floor is in and landscaping is done. Nathan Stokes on Thelma as well is starting to break ground and I will keep you informed on the project. Property maintenance complaints are ongoing. I have issued and have a few people coming to court plus I have a couple more appearance tickets that have to be issued. The property maintenance violations are always going to be on going. The biggest issue I am having is "**Trucks R Us.**" I have been trying to get some information on the past history. I issued an ORV to Trucks R Us. **Craig Wilson:** What is an ORV? **Ed:** Order to Remedy Violation. I have had a conversation with him as well. The problem I have right now and I will look at the Planning Boards recommendations or opinion and I will present this at next week Village Board meeting. The files that we have are two separate properties. John Wilbur is renting the property which is the old Marshfield's. They had some mobile homes sales and they were ordered to remove them and that was about it on the files we have on this property. **Maryellen:** John came in a couple years ago, just hypothetically speaking, what he wanted to do to the land and he did not want to put the money into what needed to be done so he just dropped it. **Ed:** So it would not be in the minutes because there was no formal motion and no formal discussion. That's why there is nothing in the files on

either property. **Maryellen:** At that time Marshes still owned the property. **Ed:** I can see where the car wash possibly approved when he put the car wash in. **Maryellen:** He did not put that in. **Ed:** It's there when that was put in and from there, it is very little as when he started putting cars there and who gave him permission to do so. **Maryellen:** Trucks R Us has been there for a long time. **Ed:** What is a long time? **Maryellen:** I am going to say fifteen to twenty years. **Zita:** But it was small. **Maryellen:** Tom Weatherup had the car wash and he installed it. When he did have the car wash there were no car sales at that time. **Ed:** It's my opinion that I would like to look at where the car wash is and that made be legal nonconforming. More or less grandfathered within that property so if he wanted to expand that car lot on to the adjoining property than he would have to go for a full site plan. **Maryellen and Zita:** Correct. **Ed:** Car lots in commercial properties are not allowed. **Craig:** What is the address and where is it located? **Ed:** Truck R Us, right down the road here. **Tom:** What is the zoning on where Bridgeland ? **Ed:** What was allowed and what was approved years ago is not necessarily what is allowed now. Trucks R Us has taken a separate piece of property and officially expanded it. Auto courts are allowed but not auto sales. **Maryellen:** What is the difference? Auto Courts are hotels. **Ed:** That was probably the problem in the definition and what was allowed in the past. Now it's not allowed. Trucks R Us is going to have to go through two things: If in fact that car sales are not allowed on that property, he could possibly apply for a use variance not a area variance in which whomever owns that property would have to show that they cannot do anything else on that land and can't get a reasonable return. That is part of the criteria for the use variance. Then he would have to apply for a full site plan as well and that is where it would have to pass onto the Village attorney as well for an opinion. This would be a legal matter and make sure everything is legal. The two applications that he has to apply for are the variance and site plan review. What goes first? Does he come in front of the Planning Board first for the site plan and then go for the variance? My opinion he would prepare the site plan and all his facts and figures and present it to the zoning board and the zoning board would approve or disapprove it based on Planning Board site plan approval. **Maryellen:** regardless if it was a variance they would always come to us first. That's the way we always worked it in the Village and then would draft up a letter of our recommendation and send it to the Zoning Board. **Ed:** It makes sense on a legal stand point with this type of situation. **Maryellen:** I would like to know when he opened Truck R Us? **Ed:** My opinion we could grandfather that especially if you are saying he has been there for fifteen years. The Planning Board could limit the owner. He is also in far enough where the DEC is going to get heavily involved because of the wetlands and he has pushed things into our town right of way which becomes an issue. He has matted and graded which requires permitting as well. **Craig:** I saw him when he was doing that and I wondered on what authority he was doing that. **Ed:** The owner's words were every year I would inch over, inch over and inch over a little bit more every year that was his words exactly. **Zita:** That is because the codes officer did not do anything about it. **Ed:** Allison Nelson the Village attorney needs to submit a legal opinion instead of putting this burden on the Planning Board. **Zita:** So he doesn't come back on us. **Ed:** I will talk to the Village Board on this as well and we will communicate together as to which way we think would be the best way to go. **Maryellen:** My feeling is... If he does it all legal and everything is up and up and DEC is ok I have no problem with him getting that land nice using it for a business, if it is done right. **Ed:** Do you want another large car lot? **Maryellen:** The thing is he is already there. **Tom:** But it is not his property yet, that's the issue. Now it's in the hands of an LLC so I don't know. **Craig:** What is this guy's name? **Tom:** John Wilbur. **Ed:** John Wilbur is the owner of Trucks R Us and the car wash and I do not know if Trucks R US is an LLC. Rocklyn Construction is an LLC, the people who own the property that he just regarded and I have already put them on notice as well. **Maryellen:** I guess what I really should of said and take back what I said, if by law and rules that you cannot put a car sales lot in commercial then we probably

