PROCEEDINGS OF A CODE REVIEW MEETING
OF THE VILLAGE BOARD OF TRUSTEES
March 2, 2019, 9:00 AM

Present

Mayor:	Bob Corby
Trustees:	Dan Keating
	Margaret Caraberis
	Lili Lanphear

Recording Secretary: Jo Anne Shannon

CALL TO ORDER

Motion by Mayor Corby , seconded by Trustee Brizee, to call the meeting to order at 9:20 AM. Vote: Lanphear – yes, Keating – yes, Brizee – yes, Corby – yes. Motion carried.

MAP REVISIONS

Mayor Corby cited several corrections to the Village Zoning Map:

- Borders of the Powers exception parcel are incorrect and should reflect the tax parcel map, the blue strip doesn't align with where it actually is, different shape and a different size.
- On the east side of Main St. , North Main between the four corners and the canal they show it as R4 but they're including the Canal Park Office Building and the Town lot which should be part of B1. Only the lots that front on North Main should be R4.
- On the west side of North Main St. Bank of America should not be R4; it should remain in the B1 district. The other lots should be in R1 or R2. R1 in their proposal is the large lot district, then the lots at the top of Osgoodby Hills and go off the private drive of Rand Place between Eastview Terrace should be included. The other area is Monroe Ave. where there are large lots. Also Stonegate Lane including Mott's and Rand/Wambach's should also be R1.
- With the LWRP, the zoning district continues over canal property so all these boundaries should go to the center line the canal. By resolution the zoning goes over the railroad right of ways and the utility right of ways to these white blank spaces are a mistake.
- Office parks-Pickle Factory, Village Grove Office park should be MU-2.
- Bob Ford Field – open space. Canal Corridor and all the parks should be open space.

CHAPTER 210 PART 4, ARTICLE 44 SITE PLAN REVIEW

SECTION 210-44.1 INTENT Mayor Corby feels this section is weak. Building scale and density, pattern of building, streetscapes, building orientation, canalscapes, buffers between residences should be added to help understand what are the characteristics that define the Village. Even though this is part of the Preservation Code it is also relevant to site plan review. Trustee Lanphear stated Justin Vlietstra had some concerns: Mayor Corby stated most of the applications before the PBZA are modifications to existing site plans and Justin felt this was geared toward new development instead of modifications and the trickiest issues are preexisting nonconforming properties and preexisting properties that just

happened but were never approved. Trustee Keating stated it's important that new development is addressed. Both are needed. Trustee Brizee stated that minor site plan review may cover what Justin is talking about.

SECTION 210-44.2-B Minor Site Plan Review - Trustee Brizee stated the intent sounded a lot like the HPB perspective but it is also relevant to site plan, that the PBZA can take them into consideration. Trustee Lanphear stated is good to spell out what is the character of the Village. For example, differentiate between canal commercial and residential when defining character. Mayor Corby stated the Village retains a traditional nineteenth century organization with a compact commercial core surrounded by residential neighborhoods not eroded by suburban development. USGS website has topo maps going back to 1895 showing how the Village has grown.

Trustee Lanphear questioned if something triggers site plan review do you look at the entire site or only the proposed work. Trustee Keating stated they could look at how the new work fit in with the old. Trustee Lanphear stated there was an issue with 50 State; when reviewing the parking lot aaplication the PBZA felt the owner needed to add a pedestrian friendly side walk to bring the property up to current code but there was no vehicle to force the owner to do that. If you only look at the new work there is no mechanism to connect the new with the old. Mayor Corby suggested addressing this with the consultant. Some discussion followed regarding how the fire code affects the requirements for code review.

Trustee Brizee stated there is a concern in regard to 50 State St. which is a mini mall, about parking requirements and what our role is to evaluate the parking and what the impact on that mini mall is going to be when the nanobrewery goes in there. And who is responsible unless there is a full site plan ability to evaluate the impact on the parking. Whose role is it if we don't have a site plan review. What will the impact be on the other stores and restaurants? Mayor Corby suggested if the improvements encroach over 25% of the area it would need to bring the property up to speed. You need some sort of carrot to eventually bring things into compliance with the current standards of the code. Trustee Brizee questioned as a self-contained property there has to be parking for the stores. She hasn't seen a plan for how parking is allocated and how do we do that? Could be used as an example for the larger issue of parking in the Village. Mayor Corby stated there is a difference between the parking requirements there and parking in the Main St, commercial district. There needs to be a reasonable standard and probably needs to be in increments; for example, Chase Bank wants to redo their parking lot. Green space should be added where there isn't room for a parking space. What triggers site plan? Trustee Brizee stated setback/distance from residential properties should be considered. Mayor Corby stated dumpsters have been a source of many complaints. Trustee Keating stated it is not fair to make the owner bring the entire property up to code if there is only a minor change, and asked Mayor Corby to expand on the 25% requirement, what that would mean for the applicant. Mayor Corby suggested you could tie it to major improvements, that if 75% of the area was disturbed you would need to come in with a total site plan. Or all new improvements need to build to current code standards, so in other words that if you redo the driveway you have to put in a sidewalk. Trustee Keating stated you don't want to create a disincentive for residents to improve their property. Mayor Corby stated some standard has to be in the code. It's a balancing act to get this in the code and needs to be discussed with the consultant.

