

VILLAGE OF ELLENVILLE
PLANNING BOARD COMMISSION

June 18, 2014

Present: Commissioners- Carl Rosenstock, Darlene Maizer, Alan Eisman, Eric Cafaro and Alternate Elizabeth Hooper

Absent: Chairman Mark Steinhoff and Village Attorney Peter Berger Esq.

Also Present: Village Code Enforcement Officer- Brian A. Schug Jr.

Village Planner- Dan Shuster, AICP of Shuster Associates Planning & Zoning

Meeting called to order at 7:00 p.m. by Acting Chairman Carl Rosenstock.

ITEM 1: MINUTES APPROVAL:

MOTION: Motion by Commissioner Maizer, seconded by Commissioner Cafaro to approve the February 19, 2014 Minutes as presented.

ALL IN FAVOR: AYE: 5 NAY: 0 ABSTAIN: 0 ABSENT: 1 MOTION CARRIED

MOTION: Motion by Commissioner Eisman, seconded by Commissioner Rosenstock to approve the March 19, 2014 Minutes as presented.

ALL IN FAVOR: AYE: 5 NAY: 0 ABSTAIN: 0 ABSENT: 1 MOTION CARRIED

ITEM 2: LUCKY PETROLEUM INC. - SITE PLAN APPROVAL EXTENSION REQUEST

Submitted: A written request for a Site Plan Extension from Khattar Elmassalemah, P.E. of Praetorius and Conrad, P.C. representing Lucky Petroleum Inc.

Commissioner Eisman has previously recused himself from Lucky Petroleum Inc. matters.

Discussion: Code Enforcement Officer Schug, Village Planner Shuster and Planning Board Commissioners discuss the Site Plan extension.

MOTION: Motion by Commissioner Cafaro, seconded by Commissioner Maizer to grant a (6) six month Site Plan extension for Lucky Petroleum Inc. to begin 6/18/2014.

All IN FAVOR: AYE: 4 NAY: 0 ABSTAIN: 0 ABSENT: 1 MOTION CARRIED

ITEM 3: 85 NORTH MAIN STREET - EISMAN ACCESSORY APARTMENT -SITE PLAN/ SPECIAL USE PERMIT DISCUSSION

Submitted: Site Plan Application, SEQRA Short Form, Site Plans and Building Permit Application.

Commissioner Eisman recuses himself from discussions.

Present: Thomas Kentop of Kentop Associates representing the applicant.

Acting Commissioner Rosenstock opens the meeting for discussion on Item 3.

Discussion: Mr. Kentop discusses the plans presented to the Planning Board.

Code Enforcement Officer Schug cited the Village of Ellenville Zoning Board of Appeals decision from March 25, 2010 pertaining to 85 N. Main Street Special Use Permit application for an accessory apartment which states:

“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 building in the B-1 District on property located at 85 North Main Street on the grounds that such use would 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 an 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 been 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 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 the 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. All in favor- Aye – motion carried"

Code Enforcement Officer explains to the Planning Board that one of the apartments on the Site Plan submitted for approval has previously been illegally constructed and occupied. Mr. Eisman was eventually issued appearance tickets to have the violations removed.

Further discussion regarding the clarification of Section 227§28 as to if an accessory apartment is allowable in an accessory building in the B-1 & B-2 business districts. The Planning Board requested the following:

MOTION: Motion by Commissioner Cafaro seconded by Commissioner Maizer recommending that Village Board of Trustees reviews Section 227§-28 of the Village of Ellenville Code for further clarification as to whether an accessory apartment is allowable in an accessory building; because it not clearly stated as to what the specific rules are in the B-1 and B-2 District.

Discussion of the Motion: None

ALL IN FAVOR: AYE: 4 NAY: 0 ABSTAIN: 0 ABSENT: 1 MOTION CARRIED

Adjourn: Motion to adjourn by Commissioner Cafaro, seconded by Commissioner Maizer meeting adjourned at 8:20 p.m.

ALL IN FAVOR: AYE MOTION CARRIED

Respectfully Submitted,

Jennifer B. Cataldi