

Pleasantville Planning Commission
January 28, 2015

The Pleasantville Planning Commission meeting was called to order by Russell Klein, Chairman, at 8 P.M. on Wednesday, January 28, 2015. Attending the meeting were: Russell Klein, Chairman; 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. Absent: Scot Blasdel, Commissioner.

- (1) **Pleasant Hospitality Group d/b/a Village Osteria, 150 Bedford Terrace.** Proposed restaurant in existing tenant space formerly known as A'Mangiare Restaurant. Drawings A1 & A2 by Ljubisa M. Jovasevic, Architect, dated December 10, 2014, revised January 28, 2015 and parking study worksheet. Present: Ljubisa Jovasevic, Architect; Mihailo Darmanovic and Radoman Bojovic, co-owners.

Mr. Jovasevic said they had conducted a parking study, as the Planning Commission requested at the previous meeting. Also per the Commission's request, Mr. Jovasevic had prepared a layout for the outdoor seating.

The parking study was conducted on a Friday, Saturday and Sunday (January 16-18) from 4 – 10 pm, which they believe is the busiest time. There are 30 parking spaces in the private parking lot, 24 spaces in the municipal lot, 10 marked spaces on the street, plus non-marked areas on the street where parking is permitted, which accommodate another 20 cars. The results of their study showed that only about half of the potential spaces were occupied until 8 pm, when only 10-20% of the spaces were available. Then it tapered off at the end of the evening. The cars were counted at the top and bottom of every hour.

Mr. Hughes said he had determined that if this building were being constructed today, the parking requirement for the veterinarian, nail salon, Bistro, Michael's, and the subject location would be a total of 48 parking spaces (5 for the vet, 3 for the nail salon, 10 for Bistro, 18 for Michael's and 12 for the subject restaurant). Variances have been granted in the past for the businesses in this building, but Mr. Hughes had not yet been able to determine the quantity of parking spaces that have been given variances.

Mr. Hughes said that the Zoning Code includes a stipulation that to be considered as available parking, a municipal lot must be in a non-residential neighborhood, but the municipal lot near this building is in a residential neighborhood. Therefore, the Commission cannot use the

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municipal lot as a basis on which to waive the parking requirement, even though it is within 200 feet of the proposed restaurant.

Parking requirements under to the current Zoning Code are less burdensome than previously. The number of spaces required is now based on square footage and the number of employees, resulting in a requirement of 7 spaces for the subject site (if there are 4 employees). Previously, the parking requirement for A'Mangiare was 24 spaces, a considerably larger number.

Mr. Hughes said he did not take Don Juan into consideration in his parking investigation. Mr. Stone recalled that there were parking issues when Don Juan applied for a Special Permit, and they were going to have valet parking.

Mr. Klein said the starting point for this application has to be this piece of property.

Mr. Jovasevic said the number of parking spaces he cited came from what is on file. Mr. Hughes said the parking spaces in the private lot are not striped. What the layout shows is not exact, but there are probably 27-30 parking spaces.

The parking spaces in the garages cannot be counted.

Mr. Hughes said there are no handicapped parking spaces in the municipal lot.

The municipal lot is used for permit parking until 3 pm.

Mr. Keller asked where there were 30 parking spaces on the street. Mr. Jovasevic said there are 6 spaces in front of the building, 5 spaces across the street, 3 spaces on each side of Bedford Terrace and 3 marked spots in front of Don Juan. There is also 30 feet of unmarked area where parking is permitted. Mr. Stone noted that unmarked parking spaces couldn't be counted.

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The applicant noted that the parking study was done over a 3-day weekend, which meant people might be away. But it balances out by the fact that it was also during the football playoffs, which would draw more people to the site.

Regarding the municipal lot, Mr. Jovasevic said if the businesses can't use that lot, there should be a sign that says, "parking for residences only."

Mr. Jovasevic said there are 84 parking spaces in the area, and they are requesting seven. Mr. Keller disagreed with the number of parking spaces, because he believed they would need more than four employees to operate the business. Mr. Jovasevic said that even if they add two additional employees, they would just need one more parking space.

Mr. Hughes said the two private lots shown on the plan belong to the same owner, so I may have been considered one lot from a planning standpoint.

Mr. Stargiotti noted that theoretically, the private parking lot could be sold, so there should be an agreement stipulating that the parking lot may be used perpetually by patrons of the building. He added that variances for the other business on site must have been granted by the Zoning Board of Appeals.

Mr. Stone asked why A'Mangiare was required to have 24 spaces, and now the requirement is so much less. Mr. Hughes did not know why the zoning was changes but thought it might be because of recognition that it would be impossible to provide that many spaces.

Mr. Hughes said there are no parking requirements for seasonal outdoor cafes.

Mr. Jovasevic thought that even with outdoor dining, there would be enough parking in the area.

Mr. Hughes pointed out that the restaurant is really supposed to provide off-street parking on the property, and it is not possible to provide any parking on the property.

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Ms. Brown noted that this location has been looked at as a single property in the past. She recommended that an easement be granted from this property to the property where the parking lots are. Both properties are under the same ownership.

Mr. Klein said that people who are familiar with the area know that there is often congestion in the Old Village and at times there is no parking available.

The applicant said he lives in the area and knows that it is sometimes hard to find parking in the Old Village and acknowledged that people sometimes park illegally, which raises a matter of enforcement.

