

Pleasantville Planning Commission  
February 26, 2020

The Pleasantville Planning Commission meeting was called to order by Russell Klein, Chairman, at 8 PM on Wednesday, February 26, 2020. Attending the meeting were: Russell Klein, Chairman; David Keller, Henry Leyva, James MacDonald, Philip Myrick and Anjali Sauthoff, Commissioners; Sarah Brown, Planning Consultant; Robert Hughes, Building Inspector and Mary Sernatinger, Secretary. There is one vacancy on the Commission.

- (1) **Mark Vacirca, MWV Realty NY Corp, 199 Tompkins Avenue.** Proposal to amend a previously approved site plan and legalize parking areas on site. *Continued review.*

The applicant was not present.

- (2) **John Loughren, 87 Highview Avenue.** Proposal to establish parking spaces within the Village right-of-way. *New application – referral from the Village Board of Trustees.*  
Present: John Loughren.

Mr. Loughren said he would like to extend his driveway to provide a parking spot in the Village right-of-way. He recently completed a new retaining wall on the west side of the property.

Mr. Loughren said there are 18 homes in the area, and every one of them has some type of altered driveway. The street is very narrow, and the proposed extra parking space would not only provide a place to park but also would help maneuver a car parked in the driveway out onto the street. Mr. Loughren said he has actually been stuck in his driveway when trucks were parked across the street. He plans for the space to be a bit larger than what would accommodate one car to ensure adequate space for maneuvering and also to be able to see as he pulls out.

Mr. Loughren said he is a volunteer fire man and needs to be able to drive away from his property quickly.

Mr. Loughren said he would like to do something similar to what the neighbors across the street and next to him have. His next door neighbors received approval for their space five years ago, and 59 Highview received approval about two years ago.

There were previously hedges in the right-of-way area where the parking space would be created. Mr. Loughren said he would replant hedges in a similar manner, just further back, on the other side of the parking space. The hedges would be in the Village right-of-way, not on his property.

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Mr. Hughes said it was appropriate to plant the hedges in the right-of-way, because to plant them on the applicant's property would mean setting them back quite far, which would look odd. Mr. MacDonald agreed that aesthetically it would look better to have the hedges next to the driveway.

Mr. Loughren said the Village Department of Public Works removed some trees near the proposed parking space, and they left a large stump. They are supposed to remove the stump.

Currently there is gravel covering the area proposed for the parking space. Mr. Loughren said he put the gravel down to prevent mud.

Mr. Klein asked why it took the applicant so long to come to the Planning Commission, as the work apparently began in October. Mr. Hughes said he had explained the process to the applicant early-on, but it wasn't until the Building Department noticed the activity on-site that Mr. Loughren was prompted to go to the Village Board and now to the Planning Commission.

Mr. Klein told Mr. Loughren that since his parking space would be on Village property, anyone could park there. Mr. Loughren said he understood that to be the case.

Ms. Brown said the Planning Commission could grant site plan approval contingent upon the applicant's reaching agreement with the Village Board to allow him to create the parking space in the Village right-of-way. She noted that this space would not be in the front yard, so front-yard parking is not an issue.

Ms. Brown asked Mr. Loughren to provide a more detailed plan, marking out where the hedges would be, how many hedges and the species. Mr. MacDonald added that the drawing should be to-scale. Mr. Hughes said the site plan needs to have all the information on it, and notes should be added to the drawing.

Mr. Hughes said the surface of the parking space cannot be Item 4 or gravel. It has to be asphalt. Mr. Loughren said he had planned to pave it with asphalt. Ms. Sauthoff asked if the Planning

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Commission could request that the surface be pervious. Mr. Hughes said the DPW is reluctant to have material that would break down, but he will ask Mr. Econom.

Mr. Leyva asked if a double-wide driveway would solve the issues that prompted Mr. Loughren to want the parking space in the right-of-way, but Mr. Loughren said it would still be difficult to pull out and he would probably have to drive over the dirt to maneuver out.

Mr. Loughren said the driveway would smoothly transition to the parking space.

