

Pleasantville Planning Commission

March 11, 2015

The Pleasantville Planning Commission meeting was called to order by David Keller, Acting Chairman, at 8 P.M. on Wednesday, March 11, 2015. Attending the meeting were: David Keller, Acting Chairman; Scott Blasdel, Philip Myrick, Joseph Stargiotti and Robert Stone, Commissioners; Sarah Brown, Planning Consultant; Robert Hughes, Building Inspector; and Mary Sernatinger, Secretary. Absent: Russell Klein, Chairman and Stephen Harrigan, Commissioner.

(1) **MAG CV Pleasantville, LLC, 110 Washington Avenue.** Proposal to amend a previously approved site plan. Site Plan Permit Application, Building Permit Application, Short Environmental Assessment Form, Site Plan Drawing by Gallin Beeler Design Studio dated February 23, 2014, and survey of property. Present: Michael Gallin, Architect.

Mr. Gallin said that the new owners of this property want to make some aesthetic upgrades and site improvements.

Currently, the main access to the building is on the side. They plan to add some warmth to the side façade, perhaps with wood at the entry, and install a canopy to attract people to that entrance.

Currently there is a dumpster at the corner. The applicants propose to eliminate it and replace it with garbage containers at the end of the ramp where it would be accessible from the basement.

Mr. Gallin said they propose to add two parking spaces. The property has a variance for 15 parking spaces currently.

The fairly robust landscaping at the northeast corner would remain, and they would clean up the front area.

Ms. Brown had submitted a list of five items to be addressed. Mr. Gallin responded to those items as follows:

- Regarding the inclusion of a zoning table, Mr. Gallin said they have added tables to the plan and provided them to Ms. Brown and Mr. Hughes. He added that there has not been any change in the zoning requirement. Also, the drainage requirement was previously calculated for the entire lot area, so the addition of a couple small impervious areas will be accommodated by the system that has been installed.

Pleasantville Planning Commission

March 11, 2015

- Regarding the removal of two trees along the rear of the property and landscaping at the southeast corner of the property, Mr. Gallin said they already have pretty heavily landscaped area at the northeast corner and there isn't space to provide additional landscaping.
- Regarding the encroachment of the curbing on the adjacent New York Central Railroad property, Mr. Gallin said this information just came up when the new owner bought the building. Mr. Keller said that it is possible that this could become a problem in the future. He suggested the applicant reach out to the NYCRR real estate department to see if they would grant an easement or send a letter. Mr. Gallin said they had reached out to them but have not had a response. In any case, he said eliminating the encroaching concrete wall would not debilitate the site plan in any way. Mr. Hughes said the encroachment ranges from 2.4 feet at the north end to 2.8 feet at the south end. The Commissioners were not sure if they could approve a site plan that encroached on someone else's property. Mr. Stargiotti noted that the site plan is not an enlargement, and since the building is fully on the applicant's property, he thought the Planning Commission could approve the plan. The Commissioners agreed that the applicant would be at risk with NYCRR, but the Planning Commission would not be at risk. Mr. Gallin will modify the drawings so that the site plan is fully on the applicant's property.
- Regarding the removal of the existing dumpster and replacing it with three garbage containers, Mr. Gallin said they believed that the garbage cans would have adequate capacity, and they could increase the number of pick-ups per week from two to three, or more, if necessary. The garbage cans would be in a pit, so they would not be visible from the neighboring house. The existing sump pump in that vicinity is too small, and they will install a larger one. Mr. Stargiotti suggested there be a condition that the garbage must be stored in an area that would not get wet, based on approval of the Building Inspector.
- This is a Type 2 action under SEQRA and, therefore, will not require Planning Commission review.

Mr. Stargiotti asked why they were proposing the addition of two parking spaces. Mr. Gallin said that the more parking they have, the more attractive the apartments would be to renters.