should stick with that. That is why the rule was made and the law was made and we should stick to it. **Ed:** He can show that every year he has expanded even within his own property. He has expanded and the Village has allowed it. **Maryellen:** My comment back to that would be no. When he came to the Planning Board meeting we told him no. **Zita:** We told him he needed a site plan. **Maryellen:** We need to make a change for the right way. You cannot always do what you did before. **Ed:** The only reason that I am bring this up is because if I was him arguing, the Village of Central Square already set a presentence. **Maryellen:** There has not been any zone changes since 1996, 1997. **Ed:** It just has been allowed. **Zita:** This is more than inches. **Ed:** Yes that is why I put a stop to it and saw it. **Craig:** Have you addressed it with him? **Ed:** I sent him an order to remedy and he contacted me, we had a phone conversation and when he comes back from vacation we will have a meeting. **Maryellen:** We need to find out a couple of things- When did they open or when did the zone change? Or did we give them a variance when they did open, even though it was a commercial district. If we can find out those things then we can go from there. **Maryellen:** What else do you have for us? **Ed:** That is about it. **Tom:** will you have to address all the other car lots that are on commercial property? **Ed:** “No “they are not necessary on commercial property or legal nonconforming. Reymore Chevy has been there forever and ever along with Burdick Ford. **Tom:** We have Handle Bars and Cars. **Maryellen:** You are talking different zoning on Route 11. **Tom:** Ok, I did not know whether that particular chunk was zoned. **Ed:** The bottom line is if car lots were allowed and they are there and they were allowed. This guy took an empty piece of property and has formally started to develop it whether it is just cars or a building. **Tom:** It is the second piece of property then, it is not the piece where the car wash is then. **Ed:** That could be legal nonconforming. It could be considered grandfathered in and this is a brand new piece of property we have ignored it because he only had a few cars but now he graded it, DEC requires a grading permit especially when you are close to wetlands. That means you have developed the property instead of throwing a couple cars on there. **Tom:** The main concern is what he is doing on the piece he is renting. **Ed:** You have to look at the whole picture so the specific thing is developing that land. **Craig:** Did you see what he did on there. It looked like base stone underneath and material went over the top of it. **Ed:** That would be the normal grading process. **Zita:** We should have put that part in the minutes from when he first came in even though it was a hypothetical audience question. **Ed:** Reads what is allowed in the commercial zoning district out of the code book. Ed will keep us informed on how the Village Board goes and the questions asked.

I have not had a chance to look at the site plan from O'Reilly's but I want to give the fire department a chance to look at it as well. We will plan on meeting on June 15th Planning Board meeting. **Tom:** John Wilbur on Drybridge wants to put up a garage. **Ed:** Yes that right. At first I thought it was the same person but this gentleman is a lot younger. **Tom:** The only reason I asked is where is he planning on putting this garage? **Ed:** Down in the rear of the lot. **Tom:** He actually has two properties there. **Ed:** Are you talking about the vacant lot on the side? **Tom:** I am talking about the two acre parcel that goes behind his house because he only has 100 x170 so if he is going to keep it on the main parcel as the house then it is an accessory structure as long as he maintains the 50 foot rear setback. **Ed:** I just got his property survey and what I am looking at he meets that percentage rule with putting in an accessory structure. There was something in there with a lot line adjustment. Apparently with him and the neighbor to the left there is that vacant land and at one time there was going to be a proposed road. They jointly bought that property and had their lines adjusted. **Tom:** I thought the best thing for him to do would be to legally combine the two properties into on tax map number and then could put it where he wanted. On the county tax map it is still listed as two tax map numbers. **Ed:** He is also going to put in a second driveway. **Zita:** Where is this at? **Tom:** 183 Drybridge Road. As long as he legally combines it then it certainly would be an accessory structure. **Ed:** Was Brian Warden's a separate

piece of property? **Tom:** Yes he bought that from lot from his neighbor, Phil Baum and Phil was going to put a house on it and sell it because he is a contractor but he did not do that. He in turn sold it to his neighbor to the East, Brian Warden. That's when he put the pole barn in the stand alone structure on a property. It is two separate properties so he doesn't meet accessory structure. **Maryellen:** There are no rules that you cannot do this in the Village. It is 8:05. Zita made a motion to adjourn the meeting and Craig Wilson seconded. All were in favor it was unanimous. The meeting was adjourned.

Respectfully Submitted,

Kim Cusson