In lieu of a Public Hearing, the Commissioners said they would be satisfied with letters of support from the neighbors at:

- 66 Highview Avenue
- 80 Highview Avenue
- 110 Skytop Drive
- 79 Skytop Drive

Mr. Hughes will ask Mr. Econom about:

- Planting of hedges in the right-of-way
- Drainage, to ensure no water run-off onto neighboring properties
- Curbing. There is a curb there now, which Mr. Loughren said he had planned to keep.
- A pervious surface (instead of asphalt)

Mr. Klein said that since this is a simple application, the Commission could request that the Planning Consultant prepare a resolution for the next meeting. However, if there are any changes, the resolution might have to be rewritten, which could result in additional charges. Mr. Loughren said he understood and would like the resolution to be written in advance of the next meeting.

On a motion by Mr. Myrick, seconded by Mr. Keller and unanimously carried, the Commission asked Ms. Brown to prepare a Resolution for the March 11, 2020 meeting.

- (3) **Anthony DiFroschia, Anytime Fitness, 60 Washington Avenue.** Proposal to reconfigure the existing gym use space and extend the business into adjacent retail tenant space. *New application.* Present: Anthony DiFroschia; Martin Stejskal, Architect.

Mr. Stejskal said the applicant would like to expand his gym into the adjacent space currently occupied by a pet store, which would mean changing the pet store space use from retail to personal service. The gym use is permitted in the zone, and there would not be any increase in parking requirements.

Mr. Hughes concurred that the applicant would not need any parking waivers, because the parking requirements are the same for personal service and retail. When Anytime Fitness was first established on Washington Avenue, the Building Inspector at the time apparently didn't treat it as a change in use. Since a larger space is involved, Mr. Hughes thought it best to have the Commission review the application.

Mr. DiFroschia said they plan to have classes once the new facility is complete – probably spin classes and Zumba from 6-8 pm and possible a morning yoga class, depending on what local people want. The room for classes will be small, and will only accommodate 7-10 people. Mr. Klein noted that there is adequate parking available in the morning, but less in evenings. Mr. DiFroschia said there is usually plenty of room in the parking lot behind the building, and many people walk to the gym. The average age of his clients is between 35-40. No children under 14 can be dropped off. Mr. Keller suggested a 15-minute gap between classes to prevent overlap of the coming and going of class participants.

Ms. Brown said a Public Hearing is optional, and this is a Type II Action under SEQRA, which does not require environmental review.

Mr. MacDonald asked about the three doors in the back of the building. The center door does not open at all and has a wall behind it. Mr. Stejskal said the other two doors are used only for emergency exits from inside the building. Mr. MacDonald asked that "No Entry" signs be placed on the outside of those doors. Mr. Stejskal said there will be a Knox Box with keys for the Fire Department to gain access.

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Mr. Stejskal said there would not be any new lighting. There will be new signage, which they will present to the Architectural Review Board.

Mr. DiFroschia said people will still be given keys to access the gym at any time. The difference will be that there will be staff on-site earlier and later than currently.

On a motion by Ms. Sauthoff, seconded by Mr. Keller and unanimously carried, the Public Hearing was waived.

Ms. Brown conditions in the Resolution would be a requirement for a 15-minute gap between classes as well as the posting of “No Entry” signs on the doors at the back of the building.

On a motion by Mr. Keller, seconded by Ms. Sauthoff and unanimously carried, the Commission asked Ms. Brown to prepare a Resolution for the next meeting.

(4) **Lighthouse Living, 52 Depew Street/1 Vanderbilt Avenue.** Proposed three-story residential building consisting of 71 apartments and a parking garage with 106 parking spaces. *Final review of project and draft of resolution.* Present: David Steinmetz, Esq.; Phil Fruchter, architect; David Mann; and (arrived late) David Cooper, Esq.

Mr. Steinmetz said they had reviewed the draft resolution and had no substantive comments.

Mr. Fruchter said they had reduced the back-up area in the wetland buffer to a width of 12 feet, removing 67 square feet, which will be used for landscaping.

Ms. Brown read the draft resolution aloud in its entirety. The resolution included approval for the preliminary and final subdivision plat, site plan, special permit and wetland permit.

Regarding a renewal period for the Special Permit, which is specifically for the four residential units on the ground floor that was previously retail space, Section 185-56G said the Planning Commission may require that special permits be periodically renewed. The purpose of renewing special permits is to ensure that all aspects of approval are being complied with. In this case, Mr.

