

Village of Central Square
Public Hearing
March 13, 2008

Site Application Matt Lauer
3055 East Avenue

Board Members Present: John Metzger, Jerry Kirker, Rebecca Watson, Roger Crouse, Steve Williams, Shirley Jones. Mike Kraus

Board Members Absent: Harry Penoyer

Guests: Mayor :Murphy, Heather Stevens, Sue & Tony Mellow, Tom Weatherup, Carl Voss, Jim Weatherup, Tim Lauber, Sal & Nicole Chisari, Matt Lauber, Thomas Weatherup.

Chairman John Metzger opened the meeting with the pledge of allegiance at 7:05 PM. Public hearing was opened for public comment.

Mr. Metzger stated that comments will be heard as it relates to used car lot. Those not respecting the board, or others in attendance will be asked to leave, as order is necessary at this public hearing.

Mr. Kraus reviewed Mr. Lauber's application for a used car dealership at the site of the old Citizen's Outlet newspaper, located at 3055 East Avenue, property owned by Tom Weatherup. The dealership will have approximately 6 to 8 cars for sale. There will be no mechanical repairs of any vehicles.

Mr. Metzger stated the concerns of the board being that the business is located next to the Summerhill Community, and is part of the same lot. Traffic flow is a concern with regard to ingress and egress. Those in attendance were asked by Mr. Metzger to voice any concerns they may have with regard to the effects on the village.

Heather Stevens stated that although she does not want to discourage business in the community, she has a concern with traffic and with snow removal.

Mr. Metzger stated that access is from the back of the property but currently the bowling ally is used. The owner of the bowling ally has the right to ask that traffic enter and exit through the back. It was also stated that no additional driveway will be made because of traffic concerns. Matt Lauber had been asked at the last planning board meeting to seek written information and approval from the bowling ally owner regarding snow removal and ingress and egress. To date the written information has not been presented to the board.

Mr. Tom Weatherup wishes to speak last and address any concerns, give some history and respond to the email which was distributed to approx 50 people by Heather Stevens.

Shirley Jones, a resident of Summerhill, inquired as to how the test drives will be conducted and how it will be policed with regard to traveling into the Summerhill community. Mr. Weatherup assured her that the test drives will take place on the public roads and should not be an issue in Summerhill. Mr. Steve Williams stated that making that part of the lease agreement might be a good idea.

Ms. Watson inquired as to whether Mr. Lauber has had discussions with the owner of the bowling alley, and he indicated he had not.

Mr. Weatherup offered some history on the property. Regarding the Citizen's Outlet building. The newspaper was originally in the old medical building which was burned down. At that time it was decided to put up the office building that currently is on the lot. The Planning Board at that time did not want Route 49 used as the ingress and egress and the building was turned to face the Summerhill road so traffic can exit at the light by McDonald's.

Mr. Weatherup stated that he approached other car dealers in the area, Reymore's, Burdick's, Lakeview Tire, John Adams and John Wilber, and asked them to attend this hearing. Mr. Weatherup stated that he was told by them that they had no objection to the plan for this site, and in fact, some would offer cars to Mr. Lauber at wholesale to expedite their getting rid of these vehicles from their dealership. Mr. Weatherup also indicated that John Wilbur from Trucks R Us has grown from a few cars to a half million dollars in business.

Mr. Weatherup stated that people don't like used cars although this type of business is allowed in a commercial area. Mr. Weatherup read the email that was distributed by Heather Stevens. He stated that he disagrees with Mayor Murphy about his statement regarding used cars. He further stated that the building (the Citizen's Outlet bldg) is not a portable building but a permanent structure, and asked where the board obtained their information.

Mr. Metzger indicated that many questions came about at the meeting that was referenced in the email (January 17, 2008) which required some research and answers. Since that meeting, questions have been answered and it was concluded that the building was not a temporary structure, but originally built as a permanent office with sewer and water. However, because the use of the property will be different that what was originally planned the appropriate process must take place. That process includes a public hearing, a SEQR (State Environmental Quality Review).

Heather Stevens questioned the reason it was considered change of use. John Metzger stated that because the building was originally planned for offices, and now will be a used car lot, that indicates a change in use.

Mr. Weatherup continued addressing the issues in the email. He indicated that the ingress and egress is a dead issue. John Metzger asked how this would be controlled. Even if there is an agreement with the bowling ally, if it changes hands there could be a different issue and they could demand that there be no use of their parking lot. Rebecca Watson expressed that if a sign is placed on Route 49, the use of the bowling ally parking lot will be initiated merely by the placement of that sign. John Metzger reiterated that since there is no written information from Mr. Gardner (from the bowling ally) about Lauber having use of the property, as requested at the last meeting, the board does not know how this will be handled, and asked what would happen if the bowling ally decided to put up some type of barrier.

