

**Planning Board Minutes for the  
Meeting of the Planning Board  
May 10, 2016**

Present: Bruce Kauderer  
Steve Krisky  
Janet Mainiero  
Rob Luntz  
Rocco Mastronardi

Also Present: Daniel O'Connor, Village Engineer  
Bob Anderson, Village Board Trustee Liaison

**1. Call to order:**

Chairman Luntz called the meeting to order at 8:05 p.m.

**2. PUBLIC HEARINGS**

- a) *Bischoff, Meinhard -- 123 Grand Street (Sec. 67.20 Blk. 3 Lot 22)--Application for Amended Site Plan Approval for existing one story rear addition to mixed-use occupancy building.*

**PRESENT:** Mr. Bischoff, owner

**PUBLIC HEARING OPENED:** Mr. Kauderer made a motion to open the public hearing, seconded by Mr. Krisky, and carried, all in favor, by a vote of 5-0.

**DISCUSSION:**

There were no comments from the public. The Planning Board also had no comments on the site plan. The Village Engineer noted that the rear addition is behind the building and cannot be seen from the street.

**PUBLIC HEARING CLOSED:** Ms. Mainiero made a motion to close the public hearing, seconded by Mr. Krisky, and carried, all in favor, by a vote of 5-0.

**MOTION:** A motion was made by Mr. Kauderer to approve the draft resolution with no conditions,, seconded by Mr. Krisky , and carried, all in favor, by a vote of 5-0. Chairman Luntz mentioned to Mr. Bischoff that he needs to submit a building permit, have the appropriate inspections, and then apply for a certificate of occupancy.

- b) *ShopRite -- 460 South Riverside Avenue (Sec. 79.17 Block 3 Lot 22)--Application for an Amended Site Plan for proposed expansion of supermarket.*

**PRESENT:** Mr. Dan Hollis, Attorney for ShopRite; Mr. Dan Peveraro, P.E., Lauro Group

**DISCUSSION:**

Chairman Luntz stated that the Planning Board had spoken prior to the meeting with the Village Attorney. The Village Attorney had spoken to the New York State Access Board who stated clearly that they do not give definitive opinions about accessibility.

Therefore, given that the Planning Board has heard from the Village Attorney that the Access Board does not give definitive opinions, the Planning Board has come to the conclusion that although the Planning Board would have liked to see access to the store improved by adding a northern pathway, the board acknowledges that it would be beyond reasonable to ask the applicant to do anything further given the legal and physical challenges of installing an additional non-accessible sidewalk. It is the Planning Board's opinion that the board should not pursue this additional access any further.

Mr. Hollis stated that it had never been an issue about cost, rather about liability and that Mr. Peveraro would not be able to put his seal on such a walkway.

There was discussion about the maintenance and finishing the parking lot. The Planning Board members stated that they wanted to ensure that the parking lot is maintained and an additional condition was added regarding this maintenance. Therefore, added to condition #8 will be the following "that a draft agreement shall be submitted to the Planning Board for review and comment and recommendations to the Village Board. The agreement shall be finalized prior to a certificate of occupancy being issued."

There was discussion regarding the resealing of the parking lot and the following condition added: "That the areas of the parking lot not having new pavement installed shall be patched, seal coated, and restriped to create a uniform looking surface appearance across the entire parking lot."

**CLOSE PUBLIC HEARING:**

There were no further comments from the public. Mr. Krisky made a motion to close the public hearing, seconded by Ms. Mainiero, and the motion carried, all in favor, by a vote of 5 - 0.

**MOTION ON RESOLUTION:**Mr. Mastronardi made a motion to approve the draft resolution, as amended, seconded by Ms. Mainiero, and carried, all in favor, by a motion of 5-0.

**3. OLD BUSINESS**

*Bell Family Trust -- 175 Old Post Road North (Sec. 67.15 Block 1 Lot 8)--Application for preliminary subdivision approval for a three lot subdivision.*

**PRESENT:** Ron Wegner, P.E.,

Chairman Luntz stated he was familiar with the application. A site visit had taken place on Saturday, May 7, 2016 with Mr. Krisky, Ms. Mainiero, and Mr. Kauderer in attendance and

several members of the Water Control Commission, and the Chairman of the Trails Committee, Jan Wines.

Mr. Wegner explained that there was a watercourse along Finney Farm Road as well as on the northerly part of the property. There would be no construction on the northerly part.

The existing driveway may need widening and will have to meet the fire code. There was some discussion about possibilities for sewer connections to the village sewer system which if agreed to will required the approval of the Village Board.

Mr. Wines, Chairman of the Trails Committee had looked favorably at the possibility of a trail easement from Old Post Road North along the back of the property and around to Finney Farm Road.

Chairman Luntz noted that the proposed three lot subdivision seemed reasonable since the two structures are going to remain and a third one built on Lot 3. It was noted that a small frontage variance will be required from the Zoning Board.

