

Present: Gerald Putman, Chairman
Andrew Holbert, Vice Chairman
Greg Matyas
Mary Jacyna
Matthew Cunningham

Also Present: Nathan VanWhy, Attorney for the Village
Marina Lane, Town of Union Senior Planner
Kim Cunningham, Planning Board Clerk
Trustee Martin Meaney
Trustee John Walker
Zoning Board Member Don Slota

Absent: None

A brief work session was held at 7:00pm.

The board discussed the agenda and reviewed the applications.

Chairman Putman called the meeting to order at 7:30pm, and noted the emergency exits.

MINUTES

A motion to approve and place on file the minutes of the September 24, 2019 regular meeting as amended was made by Mr. Holbert and seconded by Mr. Cunningham. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

Chairman Putman opened the privilege of the floor.

Jerry Hawley

- Mr. Hawley stated WNBF radio employee said there was good news he would be reporting soon about the Victory Building. What is the good news?
 - Chairman Putman responded the Planning Board has not heard anything about it.
- Building with light colored brick, what is the University planning on doing with that?
 - Chairman Putman responded it may be used for manufacturing or storage. There is no plan for it right now. The University owns it.
- The corner of Oakdale- Harry L Drive, why is it all fenced?
 - Chairman Putman stated his understanding is a bank is going in where Dickin was.



- Marina Lane stated it is going to require rezoning. Unusual that a bank would purchase a property without having it contingent upon site plan review and approval. Right now, they are just demolishing building. We do not have any plans.

Chairman Putman closed the privilege of the floor.

COMMUNICATIONS - None

CONTINGENCIES – None

OLD BUSINESS – None

NEW BUSINESS

72 Arch Street – UHS

Extension of approval for Temporary Engineering Trailer until 3/31/2020

Chairman Putman stated that UHS is asking for an extension of approval for a temporary engineering trailer. In 2018, this Board granted site plan approval for a trailer to be located on the UHS property next to the Picciano Building while they did the demolition and rehab of the Picciano Building. They are building a parking lot and refurbishing the rest of the building for other uses. The original approval required that the trailer be removed by August 31, 2019. That did not happen, and they inadvertently forgot to ask for an extension of the condition to remove the trailer. They are now asking for an extension to remove the trailer and ideally, they would like to have the trailer there until that project is completed. They have asked for it remain through March 31, 2020. That may or may not be enough time. Eventually engineering will be moving back into the former Picciano building or somewhere else. They do need an extension because that condition of their approval has expired.

Mr. Matyas questioned whether the Planning Board should extend approval beyond March 31, 2020.

Chairman Putman gave two options:

- Extend to March 31, 2020 or
- Extend until the completion of the project. One of the conditions is once the project is completed, the trailer be removed within one week and the area be reseeded.

Chairman Putman explained if the Planning Board feels an extension is appropriate, a motion to modify that condition of the site plan requiring the removal of the trailer by August 31, 2019 be amended to extend to whatever date they would like to have in the motion.

Attorney VanWhy stated that when the building is ready for occupancy would be a strong indication the job is complete, even if landscaping isn't done. The trailer should be removed a week from the date of issuance of the Certificate of Occupancy.

A motion to approve modification of the original site plan condition previously stating “the trailer shall be removed from the site within one week of completion of the need, and no later than August 31, 2019,” to “the trailer shall be removed from the site within one week of issuance of a Certificate of Occupancy for the property” was made by Mr. Holbert and seconded by Mr. Cunningham.

Motion Carried - Vote:

Yes – 5 (Matyas, Jacyna, Holbert, Cunningham, Putman) No – 0 Absent – 0



290 Grand Avenue – Harvinder Singh

Advisory Opinion: Use Variance for Personal Services, Parking Variance

Binoi Thomas appeared on behalf of the project on 290 Grand Ave. He stated that there is one parking space, and if the ZBA doesn't approve two chairs, they would ask for only one chair.

Chairman Putman explained that the Planning Board will give an advisory opinion to the Zoning Board for a use variance for personal services and also a parking variance. The Zoning Board of Appeals will conduct a public hearing and make the final determination as to whether the variances will be granted.

