

Village of Canastota  
Planning Board Minutes

June 18, 2008

MEMBERS PRESENT: Vic J. Kopnitsky, Donald Forth, Joseph DiGiorgio, Terry Curtis and Mary Krause

MEMBERS ABSENT: None

OTHERS PRESENT: Cindy Bennett, Phil Schwebe, Rick Myers and Patrick Milmoe

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

**OLD BUSINESS**

Chairman Kopnitsky reviewed the application of Cindy Bennett and Phil Schwebe with the Board. This is a site plan review for the construction of a 38' x 26' garage on the property known as 111 Getmac Avenue. The minutes of the ZBA meeting granting the required variances were read to the Board.

Motion by Vic J. Kopnitsky, seconded by Donald Forth, that we grant site plan approval for the construction of a 38' x 26' structure in accordance with the survey and application as shown on Lot 7, subject to the condition that before the Certificate of Occupancy may be issued for the new structure, the wood shed marked with an "X" on Lot 6 must be demolished; that Lots 6 and 7 not be separately conveyed, and that before Lots 6 and 7 can be conveyed, the wood shed on Lot 7 must be demolished.

Motion carried. Ayes: VJK, DF, JD, TC, MK Nays: none

Rick Myers appeared on behalf of Anthony J. DiVeronica with an application to subdivide the 8 acre parcel located on South Main Street into 7 lots – 6 residential lots and 1 commercial lot. Mr. Myers advised that there is a buyer for Lot 1 (the commercial lot). Development of Lot 1 will be Phase I; the Lots 2 – 7 will be Phase II. Mr. Myers asked what the Board will be looking for with this application – a plan for the development of all lots or just the commercial lot. The Board, through Chairman Kopnitsky, observed that due to the drainage issues of the entire parcel, the drainage would need to be constructed with the subdivision of Lot 1. The storm water management should be handled with Phase I for the entire parcel, leaving the construction of the residential lots for another time. As shown on the preliminary map, part of Lot 4 will be used for storm water management for all of the development, both Phases I and II. Mr. Myers and the Chairman discussed the type of activity that this project would be considered as under SEQRA and it was determined that this matter would be a Type I activity. Chairman Kopnitsky advised that this application does not need to go to the County for review as the County does not review subdivision applications.

The provisions of Section 190-3 Major Subdivision were reviewed, as were the sketch plan procedures. Board Member DiGiorgio asked if requiring all lots to be included in Phase I would be too comprehensive at this point. Chairman Kopnitsky stated that the drainage, which included part of Lot 4, would need to be addressed.

Chairman Kopnitsky proposed a resolution which was discussed with the Board members and Rick Myers.

Motion by Vic J. Kopnitsky, seconded by Joseph DiGiorgio, that the preliminary sketch plan meets the requirements of Section 190-8; that the proposed subdivision is determined by the Board to be a major subdivision; that revisions to the Preliminary Sketch Plan should be as follows: 1) the shaded area and drainage for the entire project will be designated as Phase I and Lots 2 through 7 and the proposed roadway will be identified as Phase II; 2) the Preliminary Plat for the major subdivision shall indicate that construction of Phase I work only is contemplated at this time; 3) that the proposal is determined to be either a Type I or an unlisted activity with a positive declaration requiring a draft Environmental Impact Statement because of the unnamed tributary, the pond and the drainage issues, particularly for the residential properties to the north and east.

Motion carried. Ayes: VJK, DF, JD, TC, MK Nays: none

Chairman Kopnitsky reviewed the application of Patrick Milmoie with the Board. At our May 21, 2008 meeting we referred this application to the County for review. The County has returned this matter for local determination and the Chairman read the referral aloud. Chairman Kopnitsky stated that the Board should also review this application in its capacity as the Architectural Review Committee because of its proximity to the downtown. The Chairman asked the applicant what the exterior would look like. The applicant stated that the building will be wood construction – not using bricks due to the cost. Mr. Milmoie advised the Board that the second story will not be constructed over the additions to the building and that he has not yet determined what color the building will be. They are considering taupe or green but have made no decision. Member Donald Forth asked about rain water management from the second story. Mr. Milmoie stated that they would probably use gutters and drain the water to the back of the building. The new roof will be pitched where the current roof is flat. The applicant advised that the area will not be used for presses but may be used for office space in the future.

Motion by Vic J. Kopnitsky, seconded by Terry Curtis, to approve the Site Plan and the drawing by Bruce Ward, Architect, dated May 9, 2008, with the application to include a letter from Bruce Wood dated May 5, 2008, subject to the condition that the drainage from the new construction be routed to the rear of the building in a fashion similar to the present drainage so as not to create drainage to adjacent buildings.

Motion carried. Ayes: VJK, DF, JD, TC, MK Nays: none

## **NEW BUSINESS**

Chairman Kopnitsky advised that we have received a referral from the ZBA for a variance for Irene Perrigo of 115 West Avenue, to construct a fence 6” from the property line as opposed to the required 24”.

Motion by Vic J. Kopnitsky, seconded by Joseph DiGiorgio, that we recommend that the ZBA deny the variance. The zoning ordinance provides that there be a minimum of 24” from the lot line so that the owner may maintain the outside of the fence and that the better side of the fence

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be facing out. The proposal appears to prevent maintaining the 6" outside of the fence, or at least has not provided any plan by which the owner could maintain the outside of the fence. Thus, it seems a problem waiting to happen. Either way, absent some plan to maintain the outside of the fence and/or some letter of consent by the neighbors to allow the applicant to maintain the outside of the fence, none of the problems which the set back was intended to address appear to have been addressed or considered by the applicant.

Motion carried. Ayes: VJK, DF, JD, TC, MK Nays: none

Motion by Mary Krause, seconded by Terry Curtis, to adjourn at 8:47 p.m.

Motion carried. Ayes: VJK, DF, JD, TC, MK Nays: none

Respectfully submitted,

Catherine E. Williams  
Clerk/Treasurer