

**VILLAGE OF MACEDON PLANNING BOARD
81 MAIN STREET
MACEDON, NEW YORK 14502**

**PUBLIC HEARING
MONDAY, NOVEMBER 12, 2007**

ORDER Chairperson Kim Thompson called the meeting to order at 7:00 p.m. In attendance were Planning Board members: Steve Poutre, Jennifer Delehanty, Andy Bazinet and Dennis Berryman. Also in attendance were Building & Zoning Officer Tom Slater, and Village Clerk Lisa Davis. Public attendance consisted of Mike Curry representing ReRobb, Inc. and Clayton Pelton with K.P. Enterprises.

MINUTES The following MOTION was made by Andy Bazinet and seconded by Dennis Berryman:

RESOLVED that the minutes from the meeting dated October 3, 2007 be approved with the noted changes.

Motion carried
Five votes in favor
None opposed

K.P. ENT. The following MOTION was made by Kim Thompson and seconded by Andy Bazinet:

THEREFORE BE IT RESOLVED that the Village of Macedon Planning Board finds that K.P. Enterprise application for Special Use Permit for a home occupation for sign construction is deemed an unlisted action under SEQR and seeing no environmental impacts as a result of this project that the Planning Board issues a negative declaration pursuant to SEQR.

Motion carried
Five votes in favor
None opposed

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The following MOTION was made by Kim Thompson and seconded by Andy Bazinet:

WHEREAS, the Planning Board made the following findings of fact:

1. An application for a special use permit was received by the Zoning Officer/Secretary of the Planning Board for a project entitled K. P. Enterprises.
2. The project site is located in the R-1 district. The proposed use of a home occupation is permitted consistent with the provisions of Article X of the Village of Macedon Zoning Ordinance and provided that a Special Use Permit is approved by the Planning Board.
3. The applicant prepared and submitted an Environmental Assessment Form. The Application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations.
4. The Planning Board identified areas of environmental concern and found that there would be no significant adverse impacts to the environment as a result of the action and issued a Negative Declaration.
5. The Application was referred to the Wayne County Planning Board under Section 239 of the General Municipal Law.
6. The Wayne County Planning Board reviewed the application on 10/31/07 and issued a referral letter dated 11/1/07 and recommended approval of the Special Use Permit with the following conditions:
 1. There should be adequate off-street parking
 2. Operational noise should be limited particularly given the adjacent residential land uses.
 3. Outside storage should be limited.
 4. More "intense" manufacturing processes (ex. metal fabrication) should take place elsewhere as written in the applicant's narrative.
7. The Planning Board has carefully considered the application materials, all supporting documents, verbal testimony and correspondence provided to the Board.

NOW, THEREFORE BE IT RESOLVED that the application for K. P. Enterprises for a Special Use Permit,

BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. The Applicant shall satisfy comments and concerns from the Village Engineer.
2. A signature block shall be provided with final signatures obtained from the Village Engineer and Planning Board Chair.
3. There should be adequate off-street parking.
4. Operational noise should be limited particularly given the adjacent residential land uses.
5. No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
6. More “intense” manufacturing processes (metal fabrication) is **not** permitted.
7. The continuance of the Special Use Permit shall require a renewal every year.

Motion carried
Five votes in favor
None opposed

PLEASE NOTE that the approved site plans shall have the signature of the Village Engineer and Planning Board Chair prior to the issuance of a Building Permit. Site plan approval will terminate one year after approval is granted, unless work has commenced on the site.

EXPRESS

MART APP Kim Thompson opened the Public Hearing at 7:15 p.m. for the Express Mart Special Use Permit. As there were no public representations, the Public Hearing was closed at 7:30 p.m.

MOTION

The following MOTION was made by Kim Thompson and seconded by Andy Bazinet:

WHEREAS, the Planning Board made the following findings of fact:

1. An application for site plan approval and special use permit was received by the Zoning Officer/Secretary of the Planning Board for a project entitled Macedon Express Mart #363 on 9/21/07.

