

Village of Ellenville  
Planning Board Commission  
April 21, 2010

Meeting called to order at 7:17 p.m. by Chairman Bowler. Also Present: Commissioners Maizer, Steinhoff and Zelnik along with Alternate Commissioner Shorter.

Also present: Village Planner Dan Shuster, Attorney Peter Berger and Code Enforcement Officer Brian Schug.

Minutes – Motion by Commissioner Zelnik, seconded by Commissioner Maizer to approve the minutes of March 17, 2010 as presented.

All in favor - Aye - motion carried

Paul Westbrook – 16 Clifford Street- sub-division and lot line adjustment.

Motion by Commissioner Zelnik, seconded by Commissioner Maizer to open the Public Hearing at 7:05 p.m.

All in favor - Aye - motion carried

Code Enforcer Schug reviewed with board members the decision that was made by the Zoning Board of Appeals for a lot area and lot width variance that was approved by them.

Planner Dan Shuster commented on the condition that the ZBA placed on this variance to minimize adverse impacts upon the neighborhood and community and that is a grading and drainage plan of the subject lot shall be prepared for review by the Planning Board prior to development. A lengthy discussion ensued on this matter and it will be addressed by the applicant when they apply for a building permit.

No public comments at this time.

Motion by Commissioner Maizer, seconded by Commissioner Steinhoff to declare the Village of Ellenville acting as lead agency regarding SEQRA and has determined that this is a unlisted action and 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 Steinhoff, seconded by Commissioner Maizer to close the Public Hearing at 7:16 p.m.

All in favor - Aye - motion carried

Motion by Commissioner Steinhoff, seconded by Commissioner Shorter approving the applicant's subdivision subject to conditions set forth by the Zoning Board of Appeals in the form of a note on the final plat in reference to drainage. All in favor - Aye - motion carried

Alan Eisman – 85 N. Main Street – Special Use Permit application to create two accessory apartments.

Motion by Commissioner Steinhoff, seconded by Commissioner Maizer to open the Public Hearing at 7:30 p.m.

All in favor - Aye - motion carried

Attorney Berger excused himself from further discussion since Mr. Eisman is a client of his law firm.

Mr. Eisman was before the Zoning Board of Appeals after Code Enforcer Schug denied his request for a special use permit based on his determination that an accessory apartment was not permitted in a secondary building in the B-1 District and this would be a violation of the provision of Section 227 §28, Paragraph A. Mr. Eisman appealed Code Enforcer Schug's decision to the Zoning Board and the following resolution was passed:

Be It Resolved: The said Board does hereby uphold the appeal of the applicant and find that the accessory apartment to be located in a secondary building in the B-1 District is a permitted use for the following reasons:

1. The proposed use will be accessory to the principal use of the primary building on the site since said primary building will be used exclusively for commercial purposes.
2. The proposed use is consistent with the intent of Article III, Accessory Apartments, which states:  
"It is the intent of this provision to allow more efficient use of existing larger, older structures' to permit certain structures to be used in accordance with their original design; to enhance the economic return of such structures; and to expand rental housing opportunities in the Village, particularly for small families."

Commissioner Zelnik does not agree with the Zoning Board's findings and Planner Shuster reviewed with the Planning Board the ZBA's decision. Commissioner Zelnik stated that this site plan does not show enough information and he is requesting a land survey to scale for the proposed site. On the new site plan the Board would like to have property boundaries, existing buildings, the parking spaces delineated along with the delineation of the lighting and the landscaping plans.

No public comment at this time.

Motion by Commissioner Steinhoff, seconded by Commissioner Maizer to close the Public Hearing at 8:00 p.m.

All in favor - Aye - motion carried

Motion by Commissioner Maizer, seconded by Commissioner Steinhoff to declare the Village of Ellenville acting as lead agency regarding SEQRA and has determined that this is a unlisted action and on said special use permit 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 Steinhoff, seconded by Commissioner Shorter for approval of the Special Use Permit contingent upon completing the requested site plan.

All in favor – Aye 4; Nay 1 – Commissioner Zelnick - motion carried

Ilene Gomez – 15 Lincoln Street – opinion to the Zoning Board of Appeals to install a fence 72” in height in front of the rear building line of the home, which is in contradiction to Chapter 107, Fences and Hedges Section 107-4, Height Limitations. Mrs. Gomez told board members that her child is disabled and likes to wander away from her home. Mrs. Gomez showed the board a picture of the fence that she would like to install.

Motion by Commissioner Steinhoff, seconded by Commissioner Maizer to give a positive recommendation to the Zoning Board of Appeals for this variance along with a recommendation that some landscaping be placed in front of the fence.

All in favor – Aye – motion carried.

Commissioner Shorter left the meeting at 8:20 p.m.

Nika Curanovic – 55 Center Street – Special Use Permit and Site Plan application to create a four unit apartment building. Thomas Kentop was before the board tonight to discuss this matter.

This property is located in a R-O district and applicant is requesting to convert office spaces to two (2) one (1) bedroom apartments on the first floor and two (2) 2 (2) bedroom apartments. This discussion is for a preliminary review and commissioners requested that dimensions be placed on the site plan along with the density schedule, room sizes and windows. Commissioner Zelnik would like to see existing conditions on the plans. Code Enforcer Schug has concerns with the parking of Mr. Curanovic’s tractor trailer and where it would be parked on the property. Also discussed was the west wall of the building facing Park Street and the work that needs to be done on it. Mr. Kentop will make the necessary changes and will present them at a future meeting.

Michael Haliday – 79 Center Street – Opinion to the ZBA to create a handicap accessory apartment on the ground floor.

Mr. Kentop was representing the applicant and told board members that the applicant is requesting to put an apartment on ground floor which would need a use variance. Applicant did not provide the necessary documentation for this request and board members feel this request would be a detriment to the neighborhood.

Motion by Commissioner Bowler, seconded by Commissioner Zelnik that since the applicant does not meet the criteria necessary to receive a use variance that a negative recommendation be given to the Zoning Board of Appeals for this request.

All in favor - Aye - motion carried

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

All in favor – aye – motion carried.

Respectfully submitted,

Noreen Dechon  
Village Clerk