

Planning Board Meeting
August 24, 2015

Tim Wilford, Chairman
Steve Caruso
Elaine Van De Carr
Kevin Clancy
Deborah Hext, Alternate
John Scally

Jason Shaw, Village Attorney
Glenn Hebert, Zoning Administrator
Kelly Best, Secretary
Chuck Marshall, Representative for Bauman &
Stewarts Shops
Dean Whalen, Trustee – Liaison
Kerry Dineen, Trustee
1 Reporter
16 Residents

Chairman Wilford opened the meeting at 7 pm. Board member Scally had not yet arrived. Alternate Board member Hext took his place. Chairman Wilford explained to the public the difference between a Public Meeting and a Public Hearing. He stated this was a public meeting and public comment would not be allowed. He advised the citizens present to attend the Village Board meeting on September 1st which will be holding the Public Hearings.

Chairman Wilford made a motion to approve the November 2014 minutes. Board member Caruso seconded the motion. Board member Caruso – In Favor, Board member Van De Carr – In Favor, Board Member Clancy – abstained, Board member Hext – abstained, Chairman Wilford – In Favor. Motion passed.

Chairman Wilford made a motion to approve the May 2015 minutes. Board member Van De Carr seconded the motion. Board member Caruso – abstained, Board member Van De Carr – In Favor, Board member Clancy – In Favor, Board member Hext – abstained, Chairman Wilford – In Favor.

Board member Scally arrived.

Chairman Wilford stated that the Planning Board would first review the Rezone of 107-109 Helderberg Avenue from an R-10 to CBD. Property is owned by Peter and Anne Bauman. Board member Hext stated she would like to know the history of the zoning for this property. It was determined that the property was zoned Business until 6 or 7 years ago when the Village passed a new Comprehensive Plan and Zoning Ordinance. Board member Hext wanted to know why it was changed at that time and how many other properties had the zoning changed at that time.

Mr. Shaw stated that since Board member Hext was an alternate and regular Board member Scally had arrived, Board member Hext should step aside and allow Board member Scally finish out the meeting.

Mr. Shaw informed the Board that this board can make recommendations for the proposed law or against the proposed law. They can also make recommendations with a list of conditions. He went on

August 24, 2015

Page 2

to say the Board should be considering if there is anything in the proposed change that would be contradictory or consistent with the comprehensive plan.

Board member Van De Carr stated that the Board should be concerned with setting precedents – if zone changes should be made and how often.

The Board discussed that they felt they could not make informed decisions or recommendations on the rezone if they were not informed as to what was to be built on that property.

Chairman Wilford explained that Stewart's did not formally submit two sets of plans. He stated that the Board received an application for one set to remodel the current store and the idea of expanding to the property on Helderberg Avenue was already being look at by Stewarts before the Board asked for Stewarts to investigate other options.

Mr. Marshall presented the Planning Board with a concept plan of the building Stewarts would built on the site if 107-109 Helderberg Avenue was rezoned to CBD.

Mr. Shaw stated that law states that when asking for a Zoning change with a specific project planned for that property, the board must take this project into consideration. Mr. Shaw went into the SEQRA requirements which will need to be reviewed for this property. He again stated the board has to look at all of it, not just whether to rezone this one lot but what would be done with the lot once it is rezone. Mr. Shaw gave a number of examples. Mr. Shaw did state that recommendations from this Board to the Village Board are not binding recommendations. Mr. Shaw stated that the new concept plan presented would impact the neighborhood.

Chairman Wilford felt that some of the issues should be discussed since this board has received a new concept plan from Stewarts. The Board discussed lighting and setbacks. Chairman Wilford reviewed with the public how the rezone request has come about. The Board determined that neither the remodel of the building plan or construction of the new building plan will save the trees around the building.

Mr. Shaw stated again the board is to take into consideration – is the zoning change consistent or inconsistent with the Village Comprehensive Plan.

Chairman Wilford expressed that he felt this was something that falls directly in the hands of the Village Board.

Board member Clancy pointed out that the change is requested for property on the edge of the zone, that the size of the lot is small and it had once been zoned business.

August 24, 2015

Page 3

Board member Scally stated that they need to maintain the spirit and character of the Village and would hate to see another.

Chairman Wilford made a motion to refer the matter back to the Village Board in regards to the rezone of 107-109 Helderberg Avenue relating to Stewarts Shops. Board member Clancy seconded the motion. All in Favor.

Chairman Wilford stated that the Board would review the definition relating to Elderly Housing.

Mr. Shaw reviewed how this matter came before the Village Board. He stated that the current village code states Elderly as defined someone 55 years of age or older. The law increases the age to 59 years of age. He also stated that although Elderly Housing is allowed in the R-10 zone, the zoning code does not address it in the Bulk and Area chart. Mr. Shaw stated that the change would not affect any current senior housing. He stated the change would affect the entire R-10 zone.

Chairman Wilford stated that he has a problem allowing Elderly Housing in the R-10 zone.

Mr. Shaw stated that the proposed law was filling a void left when the zoning law was adopted.

Chairman Wilford asked Mr. Shaw why the Village would need to allow Elderly Housing in the R-10 zone when the Village has RSC zones listed in the code.

Mr. Whalen stated that the RSC zones were already in place and have been built out when the zoning code was adopted. The second "Elderly Housing" was intentionally added to the new code. This was done to create elderly housing in the center of the Village – the R-10 zone.

Chairman Wilford was concerned that every property in the R-10 could be used for Elderly Housing. Mr. Shaw stated that the village code states the property must be 40,000 sq ft to meet the requirements for Elderly Housing and very few properties in R-10 have that much square footage.

Board member Clancy made a motion that the Village Board review and correct inconsistencies in the Zoning Code and complete the bulk and area chart in the R-10 zone. Board member Van De Carr seconded the motion. All in Favor.

Chairman Wilford stated that the Board would next review the Residential Conservation District zone being proposed.

Chairman Wilford made a motion to defer this matter back to the Village Board. Board member Scally seconded the motion. All in Favor.

August 24, 2015

Page 4

The next meeting of the Planning Board is scheduled for September 28, 2015.

Board member Van De Carr made a motion to adjourn the meeting at 8:40 pm. Board member Caruso seconded the motion. All in Favor.

Respectfully Submitted,

Kelly Best