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2. The applicant prepared and submitted a full Environmental Assessment Form (EAF) for review under New York State Environmental Conservation Law, Article 8 (State Environmental Quality Review Act), and 6 NYCRR Part 617.
3. The application is deemed an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations.
4. The Planning Board preceded with an uncoordinated review under SEQR, thereby requiring that each involved agency review the impacts of the proposed action independently and proceeds to make its own separate determination of significance about the action.
5. On November 12, 2007, the Planning Board held a public hearing and permitted public comment on potential environmental impacts. There were no public comments.
6. The Planning Board has carefully considered the criteria for determining significance as set forth in the SEQRA regulations (6 NYCRR 617.7); the Environmental Assessment Form; the application materials; and all supporting documents, studies and correspondence provided to the Board.
7. The Planning Board recognizes the following verbal amendments as presented in the letter submitted by the Applicant dated November 8, 2007:
 - Page 3 of 21, item A.2.: The acreage should be “1.21”, not “0.92/1.21”
 - Page 5 of 21, item B.1.b.: Both acreages should read 1.21, not 0.92

NOW, THEREFORE BE IT RESOLVED that the Village of Macedon Planning Board has considered the environmental effects and concluded that the proposed action will not result in a significant adverse environmental impact and therefore issues a Negative Declaration of Environmental Significance for the Project for purposes of Article 8 of the Environmental Conservation Law.

Motion carried
5 votes in favor
None opposed

MOTION The following MOTION was made by Kim Thompson and seconded by Steve Poutre:

WHEREAS, the Planning Board made the following findings of fact:

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1. An application for site plan approval and special use permit was received by the Zoning Officer/Secretary of the Planning Board for a project entitled Macedon Express Mart #363 on 9/21/07.
2. The project site is located in the commercial (C) district. The proposed use is a permitted use in the commercial district with a motor vehicle service station allowed under a Special Use.
3. The proposed special use is consistent with the existing site operations and is therefore no more objectionable to what is experienced today.
4. The applicant prepared and submitted an Environmental Assessment Form. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations.
5. The Planning Board identified areas of environmental concern and found that there would be no significant adverse impacts to the environment as a result of the action and issued a Negative Declaration.
6. The Application was referred to the Wayne County Planning Board under Section 239 of the General Municipal Law.
7. The Wayne County Planning Board reviewed the application on 10/31/07 and issued a referral letter dated 11/1/07 and recommended approval of the special use permit and final site plan and with the following conditions: 1) all necessary NYSDEC, NYSDOH, NYSDAM, NYSDOT and U.S. Army Corps permits/approvals must be obtained, 2) necessary Wayne County Highway Department permits must be obtained, 3) given the reported increase in NYS Route 31 traffic, a "right turn only" exit should be considered for the Route 31 road cut and 3) the site should be developed in an aesthetically pleasing manner (through use of landscaping, building design/materials, etc.) as this is located on the highly traveled NYS Route 31.
8. The Applicant submitted a traffic analysis prepared by GTS Consulting, dated 9/14/07, to present a trip generation estimate and site layout review for the proposed Express Mart store and Tim Hortons Restaurant.
9. The Planning Board considered the restricted right-turn only to NYS Route 31. The site layout review along with the trip generation estimate provided by the Applicant concludes that there are no access concerns since adequate 'gaps' in timing will exist, an additional access point to Erie Street is provided, and the access drive will work in conjunction with the traffic signal at the nearby intersection.
10. The Planning Board held a public hearing for the Special Use Permit on 11/12/07. There were no public comments.

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11. The Village of Macedon Zoning Board of Appeals granted the variances requested, as presented on the site plans, on 11/5/07.
12. The Planning Board has carefully considered the application materials, and all supporting documents, studies and correspondence provided to the Board.

