

Village of Ellenville
Planning Board Commission
December 15, 2010

Meeting called to order at 7:00 p.m. by Chairman Bowler. Also present: were Commissioners Cafaro, Maizer and Zelnik.

Also present: Code Enforcement Officer Brian Schug, Planner Dan Shuster and Village Attorney Peter Berger

Hoar/Craft – Terrie Street - This project is a two lot subdivision approximately $\frac{3}{4}$ (0.7660 acres) (Lot 1) is to be added to the lands of Terrie Hoar (0.426 acre) and create a lot that is a total of 1.194 acres. The $\frac{3}{4}$ (0.7660 acres) parcel to be taken from lands of Terrie Hoar and Regina Craft.

Motion by Commissioner Maizer, seconded by Commissioner Zelnik to open the Public Hearing for this matter.

All in favor - Aye - motion carried

Discussion about the easement that is requested from Larry Navitsky (neighbor) where Code Enforcer Schug stated that he has attempted to contact Mr. Navitsky by phone and mail and has received no response. Also Mr. Schug did notify the Town of Wawarsing since their property is within 200 feet.

No public comment at this time.

An easement will be needed from Terrie Hoar for Village of Ellenville's access to its water tank and the drainage pipe across Lot 2.

Motion by Commissioner Cafaro, seconded by Commissioner Maizer to close the Public Hearing at 7:14 p.m.

All in favor - Aye - motion carried

Motion by Commissioner Cafaro, seconded by Commissioner Maizer to approve the two lot subdivision/lot line as amended and upon receipt of a final map is obtained.

All in favor - Aye - motion carried

Alan Eisman – 85 N. Main Street – preliminary discussion – use of the second floor of his commercial space for an apartment.

Attorney Berger recused himself due to the fact that Mr. Eisman is a client of his firm.

Mr. Eisman was not present at the meeting tonight and discussion took place about previous requests for this property. Below is a recap of what occurred in the past:

On March 25, 2010 the Zoning Board of Appeals approved the following resolution:

WHEREAS, Alan Eisman gave notice of appeal from the interpretation of the Building Inspector of the Village of Ellenville regarding his determination that an accessory apartment was not permitted in a secondary building in the B-1 District on property located at 85 North Main Street on the grounds that such use would be a violation of the provision of Section 227 §28, Paragraph A of the zoning law of said Village for the reason that said section states that accessory apartments “may be located in a building housing a principal commercial use”, and

WHEREAS, said Board did on the 25th of March, 2010 and after due notice, hold a public hearing on said appeal, at which hearing any and all persons interested in said appeal, were given an opportunity to appear and be heard thereon; and

WHEREAS, said Board has examined the applicable provisions of the Zoning Law and the intent of such provision as set forth in Section 227-26; and

NOW THEREFORE Be It Resolved: The said Board does hereby uphold the appeal of the applicant and find that the accessory apartment to be located in a secondary building in the B-1 District is a permitted use for the following reasons:

1. The proposed use will be accessory to the principal use of the primary building on the site since said primary building will be used exclusively for commercial purposes.
2. The proposed use is consistent with the intent of Article III, Accessory Apartments, which states:
“It is the intent of this provision to allow more efficient use of existing larger, older structures’ to permit certain structures to be used in accordance with their original design; to enhance the economic return of such structures; and to expand rental housing opportunities in the Village, particularly for small families.”

After receiving approval from the Zoning Board, Mr. Eisman appeared before the Planning Board and the following resolution was approved on April 21, 2010:

Be It Resolved: The said Board does hereby uphold the appeal of the applicant and find that the accessory apartment to be located in a secondary building in the B-1 District is a permitted use for the following reasons:

3. The proposed use will be accessory to the principal use of the primary building on the site since said primary building will be used exclusively for commercial purposes.
4. The proposed use is consistent with the intent of Article III, Accessory Apartments, which states:
“It is the intent of this provision to allow more efficient use of existing larger, older structures’ to permit certain structures to be used in accordance with their original design; to enhance the economic return of such structures; and to expand rental housing opportunities in the Village, particularly for small families.”

Commissioners discussed that Mr. Eisman’s request at this time would change the interpretation and approval previously given. Planner Shuster reviewed with board members Section 227-28 a & b of the Village Code which clearly states Mr. Eisman’s request would violate this section.

Minutes – Motion by Commissioner Maizer, seconded by Commissioner Zelnik to approve the minutes of November 17, 2010 as amended.

All in favor - Aye - motion carried

Meeting Date Change – Motion by Commissioner Cafaro, seconded by Commissioner Maizer to change January’s planning board meeting to January 24, 2011 at 7:00 p.m.

All in favor - Aye - motion carried

Adjourn – Motion by Commissioner Maizer, seconded by Commissioner Zelnik to adjourn at 7:30 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon
Village Clerk