

Village of Ellenville
Planning Board Commission
September 19, 2012

Meeting called to order at 7:00 p.m. by Chairman Steinhoff. Also present: Commissioners Cafaro, Eisman, Maizer and Rosenstock.

Also present: Alternate Commissioner Elizabeth Hooper
Village Attorney, Peter Berger
Code Enforcer Brian Schug

Minutes – Motion by Commissioner Cafaro, seconded by Commissioner Eisman to accept the minutes of July 18 and August 15, 2012.

United Methodist Church - 85 Canal Street – Handicap Accessible entrance addition – Don Schmalzle was before the board tonight representing the United Methodist Church and their site plan.

These plans had been sent to the Ulster County Planning Board for their review and their comments were that this action would have no county impact. In addition, the Historic Preservation Commission reviewed these plans and had no comments.

Motion by Commissioner Maizer, seconded by Commissioner Cafaro acting as lead agency on said site plan issued a Negative Declaration determining the proposed action would not have a significant effect upon the environment.

All in favor - Aye - motion carried

Motion by Commissioner Maizer, seconded by Commissioner Cafaro to approve the application of United Methodist Church to add a handicap entrance to comply with ADA requirements.

All in favor – Aye – motion passed

Review of Proposed Local Law to allow Assisted Living Facilities in the R/O, B-1 and B-2 – Building Inspector Brian Schug reviewed with the commissioners the reasons for these proposed amendments to the Zoning Law.

Attorney Zeiger representing an applicant, Thomas Ting, NY Resorts for Seniors, who has submitted a site plan to construct an assisted living facility at 182 Canal Street had comments on the proposed local law. His first comment was on Section 3 – Development Standards – minimum yards and questioned if this parcel had two side or two rear yards since it is a corner lot. Mr. Schug responded that this building will be considered as having two front yards, as according to the Village of Ellenville Zoning Law. Mr. Zeiger also commented on the parking requirement in this section.

Mr. Zeiger questioned if the minimum yard set back could be adjusted to 20 feet and clarification on the parking requirement. Chairman Steinhoff will confer with Planner Shuster about the setback requirements.

Mr. Schug reviewed all the setback requirements in the different districts as well as side/rear requirements and the area and bulk schedules.

As far as the criteria for variances, Mr. Schug stated that including these descriptions in our Village Code we will be in compliance with the NYS zoning ordinances.

It was the consensus of the Commissioners to recommend to the Board of Trustees that this legislation be added to the Village code.

Martinez Party Town – 6 Market Street – preliminary discussion – Costume Theme Party Center/Video Game Center – Luis Martinez was before the board tonight to discuss his plans to host birthday and general party packages that would be made available onsite and off location. There will also be TV video games, play station, Xbox and Wii consoles available on a small scale. Mr. Martinez stated that his goal is to provide the community with an enjoyable party experience at a reasonable cost.

Code Enforcer Schug read the definition of an amusement arcade from the Village Code and stated that he is interpreting Mr. Martinez's plan as an amusement arcade and read the section:

227-24. AMUSEMENT ARCADES.

AMUSEMENT ARCADES, AS DEFINED HEREIN, MAY BE PERMITTED, SUBJECT TO THE ISSUANCE OF A SPECIAL PERMIT BY THE PLANNING COMMISSION AND THE FOLLOWING REQUIREMENTS:

- A. AMUSEMENT ARCADES MAY BE LOCATED IN THE B-1 OR B-3 DISTRICT. HOWEVER, NO SUCH ARCADE SHALL BE LOCATED WITHIN 200 FEET OF A SCHOOL OR PLACE OF WORSHIP AS MEASURED IN A STRAIGHT LINE FROM THE EDGE OF THE PROPERTY HOUSING THE ARCADE TO THE EDGE OF THE PROPERTY HOUSING THE SCHOOL OR PLACE OF WORSHIP.
- B. AN ESTABLISHMENT HOUSING FOUR OR MORE AMUSEMENT DEVICES SHALL BE CONSIDERED A PRINCIPAL USE, SUBJECT TO THE PROVISIONS HEREIN, EVEN THOUGH OTHER USES ARE HOUSED WITHIN THE SAME ESTABLISHMENT.
- C. SPACE AROUND EACH MACHINE SHALL BE PROVIDED TO ALLOW ITS USE WITHOUT CROWDING. AT A MINIMUM, SUCH SPACE SHALL CONSIST OF SIX FEET ON EACH SIDE FROM WHICH THE GAME IS PLAYED OR OPERATED AND 2 1/2 FEET ON ALL OTHER SIDES; HOWEVER, THE DEVICE MAY BE PLACED AGAINST A WALL ON THE SIDE OPPOSITE THAT FROM WHICH IT IS OPERATED. THE SPACES SHALL BE MEASURED SEPARATELY FROM EACH MACHINE AND SHALL NOT OVERLAP.
- D. READILY VISIBLE SIGNS SHALL BE DISPLAYED ON THE PREMISES INDICATING THAT THE USE OF THE DEVICES BY PERSONS UNDER 16 YEARS OF AGE, DURING NORMAL SCHOOL HOURS, IS PROHIBITED.

