

## **DRAFT MINUTES**

Minutes of the regular meeting of the Planning Board of the Village of Rouses Point, New York, held on Monday, January 28, 2013 at Halstead Hall, commencing at 7:00 p.m.

**CALL MEETING TO ORDER:** Mr. Cooper called the meeting to order at 7:00 p.m. and began with the Pledge of Allegiance.

**ROLL CALL VOTE:** John Cooper, Shirley Hall, Tom Batha, Chuck Roush

**ALSO PRESENT:** Attorney Tom Murnane. Clifford Sterling, Code Enforcement Officer

**ABSENT:** Donald Gladd

**ALSO ABSENT:** Geri Favreau

**RECORDING SECRETARY:** Carol A. Hanfield, Zoning Board Secretary

**APPROVAL OF THE MINUTES:** Shirley Hall made a motion to approve the minutes of the December 26, 2012 meeting; Seconded by Tom Batha; Aye Carried

**CORRESPONDENCE:** Tom Batha stated that we received information from the Army Corp. of Engineers regarding the Marina at Lighthouse Point.

Mr. Cooper introduced Mr. Clifford Sterling, the Code Enforcement Officer, to the Planning Board Members and Attorney Murnane.

**PUBLIC HEARING: SEQR FOR Special Use Permit for Saxony Apartments/Marc Chapman**

Mr. Batha made a motion to open the Public Hearing for a Special Use Permit for the Saxony Apartments/Marc Chapman

Mr. Cooper asked for comments from the public or if anyone from the Board had any comments.

Attorney Murnane asked if this was referred to the County Planning Board as he hadn't seen anything and wanted to be sure for the record. He mentioned about whether there were any requirement for area variances necessary for lot size setbacks or not. Mr. Cooper told him that it was deemed a local issue.

Mr. Batha told Mr. Chapman that his concern is that everyone is happy that he is doing something with the building but has had a lot of people approach him about the cleaning up of the front part of the building, like the cement blocks piled up and 2 x 4's nailed up, and if he could clean it up. Mr. Chapman said that he would. Mr. Batha asked about the configuration of the front parking lot and if there would be any green space. Mr. Chapman said it would be about 10' of green space. Mrs. Hall addressed other green space areas.

Mr. Batha asked about the vehicles in the back parking lot. Mr. Chapman said that he is getting rid of the cherry picker, and the other vehicles will be coming out along with the dock. He will have the RV but will probably move to his property in Vermont. Mr. Batha said that this barely meets the minimum parking standards. Mr. Chapman said that he had put in for 12 spaces and is now down to 10. Mr. Batha said that the parking will work but he won't be able to park his equipment. Mr. Chapman said that every vehicle that is there will be moved in the spring. Discussion followed.

Attorney Murnane asked about some of the setbacks and reviewed the plan. There is a section of the zoning law that says 'no parking spot can be within 5' of residential'. Mr. Batha stated that it is not residential on the west side but it is tight on the south end. Attorney Murnane reviewed the plan for the parking spaces. Attorney Murnane stated that Mr. Chapman has 15 spaces and has enough but may have to eliminate a parking space on the south end. Mr. Chapman said that was not a problem. Mr. Murnane said to make sure that he maintains a buffer space. Discussion followed.

Mr. Sterling asked about Mr. Chapman's parking space. There are 11 units so it is required that he have 16 ½ spaces. The Board discussed the parking situation and the layout for being able to turnaround, etc. and Mr. Chapman said that he has 50' to his property line on the west side of the building and stated that his engineer will reconfigure the parking spaces. Mr. Chapman does not intend to have all the apartments available for some period of time. He is presently working on different options with Melissa McManus.

Mrs. Hall asked what will be done over the foundation area. Mr. Chapman said it is concrete and steel and he will be cleaning it up. Mr. Sterling then asked about the wooden platform and what was going to be done with that. Mr. Chapman explained that the platform is concrete and steel. Mr. Batha asked about the basement and if it was waterproof. Mr. Chapman said it has an 8' ceiling and is 50' x 40' and he will pour concrete someday. He would like to do something with that area. Attorney Murnane said that could create a problem with parking if he wished to do something with that section.

Mr. Chapman said that years ago he sold property 110' x 139' to Mr. Bennet and he would like to purchase some of his property back. It will depend on what Mr. Bennet wants for the property and if he is willing to sell.

Mr. Roush asked if he would be able to use it for additional storage for his tenants. Mr. Chapman said there were some storage areas in the plans. Mr. Roush said he was thinking about additional use. Mr. Chapman said that was in the new set of plans. Discussion followed.

Mr. Chapman addressed the parking for himself and that it would be under the deck. That area is needed for storage. He now has a garage door that will be removed. Mr. Sterling asked if there will be a parking spot by the exit door. Mr. Chapman said that there will be one. The exit door will not be used by the tenants. Discussion followed.

Attorney Murnane stated that under Section 120-21(b) 'all parking spaces shall not be smaller than 9 x 20'. Shirley Hall said that the parking spaces listed on the plan are 9' x 18' on the west side. The parking sizes were reviewed. Mr. Murnane suggested that the plan show the proper size of the parking



spaces. Mr. Chapman agreed that he will have his architect correct it to be 9 x 20 and he will resubmit the plan. Discussion followed.

