

**VILLAGE OF MACEDON
PLANNING BOARD MEETING
Wednesday, March 2, 2011**

ORDER Chairperson Kim Thompson called the meeting to order at 7:00 p.m. In attendance were Planning Board members: Jennifer Delehanty, Linda Braun, Steve Poutre, Planning Commissioner Marcy Frey, Village Attorney Art Williams and Acting Planning Board Secretary Lisa Davis.

MINUTES The following MOTION was made by Steve Poutre and seconded by Jennifer Delehanty:

RESOLVED that the minutes from meeting dated January 5, 2011 be approved.

Motion carried
3 votes in favor
1 Abstain

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

RESOLVED that the minutes from meeting dated February 2, 2011 be approved.

Motion carried
4 votes in favor
None opposed

In reference to the ExpressMart/Rerobb application the Board acknowledges receipt of two letters. One from Davidson Fink LLP dated February 22, 2011 and one from Fix, Spindelmann, Brovits & Goldman dated February 27, 2011.

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

- 1) An application for site plan approval and requesting an opinion from the Planning Board pursuant to Macedon Village Code Section 904(B)(4) was received, together with certain site plan and other application materials, by the Chief Building Official/Secretary of the Planning Board for a project entitled Macedon Express Mart #363 on or about January 14, 2011, in connection with the applicant's proposal to redevelop their existing operation. The applicant's request is further described in a letter of intent dated 1/30/11 to the Planning Board from Betsy Brugg, as the applicant's attorney and agent.
- 2) As described in the application, the applicant proposed to demolish the existing Express Mart convenience store/motor vehicle service station operation, and redevelop the site with a new 4,535 +/- sq. ft. building with a 700 +/- sq. ft. car wash, a new canopy, and new gasoline dispensing pumps, together with landscaping, architecture and other related site improvements, per the site plan and application materials.

- 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 (SEQRA).
- 4) The Planning Board identified areas of environmental concern, took a hard look and engaged in reasoned elaboration, and found that there would be no significant adverse impacts to the environment as a result of the action and issued a Negative Declaration pursuant to SEQRA.
- 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 1/26/11 and issued a referral letter dated 1/28/11, and determined this matter to have no inter-municipal or countywide impact, with comments as set forth in their letter, and this Board has taken their comments into consideration in reviewing this application.
- 7) The Applicant submitted a traffic report dated 10/8/10 from Traffic Engineer Gordon Stansbury of GTS Consulting, together with a supplemental letter dated 1/25/11 also from GTS Consulting, to present trip generation estimates and site layout review for the proposed Express Mart development, including without limitation data specific to the car wash.
- 8) The Fire Chief issued a letter on 1/26/11 stating that the overall lay-out is adequate for an emergency response.
- 9) The Planning Board granted a valid special use permit approval for the motor vehicle service station on November 12, 2007.
- 10) The Village of Macedon Zoning Board of Appeals granted the variances required for the site plan on December 16, 2010.
- 11) The Planning Board has reviewed the application for site plan review, including without limitation those elements identified in Village Law 7-725-a, including parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features which protect adjacent land uses.
- 12) In 2005 and again in 2007, the Village Zoning Officer issued a determination that the proposed car wash is an accessory use, as defined in the Village of Macedon Code, and that no special permit, and that an opinion is required from the Planning Board as described below, all as set forth in letters in the record dated 5/1/05, 6/1/05, and 7/9/07 from Thomas Slater, then Zoning Officer for the Village of Macedon, and confirmed as effective by Mike Nelson, Chief Building Official for the Village of Macedon, as set forth in a letter dated 1/5/11.
- 13) The applicant requests site plan approval, together with the Planning Board's opinion pursuant to Macedon Village Code Section 904(B)(4), that the proposed accessory car wash is similar in nature and scale to other uses listed in Section 904(B).
- 14) The Planning Board has considered the description of the car wash, as set forth in letters dated 1/27/11 and 2/2/11 from Betsy Brugg, as attorney for the applicant,

together with other information in the record, and in the opinion of the Planning Board, the proposed car wash is similar in nature and scale to other uses listed in Section 904(B), including Section 904(B)(1), which permits “private garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises and which are used in conjunction with a permitted business use”, for the reasons set forth in the above-referenced letters of 1/27/11 and 2/2/11, including without limitation:

- a. The car wash structure and appearance are similar to a garage.
- b. The customer parks in the garage while the wash is provided.
- c. The car wash is 700 +/- sq. ft. in size, smaller and subordinate in size and scale to the primary 4,535 +/- sq. ft. building and to the site as a whole.
- d. The nature of the car wash is a low-volume use and serves primarily existing store/gas customers, generating minimal additional traffic, as evidenced in a letter from GTS Consulting dated 1/25/11.
- e. Similar car washes are customarily incidental to the principal use, as evidenced by other similar operations in the area..
- f. Car wash equipment is housed in the car wash building.
- g. The car wash activity is contained in the car wash building.
- h. Other permitted use may be found to wash vehicles in a garage as well.

MOTION

NOW, THEREFORE BE IT RESOLVED that the Site Plan application for the Express Mart project and plans as submitted for Final Site Plan approval, 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) 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 or any other USACOE Permit as may apply.
- 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.
- 8) 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.
- 9) Where the architectural elevations specify a colored masonry block, it shall be integral colored block and not painted.
10. The applicant shall satisfy comments and concerns from the Fire Department, as stated in 1/26/11 letter.

MOTION CARRIES: Yes = **4** No = **0**

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.

SIGNED:

 Village of Macedon Planning Board Chair

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
 4 votes in favor
 None opposed

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Lisa M. Davis
 Clerk Treasurer