

A Village Planning Board Meeting took place on Thursday, March 11, 2021 at 7:00 P.M. at Village Hall, 9 Fairlawn Drive, Washingtonville, New York.

PRESENT:

Planning Board Chairperson Annalie Vallejo, Planning Board Members Richard Calore Jr., Michelle Dillon, Celina Rofer and Bob Buchalski.

ALSO PRESENT:

Planning Board Attorney Stephanie Tunic, Building Inspector John Terry.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Planning Board Chairperson Annalie Vallejo led the Pledge of Allegiance to the Flag.

DISCUSSION – ORANGE COUNTY BAGELS:

Planning Board Chairperson Annalie Vallejo indicated that Applicant Brent Kunis, owner of 32 West Main Street was referred to Planning Board due to changes resulting from survey for Orange County Bagels.

Engineer Ryan Fellenzer from Delaware Engineering stated he is here to discuss Orange County Bagel, 32 West Main Street, which project consists of removing the current structure that is there, the old Betty's Restaurant, since there was a fire in this location. We will be removing the current structure and putting up a 5,400 Square Foot Building comprising three, 1,800 Square Feet Units. Orange County Bagels will utilize one of those units and then the other two units would be rented for office space. Orange County Bagels were in front of the Board in January and due to the nature of the proposed building and lot size, we were referred to the Zoning Board of Appeals to obtain a list of variances which were granted. We have received an updated boundary survey done by a licensed surveyor. We have current information and we will compare to what we originally submitted to the Z.B.A. The lot size is actually smaller, there is various variances that have to slightly change, very minimal change. These plans, I intended to submit for the Zoning Board of Appeals Meeting next Wednesday.

Engineer Fellenzer presents the approved plan by the ZBA and the revised plan as well. Areas of the plan have changed. Area of lot was originally shown at 32,544 square feet and the lot is currently 26,777 square feet. Lot width was originally shown at 184.7 square feet, and now it is 167.8 square feet. The front yard setback originally shown at 20 feet was increased to 22 feet. One side yard setback, a minimum of 40 in the zoning code, was shown 6 1/2 feet and did not change in that request for variance and the rest are actually not affected by the change in the lot line, the lot size. Variances for an accessory building in the corner in the back will remain, not asking for a change in that. We would keep the same proposed six parking spaces across the street. There is one more variance we are going to add, a smaller lot size with maximum coverage of 25% on the lot. Engineer Fellenzer indicated he sent all revisions to Village Engineer John Petroccione.

DISCUSSION – ORANGE COUNTY BAGELS - (CONTINUED):

Planning Board Member Bob Buchalski commented that regarding the parking, can you explain the restaurant parking from the previous drawing, I saw 36 (spots) on one presentation and another one is 20 (spots).

Engineer Ryan Fellenzer indicates that on both plans 33 spots are being proposed on site with utilizing 6 spots across the street in the Municipal Lot.

Planning Board Member Buchalski indicated he sees a note that says 1 parking space for 45 square feet. And then it says 900 square foot parking spaces so why did you go from 1800 to 900.

Village Engineer John Petroccione indicates that the entire restaurant doesn't count the kitchen or areas inaccessible to guests at the restaurant. It is the seating area that would be accessible to the patrons, that is what the parking caps are based on in Village Code. The seating area and patio will count. The size of the parking space and design has to match with the Code.

Engineer Mark Fellenzer commented that if the Planning Board feels they will be lead agency for this project, the applicant wants to make sure notices are sent to all interested parties.

RESOLUTION – REFERRAL OF APPLICANT OF 32 WEST MAIN STREET TO ZONING BOARD OF APPEALS:

Planning Board Member Celina Rofer made a motion, seconded by Planning Board Member Richard Calore Jr. and adopted to authorize referral of 32 West Main Street, Orange County Bagels back to the Zoning Board of Appeals to clarify all of the variances that are still needed; said Resolution passed by a unanimous vote of the Planning Board. 5 Ayes, 0 Nays, 0 Abstentions.

RESOLUTION – DECLARING LEAD AGENCY FOR THE PLANNING BOARD:

Planning Board Member Celina Rofer made a motion, seconded by Planning Board Member Michelle Dillon and adopted to declare the Planning Board Lead Agency with regard to Orange County Bagels; said Resolution passed by a unanimous vote of the Planning Board. 5 Ayes, 0 Nays, 0 Abstentions.

61 EAST MAIN STREET – REFERRAL TO ZONING BOARD OF APPEALS FROM PLANNING BOARD:

Planning Board Member Celina Rofer indicates that in order to avoid appearance of impropriety, I will be recusing myself from all matters related to 61 East Main street application. As a real estate agent I have received prior referrals from the applicant although none of these referrals resulted in me taking on the client or receiving any sort of financial benefit, I feel that it is best to recuse myself from this project.