Mr. Weatherup stated that the Citizen's Outlet newspaper generated more traffic than a used car lot would. He continued addressing the concerns in the email. One of those concerns was the environment impact. Heather Stevens stated that she did not know what environment issues there were but that they needed to be addressed and answers given in order to make a sound decision. John Metzger stated that a SEQR form was given to Mr. Lauber to be completed. Once it is submitted, it will be reviewed and experts, such as Barton & Loguidice may be called in to assess the information.

Mr. Metzger indicated that the planning board cannot assume that things will be handled appropriately if the bowling alley was sold and different people were involved in the process. Mr. Weatherup stated that he has never built anything he wasn't proud of. Mr. Metzger re-stated that the board was still trying to sort through the minutes of the previous meetings.

Mr. Williams stated that if impact is not considered at the time of the application future problems could arise. A process needs to be followed.

Mr. Metzger – any development of property, if decided its not working, can be sold to someone who is not with the same mindset or conscience. No assumptions can be made. We need to be sure all bases are covered and all questions are answered. All people involved need to be heard, the business owners and the community. This is how we seek answers. No one should be getting upset while we are looking for answers.

Mr. Metzger – need to leave the public hearing open till the county responds to the issue about being 500' from the road. If all received from the county and no one speaks at the next meeting, we will proceed with the site plan review. The process requires LM239 Review – anything on state roads must be reviewed in this manner.

Comment [VC1]: Corrected from 50 to 500

Mr. Kraus indicated that the county must also follow their guidelines, and going forward without this review would be against local law.

Motion - Mr. Metzger made motion to keep the public hearing open until the next meeting on April 17 until the LM239 review is received from the county and proceed from there. Seconded by Shirley Jones. Motion carried.

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Mr. Kraus presented the application for Shear Elegance. Brandi Barnhart (the owner) called and is unable to make the meeting due to the flu. It is up to the Planning Board if they wish to proceed without her being present.

Rebecca Watson asked if there were any changes being made to the building.

Mr. Metzger indicated that the property is where A&S computers was previously located on South Main Street. Ms. Barnhart is proposing a beauty salon at this location.

Mr. Kraus – The beauty salon will have employee parking in the rear of the building and customer parking on the street. There is a number for on street parking for customers based on square footage of building. There is adequate parking for the employees.

Steve Williams – Parking is one space for every 300 square feet Section 250.24 in Codes (Service business) Commercial district

Questions were asked regarding change in use and if a sign would be put up. Mr. Kraus indicated that the sign will be letters in the window and will not exceed 25% of the space. Brandi is aware of the sign regulations. There will be five customers at once.

Question regarding the hours of operation. Need to address off street parking.

Mr. Metzger stated the application would be tabled until the next meeting as Ms. Barnhart was not present to answer questions.

Clara Sauter presented a sub division application for 3251 Fulton Ave to the board. There are currently two tax ID parcels and she would like to gain road access to back building. The intent is to sell the Agway building but needs to retain a portion of front 18' on Fulton Ave. Telephone pole does not interfere with the driveway. A private driveway would need to be done at some point and National Grid would have to move the pole. Ms. Sauter would like to keep ROW through existing driveway.

Mr. Metzger stated his concern when the business gets developed, where would parking be? Mr. Dave Bardoun stated that the parking would be from the back of the Agway building to shed area – 80 ft of property. Once lean to shed are removed, parking area would be present.

Per Mr. Metzger, approval needs to come from the ZBA for variance for ROW with recommendations from the Planning Board. Variance is needed as parcel is being modified for road frontage.

Mr. Bardoun – Lot is non-conforming so is variance still needed if just a boundary line change?

Mr. Metzger explained that as soon as a lot changes it still needs to go thru process. ZBA needs recommendations from the Planning Board.

The ZBA could send the app back to Planning Board only if they recommend other than what the Planning Board recommends. ZBA would need to have a public hearing.
Motion made by Jerry Kirker to send subdivision application to ZBA as shown for their approval for variance. Seconded by Roger Crouse. Motion carried.

Dave Bardoun will stop in to the village office on Friday to pay the site plan fee.

Next meeting is scheduled for April 17th.

Motion to accept February 21 minutes – by Shirley Jones. Seconded by Rebecca Watson. Motion carried.

Motion to adjourn by John Metzger. Seconded by Rebecca Watson – Meeting adjourned at 8:15.