

July 26, 2007

PLANNING BOARD MINUTES

PRESENT:

Jim Burke, Chair
Ray DiBiase
Phil Schiavone
Mark Brosnan
William Rau, Village Planner
Virginia Capon, Village Trustee

ABSENT:

Jennifer Sigler
Cindy Suarez, Secretary

GENERAL BUSINESS:

Phil Schiavone made a motion to adopt the minutes from June 28, 2007, seconded by Mark Brosnan, all in favor the vote was 3-0.

WORKSESSION/APPOINTMENTS:

1. Paul Elliot (# 115-07) Sec. 12 Blk. 11 Lot 11

Informal discussion regarding the proposal for a mixed use (residence with an art studio) in an existing building on a lot with an area of 6,843 square feet. The subject property is located in the Village's Residence-Office R-O District and within the Arts District on the corner of Tuthill Street and Main Street.

Bill Jaeger representing the applicant was present to discuss what if any provisions of the zoning ordinance would the Planning Board consider waiving as provided for in § 250-52.2 *Incentives for Improvements within Arts District*.

Planning staff identified the following deficiencies for the Board:

	<u>Required:</u>	<u>Requested:</u>	<u>% Relief</u>
Lot area:	20,000 sq. ft.	6,843 sq. ft.	66%
Lot width:	100 ft.	59.93	40%
Front yard:	40 ft.	16.3 ft./28.4 ft.	59%/29%
Side yard setback:	18 ft.	3.4 ft	81%
Lot coverage:	Max. 20%	22%	10%

The site plan submitted shows off-street parking. The Code requires a minimum of five to be provided for a mixed use. At a minimum two spaces are required for the residential use and assuming the entire first floor was to be occupied as the office/studio use, using a ratio of one space per 300 square feet the requirement would be four (4) spaces. Without an interior layout it is difficult to determine exactly but staff is estimating the square footage of the first floor to be approximately 1,200 square feet ($1,200/300 = 4$).

The Board acknowledging that this discussion was not a public hearing but an informal work session took several comments from the public. Neighbors to east of this parcel were concerned for the very mature trees (Walnut) that borders the two parcels and that the installation of a retaining wall along the east property line may have an adverse impact on these trees. Concern was also raised about further negatively impacting traffic and street parking with this use and that the prior use as a real estate office was never approved.

The Board suggested to Mr. Jaeger to examine the studio use immediately adjacent to the south of this parcel and to revise the application as indicated in the Code to specify what considerations the applicant seeks.

No actions were taken.

DEVELOPMENT ACTIONS:

2. Gerard Constanzo (#110-07) Sec. 12 Blk. 7 Lot 2

Review ARC comments and consider action for application for two residential apartments on the 2nd story of an existing building located in the Central Commercial C-1 District on the east side of Barnum Avenue, approximately 200 feet south of West Broadway.

Planning staff updated the Board on this proposal, presented the comments from the ARC and reminded the Board that they were on an action deadline.

On a motion of Phil Schiavone, second by Ray DiBiase and with all four members present the following resolution was approved:

WHEREAS, a conditional use permit/change-of-use application for Gerard Constanzo was submitted to the Planning Board on April 27, 2007 for the consideration of two (2) apartments on the 2nd floor of a commercial building; and

WHEREAS, the subject building is two stories of 3,770 square feet situated on a 6,561 square foot parcel located in the Central Commercial C-1 District on the east side of Barnum Avenue, approximately 200 feet south of West Broadway; and

WHEREAS, the application meets the criteria for classification as a Type II action, pursuant to Article 8 (State Environmental Quality Review Act, SEQRA) of the New York State Environmental Conservation Law and the filing of an environmental assessment form is not required; and

WHEREAS, on May 24, 2007 a public hearing was held on the conditional use permit application, which was closed the same evening; and all public comments have been duly considered by the Planning Board; and

WHEREAS, the Planning Board makes the following findings:

1. That there are no new structures being proposed and the premises is readily accessible for fire and police protection,
2. That the proposed use of the premises is in harmony with Central Commercial C-1 District and surrounding neighborhood and will not be detrimental to the development of adjacent parcels,
3. That the proposed use and the assembly of the persons in connection therewith, will not be hazardous or inconvenient to or incongruous with the residential district located to the south.

NOW, THEREFORE on a motion of Mr. Schiavone, seconded by Mr. DiBiase and all four members present voting in favor, it is hereby

RESOLVED, that the conditional use permit/change-of-use application for Gerard Constanzo for two apartments on the second story of an existing commercial building as shown on the site plan prepared by McAllister Drafting Design dated March 14, 2007 and last revised April 23, 2007 is APPROVED WITH THE FOLLOWING CONDITIONS AND MODIFICATIONS

1. Plans shall include the stamp and signature of licensed engineer or architect.
2. File for a Village Building permit within nine months of this approval or said approval shall be deemed null and void.
3. Apartments will be licensed annually and inspected by the Building Inspector upon payment of licensing fee to be established by the Board of Trustees.
4. Provide a dedicated curb cut approved by the Village Highway Department and install curbing as necessary.
5. Revise site plan to include a dumpster detail pursuant to Chapter 151 of the Code, upgrade pad if necessary and site shall also include facilities for recycling.
6. Drainage calculations are provided on the plan, however the locations of the leaching rings are not identified. Applicant shall revise site plan.
7. Parking cal'ns shall be provided.
8. Compliance with the comments of the ARC, which are as follows:
 - a. Drawings should indicate
 - I proposed and existing construction
 - II materials and colors for siding and roofing
 - b. Recommend that trim millwork be added
 - I To create a full fascia between window heads and bottom of eave overhang
 - II Rake trim on the gable walls.
 - III To create a separation between the first floor shops and the second floor apartments on the front elevation, this band is sometimes used for signage.
 - c. Are the windows proposed or existing? If proposed, please describe.
 - d. It seems like the window shutters might be indicated on one front window. If this is the intent, they should be carried across on all the windows. Please indicate material and colors.
9. A landscape-planting schedule is provided on plans but not indicated on the site. Applicant shall revise.
10. Submission of revised site plan for signature of the Chair of the Planning Board with the above conditions addressed with ninety-days (90-days) of this decision.

The meeting ended at 9:00 p.m.

Respectively,

William Rau