Referring to the landscaped area that straddles the adjacent property and this property at the location where a parking space s proposed, Mr. Stargiotti said he would like to see the

Pleasantville Planning Commission

March 11, 2015

landscaping there improved, but the parking space is taking away half of that landscape bed. Mr. Keller suggested pushing spaces 9, 8 and 7 toward the back to make room for landscaping in the front. Mr. Blasdell agreed and thought the streetscape needed a tree. The applicant thought the parking was tight already, and Mr. Gallin said they are trying to improve circulation at the corner by providing extra space for maneuvering. The applicant noted that there is a small tree there now, and Mr. Gallin thought there was room for a more substantial tree. The applicant was not in favor of a large tree, however, because he said it would take away from the architectural improvements, since they would not be visible. He thought the streetscape, looking down the street, looked cleaner without a tree. Mr. Myrick suggested low screening such as tall grasses. Mr. Stargiotti thought they could pick up four feet by slightly moving spaces 2, 3, 4, 5 and 6 and pushing 17 back. Then they could plant some shrubbery. The applicant thought tighter spaces would result in fender benders, but Mr. Hughes said the spaces already have two feet more than what is required. Mr. Gallin said they would reduce the size of the parking spaces and install some landscaping.

On a motion by Mr. Blasdell, seconded by Mr. Myrick, the Public Hearing was waived.

The Commission agreed it would be appropriate to direct Ms. Brown to prepare a resolution for the next meeting. The Commissioners will look at the site plan changes before voting.

Conditions of approval will be:

- Installation of a sump pump that works to the satisfaction of the Building Inspector
- A landscaping plan that meets the approval of the Building Inspector and/or Planning Consultant
- Maintenance of a garbage pick-up schedule that accommodates the amount of garbage generated

On a motion by Mr. Stone, seconded by Mr. Stargiotti, and unanimously carried, the Planning Commission directed Ms. Brown to prepare a Resolution of Approval.

- (2) **Pleasant Hospitality Group d/b/a Village Osteria, 150 Bedford Terrace**. Proposed restaurant in existing tenant space formerly known as A'Mangiare Restaurant. Short Environmental Assessment Form dated February 12, 2015 and drawing A1 by Ljubisa M.

Pleasantville Planning Commission

March 11, 2015

Jovasevic, Architect, dated December 10, 2014, revised March 5, 2015. *Continued review.*
Present: Michael Sirignano, Attorney.

Mr. Sirignano reported that the Zoning Board of Appeals had granted a variance for 38 parking spaces, which including the parking requirement for the entire building. Mr. Hughes said that in making their decision, the Zoning Board took into consideration the fact that variances were previously granted for all of the business in the building, including the restaurants that formerly occupied the subject space. The ZBA acknowledged that there are parking problems in the area, as there always have been. Mr. Sirignano believed the ZBA also took into consideration that this business would be busiest at night, and other businesses in the area are busiest during the day. He said the ZBA did not count the parking spaces in the lot.

The proposed restaurant needs a special permit, because the restaurant use had ceased for more than one year. A Public Hearing is required for the Special Permit. Site Plan approval is also required, and the Commission will have to make a SEQRA determination as it is an Unlisted Action.

Ms. Brown pointed out that Note #2 on the plan regarding municipal parking should be removed, since it is not applicable. Note #3, which was added to the plan, should be corrected: delete “site plan approval was granted” and just say, “Variances were granted by the Zoning Board of Appeals.”

Mr. Hughes said that sidewalk café permits are issued by the Village Administrator, and parking is not required for sidewalk cafes. Mr. Stone noted that increased seating results in an increased need for parking and asked if the Planning Commission could have some input regarding a sidewalk café, such as including a condition in the Special Permit. Mr. Hughes said he would check with Village counsel to see if the Commission could include a condition in the Special Permit about outdoor seating and its effect on parking.

Mr. Hughes said the Building Code does include requirements for fixtures and plumbing to accommodate the additional patrons resulting from outdoor cafes.

Mr. Stone suggested that periodic renewal of the Special Permit be required so that the Planning Commission could review the status every year or two. Mr. Sirignano noted that prior restaurants

Pleasantville Planning Commission

March 11, 2015

were not required to renew their permits. He said past history shows that there were restaurants in this space for twenty years, and everything was fine. He added that his client is entering into a long-term lease, and it would be a problem if the Special Permit were not renewed. Mr. Stargiotti pointed out that the Planning Commission could only deny renewal of a Special Permit if there were failure to comply with the conditions of approval. Denial could not be based on parking problems.