Engineer Michael Morgante stated he is the Project Engineer for the application before the board, and Brian Gibson, the applicant's Project Attorney is also present. Since the last time we were here, we took a look at the site and things that were discussed at that meeting. We have two (2) residential multi-family buildings. Each one is approximately 7,000 square feet area. On the plans you will see open space

61 EAST MAIN STREET – REFERRAL TO ZONING BOARD OF APPEALS FROM PLANNING BOARD – (CONTINUED):

green area, we are providing it in the front. We will work with the Department of Transportation with regard to establishing a right-of-way when we get to that point in the project. Each individual multi-family building has 14 residential units, which are a mix of about 2- and 3-bedroom units. If you take a look at what is required for parking, it is about two spaces per dwelling per unit, so we have 56 spaces shown. The site lays out fine as it relates to parking, handicap access, obviously there will be more work that is needed for preparation plans. There were two major concerns when we left here from the last meeting, one of which was reviewing the multiple dwelling versus dwelling situation. Looking at the substitution that is permitted in the code, it can be an office or commercial on the first floor with residential. The next issue we needed to take a look at was multiple buildings. We would be looking for a variance for additional residential units on the first floor as a trade-off substitution from commercial area, which would change from 14 units to 28 units. We are looking for the ability to have two buildings as opposed to one building. We are here for the Planning Board to review the plan to see if there is anything that you would like to comment on and after that we would request a recommendation from the Board to approach the Zoning Board of Appeals for those particular variances.

Engineer Brian Gibson indicated the Building Inspector raised an issue as to whether or not more than one building would be allowed and further, under the existing zoning ordinance, whether the zoning ordinance permitted more than one commercial tenant. The Building Inspector wrote an opinion letter which from my reading indicates he feels that under the existing zoning ordinance, we could only have one building on the premises and that we could only have one commercial tenant under the existing owners. We brought an appeal to the Zoning Board of Appeals from that determination. After we filed the Notices of Appeal, we had a meeting with the Mayor and the Building Inspector and discussed a lot of issues about the impact of a plan that had one building and commercial use on the ground floor, with residences above as opposed to having a plan that had two buildings and had all residential. There are a lot of reasons why we thought it would be better served with all residential use such as the traffic impact on Main Street was reduced as compared to the permitted use. Aesthetically, the two-building layout seems to be a much less dominant character and third the commercial use in the plan is provided for. There was a consensus that we should make an application to the Zoning Board of Appeals to not only challenge the Building Inspector's determination and ask for variances but to seek a different alternative plan with the area in front of two buildings at an all-residential use.

Planning Board Member Richard Calore Jr. indicated that a circular continuous flow for traffic would be preferable and a wide center island would help achieve this traffic pattern.

Village Engineer John Petroccione commented with a minimum side yard of 38 feet which is more than is needed it does give room to provide an island and adjust the parking.

Member Calore stated there has to be flood mitigation plans in effect on this property and Engineer Gibson stated there is an abundance of area available for mitigation purposes.

61 EAST MAIN STREET – REFERRAL TO ZONING BOARD OF APPEALS FROM PLANNING BOARD – (CONTINUED):

Village Engineer John Petroccione questioned how does the area work if the Fire Department needs to go on the property, and Engineer Morgante stated he has not provided that part of the plan yet but there is room for the trucks.

Planning Board Member Bob Buchalski asked if a traffic study was done on that, and Village Engineer Petroccione indicated the Board can ask for one to be complete.

An audience member questioned what will the impact be on traffic, noise, environmental and emergency services?

Planning Board Attorney Stephanie Tunic added that similar to the first application, it is a sparse site plan, no detail requirements for approval are depicted so we need to see more application facts.

Planning Board Chairperson Annalie Vallejo thanked the applicant, and that the Village Planning Board will ensure the Village Code is followed.

RESOLUTION – REFERRAL OF 61 EAST MAIN STREET TO ZONING BOARD OF APPEALS:

Planning Board Member Michelle Dillon made a motion, seconded by Planning Board Member Richard Calore Jr. and adopted to authorize the Referral of 61 East Main Street to the Zoning Board of Appeals; said Resolution passed by a unanimous vote of the Planning Board. 5 Ayes, 0 Nays, 0 Abstentions.

RESOLUTION – 61 EAST MAIN STREET – APPROVAL OF TWO SEPARATE BUILDINGS:

Planning Board Member Michelle Dillon made a motion, seconded by Planning Board Member Richard Calore Jr. and adopted to allow the two separate buildings on one lot at 61 East Main Street; said Resolution passed by a unanimous vote of the Planning Board. 5 Ayes, 0 Nays, 0 Abstentions.

ADJOURNMENT:

Planning Board Member Michelle Dillon made a motion, seconded by Planning Board Member Bob Buchalski and adopted to adjourn the March 11, 2021 Village Planning Board Meeting; said Resolution passed by a unanimous vote of the Planning Board. 5 Ayes, 0 Nays, 0 Abstentions.

RESPECTFULLY SUBMITTED,

SOPHIA FOLEY

CLERICAL ASSISTANT