

Chairman Pearsall wanted clarification as to the hours of operation. Ms. Regan advised the hours of operation would be 4:15pm – 7:15pm.

Member Stephen Zacharzuk indicated that the letter received from St. Paul's granting permission for Ms. Regan to use Parish Hall for a daycare would need to be amended to change the time of the operation.

Member Craig Thorpe-Clark asked if there would be only one bus of kids. Ms. Regan indicated yes.

Chairman Pearsall proceeded to read and answer the Appendix A - State Environmental Quality Review - Full Environmental Assessment Form. The signed EAF is on file for review in the Building Department.

Chairman Pearsall indicated that Upon review of the information recorded in this EAF (Parts 1 and 2 and 3 if appropriate) and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that the project will not result in any large or important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared.**

Chairman Pearsall made a motion to declare a negative declaration. Seconded by Member Carig Thorpe-Clark. All in favor.

Chairman Pearsall asked the Board if they had any questions. Board replied no.

Chairman Pearsall made a motion to approve the site plan of 7428 South Broadway known to be "Kids Camp" as shown on site plan with fencing in rear consisting of wooden snow fence and contingent upon getting all necessary approvals from any governing body's of the State. Seconded by Member Craig Thorpe-Clark. All in favor.

#3. **Friends of Elemendorph, Inc.** 7562 North Broadway Site Plan
Tax Grid #:6272-06-479800

Beth Jones, President of the Friends of Elemndorph, Inc., was present and had previously submitted for the Board members a hand-out and pictures of the site at the Elemendorph Inn.

Ms. Jones indicated they were previously in front of the ZBA Board and that the ZBA Board recommended that the Friends of Elmendorph obtain site plan approval to conduct mercantile activities at the Inn. This use is in addition to the place of assembly which was assigned to the Inn, and both uses are permitted in the general business district. It should be noted that there is a second building, the carriage barn on this parcel, which has been granted mercantile use in the past.

Ms. Jones read her hand-out as presented to the Board. This handout indicated that the Elmendorph Inn has been a community resource by a variety of local organizations for different purposes. The only use that is continuous in nature is the office space used by the Egbert Benson Historical Society of Red Hook on the 2nd floor of the Inn. All other uses of the Inn are either temporary in nature (e.g. Harscrabble Day, Christmas Sale) or attached list of organizations that have used the Elmendorph Inn. Hand-out gave square footage; calculation of parking; proposed restrictions on such use and a list of the organizations and people who have used the Elmendorph Inn. (Copies of documents are on file in the Building Department for review).

Chairman Pearsall asked that looking at the site plan and parking area if they had the dimensions as far as the parking area/spaces. Ms. Jones indicated they do not have measurements.

Chairman Pearsall asked if they knew what the distance was the front of the western most parking spot to the front the eastern most parking spot (width of entire parking area). Mr. Phelan indicated that there was more than adequate parking.

Chairman Pearsall advised that in accordance with Village Zoning Law it is required that parking spaces have to be 9ft. wide by 18ft. long and there has to be 24 feet of maneuvering room between parking spaces – being a total of 60 ft. Do we have 60 feet there? Mr. Phelan said they would need to get measurements. Ms. Jones indicated that they would get the measurements and get back to the Board.

Chairman Pearsall advised that according to the handout he see that it was indicated that they will instruct vendors to park off premises so as to make all parking spots available – but recommends that for village parking compliance – whether they park off of premises or not, there has to be sufficient parking spots. Chairman Pearsall asked how many vendors there were? Mr. Jones indicated it was mostly them having a fundraiser. They do not do a lot of mercantile on the premises, but there was a complaint, and they are trying to be compliant.

Chairman Pearsall advised that he needs to know perimeters in order to calculate parking spots.

Ms. Jones indicated vendor numbers vary. Chairman Pearsall indicated to go with the high number. Ms. Jones indicated 10-11. Chairman Pearsall indicated that we would go with “11” as

the high number, therefore, 6 parking spots would be needed. Vendors are considered an employee. If using 11 as high number, you would need 6 parking spots for employees (1 parking spot for every 2 employees) plus the 10 for square footage – totaling 16. Chairman Pearsall advised that you could either add a couple of parking spaces or apply for a variance.

Ms. Jones again indicated they are a non-profit organization with very limited resources and they really rely on these donations to keep the Inn going. They are trying to not incur any additional expenses.

Ms. Jones asked if they could the WKZE parking spots when they are not there. Chairman Pearsall, with CEO Sam Harkin's input, advised no. They have to be in compliance with the law to have their own number for parking spots.