Mr. Stone noted that nothing had changed. No progress had been made with regard to parking through this process. The Zoning Board granted variances, and the Planning Commission cannot do anything about it. Mr. Stone wants to figure out how the intensity of the use can be lessened. He said tonight when he drove through the Old Village, almost all of the parking spaces were occupied, and in the warm months it is even busier.

Mr. Myrick agreed it was not fair to burden residents with cars parked illegally in front of their residences. He believes enforcement is the solution.

Mr. Keller said that just because there was a restaurant in this space for 20 years does not mean that the situation was good. Since the space was vacant for two years, there is now an opportunity to improve the situation. Over the past two years, when the space was vacant, the Old Village area has been more manageable with regard to parking. It is better than when A'Mangiare was there.

Mr. Stone said another condition should address what would happen if the parking lot behind the building ceased to exist. The condition could require that there be an agreement with the owner of that parking lot that ensures the availability of parking there. Mr. Stargiotti said there could be an easement or lease agreement for use of that parking lot. Mr. Sirignano said they can ask the owner, but they can't control what the owner's decision will be. He said the fact that the Zoning Board of Appeals granted the necessary parking variance puts them in a fully conforming situation, so denial by the Planning Commission based on parking would be improper. He said conditions have to be such that they can comply with them. They do not have a lot of control over the situation. If the Planning Commission denies the Special Permit, Mr. Sirignano said the

Pleasantville Planning Commission

March 11, 2015

Supreme Court would probably not uphold that. The Special Permit can only be denied if they don't meet the Special Permit standards.

Mr. Stone said that a possible condition could be that there be no outdoor seating.

Mr. Brown said there are no specific criteria for restaurants with regard to Special Permits. She read aloud the general criteria for Special Permits. Mr. Keller said denial of the Special Permit could be based on the negative effect that increased intensity of use could have on safety in the neighborhood. Mr. Stargiotti agreed, noting that despite the fact that a parking variance has been issued, if people can't find a parking space and start driving around, making odd turns in a haphazard fashion, it becomes dangerous.

Mr. Sirignano said it is a matter of what is a reasonable condition to impose on a tenant.

The applicant said that in similar situations upstate, he solved this problem by decommissioning tables inside the restaurant when he opened up tables outside.

The applicant will have the plan for the inside of the restaurant available at the Public Hearing. There will only be two stools at the bar. Food will be cooked in the kitchen as well as in the brick oven. Exhaust will be provided. Mr. Hughes said they need a type 1 hood and the ability to handle grease.

The applicant expects the intensity of use will be about the same as A'Mangiare and the amount of garbage would also be the same. Dumpsters are in the rear. Each tenant space has its own dumpster and each business owner arranges his own garbage pick-ups.

Ms. Brown and Mr. Hughes will ask the Fire Chief if access to the kitchen is adequate and will also ask counsel about outdoor seating and if there can be any conditions imposed by the Planning Commission.

Mr. Stone said that parking in the back is a zoo. There are no lines, and it is not paved. People park in very disorganized ways. Very little effort has been made to make even modest

improvement. Mr. Sirignano said they would speak to the owner of the lot to see if he is interesting in making any improvements to the parking lot. Mr. Hughes said he did not know if there was ever a site plan approved for the parking lot. It was always just a graveled lot.

On a motion by Mr. Stargiotti, seconded by Mr. Myrick and unanimously carried, a Public Hearing was scheduled.

(3) **York Funding LLC, 98 Washington Avenue**. *Informal introduction meeting*. Present: J. B. Hernandez, Architect.

Mr. Hernandez said his client purchased the property two months ago and wants to improve and maximize the use of the building. It was originally built with deficiencies. For example, the original parking layout was for 19 spaces on the lower level, but it can only accommodate 12 spaces, including one handicapped space.

Previous plans were to have a bank on the first floor, offices on the second floor, and seven apartments on the third floor.

