

Village of Ellenville
Planning Board Commission
March 16, 2011

Meeting called to order at 7:00 p.m. by Commissioner Steinhoff. Also present: were Commissioners Maizer and Zelnik. Chairman Bruce Bowler and Commissioner Eric Cafaro were absent.

Also present: Code Enforcement Officer Brian Schug and Planner Dan Shuster.

Minutes – Motion by Commissioner Maizer, seconded by Commissioner Zelnik to accept the minutes of February 16, 2011 as presented.

All in favor - Aye - motion carried

Stewarts Ice Cream Co, Inc. – Canal Street - advisory opinion to the Zoning Board of Appeals regarding an area variance from the set back requirements of the Village of Ellenville Zoning Table – Chapter 227 for construction of a freezer.

Mr. Chad Fowler was present at the meeting tonight to discuss Stewart's plan to erect a 7' 9" x 13' 6" exterior stand alone freezer onto the northwest corner of the structure. If this freezer is installed it would be 3' 7" from the property line of their neighbor. The freezer would match the current façade of the building and would not be seen from either Route 209 or Canal Street.

Planner Shuster requested that the building next door be shown on the site plan and discussion ensued about the possibility of placing the freezer in a different location. Mr. Fowler stated that Stewarts looked at possibly locating the freezer on the west side of the building but that location was ruled out because the freezer would cover drainage lines.

Motion by Commissioner Zelnik, seconded by Commissioner Maizer to recommend to the Zoning Board of Appeals that an area and bulk variance be granted to the applicant.

All in favor - Aye - motion carried

Denise Kassell – 122 Canal Street – Special Use Permit – request to construct an artist loft.

Irena Elbaum was at tonight's meeting representing the applicant. This application is to use and allow occupancy of an artist loft at 122 Canal Street, which is allowed only by special permit in this portion of the Village pursuant to the rules and regulation set for under Section 227-28 of the zoning law.

Planner Shuster reviewed with board members the following section of the Zoning Code:

§ 227-25.4. Artist lofts. [Added 7-10-2006 by L.L. No. 11-2006]

An existing building may be used for one or more artist lofts, subject to the issuance of a special permit by the Planning Board and the standards and conditions set forth below.

A. Development standards.

- (1) An artist loft may exist on the first floor of a structure only if it satisfies all of the following conditions:
 - (a) The artist loft is arranged in such a fashion that the residential portion is located on the second floor of the building. This provision shall not be applicable to artist lofts that are not visible from or do not have frontage on a public street.
 - (b) Retail functions occur on the first floor of the artist loft.
 - (c) The appearance of the loft from the street shall be consistent with the retail or business nature of the surrounding area.
 - (d) The entrance to the artist loft, including retail, studio and residential area, is exclusive and shall not be shared with any other artist loft in the building.
- (2) Each artist loft shall be separated from other artist lofts or other uses within a particular building. Access to artist lofts may be provided from common access areas, halls or corridors.
- (3) Each artist loft must be individually equipped with an enclosed bathroom containing a three-fixture bathroom sink, water closet, shower or tub and appropriate venting.
- (4) Each artist loft must be individually equipped with a kitchen.
- (5) Each artist loft must contain a usable floor area of no less than 800 square feet.
- (6) No more than 25% of the usable floor area of the artist loft may be devoted to residential space. In no event may said residential area exceed 500 square feet.
- (7) Direct access between living and working areas must be provided, and no separate access/egress to the residential area is permitted except for emergency access/egress.

Planner Shuster stated that the definition of the law as it is written now does not comply with what the applicant has submitted. He suggested that maybe the applicant would want to request an area variance or redesign the space to comply with the definition of an artist loft.

Commissioner Zelnik stated that he will recuse himself from any vote on this project since he had previously worked on this building; but commented that he feels this space would not be a legal space since it does not have any windows in the residential section; there is no separation between the commercial and residential and the bathroom facilities would be shared by both sections.

No action was taken tonight and the applicant will review her plans to decide their next course of action.

Adjourn Motion by Commissioner Maizer, seconded by Commissioner Zelnik to adjourn at 7:45 p.m.
All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon
Village Clerk