Chairman Pearsall advised, with Sam Harkin's input, that WKZE needs 9 parking spots. Member Fredricks read from site plan that indicates 9 spaces. Chairman Pearsall indicated you need 1 space for every 200 sq. ft. of office space – so that is where the 9 comes from.

Mr. Phelan asked if there were no provision in the Zoning Code that would allow use of the space for 2 uses, when the occurrence does not occur as the same time as the other use. Chairman Pearsall indicated the ZBA would have to grant that.

Mr. Phelan asked if you can approve mercantile use with conditions and then leave it up to the Elmendorph if they wish to seek a variance? Chairman Pearsall indicated at this point we cannot approve without sufficient parking. Mr. Phelan asked then what is sufficient parking. What if only one vendor. Chairman Pearsall indicated you still would not have a enough – there are 17 parking spots, and even without vendors, you would need 10 parking spots just on sq. footage and WKZE needs 9 parking spots on sq. footage – so you are still short on parking.

Member Fredricks advised that the problem is that the law is based on square footage.

Chairman Pearsall advised that a variance is the best option.

Ms. Jones asked about expense of variance. CEO Sam Harkins advised \$75.00 plus certified expenses. Certified mailings go to all residents within 200 ft. of property.

Chairman Pearsall suggested that prior to going in front the ZBA to check the measurements.

Ms. Jones asked if another application fee had to be paid to come back to the Planning Board. Chairman Pearsall advised no – this meeting would be tabled to be continued.

Chairman Pearsall indicated next ZBA meeting would be April 28, 2011.

Member Fredricks advised that a public comment should be scheduled. Chairman Pearsall scheduled the public comment period for the planning board for April 21, 2011 at 7:00pm (meeting scheduled one week ahead, due to conflict with members). Regular Board meeting will begin at 7:30pm on April 21, 2011.

Chairman Pearsall again recommended they get the dimensions on their site plan prior to ZBA meeting – 9ft wide X 18ft. long with 24 feet in between for a total of 60 feet.

Chairman Pearsall asked about lighting. Ms. Jones indicated they have lighting, but event are held during daylight hours.

CEO Sam Harkins indicated that with regard to lighting, they should have lighting in place, in the event there is a community event to be held during the evening. Do a blanket “m” for lighting.

CEO Sam Harkins with let applicant know of the lighting requirements prior to ZBA meeting, so it can be shown on the site plan.

Chairman Pearsall asked if members had any other question. Member replied no.

Chairman Pearsall made a motion to table this planning board meeting until April 21, 2011 at 7:00pm. Public Hearing will begin at 7:00 pm with regular scheduled meeting to begin at 7:30pm. Seconded by Member Stephen Zacharzuk. All in favor.

Ms. Robert McKeon asked about classification of zoning use and at what point does it cross that threshold to require a change in use. Chairman Pearsall advised that the current use was an “A” and once they began to engage in retail it would require an “m” – mercantile. Ms. McKeon asked who makes that determination. Chairman Pearsall indicated the ZBA. Member Fredricks advised that when you change your use you go to a different classification. Member Fredricks advised that once you start selling articles in the building, you have changed from use of assembly to mercantile. Mr. McKeon feels that selling of goods has been going on for decades - so why the change now. Chairman Pearsall advised that just because an activity has been going on does not mean that had conformed to the law and once it comes before this Board – they have to make sure that it complies with the law. Mr. McKeon asked about the grandfathering argument – that it was grandfathered in prior to adoption of zoning. CEO Sam Harkins advised that the zoning code was adopted in 1952.

Mr. Sam Phelan asked how do you change the law from an automobile ruled society to a walking village – where we come and we go. Member Fredricks indicated that it is not easy to change the law, and that is why people get a variance. A lot of businesses went for variances because of that reason – and that is what the ZBA’s function is – so that if we cannot comply in this automobile society, what do we do. Once someone complains the Board has to comply with the law.

Mr. Robert McKeon wanted to thank the Board and CEO Sam Harkins for their help in trying to understand these issues. Mr. McKeon also wanted to know why the Village offices did not have a zoning code book available for purchase. CEO Sam Harkins asked Mr. McKeon to write a letter to the Village to complain. Mr. Harkins did advise that they are currently re-writing the zoning code.

Chairman Pearsall made a motion to close the planning board meeting at 8:05pm. Seconded by Member Craig Thorpe-Clark. All in favor.

Respectfully submitted,

LARA HART
Building Department Secretary