Ms. Lane explained the parking space is not considered a legal parking space because you are not allowed to back out into the street. The parking requirement for each chair is one and a half parking spaces. The parking variance would be two parking spaces for one chair (or three parking spaces for two chairs). The Planning Board will make a recommendation to the Zoning Board. Harvinder Singh will attend the Zoning Board meeting in November.

Attorney VanWhy stated there is no legal parking on the premises. The variance would allow one to utilize on-street parking to satisfy the needs of the business. Should the Planning Board recommend approval of the use variance and approval of a variance of all of the parking requirements for this property, it would be a 100% variance for parking.

Ms. Lane stated the police had been adamantly against the previous proposal for a convenience store because of the crime associated with local convenience stores and also people jumping in and out of cars in the street, whereas they had no concerns with the barber shop.

Chairman Putman read the Department Head Comments and Planning Staff Recommendations.

Department Head Comments

- **Code Enforcement:** The partial existing driveway is not a legal parking space, as vehicles cannot back out of spaces, per Village Code. The applicant should be made aware that any parking on the street is a privilege, not a right.
- **Police:** No concerns with the proposed use.
- **Fire:** The property does not have off street parking and in that case I do not support a use variance. When a business does not have proper parking, the patrons will pull over any place they like and cause a problem for our emergency equipment to pass through.
- **Public Works & Water:** No concerns over the proposed use. If approved, it would need a backflow prevention device on the water service.

Planning Staff Recommendations

The Planning Department recommends the Planning Board recommend to the ZBA approval of the use variance, and approval of the area variance for three parking spaces. The proposed use tends to service local clients who could walk to the shop. The use variance should specifically exclude pet grooming services, which is found under the definition for commercial kennels.

“No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such



unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

(1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence (*The owner has been unable to sell the property, as there has been no practical permitted use. An application for a use variance to open a convenience store was denied. In addition, to convert the building to a studio-style residence is cost-prohibitive.*);

(2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood (*The surrounding buildings are all clearly residential so the hardship is solely for this property*);

(3) that the requested use variance, if granted, will not alter the essential character of the neighborhood (*A two-chair barber shop is a low intensity use, and would have little impact on the surrounding residents*); and

(4) that the alleged hardship has not been self-created (*The hardship was self-created out of ignorance of zoning laws, not intentionally.*)”

A motion to recommend to the Zoning Board of Appeals approval of the use variance for personal services and approval of the area variance for three parking spaces, including the condition to exclude pet grooming services, was made by Mr. Holbert and seconded by Mr. Matyas.

Motion Carried - Vote:

Yes – 4 (*Matyas, Holbert, Cunningham, Putman*) **No** – 1 (*Jacyna*) **Absent** – 0

Ms. Lane advised of a situation with Fritz Vail’s 111 Riverside Drive, Munchies Express. She received an application the previous week from a person planning to bake bread there, have limited retail hours, and distribute baked goods. Then yesterday she received a call from someone that said he was buying the Munchies Express business and was told by Paul Della Penna that he needed to talk to us about the permits. So we have an application for a retail bakery, and a request for the transfer of the special permit for a take-out restaurant. Ms. Lane told them they have a month to decide which business will be on the next agenda.

Chairman Putman stated the owner of 19 Arch Street asked the previous morning to come to this meeting and give the Planning Board some information on the conversion of the former Moose Club to an apartment complex. Because of the late date that some projects come in, he is reluctant to put them on the agenda. It isn’t fair to the Board to put something on two or three days before a meeting because the Board wouldn’t have time to review it. Unless a project is received a week before a meeting, it will be on the agenda for the next meeting.

Ms. Lane stated the way 19 Arch Street was proposed to her was that they wanted to come in and discuss some options with the Planning Board.

The Planning Board’s responsibility is to act upon their proposal; it’s not our responsibility to plan how they come up with it.



ADJOURNMENT

A motion to adjourn the Planning Board Meeting was made by Mr. Holbert and seconded by Mr. Matyas. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 7:53pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

