

Planning Board Meeting Minutes
November 7th, 2023
8:00 p.m.

DRAFT

PRESENT: Rob Luntz
John Ghegan
Geoffrey Haynes
Steve Krisky

DRAFT

ALSO PRESENT: Daniel O'Connor, P.E., Village Engineer
Len Simon, Village Board Trustee & Planning Board Liaison (late)

ABSENT: Ann Gallelli, Village Board Trustee & Planning Board Liaison
Eva Thaddeus

1. CALL TO ORDER:

Chairman Luntz called the Planning Board meeting of November 7th, 2023 to order at 8:00 p.m.

2. PUBLIC HEARING

a) Ameriland Brook, LLC, 352 S. Riverside Ave. (79.13-1-74) Application for Site Plan Approval and associated approvals, including any waiver of off-street parking spaces for a mixed-use building.

Geoff Haynes made a motion to open the public hearing, seconded by Steve Krisky, and the motion carried, 4 to 0.

Since last meeting, the applicants updated plans to show some lighting in the parking lot of the proposed building. The Planning Board asked if there was a lighting plan, and there is not one. The Planning Board request that the applicants come back with a photometric plan. Steve Krisky stated that there is an effort by Conservation Advisory Council to bring down light pollution and they are looking for lights that point down, with less wattage.

The applicants were asked if they spoke with the owner of Harmon Deli, who shares the alleyway with them and they had not, as they were hoping to receive site plan approval first. The Planning Board thought that the applicant should speak with the neighbor first, and Dan O'Connor offered to share an email address for the building owner, who is usually not at the property.

When asked about the egress, Dan O'Connor clarified that the code stats that four apartment units per floor are the maximum per egress, provided that there is a sprinkler system in place, so the current plan is code compliant. Dan O'Connor said that the applicant will need to make an emergency egress exit in the basement.

The Planning Board asked the applicant for a lighting plan for the alleyway. The applicants will need several variances and Dan O'Connor offered to advise the applicant as to which variances they will need to apply for. The Planning Board can choose to send a memo to the Zoning Board of Appeals in support of the applicants. Chairman Luntz would also like to see details of lighting for the employee parking area to ensure that the employees have safe passage to their cars. Regarding the garbage receptacles near the employee parking area, the applicant says that the employees arrive later in the day after the trash is picked up.

Steve Krisky thought that the applicants may want to consider another color scheme for the trim around the windows and possibly adding shutters to the windows.

The applicants were asked about the sidewalk grade and the ramp in front of their existing restaurant. The applicants do not want to remove the ramp or have construction in front of their existing business. Steve Krisky thought it would be nice to make some improvements, possibly planters to improve the look of the metal bar on the ramp in front of the existing restaurant.

Chairman Luntz invited comments from the public, but there were none. The Planning Board decided to keep the public hearing open until the next meeting.

Geoff Haynes summarized for the applicants what the Planning Board will be looking for at the next meeting:

- 1) A lighting plan with photometrics for parking lot and alleyway.
- 2) Colors for the trim on the building's south side windows, possibly something different from the white that is currently proposed.
- 3) An update of a conversation with the Harmon Deli owner regarding upgrades to the alleyway.
- 4) Updated design plan for the front of the building and samples of the siding and window colors.

The Planning Board offered that they are open to making a favorable recommendation to the Zoning Board of Appeals when the applicant applies for variances.

3. NEW BUSINESS

a) Murphy, Andrew 118 Scenic Drive West (67.10-2-5.2) – Amended Site Plan

Ally D'Annunzio of Cronin Engineering was present in support of this application. The project received Minor Site Plan approval in January, 2023 and at that time, the plan was for no trees to be removed. Once the house was staked out by a surveyor, it was determined that seven trees would need to be removed due to concern that the tree root zones will be damaged during construction, potentially killing the trees, thus creating a risk that these tall trees could fall on the new home. There are seven trees proposed to be removed, one maple, one locust and five pine trees. The proposal also calls for eleven trees to be planted, six white pines, two white spruce and three blue spruce that will also provide more screening than the trees that will be removed. Steve Krisky asked if the roots of the new trees will be shorter and it was reported that the new trees will be shorter in height than the ones that are being removed. The tree stumps will be ground down.

Geoff Haynes made a motion to approve the resolution for the amended site plan for 118 Scenic Drive West, seconded by Steve Krisky, and the motion carried, 4-0.

b) Referral from Village Board to review the application from Marco Ordonez, of M & J Auto Repair Corp. to renew the special permit to operate a motor vehicle repair garage at 485 S. Riverside Avenue and modify the special permit to include an existing 6' x 12' shed to store various equipment and supplies.