Mr. Harrigan asked if the other businesses in the building have parking variance and for how many spaces. Mr. Hughes said the Zoning Board resolutions did not refer specifically to the adjacent lot.

The applicant commented that the previous requirement for 24 parking spaces for this restaurant did not make sense to him. Ms. Brown thought perhaps the square footage for calculations was different at that time.

Mr. Klein pointed out that the parking lot is not striped, and there is not adequate back-up space. Some spaces are against the fence. He thought there might not be 30 parking spaces if they were configured properly. Ms. Brown said the accuracy of the drawing was questionable.

Mr. Stargiotti noted that the nail salon and vet operated during the day, so the parking spaces they use would be available at night.

Mr. Jovasevic commented that it was silly that they had to apply for a special permit just because A'Mangiare had not occupied the space for more than a year. Mr. Stargiotti said the reason the Code requires a new special permit is to ensure organized development, and it is not silly. Mr. Keller added that it isn't just one year since A'Mangiare was there; it is considerably longer than that.

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Mr. Klein explained that the Planning Commission doesn't have the authority to waive parking in this case, so the applicant will have to go to the Zoning Board of Appeals to request a parking variance.

Mr. Keller said that if the applicant requests a variance that accommodates only four employees, the Planning Commission could determine that that was not enough parking, and the applicant would then have to go back to the Zoning Board for a larger variance. He said the owner of A'Mangiare (Luigi) usually had six people working. The applicant said they will have a more limited menu so wouldn't necessarily require that many employees. Mr. Klein encouraged him to request a greater variance, and Mr. Stargiotti suggested the variance request be for eight parking spaces. If the entire building must be brought up to Code, then Mr. Klein said the variance request should be for 20 parking spaces. Ms. Brown said this applicant is just seeking a parking variance for their business needs; the other businesses already have variances.

Mr. Hughes said that he didn't know how many parking spaces had already been waived for the other businesses. He said the applicant needs to show what other variances have been granted and what he needs.

Mr. Klein said this is a complicated property. There are 30 spaces in the lot. The Zoning Board will have to determine if the municipal lot can also be included. Mr. Stargiotti noted that the Planning Commission couldn't consider the municipal lot as a basis for granting a waiver, but he believed the Zoning Board could consider it in deciding whether to grant a parking variance.

Mr. Klein thought the Zoning Board would consider the easement issue and there should probably be an instrument that keeps the parking spaces in the lot available in the future if the land is sold. The ZBA will also look at what variances were granted previously for the other businesses on this property.

Although parking is not required for outdoor cafes, Mr. Stargiotti said the Planning Commission would want to see the seating plan for it.

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Mr. Stone said this is a special permit and he will think about whether sidewalk dining is appropriate or if the Planning Commission has control over it. The use will double in intensity 7-8 months of the year.

Mr. Keller said he would be interested to know from counsel whether the Planning Commission can put a condition on a special permit that negates the Village Board's ability to allow outdoor dining, or if the Commission has the authority to review an outdoor dining plan.

Mr. Hughes said that for A'Mangiare there was a restriction regarding the time of night that alcohol could be served outside.

Mr. Jovasevic asked if the Commission could grant the special permit this evening in the interest of timing. He did not want to have to wait until March to come back to the Commission. Mr. Klein said the Commission has to learn what variances have been granted for other businesses. It's possible that a variance isn't even needed for this business, if variances for 48 parking spaces have already been granted.

Ms. Brown said the applicant still needs to complete the Environmental Assessment Form, and a Public Hearing is mandatory for a special use permit.

Mr. Hughes said he has to determine if the applicant only needs a parking variance for the proposed restaurant or if he needs a parking variance for the entire building. He will determine what variances have been granted for the other businesses in the building.

Mr. Stone said he is concerned about all of the parking being on a separate lot. If that lot were sold, there would be no parking.

Ms. Brown said it has been treated as one separate lot, because the same person owns everything. The Zoning Code (Section 185.38.A2) says off-street parking can be located in a separate lot. Mr. Klein observed that these were, therefore, like leased spaces; but, Mr. Hughes

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pointed out, none of the spaces has been allocated. Mr. Stargiotti expressed concern about permanent availability of the parking. Ms. Brown said it has to be ensured that none of the parking spaces ever go away. This can be accomplished through crossing easements and parking easements.

Mr. Hughes told the applicant that the denial letter he issues would specifically state the parking space deficiency number.

The Planning Commission referred the applicant to the Zoning Board and asked that the concerns expressed during this review be passed along to the Zoning Board.

- (2) **Adoption of Resolution: 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.

Ms. Brown said the resolution contained standard conditions. In addition, the following condition was included, as recommended by Mr. Econom: *A note shall be placed on the plan stating that if work is required on the existing sanitary sewer or drainage line, the Village is not responsible for any damage to or restoration of the proposed fence.*

A motion to approve the Resolution was made by Mr. Harrigan and seconded by Mr. Stargiotti.

VOTING took place as follows:

Ayes	-	6	Messrs. Klein, Harrigan, Keller, Myrick, Stargiotti and Stone
Noes	-	0	
Absent	-	1	Mr. Blasdel

- (3) **Minutes**

The minutes of the January 14, 2015 meeting were accepted with comments from Messrs. Klein and Myrick.

Respectfully submitted,

Mary Sernatinger
Secretary

These minutes have been corrected according to comments from Mr. Hughes and are ready to be FILED.