

Village of Ellenville  
Planning Board Commission  
June 17, 2009

Meeting called to order at 7:00 p.m. by Chairman Bowler. Also Present: Commissioners Nilo, Zelnick and Maizer and Alternate Commission Member, Carolyn Shorter (arrived at 7:20 p.m.)

Also present: Attorney Peter Berger (arrived at 7:45 p.m.) and Code Enforcement Officer Brian Schug.

APPROVAL OF MINUTES: Motion by Commissioner Nilo, seconded by Commissioner Zelnick to approve the minutes of May 20, 2009 as presented. All in favor - Aye - motion carried

AROMA THYME BISTRO: 165 Canal Street – Continued discussion regarding the issuance of a special use permit to utilize the second floor as an accessory apartment. Thomas Kentop was before the board tonight representing the owners of 165 Canal Street and the board reviewed the letter from Brian Schug in reference to site comments dated May 21, 2009. Mr. Schug's and [Mr. Kentop's](#) comments were as follows:

1. Revise the drawings to reflect color renditions of the east façade of the building to demonstrate actual conditions once the fire escape is attached. ([Mr. Kentop showed board members a photograph of the existing building and how the fire escape ladder will work and this ladder as well as the balcony will be powdered covered to match the facade.](#)) If the board would consider approving this permit, a condition of this approval would be that the entire east side of the façade will match the color of the porch / balcony when they are enclosed by the proposed construction.
2. The second floor plan on page two should accurately reflect the two projections on the east and south walls. ([Mr. Kentop reviewed with board members and commented that page A-2 is new and reflects those projections.](#))
3. Permission from the Village Board of Trustees for an easement needs to be gained to have the fire escape platform extend approximately 2.5 feet onto Village property. ([This easement was approved at the May 26, 2009 Village Board meeting.](#))
4. The fire exit doors on the first floor currently swing in towards the dining room. Egress doors should be in the direction of travel. ([Mr. Kentop stated he has reversed the swing of the doors and also commented that there is egress on the first floor from the front and the back of the building.](#)) Mr. Schug commented that the second means of egress leads into the kitchen and Mr. Kentop responded that it goes to a corridor and if this is identified as a second means of egress, the

door cannot swing into the restaurant. Further discussion ensued that in the past after a fire inspection at the restaurant, this corridor was blocked with a table of glassware constricting that means of egress. If the board would consider approving this permit, a condition of this approval would be that that cart or any other object may not block this egress.

5. A second floor elevation that reflects the new window sizes on the entire second floor should be submitted for review. (Mr. Kentop reviewed with board members and commented that page A-1 is new and reflects the window sizes.) Commissioner Zelnick commented on the windows and questioned why there was one less window in bedroom #1 and Mr. Kentop responded the reason for this change was if there was one less window they will not have to modify roof lines.

Motion by Commissioner Maizer, seconded by Commissioner Nilo to declare the Village of Ellenville Planning Board as lead agency on this project.

All in favor - Aye - motion carried

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

All in favor - Aye - motion carried

Motion by Commissioner Maizer, seconded by Commissioner Nilo that:

WHEREAS, a resolution was duly adopted by the Village of Ellenville Planning Board (hereinafter the "Planning Board") for a public hearing to be held by said Planning Board at the Ellenville Government Center, 1<sup>st</sup> Floor, 2 Elting Court, Ellenville, New York at 7:05 pm on February 18, 2009 to hear all interested parties on an application for site plan review and special permit use pursuant to the Zoning Local Law Section 227-28 as submitted by Marcus & Jamie Guiliano (hereinafter "GUILIANO"), to use and allow occupancy of an owner/operator accessory apartment at 165 Canal Street in the Village of Ellenville on the second floor of 165 Canal Street, in the B-1 Central Business District, and

WHEREAS, notice of said public hearing was duly advertised in the Ellenville Journal, the official newspaper of the Village, and posted in the Village Clerk's sign board, and

WHEREAS, said public hearing was duly held at the Ellenville Government Center at said date and time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said application, and

WHEREAS, upon closing the public hearing on that day at 7:35pm a discussion ensued by the members of the Planning Board regarding the instant application for special use permit, and

WHEREAS, the Planning Board thoroughly considered the Short Form Environmental Assessment Form submitted by the applicant, verified all of the data therein and evaluated the possible environmental effects of the proposed action, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) the Planning Board on June 18, 2009 declared this to be a Type II action and no further environmental review would be required, and

WHEREAS, the Planning Board, after due deliberation and consideration of public health, safety and welfare concerns, and after concluding that the criteria set forth in the Zoning Local Law Section 227-28 is satisfied by the application for special use permit, finds it in the best interest of the Village to approve said special use permit, to use and allow occupancy of an owner/operator accessory apartment at 165 Canal Street in the Village of Ellenville on the second floor of 165 Canal Street, in the B-1 Central Business District, and

NOW, THEREFORE, the Village of Ellenville Planning Board pursuant to the delegation of power in Section 227-125 of the Zoning Local Law of the Village does hereby approve the application of MARCUS & JAMIE GUILIANO for special use permit to at 87 Canal Street conditioned upon the completion of the following items in order to gain a Certificate of Occupancy for each of the apartments:

- 1) The applicant removes the butler's cart or any other objects to clear the corridor to the back egress.
- 2) The entire east side of the façade will match the color of the porch / balcony when they are enclosed by the proposed construction.
- 3) Removing the Laundry Room door.

Vote: Chairman Bowler Aye  
Commissioner Maizer Aye  
Commissioner Nilo Aye  
Commissioner Shorter Aye  
Commissioner Zelnick Nay

Motion passed

Commissioner Zelnick stated that he is against what the fire escape represents.

Excavations & Soil Mining Zoning Law – Board members reviewed Mr. Paul Grigg’s comments and noted his changes. They were as follows:

Page 3 – (b) – It was requested that Dan Shuster be asked if he agrees.

It was also recommended that language for adding a tirewash be required and used be incorporated into this zoning law.

Page 5 – (d) - It was requested that Dan Shuster comments.

Page 8 (c-1) – It was requested that Dan Shuster comments.

Page 9 – (5) – Board members would like the word “completed” not deleted.

Code Enforcer Schug will review these comments, suggestions, additions or deletions with Dan Shuster and this review will continue at a later meeting.

Adjourn - Motion by Commissioner Nilo, seconded by Commissioner Maizer to adjourn at 8:20 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon  
Village Clerk