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Steinmetz noted, it would be highly unusual to require renewal of the special permit, since if not renewed, it would result in the residents of the four units being having to move out. Village Counsel told Mr. Steinmetz she agreed, noting that if there were any concern about the building in the future, it would probably not have anything to do with people living on the first floor. Any problems would more likely be associated with the site plan and be brought to the attention of the property owner – not issues that would need to be reviewed for renewing a special permit. The Commissioners agreed that it was not necessary to require the special permit to be renewed.

Under “BE IT FURTHER RESOLVED” on page 7, items g, h and i (below) need to be done first, or it will delay the signing of the subdivision plat.

g. Prior to the signing of the Final Subdivision Plat by the Planning Commission Chairman, the Applicant shall submit an estimated cost for construction of all required public improvements to be reviewed and approved by the Village Building Inspector and/or Village Engineer.

h. Prior to the signing of the Final Subdivision Plat by the Planning Commission Chairman and pursuant to Sections 159-14 and 185-50.F(10) of the Village Code, the Applicant shall provide a performance bond, letter of credit or other security in a form acceptable to the Village Attorneys and approved by the Town Board in an amount as determined by the Village Building Inspector and/or Village Engineer as sufficient to secure to the Town the satisfactory construction, installation and completion of the required public improvements, and roadways, water and sewer facilities, drainage and erosion controls and soil stabilization improvements, as applicable.

i Prior to the signing of the Final Subdivision Plat by the Planning Commission Chairman and pursuant to Section 159-15.C of the Village Code, the Applicant shall submit an inspection fee in an amount set forth in the Village Master Fee Schedule.

Under CONDITIONS on page 8, “B” refers to a “Building Permit,” but some of the items below that are construction items. Mr. Hughes noted that whatever is done on the property would need building permits (there could be multiple building permits), while activity off the site would require construction permits. Mr. Hughes said all permits will be part of the record so that people will be able to refer to them years from now and know exactly what

transpired. The Commissioners decided that instead of “Building Permit,” Condition B should say: “Prior to the issuance of a Building Permit and/or Street Opening Permit . . .”

There was discussion about whether the number of affordable units (10 percent) should be rounded up or down. It was believed that a number 4 or below would be rounded down and 5 or above would be rounded up. Therefore, 10 percent of 71 units (7.1) would require 7 affordable units. Mr. Hughes said he would confirm the calculation.

Since this is not a typical subdivision, but rather a merging of lots, Condition #7 on page 9 is confusing with regard to who would sign off. There will not be any new streets or anything like that. The Commissioners agreed that this condition should be removed from the resolution.

If the applicant has not closed on the purchase of the warehouse lot, the owner of that lot would have to sign the plat. Mr. Steinmetz said they will close on that property first and then record the plat, so the signature of that owner would not be required.

The Commissioners agreed that a vote should be taken on the entire resolution at once (subdivision – preliminary and final, wetland permit, site plan and special permit).

A motion to approve the resolution was made by Mr. Myrick and seconded by Mr. MacDonald. VOTING took place as follows:

VOTING took place as follows:

Ayes	-	3	(Messrs. Klein, MacDonald and Myrick)
Noes	-	3	(Messrs. Keller, Leyva and Ms. Sauthoff)
Abstain	-	0	
Absent:	-	0	
Vacancies	-	1	

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The tie vote resulted in no decision.

Mr. Steinmetz asked what the vote for the Negative Declaration was in November. Mr. Hughes said the vote was 4-0 in favor of a Negative Declaration with two Commissioners absent (Mr. Myrick and Ms. Sauthoff) Mr. Steinmetz noted that adoption of a Negative Declaration meant the Commission had found there was no significant environmental impact, so Mr. Steinmetz said it seems odd that the vote tonight is against the project.

Mr. Steinmetz asked the Commissioners who voted against the project if they would explain why they voted no.

Mr. Keller said that leading up to the vote to adopt a Negative Declaration, he had serious concerns regarding traffic. He felt he was boxed into a corner after meeting with counsel. Later, he reconsidered his concerns based on what he experiences on a daily basis – not on a model that doesn't seem to be accurate for the unique circumstances of our Village.

