

Village of Ellenville
Planning Board Commission
July 18, 2012

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

Also present: Village Attorney, Peter Berger
Village Planner, Dan Shuster
Code Enforcer Brian Schug

Minutes – Motion by Commissioner Maizer, seconded by Commissioner Cafaro to
approve the minutes of June 20, 2012 as presented.

All in favor - Aye - motion carried

Walter Dexter – 26 N. Main Street – Advisory opinion to the Zoning Board of Appeals to
allow two non-conforming apartments that have vacant for at least one year.

Mr. & Mrs. Walter Dexter and Joseph P. Stoeckeler, Jr. were before the board tonight to
discuss their plans for this property.

Code Enforcer Schug told with Board members that this house has been vacant since
2005 and read the below section for discontinued uses:

§ 227-79. Discontinued uses.

If a nonconforming use is discontinued for an uninterrupted period of one calendar year
or more, the building, structure or lot occupied by such nonconforming use shall
immediately, thereafter and henceforth be entitled to occupancy only by conforming uses.

Mr. Schug reviewed with board members correspondence that had been sent between
himself and Mr. Dexter whereby he outlined the conditions that need to be met for the
Zoning Board of Appeals to grant a Use Variance and they are:

1. the applicant cannot realize a reasonable return, provided the lack of return is
substantial as demonstrated by competent financial evidence;
2. the alleged hardship relating to the property in question is unique, and does not
apply to a substantial portion of the district or neighborhood;
3. the requested variance, if granted will not alter the essential character of the
neighborhood and
4. the alleged hardship has not been self created

Mr. Schug's recommendation to the board is that the building be converted to a single
family residence.

Commissioner Eisman does not have a problem with the variance if the applicant meets all the requirements.

Attorney Berger commented that the criteria for a use variance is held to a higher standard with the applicant meeting each condition and the board cannot be arbitrary and capricious when making their decision.

Chairman Steinhoff commented that the condition of the property is dangerous and deplorable.

Commissioner Maizer stated that the applicant has not shown a lack of return, the hardship is not unique and a variance will affect the neighborhood and this situation was self created.

Motion by Commissioner Cafaro, seconded by Commissioner Eisman to recommend to the Zoning Board of Appeals that the use variance be granted with the following conditions:

1. A time limit of one year for the applicant to have completed the interior and exterior of the building and a Certificate of Rental Safety as well as a closed Building Permit.
2. The "ice house" be restored to a useful purpose or be demolished.
3. The "commercial space" has to be renovated and presentable.

Aye – 3; Yes – 1, Nay, Commissioner Maizer – Motion passed

Mr. Schug reminded the board that there will be a Public Hearing for this property on Thursday, July 26 at 7:00 p.m.

Osterhoudt Corporation – Mining Permit – Site Plan approval had been granted with the condition that a scaled drawing of the parking lot be submitted. Mr. & Mrs. Osterhoudt reviewed with board members the scaled drawing of the parking lot and answered any questions that the board had.

Motion by Commissioner Cafaro, seconded by Commissioner Maizer to approve the drawing of the parking lot as presented.

All in favor - Aye - motion carried

Auto Zone – 69 N. Main Street - Advisory opinion to the Zoning Board of Appeals for an Area Variance. 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. The present site plan would need three variances from the Zoning Ordinance and they would be:

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.

Planner Shuster commented that seven out of the ten design standards that had been adopted and part of the Village Code are not in compliance and those standards are listed below:

- (1) New construction must align the front facade of the building at, or as close as possible to, the front facade of an existing building on an adjacent property. In the case of a discrepancy of setbacks, the new building should align with at least one of the neighboring buildings.
- (2) New construction should attempt to work with any preexisting building patterns found in adjacent or nearby buildings with regards to massing, height, scale and form.
- (3) New construction should place as much of the building width at the front of the lot as possible to maximize front facade exposure and maintain the street wall. The front facade should be kept parallel to the street.
- (4) The use of landscaping methods, such as low walls, hedges and tree rows, should be used to help maintain and reinforce a consistent street wall in areas where there are no building facades to define it.
- (5) The primary entry on all new construction should be easily identifiable, scaled appropriately to the size of the building and should always face the street. In cases where the primary building entry should also be visible from an on-site parking area adjacent to the building, the entry may be placed at the corner of the structure so that it is may be visible from both the street and the parking area.
- (6) New construction located at corner intersections should place a majority of the building mass at the corner and/or wrap the corner by continuing facade elements, such as the cornice, on all street elevations.
- (7) All required off-street parking areas should be located at the side or rear of the building where practical and in conformity with adjacent parcels.
- (8) All on-site parking, vehicle loading or service areas located within sight of the street must be screened from view using appropriate architectural or landscaping methods.
- (9) On-site parking areas, vehicle loading or service areas should connect to any existing service alleys or adjacent parking areas, if available, to allow alternate means of egress.
- (10) Proposed on-site parking areas should be located next to any adjacent existing parking lots if possible to provide shared parking opportunities which can serve neighboring buildings simultaneously.

Planner Shuster drafted a tentative site plan that could be used and would require only one variance and requested that Auto Zone consider these options.

Attorney Berger discussed with Mr. Redding the major issues that the Planning Board has with the layout of the site.

Commissioner Cafaro is opposed to the existing design and Commissioner Maizer spoke about the location of the dumpster and the loading zone.

Motion by Commissioner Cafaro, seconded by Commissioner Maizer that it be recommended to the Zoning Board of Appeals that the variances be granted with the condition that the applicant review our design standards and consider an alternate site plan.

All in favor - Aye - motion carried

Town of Wawarsing Referral – Special Use Permit for an expansion/addition of existing junkyard. Application for comments and recommendations - Woody Basden owner of Woody's Junkyard has applied to the Town of Wawarsing for an expansion/addition and this property is within 500 feet of the Village of Ellenville's boundary. Board members discussed this property and the following motion was made:

Motion by Commissioner Cafaro, seconded by Commissioner Eisman that a recommendation for a living/privacy fence be erected so that the junkyard could not be seen from the D&H Trail.

All in favor - Aye - motion carried

Adjourn – Motion by Commissioner Cafaro, seconded by Commissioner Eisman to adjourn the meeting at 8:30 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon
Village Clerk

