

Waldbaum's - minutes of 2-12-09 Planning Board meeting:

10. **Waldbaum's - Spa 77, NLP, 70 Sunset Avenue, (905-12-4-20.5) Applicant requests a waiver of site plan review to install a new HVAC unit on the roof of the existing building, as provided for in Chapter 197-63.I.(1)(e)(4). The property is located in the B-1 Zoning District.**

Jaret Weber, Esq. of the Weber Law Group appeared for the applicant, together with David O'Sullivan, Director of Site Planning for A & P, Waldbaum's parent company, and Kenny Castro from Rosenbaum Design Group, the architect for the project.

Mr. Weber described the project as the replacement of a temporary HVAC unit which currently sits in the rear of the structure. The new unit will be placed on the roof of the building. In November of 2008, Waldbaum's filed a building permit application to replace the HVAC unit, and Planning Board approval is required for the permit to issue.

Mr. Neubauer showed Mr. Weber and the other gentlemen with him color renderings of the Waldbaum's site which were the result of at least 3 years of Planning Board work. Mr. Neubauer wanted to be sure that they were aware of the work done by this Board prior to the building permit process. Mr. Neubauer mentioned the tremendous amount of frustration in this neighborhood from Board members and residents alike because of Waldbaum's lack of maintenance of this site and the fact that after so many years spent working on this site plan, the applicant is only coming back here to only hang a couple of air conditioners. Most of the residents and visitors to our Village use this store, and the Board is perplexed as to why applicant has abandoned us. This project supersedes the "hard times" everyone is experiencing now. Mr. Neubauer noted that today's "hard times" don't seem to be affecting other Waldbaum's projects, which are taking place in the Waldbaum's supermarkets outside this Village.

Mr. Neubauer also showed them recent photographs of what people see when they walk into the front door of Waldbaum's. Although this has nothing to do with the current waiver of site plan application, the Board would certainly like to see the front of the store cleaned up so that we don't have to look at plastic dangling all over the place. Mr. Neubauer stated that this Board would like to incorporate the efforts made to conceal the HVAC units in the prior plans into this application.

Mr. Weber showed the Board a rendering of the HVAC units on the roof of the building and the Board was advised that there would be no parapet wall because of the weight of snow on the roof. The proposed visor screening is shown on the plans and would

effectively hide the units without impacting the roof load. The mansard roof will screen the units from the front.

Mr. Bishop asked why they couldn't clean up the old National's store now and he agreed with Mr. Neubauer that the plastic is unsightly.

Mr. O'Sullivan said he could discuss this with management when he goes into the office tomorrow. Tonight is his first time he visited the site.

Village Trustee, Toni-Jo Birk, said Waldbaums's is the biggest complaint she gets from Village residents. She commended this Board, the ARB and ZBA for many hours of work to keep our Village's aesthetics pleasing to the eye. To have a store that looks like such an eyesore in our Village is a slap in the face to every resident who lives here. To believe that someone would rent the old, vacant National's store for \$2200 a month, when Waldbaum's initially was supposed to expand into that space and then didn't, also represents another slap in the face to all of us. They should put some money into this store and fix up the inside as well as the outside. Ms. Birk complained that she had personally seen beer on the shelves that had expired months ago. Ms. Birk offered to sit down with Waldbaum's management to discuss Waldbaum's existing situation.

Mr. Reilly echoed Ms. Birk's comments and added "just try to walk down the aisles on a crowded summer weekend to get to the checkout. You can't get out and nobody can get on line"... because the aisles are so congested.

Mr. Neubauer agreed with Mr. Reilly's comments and mentioned that the approved plans were simply spectacular. We all worked hard to get a decent plan for a beautiful store.

Mr. O'Sullivan said they allocated funds this year to start working on this project and he offered to sit down with the Village to discuss which items are most important to the Village at this time.

Ms. Birk stated that she and Trustee Hank Tucker would be more than happy to sit down with the Waldbaum's people to discuss moving forward with this site.

A local, unidentified resident from the audience said the store "should just be bombed inside and out-there is nothing good about it." There is a beautiful Waldbaum's in Riverhead. The parking lot needs to be repaved. There are so many outdated items in the store, especially the dairy, and she said she hates going in there.

Mr. O'Sullivan said he's only been with this company for about 10 months and has seen other stores in a similar condition that have been redone. Mr. O'Sullivan thought they could make it happen here too.

Mr. Bishop said, he'd like to see a proposal to improve the appearance of the National's store at our next work session meeting on February 26th, 2009; something he could incorporate into the resolution on the site plan waiver.

Village Trustee, Hank Tucker, echoed the comments made by Trustee Birk and said he spoke to Mr. Weber after the last meeting. This Village has been promised for several years that the project would go forward, but there were delays for many reasons and various excuses were given why the project couldn't move forward, such as, we don't want to start in the summer, the store is being purchased by Pathmark and the funds weren't available at this time, etc., etc.

No one is suggesting that we hold up your application to install an HVAC system, but we would like you to move forward on the site plan elements previously approved.

Mr. Neubauer moved to hold over the application of **Waldbaum's - Spa 77, NLP**, to the next Board meeting on March 12th, 2009 at 7:00 P.M. at the Municipal Building, 165 Mill Road. Mr. Lawrence seconded the motion and it was unanimously carried - 4 ayes 0 nays.