

Village of Ellenville
Planning Board Commission
January 21, 2009

Meeting called to order at 7:00 p.m. by Chairman Bowler. Present: Commissioners Nilo and Steinhoff and alternate member Carolyn Shorter.

Also present: Planner Dan Shuster, Attorney Philip Cataldi and Code Enforcer Brian Schug

RUPCO – 16 lot subdivision – Chuck Snyder was present at tonight’s meeting representing RUPCO. Mr. Snyder stated that his application had been presented and approved by the Department of Health.

Attorney Cataldi commented that a public hearing will need to be scheduled for this sub-division approval.

Planner Shuster stated that some areas under the purview of the Home Owners Association will need to be placed on the site plan. Discussion ensued about the delineation on their site plan to note that the Home Owners Association shall provide perpetual access to and use all of the common areas, driveways, and access roads by any and all of the owners of the individual lots. The Home Owners Association will provide maintenance of all common areas, driveways, and access roads, building exteriors and landscape. In addition it should also be noted that all townhouses shall be used only as single family homes.

Also discussed was bonding for engineer review; Brian requested inspection notes and details for the water/sewer infrastructure from RUPCO’s engineer and architect. Chuck from RUPCO stated that he would provide this information as requested.

Motion to by Commissioner Steinhoff, seconded by Commissioner Nilo to schedule a public hearing on February 4, 2009 at 7:00 p.m.
All in favor - Aye - motion carried

Mr. Snyder showed commissioners the color scheme for the siding which will be an antique green. The color swatches will be provided to the building department prior to the work beginning on the building facades. Also, cultured stone will be installed wherever there is one foot or more of exposed foundation on all buildings.

Motion by Commissioner Steinhoff, seconded by Commissioner Nilo to approve the use of the colors and materials for the façade is approved as presented.
All in favor - Aye - motion carried

Marcus/Jamie Guiliano – 165 -Canal Street – Special Use Permit – 2nd Floor space as accessory apartment (according to section 227-28, accessory apartments in the B-1 and B-2 business districts) to be utilized as their primary residence – Mr. Guiliano was before the board tonight to discuss and review his plans to use the second floor of his building for his primary residence. There will be no exterior changes to the façade of the building and he will be applying for the Main Street grant for new windows.

It was questioned where the exit will be for the residential portion of the building would be and Mr. Guiliano commented that it was an existing exit on left (east) side of the building. This stairway and building exits will need to be indicated on the plans and Inspector Schug stated that he will need a full set of stamped plans for construction and alterations in order to issue a building permit. Also discussed was the lack of a backyard on the property. Mr. Guiliano stated that the property extends past the building line, providing a back yard for use. Mr. Guiliano was informed that if a Special Permit is issued, it could be reviewed annually to ensure conformance with the zoning regulations under the discretion of the building department.

Motion by Commissioner Steinhoff, seconded by Commissioner Shorter to schedule a Public Hearing on February 18, 2009 at 7:00 p.m.

All in favor - Aye - motion carried

All residents within 200 feet of this property will be notified.

Design Standards – Planner Shuster reviewed with commissioners his latest revision of the design standards for building facades within the core business district. There was discussion about the façade changes and Chairman Bowler would like to see guidelines for the changing of a color or the painting of a building. Discussion ensued and it was determined that regulating color schemes may be too stringent and decided that Planner Shuster's latest revision was acceptable. Commissioner Bowler also noted that the Comprehensive Plan submitted by Fairweather Associates calls for the adoption of the Design Guidelines. Attorney Cataldi stated that these guidelines will need to be adopted by the Village Board by local law. The Commissioners thanked Mr. Shuster for all his work on the design guidelines and feel they have accomplished the goal that they started.

Motion by Commissioner Steinhoff, seconded by Chairman Bowler to accept the proposed Design Standards dated December 2008 and submit them to the Village Board of Trustees for review and comments.

All in favor - Aye - motion carried

Memorandum of Agreement - between the Village of Ellenville Planning Board and the Ulster County Planning Board for actions not subject to submittal under general municipal law.

Chairman Bowler deferred this portion of the meeting to Attorney Cataldi who reviewed the terms of this agreement and the following resolution was made by Commissioner Steinhoff, seconded by Commissioner Shorter:

REQUEST FOR AGREEMENT ON MATTERS NOT SUBJECT TO REVIEW
BY THE ULSTER COUNTY PLANNING BOARD

WHEREAS, §239-m of Article 12-B, General Municipal Law and Ulster County Code §C-51 requires referral of certain actions within the purview of the local Planning Commission to the Ulster County Planning Board; and

WHEREAS, some such actions are of local rather than inter-community or county-wide concern; and

WHEREAS, referral of such actions of local concern causes undue and unnecessary delay in the review and processing of applications; and

WHEREAS, General Municipal Law §239-m and Ulster County Code §C-51 allows a county planning agency to enter into an agreement with a referring body to provide that certain proposed actions are not subject to referral under General Municipal §239-m and Ulster County Code §C-51; and

NOW, THEREFORE, be it resolved by the Planning Commission of the Village of Ellenville that the Ulster County Planning Board be requested to agree that the attached Schedule B actions do not require referral under §239-m and Ulster County Code §C-51 and that this Agreement shall supercede the previous Agreement between the parties dated March 7, 2007.

All in favor - Aye - motion carried

Howard & Karen Osterhoudt – Amendment to Zoning Law for the use table in the R1-A District to allow extractive operations and soiling mining the R1-A district by special use permit.

Board members reviewed the Ulster County's staff comments which in summary stated that reclamation plans contain all the information in the Mined Land Reclamation Act including final grades, cover materials and vegetative type, final disposition of haulage-ways, processing equipment, and other on-site structures. The plan should also be consistent with the communities land use plan. The commissioners agreed with the UC Planning Board's comments dated 01/12/09.

Motion by Commissioner Steinhoff, seconded by Chairman Bowler conclusion was to follow the staff comments provided by the UC Planning Board to and include the Mined Land Reclamation Act as part of the soil and mining extractions listed in the code of the Village of Ellenville, ARTICLE IV, Excavations and Soil Mining.

All in favor - Aye - motion carried

Paul Westbrook – 13 Nevins Street – requesting review of possible future lot line adjustment and/or subdivision.

This request had been reviewed and an advisory opinion had been sent to the Zoning Board of Appeals on April 13, 2005 in favor of this request and Attorney Cataldi will review this action. It was the consensus of board members present to reaffirm their initial advisory opinion. It was requested that Attorney Cataldi review the Zoning and Planning Boards prior decisions and make any recommendations.

Comprehensive Plan Review - it was the consensus of the board that they do support the concept of a comprehensive plan although they requested more time to study the plan.

The Planning Board thought that one positive aspect of the Comprehensive Plan as stated on page 15, was improving the appearance of the community and about exploring ways to share services with Wawarsing and other municipalities as a way to hold down taxes.

Motion by Commissioner Nilo, seconded by Commissioner Shorter that the Planning Board requested that to limit the amount of low income and work force housing and explore ways to entice higher income housing projects.

All in favor - Aye - motion carried

Adjourn – Motion by Commissioner Nilo, seconded by Chairman Bowler to adjourn at 9:00 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon
Village Clerk