

November 29, 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

PUBLIC HEARINGS:

Tsunis & Gasparis (# 120-07)

Sec. 21 Blk. 3 Lot 15.2

Public hearing for the proposed minor subdivision of a .61-acre parcel into two lots. The property is within the R-B2 District on the southwest side of Overton Road approximately 350' north of Sheep Pasture Road. The property also has the benefit of relief from several area requirements of the district by ZBA decision (Appeal No. 366-07) dated May 30, 2007.

Mr. John Tsunis, attorney for the applicant was sworn in. After a brief summary of the application description, Mr. Eason, the Land Surveyor for the property was sworn in. Mr. Eason reviewed the proposed site plan.

Mr. Tsunis presented photographs of the property site and the properties in the surrounding area. He explained that the existing shed and brick walk would be demolished.

Mr. Brosnan opened the floor up to the audience for public comments.

Linda Barlotta, #40 Overton, was sworn in. She is the neighbor next to the property site directly on the north side. She stated her concerns regarding the esthetic view and the drainage. She explained that there is currently a problem with the water run off that comes down the hill and that the drain in the road was paved over by the highway department when the road was paved over.

Mr. Tsunis explained that the water run off is not from the property, but from the Village's road. He stated that the applicant would be willing to put soil barriers as a buffer to block.

Virginia Capon was sworn in. She is a neighbor of the property site and is concerned with the natural vegetation being removed.

Mr. Brosnan requested a landscape plan showing trees to be removed 9" or great in diameter

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

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

Public hearing 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.

Mr. Mark Lyon of Jefferson Consultants was present to represent the applicant. He presented and discussed the revised site plans showing the six proposed homes. He also presented an aerial photo of the property site, a field topo, and drainage drawings.

Mr. Angelo Nicosia, engineer was sworn in. He explained that the roadway will be piped to the existing sump, public water use, and underground utilities.

The chairman opened up the floor to the public audience for comments, and the following people were sworn in:

Matthew Buckwaler of #12 Hillcrest presented a petition signed by surrounding neighbors who are opposed to the application. He also stated that the public notice poster was only up for a few days.

Lee Ann Buckwaler of #12 Hillcrest is opposed to the application commented on traffic and nature disturbances.

Mrs. Chandhock of #14 Ellen Drive is opposed for the same reasons mentioned.

Mr. Jeff Storms of #6 Ellen Drive would like to review the engineer's report and the site plans.

Mr. Bill Scannel of #15 Ellen Drive questioned the land lock to the vacant 25 acres.

There were no further comments from the audience.

Phil Schiavone stated that the property site has been zoned since 1963. In 1986 the subdivision approval was already completed. The attorney failed to file the final map.

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

Arbuckle & Braude (# 124-07) Sec. 12.10 Blk. 1 Lot 1

Conditional use hearing for a proposed office/studio for classical musical instruction in an 800 s.f. commercial unit located at 202 Main Street. Location is within the Central Commercial C-1 District on the west side of Main Street.

RESOLUTION:

WHEREAS, a conditional use permit application for the applicant Sophie Arbuckle and Arik Braude was submitted to the Planning Board on October 9, 2007 for the conversion of a 800 square foot retail unit to a music studio; and

WHEREAS, the premises is located in the Central Commercial C-1 District, on the west side of Main Street (SR 25A), approximately 400 feet north of Maple Place; 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 § 250-18 B (11) of the Zoning Ordinance, the proposed use is a conditionally permitted use within the district; and

WHEREAS, on November 29, 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 music studio will 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 Sophie Arbuckle and Arik Braude for the conversion of a 800 square foot retail unit to a music studio is APPROVED as presented.

WORKSESSION/APPOINTMENTS:

120 Main Street (# 126-07) Sec. 12 Blk. 7 Lot 44

Discuss proposal to convert the use of 120 Main Street from retail to a bank use. The location is located in the Central Commercial C-1 District, on the west side of Main Street, approximately 200 feet south of West Broadway.

