

A Village Planning Board Meeting took place on Thursday, November 12, 2020 at 7:00 P.M. at Village Hall, 9 Fairlawn Drive, Washingtonville, New York.

PRESENT:

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

ALSO PRESENT:

Washingtonville Building Inspector John Terry, Planning Board Attorney Stephanie Tunic, and Mayor Joseph Bucco.

PLEDGE OF ALLEGIANCE TO THE FLAG:

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

DISCUSSION – APPLICANT OF 1 NICOLL STREET:

Chairperson Annalie Vallejo indicated a Resolution is needed regarding the Applicant of 1 Nicoll Street, Parcel ID 114-1-15, the Owner of an illegal two (2) Family Dwelling. This matter needs approval from the Planning Board under Special Use Permit.

Sam Bergson, Attorney with Jacobowitz and Gubits is representing the application of 1 Nicoll Street regarding the Special Exception Use. An issue arose, a violation issued by the Building Inspector in April for a two (2) family dwelling in what was considered a one (1) family zone. In the R100 District, where this property is located, all permitted uses in the RA Zone are allowed by Special Exception Use in the R100 Zone. The issues with frontage and size setback will be dealt with through area variance. The Applicant is asking the Planning Board if both Public Hearings can be set going forward so we can take care of issues. We need the area variances to proceed to the Special Exception Use.

Planning Board Attorney Stephanie Tunic commented that it was agreed upon regarding the interpretation of the code and the approval through the Special Exception Use coming in as an RA Zone. Attorney Tunic asked if the applicant submitted a survey or was this on file?

Attorney Sam Bergson replied it may have been on file as part of our application.

Attorney Tunic indicated the applicant has five (5) Variances, 9,264 square feet based on the bulk requirements of the RA District, and needs 40,000 square feet. Both side yards is a total of 100 feet. The code requires side yards, both requirements to be twice to what is listed in RA Zone.

Attorney Sam Bergson says it is not completely clear he understands the interpretation and has no issue with doubling the RA Zone.

DISCUSSION – APPLICANT OF 1 NICOLL STREET (CONTINUED):

Attorney Tunic stated variances are needed.

Building Inspector John Terry explained the Front yard requires 45 feet and you have 40 feet, the Code is 315-10. Two (2) family dwellings provided that the lot dwelling has a frontage of 225 feet.

Attorney Stephanie Tunic indicated the Planning Board is referring this matter to the Zoning Board of Appeals.

RESOLUTION – RECOMMENDING 1 NICOLL 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 approve the recommendation of 1 Nicoll Street to the Zoning Board of Appeals regarding five variances that are needed for the area; said Resolution passed by a unanimous vote of the Planning Board. 4 Ayes, 0 Nays, 0 Abstentions.

PRE-APPLICATION MEETING – DEMOLITION OF BETTY’S RESTAURANT – 32 WEST MAIN STREET:

Chairperson Annalie Vallejo stated this is the pre-application meeting regarding the demolition of Betty’s Restaurant regarding fire damage and how the applicant would like to replace with small strip stores. This is Parcel ID 101-4-18B in the Zoning District for 32 West Main Street. Applicant Brent Kunis and Bob Kunis are present to discuss their application.

Applicant Brent Kunis of Orange County Bagels indicated he understands why people in the Village might not want him to knock down the building but it would be impossible for Orange County Bagels to do what we want to do to the site to operate our building and build what we want to with the building. It is very old and probably would not hold a lot of equipment. The rooms are small and the building is not handicap accessible with the steps in front. Our Business is Orange County Bagels, and we would like to put up a store, approximately 5,766 square feet. The Building is approximately 93 X 62 feet. We want to put Orange County Bagel on one side with patio outdoor seating. I have businesses interested in locating here. We will not have any other food establishments. As far as the look of the building, we would like our Architect to design something that fits the area. I reviewed information with the Building Inspector and a parking lot will also fit on the site. Orange County Bagels is presently in contract to buy the lot.

Planning Board Member Celina Rofer questioned Brent Kunis if the Cheesecake Business behind the building will be left alone?

Applicant Brent Kunis added that has not yet been decided.

Planning Board Member Richard Calore Jr. commented that he looked up to see if the building is on the historic registry and he did not see it. The building was built in 1910, underwent major renovation sometime in the 1960s when they modernized it and redid the foundation and made it a commercial building rather than a house.

PRE-APPLICATION MEETING – DEMOLITION OF BETTY’S RESTAURANT – 32 WEST MAIN STREET (CONTINUED):

Planning Board Attorney Stephanie Tunic responded sometimes when a building goes through major renovations it loses its ability to be placed on the Historical Registry.

Board Member Richard Calore Jr. added since there is room in the rear parking lot instead of cars facing the building, you could have strips of green space between the building and parking in rear area.

Applicant Brent Kunis added that he would not have an issue with that, and he will have entrances in the rear and front of the building.

Applicant Bob Kunis stated the way the building is structured now, it is not handicap accessible. Orange County Bagels would like to eliminate the stairs and make everything ground level.

Planning Board Member Celina Rofer questioned what the anticipated date of closing is and Brent Kunis stated as soon as possible, however with Covid restrictions it may take longer.

Planning Board Attorney Stephanie Tunic explained she spoke to the Building Inspector and he sees this area as being a business center development which is a permitted use in this zone. The Village Code has to be followed by the applicant’s Architect.

Applicant Brent Kunis indicated Orange County Bagels will move ahead with official plans and will bring them to the Village Board and then Zoning Board of Appeals.

RESOLUTION – MEETING DATE CHANGES FOR DECEMBER:

Planning Board Member Celina Rofer made a motion, seconded by Planning Board Member Michelle Dillon and adopted to authorize the approval of the Planning Board Work Session Dates to be changed to December 10, 2020, and December 17, 2020; said Resolution passed by a unanimous vote of the Planning Board. 4 Ayes, 0 Nays, 0 Abstentions.

DISCUSSION – VILLAGE CODES:

Planning Board Attorney Stephanie Tunic indicated that regarding the Special Exception Use, it is not abnormal for the village to have several Special Exception Uses because it allows the applicant to come before the Planning Board. The permit has additional special requests without Special Exception Uses listed in the district. It is not listed in the code; it is with Use Variance which is a very difficult standard to meet and rarely granted. The Special Exception Use allows applicants, both residential and commercial, more flexibility in terms of what their property can do if they need certain additional requirement in code, especially if it allows for a richer diverse district.

Chairperson Annalie Vallejo commented that most codes are preliminary and general, and the applicant must refer to the Zoning Board of Appeals for variances.

DISCUSSION - VILLAGE CODES – (CONTINUED):

Planning Board Attorney Stephanie Tunic explained that unless they meet all requirements, the only time you will need to refer back to the Zoning Board of Appeals is when you are seeking something in the Code which is to be interpreted strictly as written. For example, having a 1900 square foot lot, where 40,000 is required, in order for you to be allowed to do this the applicant would have to apply for a variance from the Zoning Board of Appeals.

ADJOURNMENT:

Planning Board Member Celina Rofer made a motion, seconded by Planning Board Member Richard Calore Jr. and adopted to adjourn the November 12, 2020, Planning Board Meeting; said Resolution passed by a unanimous vote of the Planning Board. 4 Ayes, 0 Nays, 0 Abstentions.

RESPECTFULLY SUBMITTED,

SOPHIA FOLEY

CLERICAL ASSISTANT