Trustee Lanphear stated change of use/ change of intensity should trigger site plan review. Architectural drawings are needed for change of use due to impact on parking. Any commercial renovation should require stamped architect drawings. Trustee Keating wondered if improvements to a parking lot under the percentage rule would that trigger bringing the building up to code. Mayor Corby stated the parking lot and the building would be treated separately. Trustee Lanphear stated if the PBZA was looking at a special use permit for a new restaurant where one did not previously exist, they would want to be looking at a site plan that said where the dumpsters were located so you'd want something to trigger them to look at that issue. They'd want to look at parking, deliveries, ingress, egress. Mayor Corby stated the nanobrewery should have had a site plan because it was an intensification of use. Our code should recognize nanobreweries and the whole spectrum of uses so everybody is subject to the same requirements and they can be consistently applied. Mayor Corby cited the changes in Schoen Place over the years. Trustee Lanphear proposed that we add site plan review to special use permits. Then it's up to the PZBA to use their discretion as to whether or not a site plan is needed. Trustee Brizee stated we are adding to our special use permit list other types of businesses that would trigger site plan review. Mayor Corby stated for example a demolition permit for the interior of the big barn that used to be Recovery Caboose for a gym proposal. That's a high density use that tends to have significant parking issues. Gyms require special exception use permit because there would be an increase in density of people. Trustee Keating wondered at what point would it be burdensome. Mayor Corby cited an example: If a sushi bar wanted to go into Olives and the seating was the same you would want to issue them a new special use permit but may not need a site plan review. You would want documentation about the seating. It is required to have architectural plans for the interior of restaurants. If there were no changes the PBZA could waive a site plan review. Language in the code is needed about intensification use: Seating, outdoor seating, hours of operation, and deliveries. Trustee Brizee asked how is parking built in to intensification. Need for more parking should trigger site plan review. Discussion followed about how to allocate parking spaces at 50 State St. as there are 88 parking spaces to service all the businesses there. In B2 and Schoen Place are similar with different requirements in the B1 and the B1A. These will appear in a matrix in the code under parking requirements. Trustee Lanphear stated these requirements would not come under review unless something triggers site plan. Mayor Corby suggested using "instructional uses and other assembly uses."

Trustee Lanphear questioned what is a change of use? Or change of tenant. Change of the essential nature. Any time there is a change of tenant or of occupancy the building inspector should do an inspection. Requires a CofO.

SECTION 210-44.2-B
Change to 6. Parking areas of 10 (instead of 20) spaces or less.
Change to 7. Driveways, length extensions or width expansion, including new or altered curb cuts.
Discussion followed regarding the Fire Code requirement for driveways. In the design standards there should be something about minimizing and setbacks for asphalt.

SECTION 210-442.2-C
Change to 2. Buildings or sites occupied by a special permit use.

Change to 3. Single family dwellings, additional residential units, or multiple dwelling buildings.
Change to 5. 10 spaces instead of 20.

SECTION 210-44.2-D
Change to 1. Ordinary repair or maintenance or interior alterations to existing structures when alterations do not increase the occupancy load.

Discussion followed about patios and porches being exempt. Porches over 400 square feet and patios should trigger minor site plan review because of drainage issues, depending on the type of material used for patios. This should be discussed with consultant. Justin asked why do we have preexisting nonconforming standard. Trustee Lanphear asked why would we want to remove the concept of preexisting nonconforming from the residential. Mayor Corby said it gives the PZBA an opportunity to make sure there isn't an injurious situation created with a neighbor. When there were improvements made and there was no approval granted, they don't have preexisting status. There is somewhat of a penalty if there was no approval status and there is no legal preexisting nonconforming status then the penalty is you have to bring it up to current code. Then everybody gets subject to the same requirements.

Justin's comments need to be discussed with the consultants.

ITEMS TO DISCUSS WITH STEINMETZ

- How to balance site plan review and nonconforming uses within an application, how to address bringing the whole property up to current code.
- Multiple family properties, preexisting nonconforming uses. Rezoning in the design standards, the new standard for setbacks would be set by the average of the buildings on either side and front setback also. This may take away some of the preexisting nonconforming conditions that we currently have in the code. This will be discussed further when we come to the design standards.
- Driveway requirements v. Fire Code.

Motion by Mayor Corby, seconded by Trustee Lanphear, to adjourn the code review meeting to order at 11;05 AM. Vote: Lanphear – yes, Galusha – yes, Brizee – yes, Keating – yes, Corby – yes. Motion carried.

Respectfully submitted,
Recording Secretary, Jo Anne Shannon