E. IN ADDITION TO OFF-STREET PARKING REQUIRED FOR ANY OTHER USES ON THE SITE, ONE PARKING SPACE SHALL BE PROVIDED FOR EVERY TWO AMUSEMENT DEVICES.

After discussing this section of the code; Mr. Martinez will amend his plan to have three or less amusement devices and will submit this to Mr. Schug.

Auto Zone - 69 N. Main Street – Continued Discussion - Mr. Eric Redding from Auto Zone reviewed the project with board members whereby the company is proposing to develop this site with a 6,816 square feet retail auto parts store. Mr. Redding responded to Planner Shuster’s comments on this project and also to show construction materials that will be used.

At the Zoning Board meeting held in August the following motions were made:

Motion by Commissioner Beck, seconded by Commissioner Pidel to declare the Ellenville Zoning Board of Appeals as lead agency on this project.

All in favor - Aye - motion carried

Motion by Commissioner Beck, seconded by Commissioner Pidel acting as lead agency on said site plan issued a Negative Declaration determining the proposed action would not have a significant effect upon the environment.

<i>Roll Call Vote:</i>	<i>Commissioner Beck</i>	<i>Aye</i>
	<i>Commissioner Pidel</i>	<i>Aye</i>
	<i>Chairman Tennenbaum</i>	<i>Aye</i>

All in favor - Aye - motion carried

Motion by Chairman Tennenbaum, seconded by Commissioner Beck to grant the three variances requested by the applicant as follows:

- 1. Area and Bulk Schedule regarding the side yard setback***
- 2. Area and Bulk Schedule regarding the rear yard setback***
- 3. Parking within fifteen feet of the street right-of-way and within three feet of the rear lot line.***

Commission members granted the area variance as requested due to:

- 1. This variance will not create an undesirable change in the neighborhood and;***
- 2. The requested area variance is not substantial***

All in favor - Aye - motion carried

Mr. Schug spoke about the proposed landscaping and the location of the dumpster as well as the faux windows that will be placed on the east side of the building.

Mr. Redding commented that a preliminary meeting with the NYS Department of Transportation had been held and a complete traffic study will be conducted.

Another item discussed was the need for more lighting fixtures on the back of the building and the material that will be used at the dumpster location. The applicant stated that split face block or concrete block will be utilized for the dumpster construction.

Motion by Commissioner Eisman, seconded by Commissioner Rosenstock to declare the Village of Ellenville Planning Board as lead agency regarding SEQRA on this project.

All in favor - Aye - motion carried

Motion by Commissioner Eisman, seconded by Commissioner Maizer to submit site plans to Ulster County Planning Board for their review.

All in favor – Aye – motion carried

Motion by Commissioner Maizer, seconded by Commissioner Rosenstock to schedule a Public Hearing on October 17, 2012 for site plan review.

All in favor – Aye – motion carried

Helen Winer – Rosenstock Road – Logging application – Chairman Steinhoff read this board’s comments from June 20, 2012 where this application had been reviewed.

Mr. Schug reviewed with commission members the minutes from the Town of Wawarsing’s Planning Board where they reviewed this application.

The original application had the vehicles exiting on Knollwood and this has been amended to Rosenstock Road.

Attorney Berger discussed the original bond amount and the applicant is in agreement with a new bond amount of \$50,000.

Mr. Evan Nichols discussed best practices that are used during timber harvesting and this project entails the removal of approximately 112 trees.

Motion by Commissioner Maizer, seconded by Commissioner Eisman to schedule a Public Hearing on October 17, 2012 and agree with the Town of Wawarsing to be lead agency on this project.

All in favor – Aye – motion carried

770 Development- Sub-division – Knollwood Drive & Westwood Avenue – Mr. Allan Frishman was before the board tonight representing the applicant and discussed their request to sub-divide this property into three lots. There was discussion about the placement of the homes, SWPP and erosion. Since this application was submitted late, Dan Shuster has not reviewed the changes and commissioner members did not take any action at this time. It was also recommended to the applicant that they fully review the subdivision law with the Code of the Village of Ellenville.

Adjourn – Motion by Commissioner Cafaro, seconded by Commissioner Maizer to adjourn at 9:00 p.m.

All in favor – Aye – motion carried.

Respectfully submitted,

Noreen Dechon
Village Clerk