Village of Canastota Planning Board Minutes

August 1, 2007

MEMBERS PRESENT: Vic J. Kopnitsky, Terry Curtis and Mary Krause

MEMBERS ABSENT: Joseph DiGiorgio

OTHERS PRESENT: None

Chairman Kopnitsky called the meeting to order at 7:30 p.m.

OLD BUSINESS

1093 Group, LLC

We have received a request for a recommendation from the ZBA regarding the Special Use Permit and Variance Applications of 1093 Group, LLC concerning property commonly known as Morone's Plaza located at the corner of Route 5 and South Peterboro Street. 1093 Group, LLC is the contract purchaser of the Plaza and proposes to raze a portion of the existing building and replace it with a new building constructed for Rite Aid. The Assessor reported that the property was constructed in 1961 and the liquor store was constructed in 1970 or '71. Since the Village Zoning Ordinance was adopted in 1976, the existing development predates zoning.

The Code Enforcement Officer reports that the parking spaces along Peterboro Street measure 9' x 17' 4"; the spaces in the middle section measure 8' 6" x 17' 8"; the spaces along the building measure 9' 3" x 21'.

Section 230-45(B), entitled Drive-in Service, requires a Special Use Permit for such use in a commercial zone. Thus, the Zoning Board of Appeals has referred this application to this Board for a reccomendation. The Special Use Permit was discussed.

Motion by Vic J. Kopnitsky, seconded by Mary Krause, that the Planning Board recommend to the Zoning Board of Appeals that it approve the Special Use Permit for drive through prescription service in conjunction with the development of the project. Ayes: VJK, MK, TC. Nays: None. Carried 3 to 0.

The application for area variances was reviewed.

Motion by Vic J. Kopnitsky, seconded by Mary Krause, to recommend granting such area variances as follows: 1) that while the required minimum district width is 300 feet, the actual width is 237.56, on the grounds that this is a pre-existing dimension either existing at the time of zoning or previously approved; 2) the required total lot area is 5 acres, while the actual is 3.4 acres on the grounds that this pre-existing area either existed at the time of zoning or was previously approved; 3) the free standing sign within the setback on the grounds that the present sign is within the setback and the proposed new sign appears to be in the same location and that, if there is a conflict with the present sign location (being the proposed new sign location), the sanitary sewer and the NYSDOT easement, NYSDOT will adjust the location of the proposed

sign location within it right-of-way; 4) the required size of parking spaces is 9' x 22' while the actual along Peterboro Street measure 9' x 17' 4", the spaces in the middle section measure 8' 6" x 17' 8"and the spaces along the building measure 9' 3" x 21' on the grounds that the proposal is for 9' x 20' along Rite Aid and 9' x 18' at the north end where the existing building will remain and the proposal is for two-way traffic instead of the current pattern of one-way traffic through the strip mall; 5) the current number of parking spaces is 145 while the proposal is for 107, on the grounds that 74 would be required for new Rite Aid based upon the square footage of building space while 58 are proposed upon the rationale that there may be less parking needed with a drive through operation, and since the total square footage of the development drops from 34,968sf to 30,673 sf which correlates to a total reduction of 21 spaces merely based upon the diminished total size of the proposed development; 6) the landscaping requirement is for 43 trees and 64 shrubs while the proposal is for 19 trees and 115 shrubs on the grounds that the landscaping requirement is frequently varied by the Planning Board because it seems to be a typographical error in the ordinance and because a larger number of trees makes little sense; and 7) the required landscape buffer is 15' in the front and 5' on the side and rear while the proposal is for greater than 15' on Route 5 and less than 15' on Route 13 on the grounds that the total green area increases from just under 4,000 sf to more than 26,500 sf and on the grounds that the variance would not be needed if the ZBA declared Rt. 5 as the front of the development. We recommend that each of the 7 area variances be granted. Ayes: VJK, MK, TC. Nays: None. Carried 3 to 0.

Motion by Vic J. Kopnitsky, seconded by Terry Curtis, that as part of the recommendation to the ZBA, we ask that the ZBA consider that part of the proposal which would put traffic, including tractor trailer and other truck traffic, in the 80-foot buffer zone on the north side of the current and to-be-retained portion of the building. Section 230-46(A)(6)(b) of the Local Laws requires that the minimum district side yard abutting residential districts is 80 feet. In order to assess the proposal and review any proposed site plan in the event the variances and special use permit are granted, the Planning Board needs to know if the ZBA interprets the Zoning Ordinance to allow parking, road-ways, and such types of traffic within the 80 foot buffer abutting the residential district. Ayes: VJK, MK, TC. Nays: None. Carried 3 to 0.

Motion by Mary Krause, seconded by Terry Curtis, to adjourn at 8:07 p.m. Passed 3 to 0.

Respectfully submitted,

Catherine E. Williams Clerk/Treasurer