

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Alan Englander
Glen E. Keene

Also Present:

Walter Sevastian
Don Yacopino, Building Inspector
Bob Galvin—Village Planner

Absent: Peter Voletsky

Other Business: A motion was made by Chairman Klose, seconded by Member Voletsky, to accept the April 7, 2014 Minutes. Passed 5-0.

1. 235 High Avenue. Site Plan application to remove two trees and extend driveway. Property is in TFR Zoning District. Arborist's letter included.

Building Inspector --*Proposed driveway extension appears to encroach on neighbor's property to the east. An easement or property acquisition may be required for this modification.*

Applicant-- John Dinoia-- seeks removal of three trees-- need to replace the trees with appropriate landscaping the property no pavement-- driveway is not working-- excavate with driveway-- less paved area, so stormwater will be reduced.

Planning Board and Village Attorney explained that they would not accept any site plan that required the use of the neighbor's property without an easement. applicant argued that he was not going to extend the driveway into the other property-- site plan currently shows the encroachment-- needs a driveway easement. Village attorney must approve any easement.

Board-- No public objection to the plan and no comments.

Motion to Close the Public Hearing by Klose, with second by Keene vote by 4-0 to close approved.

Board Actions and Resolutions:

With respect to SEQRA-- *The proposed action is exempt from consideration under SEQRA. as a type II Action*--

By motion of Chairman Klose [**Seconded by Englander (approved by vote 4-0)**], and given that the planned improvements will enhance the neighborhood and not have any perceived detriment to the character of the neighborhood the Planning Board Resolves to GRANT the site plan application to remove trees, and permit the Site plan 4/26/2014 subject to applicant recording with the County Clerk an easement for egress and ingress for the driveway and replacing the landscaping with appropriate landscaping picked by the applicant.

2. 20 Fifth Avenue. Andrew Gale. Application to remove a tree.

Building Inspector-- Property is in SFR-1 zoning district. Arborist's letter included.

Applicant- silver maple cut by O&R they want to remove the split trunk, they want to remove it would like to remove something on fifth ornamental trees like a dogwood-- keep away from O&R
Board-- No public objection to. Motion to close public hearing by Klose (Second by Jean Gilles- approved vote 4-0)

Board Actions and Resolutions:

With respect to SEQRA-- The proposed action is Type II action from consideration under SEQRA.

Board Action--

By motion of Chairman Klose [**Seconded by Keene (vote 4-0)**] and the Planning Board Resolves to GRANT the application to remove trees, subject to replacement with appropriate foliage, and approval by the building department.

3. 296 North Midland Avenue. Francesca Russo. Site Plan application for demolition of existing garage, construction of a two story structure and request for recommendation to Zoning Board of Appeals. Property is in TFR Zoning District.

Building Inspector--Per Article I VON§360-1.9E an area variance is required from Article IV VON§360-4.3 Table 4-1 for the alteration and enlargement of a building that is nonconforming to the following dimensional standard: an existing lot width of 46.86 ft. where 50 ft. is required. Applicant received ARB approval on April 16, 2014. ARB did not offer any comment on the variance request.

Applicant-- seeking to remove the garage-- increasing the width of the garage, but the width of the lot is non-conforming. The application appears to better the existing condition, improve the neighborhood and enhance the various site plan elements of this location.

Board-- No public objection to. [Motion to Close Public Hearing by Klose on Site Plan and Variance Applications (seconded by Jean Gilles, Approved by 4-0).

Board Actions and Resolutions:

Motion to close public hearing-- klose, second by jean gilles- (4-0)

With respect to SEQRA-- The proposed action is exempt from consideration under SEQRA Type II action

Board Action-- By motion of Chairman Klose [**seconded by Englander, (vote 4-0) to recommend positive recommendation**] the Planning Board recommends the following area variance to the ZBA:

- a- *Article I VON§360-1.9E an area variance is required from Article IV VON§360-4.3 Table 4-1 for the alteration and enlargement of a building that is nonconforming to the following dimensional standard: an existing lot width of 46.86 ft. where 50 ft. is required. [Second by Englander-- 4-0.]*

Site Plan--*With respect to the Site plan one page dated-- 1/2/14 revised 3/17/14 total of seven pages, subject to reasonable conditions imposed by the ZBA and the ARB second Dan Jean Gilles and Vote 4-0. Site Plans approved subject to building department review.*

4. 159 Main Street. [Avida Wine Bar] Site Plan application to use rear yard for outside dining/drinking and recommendation to Zoning Board of Appeals. Property is in DMU Zoning District.

Building Inspector --*Proposal is to access 500 sq. ft. of rear yard for outside seating / dining for which on-site parking is not supplied. Per Article IV VON§360-4.5 B (3) an area variance is required for three off street parking spaces from Article IV VON 360-4.5C (2)-Table 4-2. Applicant previously obtained a variance for two off street spaces in conjunction with this enterprise (May 20, 2013).*

Applicant--Wine Bar seeking parking variance to permit additional seating the rear of the building, which is shared with the residential tenants above. The applicant proposes and has agreed to all rules and regulations relating to sound attenuation and states that there will be No amplified music, and that the establishment will close at 11 PM. The Planning Board remained skeptical that permitting the use of the rear yard for alcohol consumption, and all of the issues of permitting alcohol consumption, away from Main Street in a dimly lit rear yard. Would like input from the Orangetown Police, the Village Planner and any other governmental agency or board with jurisdiction over the issues of such consumption, and public safety. Applicant has a license to serve alcohol on the rear yard--but cannot set up a service area in rear. Planning Board notes that other applications have denied the consumption of alcohol in rear yards for other establishments because the noise, public safety and proximity of residential dwellings to such back yards. Building Department to refer to Police Department, Village Planner and Village Board.

SEQRA-- type II action- no SEQRA review is necessary

Public-- Mildred Jones-- from the Church of Zion--a church within a few hundred feet of the establishment because -- does not want this type of establishment serving alcohol in the rear yard.

Public hearing remains open

Board-- With respect to the parking variances requested, the Planning Board specifically declined to make any recommendation as to the parking variance for this establishment-- mostly because there have already been a variance granted for two spaces, and this applicant is affirmatively seeking to create the non-conformity. Englander seconds Member Klose's motion to make no statement --Approved by a Vote-4-0.

Board Actions and Resolutions:

Board Variance Action-- declined to rule on the parking variance preferring to leave such an issue to the Zoning Board.

Site Plan-- With respect to Site Plan applicant will return with ZBA variances (or not) and in the meantime the Building Department will refer to the planner, police and fire and village Board to consider the proposed site plan.

5. 9 West End Avenue. Erica Della for Marion Imperatore. Site Plan application for rear addition. Property is in TFR Zoning District. Proposal complies with zoning requirements. Several design elements are still to be worked out but ARB approved the project April 6, 2014.

Applicant--one tree will be removed but applicant intends to return some landscaping near the rear yard.

Board-- No public objection to the existing footprint, no change in the layout, character or nature of the building or the neighborhood.

Board Actions and Resolutions:

With respect to SEQRA-- *The proposed action is exempt from review under SEQRA. Type II action.***Board Actions and Resolutions: Klose moves to close the public hearing-- second by Keene- passed 4-0.**

With respect to SEQRA-- *The proposed action is exempt from consideration under SEQRA.* **Board Action--** Motion by Klose to accept the site plan 3-4-2014 of 2 pages as drawn subject to the applicant adding some appropriate foliage and all exterior light down facing. Second by Keene-- vote 4-0

OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Voletsky. Vote 5-0. Meeting adjourned at 9:00 pm