

VILLAGE OF ELLENVILLE  
PLANNING BOARD COMMISSION

JUNE 19, 2013

Meeting called to order at 7:00 p.m. by Chairman Mark Steinhoff. Also present: Commissioners Darlene Maizer, Carl Rosenstock, Alan Eisman, Eric Cafaro and alternate member Elizabeth Hooper.

Also present:

Village Attorney- Peter Berger Esq.

Village Code Enforcer- Brian Schug

**MINUTES-** Motion by Commissioner Eisman, seconded by Commissioner Rosenstock to approve the minutes from May 15, 2013 as presented.

**ALL IN FAVOR: AYE MOTION CARRIED**

Planning Board Commission opted to move forward with Item (4) on the Agenda: Discussion and Opinion to the Village of Ellenville Board of Trustees regarding the proposed Local Law No. 1 of 2013 to Amending the Village Code Section 227-131, A; with Paragraph (5) pertaining to sidewalk displays.

“(5) The exhibition or display of merchandise or materials on the exterior of any new or existing non- residential property shall require issuance of a special use permit pursuant to Section 227-128. This shall include, but not be limited to displays or exhibition of merchandise or materials for sale to the public or the operation of sidewalk cafes.”

**Item 4: LOCAL LAW NO. 1 OF 2013: DISCUSSION AND OPINION OF AMENDING VILLAGE CODE SECTION 227-131, A; (5)**

Chairman Steinhoff opens discussion for the amended local law then defers to Code Enforcer Schug for an explanation of Local Law No. 1 of 2013- he stated that there is public hearing scheduled for July 8, 2013. The Village Board of Trustees would like input from the Planning Board on the context.

Commissioner Cafaro stated the law appears to be vague and needs to be more specific.

Code Enforcer Schug suggested the law, as written, allows the Village to deal with specific situations rather than coding the entire community with one blanket ordinance.

Commissioner Maizer stated that by leaving the law vague, it gives the Planning Board power to control the amount of outdoor displays that can be used: such as table, chairs and signs.

Commissioner Rosenstock questioned whether existing public displays will be grandfathered in?

Code Enforcer Schug replies that they are going to recommend that they are not. That the Village will look at existing site plan approvals, both present and past to ensure site plans have been maintained properly. If outdoor displays were not part of the original site plan approvals, a new site plan review would be necessary.

Village Attorney Berger was asked to add language to the law that it will; apply to new and existing structures that do not have prior site plan approval.

**MOTION:** By Commissioner Rosenstock, seconded by Commissioner Maizer: for a positive recommendation of the proposed law as modified by the Planning Board Commission.

**ALL IN FAVOR:    AYE: 4    NAY: 1 (CAFARO)    MOTION CARRIED**

**ITEM 2: LUCKY PETROLEUM:** 109- 111 South Main Street – Site Plan Review

Mr. Khattar Elmassalemah, P.E., Praetorius and Conrad P.C., was present at tonight’s Planning Board meeting.

\*Commissioner Alan Eisman recused himself from discussing matters concerning Lucky Petroleum stating that he owns property adjacent to the proposed development\*

Mr. Elmassalemah presented revised plans for a 6000 square foot structure with installation of twelve gasoline pumps; more details were added based on Barton & Loguidice and Dan Shuster, Village Planner previous reviews. Final demolition plans and construction entrance were added and adjusted.

Mr. Elmassalemah stated he contacted Village of Ellenville Water and Sewer Departments and discussed the location of the water and sewer lines. He stated that sewer lines are coming out on to South Main Street can connect from the back. Sewer Department suggested taking the new sewer line as close to the existing sewer line and then cap and terminating the existing line on the north side of the site. The existing water line (Center Street) will be extended to the new

building.

Mr. Elmassalemah stated a note was made on the revised plans about the grease traps that at the time it will have to comply with the Village Building Code and the Ulster County Health Department.

Mr. Elmassalemah stated two final notes. First, as recommended by Dan Shuster that the air pumps are moved from the side to near the air conditioning units. Lastly, a typo on the elevations was corrected, existing elevation on existing floor added.

### **Materials and Color Schemes**

Mr. Elmassalemah presented the Planning Board with samples of the owner's preferred materials for this project: FULL BRICK, BLUESTONE CAP, LIGHT BEIGE HARDY BOARD AND REGAL RED 24 GAUGE METAL ROOFING. (PHOTO DOCUMENTATION TAKEN BY CODE ENFORCER SCHUG)

Chairman Steinhoff opens the meeting for discussion about the materials and color schemes.

Chairman Steinhoff asked Mr. Elmassalemah if the new structure will be stick built. Mr. Elmassalemah stated that they are still in negotiations but it might be a modular. It could be delivered and finished on site.

Code Enforcer Schug questions Mr. Elmassalemah as to whether the present plans are in cohesion with a modular design as far as size and width. Mr. Elmassalemah stated that preliminary discussions with modular company said that it would not be an issue. They would just have to decide how many pieces the building would come in. It would be custom designed.

Code Enforcer Schug notifies Mr. Elmassalemah that if there were going to be dramatically different sizes or shapes to the structure, that he would have to come back to the Planning Board for approval.

Commissioner Maizer questioned the quality of the materials.