Ken Garvin, of JRS Architect was sworn. He explained the proposed renovation would be a two- phase project with minimal interior alteration and no exterior changes. The exterior would have no changes except to make the facade consistent with the surrounding area. The second phase would consist of the auto body next door being demolished and used as a parking lot. The DOT will be contacted for comments.

Phil Schiavone made a motion to approve the application subject to ARC and building department approval. Jennifer Sigler seconded the motion; all in favor the vote was 4-0.

RESOLUTION:

WHEREAS, a change of use application for the applicant JRS Architect, PC was submitted to the Planning Board on November 19, 2007 for the conversion of a 3,000 square foot retail unit to a bank; and

WHEREAS, the premises is located on a half-acre parcel in the Central Commercial C-1 District, on the west side of Main Street (SR 25A), 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, pursuant to § 250-18 A of the Zoning Ordinance, the proposed use is a permitted use within the district; and

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

WHEREAS, the proposed bank use 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 change of use application for JRS Architect, PC for the conversion of a 3,000 square foot retail unit to a bank as shown on floor plans for JP Morgan Chase dated October 4, 2007 is APPROVED WITH THE FOLLOWING CONDITIONS AND MODIFICATIONS:

Applicant must receive a building permit within 9-months.
ARC to review proposed sign/awnings prior to a permit.
The siding shall be continued along the north building elevation.

DEVELOPMENT ACTIONS:

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

Consider determination of significance pursuant to SEQR 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.

The Board members stated that comments on the recharge basin are necessary from Kevin Koubek, Village Engineer.

Village Planner stated that this application qualifies as Unlisted Action. The SEQR short form needs to be completed and the Board should request an extension to complete SEQR based on there being no December Planning Board meeting and still awaiting comments from other agencies.

Gerasimos Group LLC (#107-07) Sec. 12 Blk. 2 Lot 27

Consider plans to enclose first floor porch on existing restaurant/lounge located in the Commercial C-1 District, located on the south side of East Broadway. (Referred to ARC on 11/20/07)

Mark Lyon of Jefferson Consultants and Jerry Spiliotis, property owner were sworn in. The new plan was discussed. The Board requested that the parking comments from the old plan should be put on the new map.

Phil Schiavone made a motion to approve the application based on the conditions and ARC comments, Mark Brosnan seconded the motion, all in favor the vote was 4-0.

RESOLUTION:

WHEREAS, an application for Mr. Spiliotis was submitted to the Planning Board on February 22, 2007 to enclose 238 square feet of the existing first floor porch; and

WHEREAS, the premises, identified as 34 East Broadway is situated on a .31 acre parcel in the Central Commercial C-1 District, on the south side of East Broadway approximately 250 feet east of 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, on February 27, 2007, the Board required that the applicant submit detailed architectural drawings; and

WHEREAS, on November 16, 2007 the Planning Board received detailed drawings for their consideration; and

WHEREAS, the Planning Board finds that the enclosure will not increase the off-street parking requirement, based on previous plans submitted to the Board dated August 10, 1993, which indicate that the porch on the first floor was previously considered in the parking calculations; and

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

RESOLVED, that application number 107-07, a proposal to enclose 238 square feet of the first floor porch as shown on plans provided by Eric Nicosia, Registered Architect dated April 12, 2007 is APPROVED WITH THE FOLLOWING CONDITIONS AND MODIFICATIONS:

Applicant must receive a building permit within 9-months.
ARC to review plans prior to a building permit.
Plans shall be revised to include parking calculations.

General Business:

Virginia Capon gave the Trustee report and the following was discussed:

Tree clearing and grading law. There will not be any permits issued after the work has been completed. An appearance ticket will be issued for not getting a permit before work is done.

The steep slope ordinance is going from 10% to 15%.

The Lawrence Aviation plume was discussed. The Village will be hiring an environmental attorney to advise Village Engineer, Kevin Koubek on issuing permits.

The meeting ended at approximately 10:30PM.

Respectively Submitted,

Cindy Suarez, Secretary.