

These are intended to be "Action Minutes", which primarily record the actions voted on by the Planning Board on February 26, 2009. The full public record of this meeting is the audio/video recording made of this meeting and kept in the Planning Board's Records.

**PRESENT:** Robert Galvin, AICP, Chairman  
Ingemer Sjunneemark  
Michael Ianniello  
Stewart Sterk  
Lee Wexler  
Frank Fish, Consultant, BFJ Planning

**AGENDA:**

**1. 621 N. BARRY AVENUE, Pantaleo Capparelli - Site Plan Review, Special Permit for three existing units in a C-1 zone.**

Mr. Galvin called the meeting to order at 7:05 P.M.

**1. APPROVAL OF MINUTES**

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to approve the minutes of the Regular Meeting of the Planning Board held on January 22, 2009.

Ayes: Galvin, Sjunneemark, Ianniello, Sterk, Wexler

Nays: None

**NEW BUSINESS:**

**1. 621 N. BARRY AVENUE Pantaleo Capparelli- Site Plan Review, Special Permit for three existing units in a C-1 zone.**

This property is adjacent to the Halstead Manor Fire Department on North Barry Avenue. The infill housing provisions of the Zoning Code provides the Planning Board the authority to approve a special permit for residential uses in a commercial district. The current request is for a special permit for three existing residential units in a C-1 commercial district. The provision of a special permit for these units would allow the owners to have on the record that there are residential uses in the existing building. The units can be reviewed and inspected and also provide the owner with the ability to obtain financing and other possible governmental funds for improvements in the future

Mr. Messina, the applicant's attorney, presented an affidavit to the chairman regarding the posting of the sign, noticing the application and the Planning Board meeting date in accord with Village requirements.

Mr. Galvin stated that the Board has received the site plan and special permit application, comments from the Building Inspector noting that the side yard setback facing the parking lot for the Halstead Manor Firehouse is 6 ½ feet where 10 feet is required. Mr. Galvin noted for the record that the side yard in question is landscaped. The Building Inspector's comments also

note that flood elevations are not required, and parking setbacks do not meet code. The two parking locations are not compliant with footnote 6 per Section 34254 indicating that parking is not allowed within 8 feet of a side lot line. Mr. Galvin stated that the application includes a short environmental assessment form (EAF), coastal assessment form and Mr. Fish's memo.

Mr. Joseph Messina appeared and addressed the Board. He indicated that the property has been in residential and commercial usage for many years. Currently, it is a free standing residence, which is already built. The applicant has received authorized building permits and proceeded according to the plans. It wasn't until the applicant requested the CO that the problem appeared with regard to the side yard setback. The set back has to do with the rear stair that is in accord with NYS building codes for egress from the thirds floor. The concrete pad at the bottom of the steps is the reason for the encroachment into the setback.

Mr. Galvin stated that it is considered to be a structure in the Village code. Mr. Galvin also stated that the patio in the rear of the property goes all the way to the property line and seems to be pre-existing. If, in fact, that is a structure that is pre-existing, than the concrete pad which is within the patio area would not increase the degree of non-conformity.

Mr. Sterk asked what documentation can be presented to prove the pre existence of the patio. If none is available the Board can do a modification in regard to the concrete pad.

Mr. Messina stated that the patio was there when the property was purchased in 1974.

Mr. John Knoetgen, architect, appeared and addressed the Board. Mr. Knoetgen stated that there are 6 parking spaces and 3 apartments as well as three spaces for the applicant's commercial trucks. The apartments are a one bedroom on the third floor, 2 bedrooms on the 2<sup>nd</sup> floor, and one bedroom on the 1<sup>st</sup> floor. Mr. Knoetgen indicated the parking configuration on the site plan.

Mr. Galvin stated that the parking spaces should be marked clearly as resident parking.

Mr. Knoetgen stated that the wheel stops will be marked resident only.

Mr. Galvin stated that the cost for parking must be included in the rent, as it cannot be billed separately. Mr. Galvin stated that the dumpster area must be cleaned up and the new dumpster should be shown on the site plan.