Mr. Hernandez said the new owner would provide an entrance lobby and reduce the amount of retail space on the bottom floor. The second floor would be converted from office to residential. The third floor would remain residential. There would be a mix of one-bedroom, two-bedroom and studio apartments. Eight apartments are proposed for the second and third floors, for a total of 16 apartments. The parking requirement for this proposal would be 23 spaces. The original approval had 26 parking spaces. Mr. Hernandez said they could re-work it to provide 20 parking spaces, so they may need a parking variance.

Adding the additional apartments doubles the density of the building.

Mr. Keller noted that there is no on-street parking during the four winter months, so he was not sure how residents' parking needs would be met. Mr. Hernandez said the apartments would be marketed mostly to commuters who would walk to the train. They would provide 20 parking spaces on-site for a 19-space requirement (3 for retail plus 17 for residential).

Pleasantville Planning Commission

March 11, 2015

Mr. Keller said he was concerned about the number of units more than the number of bedrooms. For example, two studios would probably have two cars, whereas a two-bedroom apartment might have only one car.

Mr. Keller said that the applicant couldn't assume that just because the building is near a train station that people living there would not have cars. It is the suburbs. Everyone is going to have a car.

Mr. Hughes said the biggest issue is the density, which is based on lot size. The lot size can only accommodate for seven apartments with regard to density. The proposed change would require a significant variance for density. The lot size required to support the density associated with the 16 apartments would be 20,000 square feet. This lot is 7,500 square feet.

Mr. Keller said he did not want it to be too dense, but he thought it would be beneficial to have people living there. Mr. Myrick said that downtown is where you want density.

In addition to a density variance, Mr. Hughes said the applicant would probably need a parking variance.

The Commissioners agreed that the previous configuration of retail on the first floor, office on the second, and residential (overlooking office) on the third floor did not make sense. Mr. Keller did not think there was a market for second floor office and thought residential would be better.

The atrium in the middle of the building would be closed so that the people living on the third floor would not have to look down on the floor beneath them.

Mr. Hernandez said they could change the plan to have seven apartments on each floor instead of eight. That would reduce the parking requirement as well.

Mr. Blasdell said he would like the owner to improve the look of the building on the outside. Mr. Stargiotti suggested adding a cornice at the roofline. Mr. Hernandez said one thing the need to do

Pleasantville Planning Commission

March 11, 2015

is provide a lobby for the apartments. They might make the whole building one color. Perhaps brick on the lower level and stucco above.

Mr. Myrick said it would be good to combine the apartments in a way that would result in each apartment having a second window.

Mr. Hughes said Code allows residences to have no windows. Artificial light is considered sufficient. There are not supposed to be any windows on a property line, but this building has windows on the property line.

(4) **Adoption of Resolution: Stephen Lopez, 254 Bedford Road.** Proposal for a two-lot subdivision.

Ms. Brown said that Mr. Lopez had reviewed the Resolution and let her know that he did not have any issues with it.

The only non-standard condition in the Site Plan Resolution is that the architectural renderings must be given final approval by the Architectural Review Board.

A motion to approve the Preliminary Subdivision Plat Resolution was made by Mr. Stargiotti and seconded by Mr. Stone. VOTING took place as follows:

Ayes	-	5	Messrs. Keller, Blasdel, Myrick, Stargiotti and Stone
Noes	-	0	
Absent	-	2	Messrs. Klein and Harrigan

A motion to approve the Final Subdivision Plat Resolution was made by Mr. Stargiotti and seconded by Mr. Blasdel. VOTING took place as follows:

Ayes	-	5	Messrs. Keller, Blasdel, Myrick, Stargiotti and Stone
Noes	-	0	
Absent	-	2	Messrs. Klein and Harrigan

A motion to approve the Site Plan Resolution was made by Mr. Stone and seconded by Mr. Stargiotti. VOTING took place as follows:

Ayes	-	5	Messrs. Keller, Blasdel, Myrick, Stargiotti and Stone
Noes	-	0	
Absent	-	2	Messrs. Klein and Harrigan

Pleasantville Planning Commission
March 11, 2015

(2) **Minutes**

The minutes of the February 25, 2015 meeting were accepted as submitted.

Respectfully submitted,

Mary Sernatinger
Secretary

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