

Pleasantville Planning Commission

April 8, 2015

The Pleasantville Planning Commission meeting was called to order by Russell Klein, Chairman, at 8 P.M. on Wednesday, April 8, 2015. Attending the meeting were: Russell Klein, Chairman; Scott Blasdell, David Keller, Stephen Harrigan, Philip Myrick and Robert Stone, Commissioners; Sarah Brown, Planning Consultant; Robert Hughes, Building Inspector; and Mary Sernatinger, Secretary. There is one vacancy due to the resignation of Joseph Stargiotti.

- (1) **Pleasant Hospitality Group d/b/a Village Osteria, 150 Bedford Terrace.** Proposed restaurant in existing tenant space formerly known as A'Mangiare Restaurant. Revised drawings A1 and A2 dated March 26, 2015. *Continued review.* Present: Michael Sirignano, Attorney; Ljubisa M. Jovasevic, Architect.

Mr. Sirignano reported that they had explored possibilities for leasing parking spaces from the gas station across the street or from the Methodist Church. Although they have not received answers from either Mr. Sirignano said it would not be possible to lease parking from either anyway. The site plan for the gas station prohibits the leasing of parking spaces, and the church couldn't lease parking spaces without going to the Zoning Board for a variance. The reason the Planning Commission prohibited the leasing of parking spaces by the gas station was to ensure that there would be adequate space for semi-trucks to maneuver on site. Mr. Hughes said the gas station clearly cannot lease parking spaces, but he had to verify if the church would need a variance to lease parking spaces. It depends upon whether the church has more parking spaces than required for the site. Mr. Sirignano added that he was not sure the church could lease spaces since they are a not-for-profit organization.

Mr. Jovasevic said he believed zoning approval would be needed in order for the church to lease parking spaces because the restaurant is a different use from the church, so parking for the restaurant would be considered an accessory use. Mr. Hughes said parking is allowed as an accessory use, but he was not sure how a variance would apply if they lease spaces.

Mr. Klein recalled that Don Juan had a valet parking arrangement that involved cars being parked at the church. Mr. Hughes said that the Don Juan resolution says, "An effort will be made to secure arrangements with other adjacent parking areas." Mr. Klein said the goal here is primarily to find parking spaces for employees.

Mr. Sirignano said they have an arrangement with the landlord to use the garage to park one car and the space outside the garage to park a second car. They need a total of three parking spaces

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for employees – even though, Mr. Sirignano pointed out, they got a variance for those three parking spaces.

Mr. Sirignano said they would continue to explore opportunities to lease parking spaces at the church or at other facilities.

Ms. Brown said the old parking lot site plan had been removed from the application, and she had no issues regarding the current plans.

Mr. Hughes said there are two permit parking spaces in the municipal lot, but both of them are taken. The rest of the lot is open to the public, with a two-hour limit. He said he dined at Don Juan on Thursday, and the municipal lot was half empty. Mr. Sirignano said he had found parking in the Old Village this evening. Mr. Keller observed a different situation last Saturday between 5:45 and 6:15 pm, which he said all of the street parking spaces were taken and both lots were totally full. It was a chilly, drizzly evening.

Mr. Sirignano said they had done everything they could, and he did not think it was fair to expect the applicant to fix the problem. Mr. Keller said he believed the proposed restaurant would exacerbate the existing problems.

Mr. Stone asked that advice from legal counsel be included in the Resolution. Ms. Brown noted that it had been added on page two, the third “WHEREAS”: “. . . due to concerns over traffic circulation and parking that currently exist in the area, the Planning Commission sought advice from Counsel to determine if the Special Use Permit could be conditioned to prohibit outdoor dining/sidewalk café for the restaurant to help alleviate parking and traffic impacts from additional seating; and . . . it was the opinion of Counsel after reviewing Section 185-56 as well as Section 155-28 of the Village Code, a sidewalk café permit is subject only to administrative review and approval based on criteria set forth in Section 155-28 of the Code and is not subject to Planning Commission review or approval.

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The next “WHEREAS” on that page will be changed to indicate that concerns about traffic circulation and parking would be brought to the attention of the Chief of the Pleasantville Police Department.

Ms. Brown had added condition #2 on page 4: “If the garbage pick-up schedule does not accommodate the amount of garbage generated, the garbage schedule shall be revised to increase the number of weekly pick-ups.

Mr. Sirignano said it was alright with him if the Resolution mentions the two secured parking spaces, so the fourth “WHEREAS” on the first page will be changed to say: “...there is no off-street parking currently provided for the restaurant, the Applicant has procured from the landlord the use of two off-street parking spaces – one in the garage and one in front of it. It will be part of the lease.” This will also be added to the site plan

Mr. Keller was concerned that if a car were parked in the garage, there would not be a place to store tables and chairs, but Mr. Sirignano said the tables and chairs would be stored in the basement.

On a motion by Mr. Harrigan and seconded by Mr. Blasdell, a Negative Declaration was adopted by a vote of 4 in favor (Messrs. Klein, Blasdell, Harrigan and Myrick) and 2 against (Messrs. Keller and Stone).

A motion to approve the Resolution with the adjustments described above was made by Mr. Harrigan and seconded by Mr. Blasdell. VOTING took place as follows:

Ayes	-	4	(Messrs. Klein, Blasdell, Harrigan and Myrick)
Noes	-	2	(Messrs. Keller and Stone)
Absent	-	0	
Vacancy	-	1	

- (2) **Kevin and Cathy Martyn, 4 Orbaek Lane**. Proposal to legalize an existing deck within a wetlands, specifically designated 100-year flood plain by FEMA. Letter from Kenneth Irving, Architect, dated March 22, 2015; Site Plan Permit application; Short Environmental Assessment Form dated March 22, 2015; Building Permit application; Survey by Peter D. Cronk dated December 31, 2014; FEMA floor hazard map layer

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indicating flood zone; drawings D-1 to A-4 (five total) by Kenneth Irving, Architect, dated March 22, 2015. Present: Manuel Androtti, Architect.

Ms. Brown said that because this property is fully within the flood plain, it will need a wetlands permit. The existing deck encroaches four feet into the wetlands, so the applicant will first need to apply for a variance from the Zoning Board of Appeals.

Mr. Androtti said they would be reconstructing the stairs to add more post and railing so that it will meet code. They will add new footings and make the deck safer. The stairs will be in the same place as they were before.

Mr. Klein explained that applications come before the Planning Commission prior to going to the Zoning Board in case there are any planning issues that should be addressed first. In this case, the deck and stairs are already there, and nothing is changing, so Mr. Klein said a planning discussion was not necessary.

Ms. Brown said there would have to be a Public Hearing for the Wetlands Permit, so the Planning Commission could schedule that now. The applicant could go to the Zoning Board at the end of April and come back to the Planning Commission for the Public Hearing on May 13.

Mr. Myrick asked about the underground water system that was shown on the original site plan.

Mr. Androtti said there is a stream that comes down, which was diverted underground to a culvert.

Mr. Hughes said the system goes underneath all of the properties, in the front of them.

The Commissioners agreed to send the applicant to the Zoning Board.

(3) **Minutes**

The minutes of the March 25, 2015 meeting were accepted with corrections from Mr. Hughes.

Respectfully submitted,

Mary Sernatinger  
Secretary

*These minutes were accepted as submitted and a ready to be filed.*