Although the Planning Board did not want to discuss the Minor Site Plan issues at this point, the Planning Board agreed with the Village Engineer that it was important to know whether there was enough of the basic requirements to handle stormwater drainage issues in order to appropriately adjust the lot lines in the proposed subdivision.

**MOTION:** Mr. Krisky made a motion to refer the application to the Water Control Commission, seconded by Mr. Kauderer, and the motion carried, all in favor, by a vote of 5-0.

A neighbor, Mr. Michael Eisenkraft , of Finney Farm Road, asked if he could speak about some of his concerns. He stated that if the trees are taken away from the ridge line, he was concerned that there might be a large amount of erosion causing possible landslides. He suggested moving the driveway to an area behind the house.

Mr. Wegner stated that he would review the driveway location and re-examine the tree issues. Chairman Luntz recommended that Mr. Wegner look at some of the possible options.

#### **4. OLD BUSINESS**

- a) *Doyle, Lawrence--379 South Riverside (Sec. 79.13 Blk. 2 Lot 26)--Application for Amended Site Plan Approval for a mixed-use occupancy building.*

**PRESENT:** Mr. Ed Gemmola, Architect

Mr. Gemmola described the updated sitting area with benches and the updated landscaping with shade trees and planters. He stated that the survey is in the process of being completed and he will also provide to the Village Engineer the calculations for drainage. He showed some of the samples of brick, roof tile, and siding for the proposed building. The Planning Board

asked that the caliper of the proposed planted trees be changed from 2.5" to 3"-4" so they have a better chance of survival. The Planning Board also recommended that the dogwoods be moved more towards South Riverside Avenue away from the building. These changes will be added to the resolution.

Chairman Luntz commented that he thought a nice palette of colors had been chosen and commended Mr. Gemmola for the nice work he had done with the building and the sitting area.

**MOTION:** Mr. Krisky made a motion to approve the draft resolution, as amended, seconded by Ms. Mainiero, and carried, all in favor, by a vote of 5-0.

#### **4. REFERRAL**

*a) Referral from the Village Board regarding Special Permit application for the continued non-residential use of an accessory structure in a RA-25 residential district (160 Cleveland Drive)*

**PRESENT:** Lauren and Sean Scollins, owner of 8 Alexander Lane and the accessory structure at 160 Cleveland Drive

#### **DISCUSSION:**

The applicants described the history of the uses of the accessory cottage--it had been used first as a real estate office, then a law office, and most recently for the Gazette. The Village Engineer noted that years ago the accessory structure had been issued a special permit as a legally nonconforming use. The Village Engineer explained that the 1931 Zoning Code did not at that time prohibit a professional use in an accessory structure. The accessory structure had been used as an office originally by the owner of the property which was allowed by the 1931 zoning code, and then later in about 1971, the accessory structure had been used by a non-resident after a Special Permit was issued by the ZBA.

The Planning Board discussed the kinds of use that would be appropriate for this accessory structure. Given the small building size, Mr. Scollins stated that the building could not support anything other than a two desk office type space. They were looking a low impact business such as an office for an accountant, law office, or mortgage company. They wanted a low traffic business.

There was a discussion about the parking area in front of the building and that the entire parking lot area is in the Village Right of Way. Mr. Scollins stated that he would consider paving the parking area since it needed to be done but would not expand it. The Planning Board raised the concern about customers parking on the village ROW and stated that there needed to be a condition which would indemnify the village against any potential liability associated with the use of the Village ROW as a parking lot.

There was a discussion about the landscaping on the hillside behind the structure and that there had been recent clearing and tree cutting. Mr. Scollins stated that he recognized the need for

plantings on the hillside that would help with erosion control but requested that the landscaping behind the hillside be in the purview of homeowner.

The Planning Board agreed on the following recommendations for conditions of the special permit:

1. That, the accessory structure be for office use with no more than 2 people in the office or other mild commercial use as expressly approved by the Village Board.
2. That any use be limited to three parking spaces and no additional spaces should be allowed. It is also recommended that the parking area be smoothed and a new gravel layer installed to provide a smooth and safe surface on the parking area and that the parking area surface and asphalt driveway apron and any drainage system be maintained by the property owner.
3. That since there is parking on Village Right of Way that the Village be indemnified against any potential liability associated with use of the parking area.
4. That, the hillside behind the accessory structure be landscaped with the plantings (trees, shrubs, ground cover, etc.) at property owner's choice to minimize any potential for erosion of the hillside.

The Planning Board agreed unanimously to recommend to the Village Board that the Special Permit be granted.

#### **5. APPROVAL OF MINUTES**

Mr. Krisky made a motion to approve the minutes of April 26, 2016, seconded by Ms. Mainiero, and the motion carried, all in favor, by a vote of 5 - 0.

#### **6. ADJOURNMENT**

There being no more business to come before the board, the meeting was duly adjourned at 9:45 p.m.

Respectfully submitted,

Ronnie L. Rose  
Secretary to the Planning Board