Mr. Roush made a motion to close the Public Hearing; Seconded Mr. Batha; AYE CARRIED

**REGULAR SESSION:**

Attorney Murnane suggested that the application be tabled until the meeting next month. This will give time for the plan to be changed and resubmitted. Mr. Cooper suggested that this public hearing be continued. Mrs. Hall made a motion to continue with the public hearing at the February meeting; Seconded by Mr. Roush; Aye Carried.

Mr. Roush clarified that the new plans will show the removal of the 1 parking spot in the back that gives him 5' from a residential property line; all parking in front and back will be 9' x 20' and show an additional space for the owner. Mr. Cooper said that the Board will look at the revised plan, review the SEQR and then vote on this.

**PUBLIC HEARING: SITE PLAN REVIEW for Joseph Treadwell for a Boat Storage Building at 23 Manor Drive (Gaines Boat Storage Yard)**

Mr. Batha made a motion to open the Public Hearing for a Site Plan Review for Joseph Treadwell for a Boat Storage Building at 23 Manor Drive (Gaines Boat Storage Yard); Seconded by Shirley Hall; Aye Carried

Attorney Murnane asked if the building was going to be an enclosed building and if the board discussed the setbacks at the last meeting. Mr. Batha said that they did and the Board is working on making a change to the zoning districts so that there doesn't have to be a buffer in this zoned area.

Attorney Murnane said that the Board will have to do SEQR.

Mr. Roush made a motion to close the Public Hearing; Seconded by Mr. Batha; AYE CARRIED

**REGULAR SESSION:**

Mr. Batha made a motion to deem this an Unlisted Action and the Village of Rouses Point Planning Board be Lead Agency of this project; Seconded by Mr. Roush. AYE CARRIED

Attorney Murnane proceeded to review with the Planning Board, Part II of the SEQR. All answers were NO.

Shirley Hall made a motion to deem this project a Negative Declaration; Seconded by Mr. Batha; AYE CARRIED

Attorney Murnane reviewed the property on the Village tax map. He stated that we are still waiting for SBA to release Manor Drive from the mortgage and deed it over to the Village. Discussion followed.

Mr. Roush asked Naomi Treadwell what the largest vessels are that they take through the boat route to their storage. Mrs. Treadwell said probably 40' because they have to be below the power lines. Mr. Cooper explained what the boat route is. Attorney Murnane discussed the status of the property where the boat storage property is and who owns the property on Barnes Street. Discussion followed.

Shirley Hall made a motion to approve the Site Plan Review; Seconded by Mr. Batha; AYE CARRIED

Mr. Batha asked if this is permanent. Attorney Murnane explained the process of what will happen if they were to come back in two weeks and want to add ten feet to the building. That would change the approved plan so they would have to go back to the Planning Board. If they are complying with what they requested they are fine. They should start building within the year.

#### **OLD BUSINESS:**

Attorney Murnane asked to discuss some old business regarding conversations he had with Mr. Cooper and members of the Board dealing with Fairsea/Lighthouse Point Marina. There was a special meeting on the 10<sup>th</sup> of December and since that date he has been working on the Conditioned Negative Declaration and has worked with Mr. Everett, the attorney for Mr. Walker. They have e-mailed a few times since the meeting asking for more information. In the last week and even today there were some final adjustments and modifications made. Tonight he has a completed Conditioned Negative Declaration for the project. No formal action needs to be taken because formal action was taken on December 10<sup>th</sup>. He wanted to update the Board on what was going on. He stated that Mr. Cooper had called with concerns on comments being made and Trustee Maskell had called with additional concerns. His conversation with Mr. Everett, the attorney for the developer has been very positive and he has been fairly easy to work with and also very accommodating. Again, no formal action is required but he wanted to let them know that the Conditioned Negative Declaration is ready. The next step is to file with NYS DEC and there is advertising expense that is required by law. There is an open comment of 30 days for people to comment on the Conditioned Negative Declaration.

Mr. Batha said that they still have to do Site Plan Review. Attorney Murnane stated that Mr. Ovios, our Engineer, submitted a letter to the Village regarding additional items that he wanted for the Site Plan Review aspect that has been sent to Mr. Everett and Mr. Walker has a copy as well. Mr. Everett said that their engineer is working on some of the things Mr. Ovios asked for. They didn't have any of that stuff ready for tonight for Site Plan Review. He did want him to bring up that the Conditioned Negative Declaration is finished.

Mr. Batha had concerns about the number of boat slips, 1.5 parking spaces per boat, 75 or 80 of his parking spots are based on temporarily leased land from Delegar. That lease is 7 years old which is down to 5 years now and he doesn't see that that land can be used. Delegar may pull that back that

they don't want him to have it anymore then he is down 75 parking spots. Attorney Murnane stated that this should be discussed during the Site plan review. Discussion followed.

It was also talked about the visual obstruction of the roof top and raising the the dock higher than it is now. Attorney Murnane said that this can also be discussed during the Site Plan Review.

Mrs. Hall made a motion to proceed with the necessary steps for the Conditioned Negative Declaration; Seconded by Mr. Roush. AYE CARRIED

**NEXT REGULAR MEETING:**

The next meeting will be held on Monday, February 25, 2013 at 7:00 p.m. at the Civic Center

**ADJOURNMENT:**

Mrs. Hall made a motion to adjourn at 8:00 p.m.; Seconded by Mr. Batha; AYE CARRIED

Respectfully Submitted,

A handwritten signature in cursive script that reads "Carol A. Hanfield". The ink is dark and the signature is fluid.

Carol A. Hanfield  
Zoning Board Secretary