Mr. Leyva said he also felt boxed in regarding the vote on a Negative Declaration. Then, at the Public Hearing, the concerns that were voiced about traffic and safety at the parkway crossing increased his own concerns about traffic and the changes occurring in the community.

Ms. Sauthoff said she wasn't present when the vote on the Negative Declaration took place. She said she was not convinced that there was extraordinary hardship to an extent that warrants incursion into the wetland buffer.

Mr. Cooper said there was no expert testimony to contradict the traffic consultants' findings that the impact on traffic would not be significant. He wanted the record to reflect that no other experts said anything contrary to what was concluded.

Mr. Keller said his comment was not based solely on what he heard from the experts – he also accounted for what he experiences. Experts use models, and both the applicant's expert and the

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Planning Consultant's expert used the same model. Those models do not have the specificity of this site's uniqueness.

Mr. Cooper asked if Mr. Keller had consulted with the Village's expert, and Mr. Keller said he had not.

Mr. Leyva said his concern was not just about traffic. He has had different concerns about the project all along – a bunch of things that don't sit right. He said he was ready to approve it.

(5) **Minutes**

On a motion by Mr. Keller seconded by Ms. Sauthoff, and unanimously carried, the minutes of February 12, 2020 meeting were approved with corrections from Mr. Klein.

(6) **Projects not on tonight's agenda but still under review:**

***New York SMSA Limited Partnership d/b/a Verizon Wireless - 42 Memorial Plaza*** - Proposed public utility wireless telecommunications facility on the rooftop of the existing nonresidential building. - *Continued review at a later date.*

**Other Business**

Mr. Leyva said that in light of all the development being brought to the Planning Commission, he was very concerned that the Village is moving very quickly in a direction where it might be changing the character of the Village and he wondered if others feel the same way. Perhaps the Planning Commission can send a letter to the Village Board of Trustees to encourage them to impose a temporary moratorium. He came across an interview in which Vito Errico said he planned another building with 80 units at the corner of Manville Road and Washington Avenue, and Mr. Leyva thinks a pause would be a good idea.

Mr. Keller agreed that it would be good to pause and let the community have input.

Mr. MacDonald pointed out that all this development is the result of the Village Board changing the zoning laws.

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Mr. Keller said he actually thinks development in general is good, but there should be a community conversation.

Mr. Leyva said he wants to keep the values of the community. A lot of development is coming, and we are not in a position to assess because it is happening so fast. The community needs to understand what the Mast Plan vision holds for the future of the Village. Mr. Leyva said one development is one thing, but two or three of five big developments could really change the nature of the Village.

Mr. Hughes said that when the Village Board reviewed the Master Plan, not one person made any comments at that meeting. Zoning is the ultimate guideline.

Ms. Sauthoff said she is not necessarily anti-development, it is certain aspects that are troublesome.

Mr. Klein commented that the goal of allowing four stories in Memorial Plaza was to keep a vibrant downtown, and a large number of units was needed to justify a project like that. The concern is whether we are heading toward more than we really want.

Mr. Leyva said his concern is that it is happening so quickly.

Mr. Keller said the Planning Commission would not be trying to say what the zoning should be – but just start a conversation.

Mr. Hughes said when developers think a change in zoning is coming, there is usually a rush of applications. That is why a moratorium would be good.

Mr. Leyva noted that the Village has limited infrastructure and limited resources. If all of the planned projects come to fruition, we would be talking about a population increase of almost 10 percent.

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Ms. Brown said moratoriums are set for a specific length of time with a specific scope. The Planning Commission can collect comments to present to the Village Board, asking the Trustees to look at specific issues. This could be a discussion item at the Planning Commission's next meeting or the one after that.

Mr. Klein said he would not be at the March 11 meeting, so Ms. Brown recommended the Commission have an executive session on March 25.

Mr. Hughes said he had reached out to Ms. Gray and the Village Board to inform them of the vote tonight.

On a motion by Mr. Leyva, seconded by Mr. Sauthoff and unanimously carried, the meeting was adjourned at 9:45 pm.

Respectfully submitted,

Mary Sernatinger  
Secretary