Mr. William Capparelli stated that they have removed the dumpster enclosure and will replace the dumpster.

Mr. Galvin indicated that this will need to be shown on the site plan.

The hours of operation for the commercial business, including the truck movements were discussed. The applicant indicated that the trucks will be out after 7:00 AM and back by 7:00 PM Mon thru Fri and 7:00 AM to 4:30 PM on Sat. There will be no activity on Sunday. There will be no commercial storage on the property.

The lighting was discussed. There is to be 2 lights, one at the rear and a motion detector at the garage.

Mr. Sjunneemark stated that there are lights at the 2<sup>nd</sup> and 3<sup>rd</sup> landing and there should be an additional one at the 1<sup>st</sup> floor. The applicant agreed to add the light where Mr. Sjunneemark suggested.

Mr. Wexler asked what the surface behind the garage is presently. Mr. Capparelli stated it is gravel and will remain gravel.

Mr. Sterk asked if the car port could be reoriented and Mr. Knoetgen answered that it is existing and they are working around it.

Mr. Knoetgen stated that the distance between the garage and property line is 15 feet and the parking spaces are 9 feet in width. He also stated that he will redo the plans with all the agreed upon suggestions.

Mr. Frank Fish, the Village Planning Consultant, discussed his Memo of 2/26/09. Mr. Fish stated that it is recommended that the Planning Board approve the stairwell incursion into the setback. Mr. Fish also stated that he would recommend the Special Permit be issued once the hours of operation, parking, lighting, and noise issues are addressed.

A motion was made by Sterk, seconded by Mr. Sjunneemark to declare the Planning Board Lead Agency for the site plan and special permit for the three units at 621 N. Barry Avenue. This is an unlisted action.

Ayes: Galvin, Sjunneemark, Stewart, Wexler, Ianniello

Nays:

Excused:

Chairman Galvin stated that the Planning Board has reviewed the impervious gravel surface, considered the use and any impacts on adjacent properties, the compatibility of the existing commercial use with regard to residential use on the property. Furthermore there will be no storage of commercial materials, tools or equipment on premises, that there will be parking for no more than three trucks in the rear, and that the lighting and ADA requirements need to be met before the Certificate of Occupancy is issued for the residential uses.

A motion was made by Mr. Sterk seconded by Mr. Sjunneemark to make a Negative Declaration for this unlisted action under SEQRA.

Ayes: Galvin, Sjunneemark, Stewart, Wexler, Ianniello

Nays:

Excused:

A motion was made by Mr. Sterk, seconded by Mr. Ianniello, to approve the Special Permit for the 3 residential units at 621 N. Barry Avenue under the infill provisions of the C1 Zone, subject to modifications of the existing concrete apron requirement to 5 feet set back requirement as well as modifying the 10 foot requirement for the side yard which is currently 6.4 feet abutting

the Fire Department and subject to the following conditions that the commercial use in the back will not have any storage of commercial materials, the hours of operation will not begin before 7:00AM or after 7:00 PM on Monday through Saturday, and that parking will be limited to no more than three commercial trucks.

Ayes: Galvin, Sjunneemark, Stewart, Wexler, Ianniello

Nays:

Excused:

Mr. Galvin asked for a motion to approve the Site Plan subject to the additional lighting requirement for the first floor, the marking of the residential parking spaces, the inclusion of the new dumpster, and the new configuration of the parking spaces.

A motion was made by Mr. Sterk, seconded by Mr. Ianniello to approve the Site Plan dated 10/28/2008 for the 3 residential units at 621 N. Barry Avenue.

Ayes: Galvin, Sjunneemark, Stewart, Wexler, Ianniello

Nays:

Excused:

Mr. Galvin stated that when the plans have been modified he will sign the 4 copies.

#### **ADJOURNMENT**

On motion of Mr. Galvin, seconded by Mr. Sjunneemark the meeting was adjourned at 7:56PM.

Ayes: Galvin, Sjunneemark, Stewart, Wexler, Ianniello

Nays:

Prepared by Francine M. Brill