NOW, THEREFORE BE IT RESOLVED that the application for the Express Mart and Tim Hortons project for a Special Use Permit be approved with the following conditions:

1. The Applicant shall satisfy comments and concerns from the Village Engineer including but not limited to: sanitary sewer easements, dumpster relocation, grease trap design, storm water calculations.
2. A signature block shall be provided with final signatures obtained from the Village Engineer and Planning Board Chair.
3. The Applicant shall provide a copy of all correspondence (including attachments) to the Village to and from any and all involved agencies relating to this project (NYSDOT, NYSDEC, USACOE, Wayne County Highway Department, etc.).
4. Approval from the NYS Department of Transportation (DOT) for the access drive and sidewalk as depicted on the final plans. If NYSDOT does not approve the plan as depicted, the Applicant shall return to the Planning Board to request a site plan amendment.
5. No commercial parking shall be allowed on the Premises.
6. Sale and display of all merchandise shall take place within the enclosed building.
7. Gas deliveries shall only occur after 7:00 p.m. and before 6:00 a.m.
8. The continuance of the Special Use Permit shall require a renewal every year.
9. The Applicant shall provide a generator/backup power supply within 4-hours of extended community power outages and/or emergency situations in order to operate the store and fuel dispensers.

Motion carried
5 votes in favor
None opposed

PLEASE NOTE that the approved site plans shall have the signature of the Village Engineer and Planning Board Chair prior to the issuance of a Building Permit. Site plan approval will terminate one year after approval is granted, unless work has commenced on the site.

MOTION The following MOTION was made by Kim Thompson and seconded by Andy Bazinet:

WHEREAS, the Planning Board made the following findings of fact:

1. An application for site plan approval and special use permit was received by the Zoning Officer/Secretary of the Planning Board for a project entitled Macedon Express Mart #363 on 9/21/07.
2. The applicant prepared and submitted an Environmental Assessment Form. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations.
3. The Planning Board identified areas of environmental concern and found that there would be no significant adverse impacts to the environment as a result of the action and issued a Negative Declaration.
4. The Application was referred to the Wayne County Planning Board under Section 239 of the General Municipal Law.
5. The Wayne County Planning Board reviewed the application on 10/31/07 and issued a referral letter dated 11/1/07 and recommended approval of the special use permit and final site plan and with the following conditions: 1) all necessary NYSDEC, NYSDOH, NYSDAM, NYSDOT and U.S. Army Corps permits/approvals must be obtained, 2) necessary Wayne County Highway Department permits must be obtained, 3) given the reported increase in NYS Route 31 traffic, a "right turn only" exit should be considered for the Route 31 road cut and 3) the site should be developed in an aesthetically pleasing manner (through use of landscaping, building design/materials, etc.) as this is located on the highly traveled NYS Route 31.
6. The Department of the Army, Buffalo District, Corps of Engineers (COE) issued a letter dated 6/8/06 and concluded that the impacts to the federal wetland are authorized under the Nationwide Permit provided that the conditions are satisfied. In addition, follow-up correspondence with the COE was provided by Whelan & Curry Construction Services, Inc. as Agent for the Owner.
7. The Applicant submitted a traffic analysis prepared by GTS Consulting, dated 9/14/07, to present a trip generation estimate and site layout review for the proposed Express Mart store and Tim Hortons Restaurant.

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8. The Planning Board considered the restricted right-turn only to NYS Route 31. The site layout review along with the trip generation estimate provided by the Applicant concludes that there are no access concerns since adequate 'gaps' in timing will exist, an additional access point to Erie Street is provided, and the access drive will work in conjunction with the traffic signal at the nearby intersection.
9. The Planning Board held a public hearing for the Special Use Permit on 11/12/07. There were no public comments made at that time.
10. The Village of Macedon Zoning Board of Appeals granted the variances requested, as presented on the site plans, on 11/5/07.
11. A Special Use Permit was granted by the Village of Macedon Planning Board for the motor vehicle service station on 11/12/07.

NOW, THEREFORE BE IT RESOLVED that the Site Plan application for the Express Mart and Tim Hortons project and the plans identified below for final Site Plan approval are approved with the listed conditions:

