

Pleasantville Planning Commission
January 14, 2015

The Pleasantville Planning Commission meeting was called to order by Russell Klein, Chairman, at 8 P.M. on Wednesday, January 14, 2015. Attending the meeting were: Russell Klein, Chairman; Scott Blasdell, Stephen Harrigan (arrived 8:18 pm), David Keller, Philip Myrick, Joseph Stargiotti and Robert Stone, Commissioners; Sarah Brown, Planning Consultant; Susan Favate, Planning Consultant for the Toll Brothers application; Robert Hughes, Building Inspector; and Mary Sernatinger, Secretary.

- (1) **Michael Peterson, 2 Otsego Road.** Proposal to build a new deck, low retaining wall and new lawn area at the rear of the property within 50 feet of the edge of a designated water course. Letter from Michael Peterson dated December 18, 2014; revised site plan and drawings by Trevor Spearman, Architect, dated December 18, 2014; proposed fence specifications; contour sketch of the property dated December 18, 2014; corrected short Environmental Assessment Form; and Public Notice & Mailing list. *Public Hearing.* Present: Michael Peterson.

Mr. Peterson reported that after hearing the Commissioners' comments at the December 14 meeting, he decided to leave the grading in the back yard the way it is. He will just fill in the cavity underneath the deck, put in a retaining wall in that area, and build a new deck. The material underneath the deck will be pervious. He will not change any of the contours in the back yard.

Mr. Peterson said a gate would be added to the fence at the back corner to enable access behind the fence for mowing the lawn and cleaning the area without going onto the neighbor's property. A printout of the fence (from Home Depot) was provided.

The information that was missing from the Environmental Assessment Form had been added, and Ms. Brown said the form was complete and all of the comments from the previous meeting had been addressed. She said Mr. Econom's comments regarding sewers and drainage could be conditions in the Resolution. Mr. Hughes said that Mr. Peterson could just hand-write the notes on the new drawings (he didn't have to have his architect do it).

On a motion by Mr. Stone, seconded by Mr. Blasdell, and unanimously carried, the Public Hearing was opened. There were no comments from the public. On a motion by Mr. Keller, seconded by Mr. Stargiotti, and unanimously carried, the Public Hearing was closed.

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This is an Unlisted Action under SEQR. On a motion by Mr. Stargiotti, seconded by Mr. Stone, and unanimously carried, a Negative Declaration was adopted.

A motion to request Ms. Brown to prepare a Resolution of approval was made by Mr. Blasdel, seconded by Mr. Stone and unanimously carried. The Resolution will include the conditions outlined by Mr. Econom and the addition of notes to the drawing.

- (2) **Manville Follies, 343 Manville Road.** Proposed alterations and addition to existing second floor to create six (6) apartments. Letter from Joseph M. Palumbo, Architect, dated December 29, 2014; Site Plan Application and preliminary drawings by Joseph M. Palumbo dated December 29, 2014. *Informal introduction.* Present: Joseph Palumbo, Architect, and Gregory McKenna.

Mr. Palumbo said this is currently a commercial building. They are proposing to add on to the second floor and make it completely residential, providing six apartments (four 2-bedroom, one 1-bedroom and one studio).

The building is nonconforming with regard to parking. In addition to a parking variance, a rear yard setback variance would be needed, as the property is adjacent to a residential lot and the building would be set back only six feet.

An elevator would be added, as well as two means of egress.

Mr. Klein asked where the applicant thought people would park. Mr. McKenna said he realizes that there is a parking problem in Pleasantville, and the closest municipal parking lot is more than 200 feet from this property. He said the reason they were presenting the proposal was to find out if parking would be a roadblock to the project. He asked for feedback from the Commissioners.

Mr. Klein said that in Pleasantville, cars cannot be parked on the street overnight between December 1 and March 30, so parking would be the biggest consideration. He noted that the neighbors (Kellys) might not be pleased about the small setback. Mr. McKenna said he would be a good neighbor and speak with the Kellys about his proposal.

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Mr. Harrigan noted that Jacob Burns Theater just added two more theaters, and he wasn't sure from a business point of view how residences in the vicinity, where there is so little parking, would work out. He believed tenants would want parking.

Mr. Stargiotti commented that businesses are able to get parking permits for daytime parking, but he didn't believe permits were available for overnight, and there is nowhere to park.

Mr. Klein said he lives on Grove Street, and there was a meeting recently with the Village Board regarding commuters who park on side streets all day long, sometimes even blocking people's driveways. That is an example of the extent of the parking problem.

Mr. Harrigan suggested the applicant speak to the owners of Farrow's gas station to see if leased parking spaces might be available there.

