

Village of Ellenville  
Planning Board Commission  
April 15, 2009

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

Also present: Attorney Peter Berger and Code Enforcer Brian Schug

Minutes – Motion by Commissioner Steinhoff, seconded by Commissioner Nilo to accept the minutes of February 18, 2009 as presented.

All in favor - Aye - motion carried

Motion by Commissioner Nilo, seconded by Commissioner Steinhoff to accept the minutes of March 18, 2009 as presented.

All in favor - Aye - motion carried

Design Standards – Commissioner members reviewed the revisions made by Dan Shuster and concurred with all changes with the exception of one on page 5 which Mr. Schug will speak to Dan Shuster.

Motion by Commissioner Nilo, seconded by Commissioner Steinhoff to recommend to the Village Board of Trustees their approval of the Design Standards. The Planning Board has worked several months on this project to make sure they are comprehensive for our business district.

Marcus/Jamie Guiliano – Applicant was before the Zoning Board of Appeals requesting a variance from Section 227-28(c) of the Zoning law which provides that no accessory apartment shall have access located from or through another apartment or a non-residential use. Attorney Berger reviewed with commissioners the section of the zoning law and what the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an variance;
3. whether the requested variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

5. whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the variance.

Mr. Thomas Kentop was before the board tonight representing the applicant and spoke about the fire rating of the ceilings and doors. Also discussed was the installation of egress complaint windows that are a minimum of 5.7ft<sup>2</sup>.

Chairman Bowler commented that the Zoning Board is concerned with the safety of the occupants since the building would only have one means of egress and the Planning Board is also concerned that if a variance is issued it would compromise the safety and welfare of the occupants. Commissioner Steinhoff assumed that there would be a second stairwell for egress. Chairman Bowler questioned the feasibility and cost of another exit and questioned if the fire department could give their opinion and was told that it is not in their jurisdiction. Commissioner Steinhoff questioned if it was possible to install two window ladders. Chairman Bowler asked Code Enforcer Schug for his opinion and Mr. Schug stated that the windows do comply with the fire code but he is in favor of having a second stairwell for egress.

Motion by Commissioner Steinhoff, seconded by Commissioner Nilo to render a favorable opinion to the Zoning Board of Appeals subject to the provision that there are alternate forms of egress such as two window safety extraction ladders. This variance will not have a significant impact on the neighborhood.

All in favor - Aye - motion carried

Adjourn – Motion by Commissioner Steinhoff, seconded by Commissioner Nilo to adjourn at 7:55 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon  
Village Clerk