| | | | | |
|--------------------------|--------|----------------|------------------------|-------------------------|
| Site Plan | (S-1) | dated 9/19/03 | revision date 10/24/07 | revision date 11/12/07 |
| Sign Plan | (S-2) | dated 3/14/05 | revision date 10/24/07 | revision date 11/12/07\ |
| Details Plan | (S-3) | dated 9/19/03 | revision date 10/24/07 | |
| Details Plan | (S-4) | dated 4/19/05 | revision date 10/24/07 | revision date 11/12/07 |
| Grading Plan | (S-5) | dated 9/19/03 | revision date 10/24/07 | revision date 11/12/07 |
| Utility Plan | (S-6) | dated 4/19/05 | revision date 10/24/07 | revision date 11/12/07 |
| BaySaver Details | (S-7) | dated 4/4/07 | | |
| M&P of Traffic & Details | (S-8) | dated 4/19/05 | revision date 9/21/07 | revision date 11/12/07 |
| LSI Lighting Plan | - | dated 9/26/07 | | |
| Floor Plan | (A-1) | dated 10/19/07 | | |
| Elevations | (A-2) | dated 10/19/07 | revision date 11/12/07 | |
| Elevations | (A-3) | dated 10/19/07 | revision date 11/12/07 | |
| Schedules | (A-4) | dated 10/19/07 | | |
| Sections | (A-5) | dated 10/19/07 | | |
| Sections | (A-6) | dated 10/19/07 | | |
| Sections | (A-7) | dated 10/19/07 | | |
| Ceiling Plan | (A-9) | dated 10/19/07 | | |
| Roof Layout Plan | (A-10) | dated 10/19/07 | | |
| HVAC Layout Plan | (ME-1) | dated 10/19/07 | | |
| Mechanical Layout Plan | (ME-2) | dated 10/19/07 | | |

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1. The Applicant shall satisfy comments and concerns from the Village Engineer including but not limited to: sanitary sewer easements, dumpster relocation, grease trap design, storm water calculations.
2. A signature block shall be provided with final signatures obtained from the Village Engineer and Planning Board Chair.
3. The Applicant shall provide a copy of all correspondence (including attachments) to the Village to and from any and all involved agencies relating to this project (NYSDOT, NYSDEC, USACOE, Wayne County Highway Department, etc.).
4. Approval from the NYS Department of Transportation (DOT) for the access drive and sidewalk as depicted on the final plans. If NYSDOT does not approve the plan as depicted, the Applicant shall return to the Planning Board to request a site plan amendment.
5. The Applicant complies with the USACOE Nationwide Permit (No. 39) to impact 0.052 acres of federal wetland.
6. The Applicant must obtain and comply with a SPDES permit from NYS Department of Conservation.
7. The lighting plan must utilize a flat lens fixture to minimize direct views of the light source outside of the housing unit. Light poles should be gun metal grey.
8. Provide the turning templates as requested by NYSDOT for review by the Village Engineer. If in the opinion of the Village Engineer, the result of the turning templates modifies the site plan to the extent that the site plan approval is compromised, the applicant shall return to the Planning Board to request a site plan amendment.
9. New sanitary sewer easements are required to clarify that the Applicant recognizes that there are improvements in the easements; and that the Village will not be held liable for any damage involved with maintaining or repairing the sewer with no liability to restore these improvements. New easement descriptions and mapping shall be submitted to the Village Attorney and Village Engineer for review. Approved easements shall be filed with the Wayne County Clerk prior to final signatures on the plans.
10. Where the architectural elevations specify a colored masonry block, it shall be integral colored block and not painted.

Motion carried
5 votes in favor
None opposed

PLEASE NOTE that the approved site plans shall have the signature of the Village Engineer and Planning Board Chair prior to the issuance of a Building Permit. Site plan approval will terminate one year after approval is granted, unless work has commenced on the site.

TRAINING

Kim stated that at the December Planning Board meeting, the board will take part in an on-line training session which will be the first of two sessions. The second half of the training will be done at the January meeting.

RESIGN

Dennis Berryman stated that the December meeting will be his last meeting as a Planning Board member as he will have to resign due to his move to the town of Palmyra. He will submit a written resignation letter to the Village Board.

ADJOURN

There being no further business the following motion was made by Kim Thompson, and seconded by Steve Poutre:

WHEREAS, at this time there being no further business, now

THEREFORE BE IT RESOLVED, that the meeting be adjourned.

Motion carried
5 votes in favor
None opposed

The meeting was adjourned at 9:15 p.m.
Respectfully submitted,

Lisa M. Davis
Planning Board Secretary