Mr. Klein told the applicant that even if the Zoning Board grants the required variances for parking and the rear yard setback, the Planning Commission must determine if a residential project in that location would work.

Mr. Palumbo said that one of the units would be affordable (10%).

Parking in the A1 Zone is based on one space per studio apartment, 1-1/2 spaces per 1-bedroom apartment and 1.75 spaces per 2-bedroom apartment. Mr. Hughes said there is also a density requirement for each size apartment, e.g., 1,000 sf for a studio and 1,200 sf for a 1-bedroom apartment.

- (3) **Pleasant Hospitality Group, DBA Village Osteria, 150 Bedford Terrace.** Proposed restaurant in existing tenant space formerly known as A'Mangiare Restaurant. Letter from Radoman Bojovic, co-owner, dated December 22, 2014; Site Plan Application, Building Permit Application and drawings by Ljubisa M. Jovasevic, Architect, dated December 10, 2014. Present: Ljubisa Jovasevic, Architect; Mihailo Darmanovic and Radoman Bojovic, co-owners.

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This was previously the A'Mangiare restaurant. Mr. Hughes said that since a restaurant has not been operated at this location for over one year, a Special Permit would be needed to allow the proposed restaurant.

Mr. Jovasevic said they would renovate the space. He believed there would be plenty of parking since there are 30 spaces allocated for the block of buildings, 23 spaces in the municipal lot behind it, and seven or eight metered parking spaces on the street, for a total of 60 parking spaces. The parking requirement is for 7 spaces, based on square footage of patron area [1 space per 100 square feet of patron area (they have about 500 sf) = 5 spaces] and number of employees [1 space per 2 employees (they'll have 4 employees) = 2 spaces].

There would be 35-40 seats inside the restaurant, which would serve wood-burning-oven pizza and other Italian food. They would also seek permission to serve beer and wine, as A'Mangiare did.

Seating would be in the front with the kitchen in the back. They would add an access to the basement for storage. The restaurant would be ADA compliant.

Mr. Jovasevic said they would also have seating in the front on the sidewalk during warm months, probably four-six tables. Mr. Stone noted that outdoor seating would double the restaurant's capacity and Mr. Stargiotti noted that more staff would be required when outdoor dining was in operation.

Mr. Keller questioned how the restaurant could operate with only four employees if there were 40 or more people eating there.

Mr. Darmanovic said cooking would mostly be done in a wood-burning oven, and there would be a limited menu that would change seasonally. He expected they would have four full-time employees. Mr. Stone said A'Mangiare had four people working in the back, alone. Mr. Jovasevic said that at most there would be five or six employees.

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Mr. Darmanovic said he hoped business would be mostly sit-down diners, but they might do take-out as well.

Mr. Stone said that he lives in the vicinity, and parking in this area is a nightmare. Every space gets filled, and people park illegally on the streets.

Ms. Brown said that parking is not designated in the Old Village. There are three buildings that use the available parking. She said it would be helpful to know how much parking the other businesses use.

Mr. Hughes said he asked the applicants to show how parking spaces are currently being used and demonstrate that there are enough spaces remaining for their proposed restaurant. Mr. Jovasevic said they can only go according to what the Code says. He said he would find out from the landlord how parking is designated.

Mr. Jovasevic's estimation is that probably 5 spaces would be needed for the proposed restaurant, 10 are probably used by each of the two other restaurants, for a total of 25 spaces. That means there would be 35 extra spaces available. Mr. Stone said he lives there, and he knows there are no parking spaces available. He said the applicant can speak about it theoretically, but it's important to look at what really goes on during dinner hours.

Mr. Jovasevic said there are restaurants in the vicinity and they are not looking to do anything that has not been done before.

Mr. Klein acknowledged that the parking requirement was calculated according to Zoning, but if there were nine tables, one would expect that nine parking spaces would be needed.

Mr. Keller said he questions whether 4 employees would be able to serve 34-40 diners inside as well as outdoor diners.

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Mr. Hughes said that occupation by 15 or more employees and patrons triggers the requirement for separate bathroom facilities. Mr. Jovasevic said they could add an additional small bathroom if they need to.

Mr. Darmanovic said plan to be open seven days a week for lunch and dinner, closing about 10 or 11 pm. He said he did not have plans to make it a wine bar that would be open late.

Mr. Hughes said he would study the files of the other businesses and see what had been approved with regard to parking.

Don Juan had originally planned for employees to park in the lot at the Methodist Church. At one time, A'Mangiare arranged for parking spaces at the adjacent gas station.