Marco Ordonez was present in support of the application to renew his special permit. Chairman Luntz mentioned that the last time this application was heard, there was a concern about vehicles in and out of the parking lot and Chairman Luntz wondered if there have been any issues. The applicant did not report any issues.

Dan O'Connor stated that the owner of Straddles Gymnastics has expressed concerns about the parking lot for children coming to and from his program. The owner of Straddles Gymnastics is aware of the upcoming public hearing with the Board of Trustees for the Special Permit.

Currently there are three open violations associated with this Auto Repair Shop. The first is the shed that does not have a building permit or certificate of occupancy. The applicant will apply for site plan

approval for the shed. The second violation is for the signs that are displayed without a sign permit and the applicant has applied for a permit to remedy this violation.

The third violation has to do with the large concrete block makeshift retaining wall that was installed without a building permit. Currently, the wall is leaning and there is concern about it falling. The owner of the building will need to legalize the retaining wall.

In terms of the Planning Board's response to the Village Board, the Planning Board discussed recommending to approve the special permit for eighteen months instead of the requested three years, to give the applicant time to remedy the violations. Dan O'Connor discussed possibly issuing a violation for the retaining wall to the property owner. The Planning Board wanted to separate the issues and have the applicant legalize his shed and signs and have the landlord take care of the wall.

Geoff Haynes made a motion to make a recommendation to the Village Board of Trustees to approve the Special Permit for M & J Auto Repair 1 Corp. for a period of eighteen months, seconded by Steve Krisky, and the motion carried, 4-0. The applicant was advised that he needed to come back to the Planning Board for Amended Site Plan approval for the shed on the property.

c) Referral from Village Board to review Local Law Introductory 19 of 2023 to amend and update provisions of Chapter 230, Zoning, of the Village Code, Family definition.

The Planning Board reviewed the referral from the Village Board and is in agreement with the proposed action as the changes appear to be editorial updates, with no policy implications. The updated code is written to include non-traditional families and criteria for determining if there is more than one family living in a dwelling.

Steve Krisky made a motion to accept the language for Local Law Introductory 19 of 2023, seconded by John Ghegan, and the motion carried, 4-0.

d) Referral from Village Board to review Local Law Introductory 21 of 2023 to amend Section 230, Zoning, of the Village Code to revise the regulations for accessory apartments and permit accessory cottages.

The Planning Board reviewed the referral from the Village Board regarding Local Law Introductory 21 of 2023. The Planning Board suggested some changes in the wording of the proposed law:

- 1) *The last line of condition C states that "Approval for an accessory apartment shall be issued to and run with the property owner." The Planning Board would like to include accessory cottages so that the line would state "Approval for an accessory apartment or accessory cottage shall be issued to and run with the property owner."*
- 2) *As written condition F states that "The character, degree and extent of any additions to the residence or new accessory structure shall be a factor to be considered by the Planning Board in approval of an application for an accessory apartment or accessory cottage." The Planning Board suggests update the wording to state "The character, impact on neighborhood and visual streetscape of any additions to the residence or new accessory structure shall be a factor to be considered by the Planning Board in approval of an application for an accessory apartment or accessory cottage."*
- 3) *The Planning Board would suggest revising condition I to read "The habitable floor area of an accessory apartment or accessory cottage shall be no less than 300 square feet and no greater than the lesser of 800 square feet or 40% of the habitable floor area of the dwelling in which it is contained. In any case, the Planning Board shall have the authority to approve a greater or*

lesser amount of floor area if warranted by the specific circumstances of a particular building or lot.

Additionally, the Planning Board would like to make the following recommendations to be added to Local Law 21-2023;

- 1) Neighbor notification for an accessory apartment shall be sent to residences within 100 feet, but an accessory cottage application shall require neighbor notification within 200 feet.
- 2) No accessory cottages shall be permitted in the R-5 Zoning District.
- 3) Tenants in either accessory cottages or accessory apartments should be required to sign a minimum of a six-month lease.
- 4) Clarification regarding legally non-conforming buildings and how that would affect the proposed language in the code for conforming accessory structures.
- 5) Clarification on properties that have a variance on the setback.

The Planning Board agrees with the idea of there being no more than 50 accessory apartments and accessory cottages active in the Village at any time.

3) APPROVAL OF MINUTES - *Draft Minutes October 17th, 2023*

Rob Luntz made a motion to approve the Planning Board minutes of October 3rd, 2023, as amended, seconded by Steve Krisky, and the motion carried by a vote of 4–0.

There being no further business to come before the board, the meeting was duly adjourned at 10:32 p.m.

Respectfully submitted,

Karen Stapleton

Secretary to the Planning Board