

October 25, 2007

PLANNING BOARD MINUTES

PRESENT:

Ray DiBiase
Phil Schiavone
Jennifer Sigler
Mark Brosnan
Will Rau, Village Planner
Cindy Suarez, Secretary
Virginia Capon, Trustee

ABSENT:

James Burke, Chairman

General Business:

On a motion made by Jennifer Sigler, seconded by Mark Brosnan the Board made a motion to adopt the minutes from August 23, 2007 & September 27, 2007.

Trustee Report was given by Virginia Capon.

NY Planning Federation conference in Saratoga Springs was a success.

Mayor Brian Harty has recommended a consultant to assist the Marine Waterfront Planning Committee.

There was not a huge crowd present for the steep slope public hearing.

A letter was received from Jim Tsunis stating some staffing concerns.

Joe Erland, deputy mayor, reported on the public hearing to discuss new metered parking.

PUBLIC HEARINGS:

Ciplak (# 121-07) Sec. 21 Blk. 5 Lot 1

Public hearing for a conditional use permit application for a retail food establishment, Internet lounge at 1501 Main Street, located in the General Commercial C-2 District at the corner of Main Street (SR 25A) and North Country Road.

Mr. Brosnan filled in as chairman. Mr. Brosnan read the public notice.

Mark Lyon, of Jefferson Consultants was sworn in and represented the applicant. He explained that the building complies with the retail code of the Village. It is a retail food establishment. It is a non conforming use as it is within 200 feet of a residential district. The department of agriculture enforces the codes. Because no on site food preparation is proposed, Health Department approval is not required. The department of agriculture has authorized to review this type of retail food establishment. The building does not provide it's own parking. Hours will be 8:00AM-11:00PM. Applicant owned a similar business previously in Manhattan. A sign permit application will be processed.

The chairman opened the floor open to the public audience. There were no comments.

Phil Schiavone made a motion to close the hearing, Ms. Sigler seconded the motion, all in favor vote was 4-0.

Jennifer Sigler made a motion to approve the application subject to Zoning Board approval for a retail food establishment within 200 feet of a residential district. Phil Schiavone seconded the motion, all in favor the vote was 4-0.

RESOLUTION:

WHEREAS, a conditional use permit application for the applicant Hande Ciplak was submitted to the Planning Board on September 11, 2007 for the conversion of an 975 square foot retail unit to a retail food establishment; and

WHEREAS, the premises is located on 3,900 square foot parcel in the General Commercial C-2 District, on the corner of North Country Road and Main Street (SR 25A); 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, pursuant to § 250-19 A (2) of the Zoning Ordinance, the proposed use is a conditionally permitted use within the district; and

WHEREAS, on October 25, 2007 a public hearing was held on the conditional use permit application that was closed the same evening; all public comments have been duly considered by the Planning Board; and

WHEREAS, the building is currently noncomplying with regard to the required off-street parking requirement; and

WHEREAS, the proposed retail food establishment does not increase the degree of noncompliance; and

NOW, THEREFORE on a motion of Jen Sigler and seconded by Phil Schiavone and with all four (4) members present voting in favor, it is hereby

RESOLVED, that the conditional use permit application for Hande Ciplak for the conversion of an 975 square foot retail unit to a retail food establishment as shown on floor plans for the Internet Lounge prepared by Tiderunner Engineering & Design dated September 6, 2007 is APPROVED WITH THE FOLLOWING CONDITIONS AND MODIFICATIONS:

1. Obtain relief from the Zoning Board of Appeals, premises is located within 200 feet of a residential district (§250-18 B (9) (a)).
2. Applicant must receive a building permit within 9-months.
3. The Village Fire Marshal will determine number of permitted seats.
4. ARC to review proposed sign/awnings prior to a permit.
5. No business will be conducted outside the premises and no outdoor seating will be provided.
6. No selling of alcoholic beverages.

DEVELOPMENT ACTIONS:

Spiliotis (# 125-07) Sec. 18 Blk. 1 Lot 11

The Board reviewed the application for completion for a proposed six lot major subdivision entitled Pine Hill Woods. The parcel is approximately 3.5 acres and located in the Single-Family Residence R-B2 District on the north side of Pine Hill Road.

Mark Lyon of Jefferson Consultants was present along with Mr. Spiliotis, owner and Angelo Nicosia, engineer. The proposed site plan was reviewed and discussed. Items of discussion were, field topo, grade slope summary, road profile, capacity of storm water basin, traffic, sight distance along Pine Hill Road, retaining wall, gravel walk on survey, quantity and size of lots, right of ways, and tree clearing and grading plan.

Mr. Lyon explained that the approved map had never been filed. He also stated that a referral is being sent to Mr. Gallagher, Superintendent of Highway regarding the recharge basin capacity.

Mr. Schiavone made a motion to schedule a public hearing on 11/29/07, Mr. Brosnan seconded the motion, all in favor, the vote was 4-0.

Arbuckle & Braude (# 124-07)

Sec. 12.10 Blk. 1 Lot 1

The Board reviewed application for completeness for a proposed office/studio for classical musical instruction in an 800 s.f. commercial ground level unit of the condominium building located at 202 Main Street. Location is within the Central Commercial C-1 District on the west side of Main Street.

Mr. Kevin Reilly, attorney was sworn in for the representation of the applicant. The applicant is a previous tenant of the Ecolin Building and their lease expired. The new location is unit #5 on the northwest corner of the building. A private entrance faces the Meadow Lot municipal parking area. The transfer and proposed use has been approved by the condominium Board. The Planning Board requested this approval in writing.

There will be no exterior changes to the building. The interior will have non weight bearing partition with soundproofing. There will not be any performances or concerts at the site.

Parking was discussed. The Board requests a parking key plan within the footprint showing which spaces belong to the building, an interpretation of the parking criteria outlined in the Arts district section of the code, a key Map showing location of the studio within the building, and anticipated hours of operation.

Phil Schiavone made a motion to schedule the public hearing for 11/29/07 subject to the materials requested, Mark Brosnan seconded the motion, all in favor, the vote was 4-0.

Boswell (# 062-06)

Sec. 18 Blk. 4 Lot 78

Consider revised clearing and grading plan for the rear yard of 5 Hill Drive. Subject property is .37 acre and in the Single-Family Residence R-B2 District.

Mr. & Mrs. Boswell were present. Before and after photographs of the property were displayed. The retaining wall was moved 6' in from the property line and the shed has been rotated 90 degrees. These changes are not shown on the original approval.

Phil Schiavone made a motion to approve the revised plan, seconded by Jennifer Sigler, all in favor the vote was 4-0.

WORKSESSION/APPOINTMENTS:

Grobe

Sec. 21 Blk. 3 Lot 5&6

The Board discussed plans for a proposed three lot minor subdivision of 1.38 acres located in the single-family residence R-B2 District (15,000 sq. ft. min.) on the east side of Nicholas Street, approximately 300 feet south of Reeves Road.

Mr. Grobe was present. He explained that the 3 lot subdivision is less than 5 acres. The proposed site plan and tree map were reviewed. In an effort to minimize site work and to preserve the wooded and steeply-sloped areas of the site, Mr. Grobe's proposal indicates a cluster approach and an easement to access one of the lots. Clustering on sites of less than 5 acres is not permitted in Village code. The Board members agreed to visit the site and discuss the subdivision possibilities further. His proposal reflects a minimal amount of grading and preservation of steep slopes on the site.

The unoccupied condemned building was discussed.

The meeting ended at approximately 10:00PM.

Respectively Submitted,

Cindy Suarez, Secretary.