Mr. Stone said he liked the idea of the restaurant, but he was concerned about parking.

Ms. Brown asked the applicants to complete a short Environmental Assessment Form.

Mr. Hughes will work with the applicants to review the parking situation for the entire site.

Mr. Hughes asked Mr. Jovasevic to indicate outdoor seating on his plan. Mr. Keller noted that A'Mangiare had four large and five small tables outside.

The Village Board issues permits for outdoor seating.

Since this is a special permit, Mr. Stone thought the outdoor seating should be taken into consideration. Mr. Hughes will check about whether a special permit can prohibit outdoor seating.

Mr. Klein said the question is whether they will meet parking requirement as part of a bigger whole.

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Mr. Bojovic said he believed the allocation for this portion of the building was three or four parking spaces. Mr. Klein said parking requirements have to be based on the Zoning Code.

Mr. Hughes will find out if outdoor seating triggers additional parking requirement.

Mr. Harrigan noted that outdoor seating is not part of the application, but the Board of Trustees would have to consider parking in reviewing a request for outdoor seating.

Ms. Brown suggested that while the applicants evaluate the parking, they do an analysis of the municipal lot to show how many spaces are available there at certain times, e.g., Friday and Saturday nights from 7-8 pm.

If the Planning Commission can't waive required parking, the applicants can go to the Zoning Board of Appeals.

Review of this proposal will continue at the next meeting.

- (3) **Stephen Lopez, 254 Bedford Road.** Proposal for a two (2)-lot subdivision. Letter from Stephen Lopez dated December 29, 2014; Subdivision Application, Site Plan Application, Short Environmental Assessment Form, and Preliminary Plat and Site Plan by Paul J. Petretti, Land Surveyor, dated December 29, 2014; preliminary architectural plan and landscape plan by Stephen Lopez, RLA, dated December 15, 2014.

Mr. Lopez said he had the property surveyed in 2002 and went to the Zoning Board in 2014 for an interpretation regarding corner lots, particularly with regard to the word “generally” in the phrase, “frontage is *generally* opposite the longest side of the house.” Mr. Lopez had submitted that the word “generally” meant that the frontage did not always have to be opposite the longest side of the house, but the Zoning Board maintained that the frontage did have to be opposite the longest side.

Mr. Lopez recently realized that if he had a detached garage instead of an attached garage, it would change which side of the house was longest, and thus its frontage. No variances would be

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required. A patio could be constructed, and the view out over the patio would be nicer than if there were an attached garage.

Mr. Hughes confirmed that in determining the longest side, the Zoning Code states “the longest side of the *principal* building,” so the garage does not have to be considered.

Mr. Lopez said although the building itself would not exceed coverage, he would need a coverage variance, because Pleasantville considers gravel to be coverage. He plans to remove some of the graveled area and will end up needing a 4 percent coverage variance.

This is one 25,000 square foot lot, which will be divided into two lots measuring 15,000 square feet and 10,000 square feet.

Mr. Lopez is asking the Planning Commission to refer him to the Zoning Board.

Mr. Myrick noted that this lot is in the Historic Overlay District and thought the Architectural Review Board should see the site design, including the setback and angle to the street. Mr. Klein said the ARB typically looks at materials and other aesthetic and architectural aspects. Mr. Myrick said that in some municipalities, the ARB looks at how the house is sited.

Mr. Lopez pointed out that all of the setbacks on the street are different – the houses are not lined up. So the siting of this house would not be out of character.

Mr. Blasdell thought it would be a good idea for the ARB to comment on the setback.

Mr. Klein noted that the house could be moved back, if necessary, but Mr. Lopez said he would resist that strongly. He said he would be fine with going to the ARB now.

Mr. Keller did not know if the siting of the house was within the ARB’s purview. He said the only negative with siting of the house would be to Lopez’s house, because his view could be cut off.

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Mr. Hughes said that the garage could be placed within three feet of the rear and side lot lines, so it could be shifted back to give more space for the house to move back, if desired. Mr. Lopez was not sure the neighbor would like the garage further back, but it would be preferable as far as he is concerned.

The Planning Commission referred Mr. Lopez to the Zoning Board without comment and also referred him to the Architectural Review Board for preliminary review.

This is an Unlisted Action under SEQR. Ms. Brown said it can be an uncoordinated review, so the Zoning Board can make its own finding

(4) **Minutes**

The minutes of the December 10, 2014 meeting were accepted with comments from Messrs. Potenza (via email), Klein and Hughes.

Respectfully submitted,

Mary Sernatinger
Secretary

These minutes have been corrected according to comments from Messrs. Klein and Myrick and are ready to be filed.