Code Enforcer Schug stated that if those are materials that are going to be used that they are quality materials.

Chairman Steinhoff addresses **Ulster County Planning Board Recommendations** (see attached)

1. Vehicular Access – Mr. Elmassalamah stated that he will try to obtain accident reports for that specific area to see if supports that recommendation. Code Enforcer Schug suggested that the traffic has decreased, with the large amount of businesses that have closed in the area in recent years. Chairman Steinhoff stated that this will have be an issue decide by the NYS DOT.

2. Signage – This issue will be addressed by the Village of Ellenville, through Sign Permits.

3. Lighting- Mr. Elmassalemah stated that footcandles have been reduced to a measure of 21.4 ; Code Enforcer Schug stated that this is within the recommended 20-25 footcandles.

4. Turning Template- Mr. Elmassalmah stated that he is in discussions with NYS DOT. NYS DOT is looking 30 ft. for entrances and exits, Mr. Elmassalemah he can get 27ft. on one side and 29 ft. on the other. Code Enforcer Schug stated that the local fire department are aware of this project and the will be notified about the approximate amount of gasoline that will be maintained on the premises.

5. Screening- Mr. Elmassalemah stated there will be shrubs planted along west side of the development along the fence that abuts the residential district.

6. Sidewalk- Mr. Elmassalemah stated that the new sidewalks will be handicap accessible. Code Enforcer Schug stated that a Certificate Occupancy will not be granted unless all sidewalks are up to code. He also state that sidewalk details and curb cuts are noted in the site plans.

**MOTION:** By Commissioner Cafaro, seconded by Commissioner Rosenstock- to Approve Materials and Color Scheme

**ALL IN FAVOR:    AYE: 3    NAY: 2                                    MOTION CARRIED**

**AYE: (CAFARO, ROSENSTOCK & STEINHOFF)    NAY: (MAIZER & HOOPER)**

**MOTION:** By Commissioner Cafaro, seconded by Commissioner Rosenstock- To Approve Site Plan and Issuance of Special Use Permit; whereas the applicant has complied with required modifications as far as Signage, Lighting, Turning Templates, Screening and Sidewalks; however the site plan has required modification regarding Vehicular Access, and will require a Permit issued by New York State Department of Transportation.

**ALL IN FAVOR: ROLL CALL VOTE:** ROSENSTOCK - AYE, STEINHOFF- AYE, HOOPER- AYE, CAFARO- AYE, MAIZER- AYE

**AYE: 5    NAY: 0**

**MOTION CARRIED**

**Item 3: New York For Seniors, LLC:    182 Canal Street –Preliminary Site Plan Review**

Thomas Ting (owner) and his Attorney Jay Zeiger Esq. of Kalter, Kaplan, Zeiger & Forman were present.

Chairman Steinhoff opens discussion stating that the New York for Seniors, LLC preliminary site plan is to construct a 26 room assisted living facility with senior daycare and retail space on the first floor.

Mr. Zeiger explained that this project was brought before the Planning Board approximately six months ago. At that time it was necessary for a zoning change to be made in order to move forward. He states that was accomplished with the Village Board of Trustees.

Mr. Zeiger stated that his client is no longer considering having a furniture store for the retail space, but is considering a medical supply store or a pharmacy. The main floor will consist of a public assembly room, community dining room and offices for the medical staff. The second and third floors will consist of living quarters with individual bathrooms.

Code Enforcer Schug stated that general information is contained in the plans that were given to the Planning Board. Basic data such as boundary lines, location maps, existing site features are not remotely accurate.

Village Attorney Berger explains that existing or present conditions of the property need to be included in the site plan application.

Code Enforcer Schug tells the applicant that they did not provide calculations to show density. The parking plan shown on the site plan is not remotely accurately as far as dimension and scale, it does not promote traffic flow the way it is designed, nor does it contain any emergency features or access. The spaces are adequate but it is not realistic to have parking on both side of the building. Further suggests that whoever designs the structure should refer to Chapter 228 (Zoning Design Standards) of the Village of Ellenville Zoning Code.

Chairman Steinhoff stated that Planning Board is very receptive to all new projects in the village. It is just a question of the details and how well things fit into the village.

Code Enforcer Schug stated that stamped engineered site plans need to be submitted in a timely fashion to ensure approvals, as well as Special Use Permit application and a SEQRA short form.

**Item 5: Village of Ellenville- Center Street Subdivision; 3 Lot Subdivision S.B.L. 83.311-5-16**

Presented, proposed 3 Lot subdivision of a lot owned by the Village of Ellenville, located on Center Street directly behind the former Woolworth Building. Preliminary discussion noted that several notes and diagrams on the submitted map lack details. It was recommended that representative from the Village of Ellenville Board of Trustees, Village Manager or Surveyor be present at July's Planning Board meeting for further discussion.

Village Attorney Berger has recused himself from discussing matters concerning the Center Street Subdivision stating that he represents Gamex, LLC.

**Adjourn-** Motion to adjourn Commissioner Eisman, seconded by Commissioner Rosenstock at 8:45 p.m.

**ALL IN FAVOR:    AYE    MOTION CARRIED**

Respectfully Submitted,

Jennifer B. Cataldi