

# Planning Board Meeting

## January 17, 2008

**Present:** Dr. Penoyer, Shirley Jones, John Metzger, Jerry Kirker, Rebecca Watson, Roger Crouse, Mike Kraus

**Absent:** Steve Williams

**Guests:** Tony Paone, Gallinger Real Estate, Ray Nasoni, Sign-a-Rama, Ken Sherman, Bob Foster-Gallinger Real Estate, Clara Sauter. ***Matt Lauber- Matt's Motors, Mayor Murphy, Atty Scott Chatfield.***

Meeting was called to order by chairman John Metzger at 7:02. Mr. Metzger led in the pledge to the flag.

**Mike Kraus** introduced Clara Sauter to the board. Ms. Sauter wishes to sell a parcel of her land. Because she wants to sell only a portion, it may require a subdivision. She requested to come before the planning board to discuss. Bob Foster from Gallinger Real Estate indicated that the property is currently on two parcels with two tax map numbers, which is different from the village survey.

**Ms. Sauter** indicated that the property has been vacant for two years and she is taking steps toward selling the property. There is a joint driveway. A water line was added on one side, and the dock has been removed. She would like permission for two driveways. Mr. Wildrick previously advised her that there were no restrictions on the required width of driveway, but she needed clarification of the zoning, as she believes it was industrial.

**Mr. Kraus** advised that it is currently zoned commercial, and he would provide a map for Ms. Sauter with a date.

**Mr. Metzger** indicated that if she was selling only the building, there had to be some accommodation for dividing the driveway for maintenance purposes.

Maps were distributed to the board members. The 6' dock in the back of the property has been removed, but the small dock remains. The 10' right of way for the village gas line that runs down the center of the driveway is ok, but no structure could be added according to Mr. Kraus.

**Ms. Sauter** was asked to bring the separate deeds to Mr. Kraus to review. Mr. Kraus indicated that the pole in the middle of the driveway could be moved with approval from National Grid. The only limit on the driveway would be that it needs to be 20' for emergency vehicles.

**Mr. Chatfield** indicated if the property is pre-existing substandard lot – ok to subdivide. Need to find out when separate deeds were created in relation to code. If predated they are two pre-existing nonconforming.

Access to rear property could be provided via an easement or right of way. Ms. Sauter prefers ownership of land giving frontage to road.

**Mr. Metzger** stated that information is needed on deeds. If deeds pre-date the zoning change, then its not necessary to refer on to the ZBA.

**Mr. Chatfield** recommended that a drawing be obtained showing the division to verify compliance.

**Mr. Metzger** – even if all is ok, the business will then need to conform to zoning, i.e. number of parking places, and must present a site plan.

**Mr. Chatfield** also stated that they should consider what land should remain with the Agway building so as to conform to the zoning.

State may have a requirement regarding the driveways. They may require two points of access. Need state approval and 16 feet is required.

**Mr. Metzger:** There is no problem with the plan if it is two parcels. If it is not – a subdivision and variance is needed.

**Mr. Chatfield:** If there are two deeds and there is no allowance for road frontage for the back lot – a subdivision and a variance is needed.

**Mr. Kraus** – building code will address the issue of the type of business to go into the building.

Application for a sign for Premier Rental was presented by Ray Nasoni.

The reason for the application is because the sign is a lighted sign. The sign meets the regulations. The Pylon sign is larger than required but is the same size as the Dollar Tree Sign. The proposed sign will occupy the space that is available. A smaller sign may not be as aesthetically pleasing. The landlord owns the sign and it is their responsibility to maintain it. 32 sq ft is what is allowed.

There was discussion about the amount of time the sign is lit. Mr. Nasoni indicated that he is only doing refacing, and he was not doing any electrical for the sign, and the sign currently does not work.

**Mr. Kraus** asked the hours of operation when the sign did work. No attempts have been made to fix the sign and no one has required the repairs to the point.

**Mr. Nasoni** indicated that a timer would be placed on the building front. The hours of operation are from 10:00 Am till 7:00 PM.

There are no concerns with the signs on the building or the sign on the pole. The pole sign is an attempt to work with what is already there.

**Mr. Kraus** stated he will send a letter to the owner requesting that they maintain the sign.

**Mr. Chatfield** indicated that no action can be take without SEQR. There was discussion as to the relevance of SEQR in this case. Mr. Chatfield indicated that the process should be added to the type 2 list, which is the correct way to do it legally. Every application should have SEQR form to keep on file in codes office. The forms do not get filed with any other office other than the village clerk's office. Any discretionary act requires SEQR. Adopt standard form 10.

Motion was made by Roger Crouse to accept request for signs on building and pole as presented – lighted no later than 11:00 PM. Seconded by Shirley Jones. Discussion about need for Form 10.

**Mr. Metzger** motioned to rescind aforementioned motion. Seconded by Dr. Penoyer. Motion carried.

Motion by Mr. Metzger to adopt resolution one using standard form 10 that action will have no significant adverse impact. Seconded by Dr. Penoyer. Motion carried.

**Mr. Chatfield** recommended revisiting the Type 2 List (98.13 codes book). Mr. Kraus stated that it does not include signs.

**Mr. Chatfield** advised if you don't want to do SEQR for signs – amend type 2 list to include signs.

**Mr. Metzger** made a motion to approve signs as presented with the condition that the lighting is to be turned off at 11:00 PM. Seconded by Shirley Jones. Motion carried.

**Matt Lauber** of Matts Motors came before the board to inquire about a used car sales business in the prior location of the Citizen's Outlet – using that office as his office. 5-8 vehicles would be on the property for sale at any given time. It would not be for repairs, only for sales.

**Mayor Murphy** voiced his concern about adding another used car dealer in the village because we have two dealers already who have a presence here and pay taxes and contribute to the village. Adding another smaller dealership would be unfair to those businesses. The intent of the Citizen's Outlet building was for a portable building for the newspaper office, not necessarily for a car dealership. Further study is needed on this situation.

There was discussion as to where the village would stand legally if the request was denied.

**Mayor Murphy** indicated that we have denied similar requests in the past with no concerns. There would be concern for setting a precedent for this type of business, and then being able to keep it from getting out of control.

There is an additional concern with the ingress and egress through the bowling alley property. A study can be done to prevent this type of business, as was done in the Town of Cicero.

**Mr. Kirker** asked if the business were in a position to expand and make an investment in the village.

**Mr. Lauber** currently does not have any employees at his location in Pulaski.

**Mr. Kraus** explained that this is a sketch plan only asking for direction and recommendation from the board.

**Mr. Metzger** stated environmental concerns in addition to concerns with ingress and egress. A motion was made by Mr. Metzger to table the discussion until next meeting. Seconded by Shirley Jones. Motion carried.

**Mr. Kraus** asked if Mr. Lauber needed to do anything additional. Mr. Metzger said the planning board will do a study. Mr. Lauber will provide an environmental study.

**Mayor Murphy** will send a memo to the planning board from the village board to study the future of used car facilities in the village.

Motion made by Rebecca Watson to accept minutes from 12/21/07 meeting, with noted corrections. Seconded by John Metzger. Motion carried

Follow up to school sign – school can be exempt from our zoning even on private property. A hold harmless agreement will be obtained by Mr. Weidenbeck.

Discussion was held about obtaining an updated copy of the code book. Book was last updated in 2001 and in 2007. Further research will be done by the deputy clerk as to how to obtain the most recent version of the code book. The code book is available through a link on the central square website

Motion made by Shirley Jones to adjourn meeting. Seconded by Rebecca Watson. Meeting adjourned at 9:00 PM.