

VILLAGE OF FLEISCHMANN'S
PLANNING BOARD
PO BOX 339
FLEISCHMANN'S, NY 12430

The Village of Fleischmann's Planning Board will be holding a regular meeting on Monday, November 2, 2020, at 5:30 pm at the Skene Library, Main Street, Fleischmann's.

PUBLIC HEARING

Application VFSP-8 1053 Main Street, LLC (Mark Birman) would like to operate 2 apartments as a tourist home at 1053 Main Street in Fleischmann's. Tax map # 287.13-2-19.

AGENDA

1. Approve/amend minutes from the October meeting.
2. Action on application VFSP-8 1053 Main Street, LLC (Mark Birman).
3. Preliminary discussion on application VFSP-9 Christopher Bowser and Joshua Martone would like to operate a tourist home at 1300 Main Street in Fleischmann's. Tax map # 287.18-6-9.
4. Discussion and Action to refund escrow funds for Main Street Property Development Corp (Northland Resort) at 1261-1267 Main Street.
5. Anything else to come before the meeting.

Village of Fleischmanns Planning Board
PO Box 339, 1017 Main St., Fleischmanns, NY 12430
November 2, 2020 Meeting Minutes

The Village of Fleischmanns Planning Board held a regular meeting and public hearings on Monday, November 2, 2020 at the Skene Memorial Library, 1017 Main St, Fleischmanns, NY 12430 at 5:30 p.m.

Chairman Jason Wadler called the hearing to order at 5:30 pm. Present were: Chairman Jason Wadler, and members Rob Allison, John Fronckowiak, and Jennifer Walsh. Member Igor Gofman was absent. Hiram Davis Code Enforcement Officer (COE) for the Village of Fleischmanns and the Middletown Building and Zoning Dept was absent. In attendance was Kent Manuel of the Delaware County Planning Dept. Members of the public in attendance: Mark Berman, Chris Bowser, and Josh Martone.

Minutes

Motion to dispense with the reading of the October 5, 2020 Village Planning Board Meeting minutes as all members had received electronically and reviewed, made by John Fronckowiak; seconded by Rob Allison. All aye; motion carried.

Motion to approve October 5, 2020 Village Planning Board Meeting minutes, made by Rob Allison; seconded by John Fronckowiak. All aye; motion carried.

The Planning Board had three items on the agenda.

Chairman Jason Wadler opened the Public Hearing on application VFSP-8 1053 Main Street, LLC (Mark Birman) would like to operate two(2) apartments as a tourist home at 1053 Main Street in Fleischmanns. Tax map # 287.13-2-19.

Public Comments

No members of the public rose to speak and no letters in response to the application received.

Applicant owner Mark Berman addressed the board and the board sought clarification on the history of the building use, site plan review when the property was purchased, and associated parking. Mark Berman responded there had been a bungalow on 1043 Main St Tax ID 287.13-2-20 where the present parking is for 1053 Main St. Mark Berman noted he had obtained building permits when he purchased about 9 years ago in order to rehab existing apartments but was not told to obtain a site plan review by the building inspector. The front of the 1043 Main Street parcel has a garden.

Per Kent Manuel noted that 1.5 spaces required for multi-use property with 4 apartments and commercial space and thus needed 6 spaces. John Fronckowiak noted that the village's zoning for tourism homes specifies 1 parking space per guest room plus the commercial.

Owner/applicant Mark Berman asked if the property wasn't grandfathered. Jason Wadler replied that grandfathering requires continuous use. Rob Allison addressed Mark Berman explaining the 140 Schneider Ave property application for a tourist home as an example of parking requirements. A

question arose of use of the Village Municipal Parking Lot. Jennifer Walsh noted that would possibly create village liabilities. Mark Berman noted he also owned the Purple Mountain Press building across the street at 1060 Main St. Rob Allison asked Kent Manuel if off site spaces could be used to meet the 6-space requirement. According to Kent Manuel, Article IX, Section 100-34 (C) on page 10029 of the Village Zoning Law allows for the unique situation that an owner has other areas within 500 feet to supplement the required parking.

Supplementary Off-Street Parking and Loading Requirements

§100-34. General provisions.

- A. Applicability. All structures and land uses hereafter erected, enlarged, moved, created, changed in intensity or substantially altered shall be provided with the amount of off-street parking and loading space required by the terms of this article to meet the needs of persons occupying or using such structures or land. If a use is approved for which no parking requirement is specified, the Planning Board shall prescribe such standards.
- B. Areas computed as parking spaces. Areas that may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for designated parking spaces, other than a street or driveway. A driveway within a required front yard for a single-family dwelling may count as parking spaces
- C. Location and Ownership. Required parking spaces, open or enclosed, shall be located upon the same lot as the use to which they are accessory or elsewhere, provided that no required spaces are more than five-hundred (500) feet walking distance of such lot. In all such cases, the parking shall conform to all the regulations of the district in which the parking spaces are located, and in no event shall such parking spaces be located in an Residential District unless either:
 - (1) The use to which spaces are accessory are permitted in such residential district, or
 - (2) Upon approval of the use to which they are accessory and shall be subject to deed restrictions, approved by the Planning Board, binding the owner and his heirs and assigns to maintain the required number of parking spaces available either:
 - (a) Throughout the existence of the use to which they are accessory, or
 - (b) Until such spaces are provided elsewhere, in a location and manner acceptable to the Planning Board.

There being no further comments from the public Chairman Wadler closed the Public Hearing on application VFSP-8.

Board review of VFSP-8 Environmental Assessment Form Part II Impact Assessment.

A no impact was indicated on items 1-11.

Board review of VFSP-8 Environmental Assessment Form Part III Determination of Significance.

A discussion of the required number of parking spaces was continued. The nonconforming structure presently has 4 parking spaces on adjoining property 287.13-2-20. The owner also owns 1070 Main St Tax ID 287.18-8-11 a property within 500 feet with two off street parking spaces.

Motion for a Negative Declaration made by Rob Allison; seconded by John Fronckowiak. All ayed; motion carried.

Motion made by Rob Allison; seconded by John Fronckowiak to approve VFSP-8 Tourist Home Permit for two apartments with the following conditions: limited to the four parking spaces as indicated in the site plan and the two parking spaces adjacent to the Purple Mountain Press building across the street at 1060 Main St. All ayed; motion carried.

Second item:

VFSP-9 Christopher Bowser and Joshua Martone would like to operate a tourist home at 1300 Main Street in Fleischmanns. Tax map # 287.18-6-9.

Chairman Wadler opened the preliminary discussion on the application

Owners Christopher Bowser and Joshua Martone were both present to present their preliminary plan. Provides for 6 spaces for a 3 bedroom with 5 sleeping areas that will accommodate up to 10 guests. Members of the board and Kent Manuel recommended addressing wayfinding lightage, signage, access width markers, hours of operation addressing noise and a narrative to explain to neighbors and the fire department whose building is immediately to the right of the access lane to the property to understand how this will not impact them.

Motion to set Public Hearing on applications VFSP-9 for Monday, December 7, 2020 at 5:30 pm at the Skene Memorial Library, 1017 Main St, Fleischmanns made by Jennifer Walsh; seconded by Rob Allison. All ayed; motion carried.

Third item:

Discussion and action to refund escrow funds for Main Street Property Development Corp (Northland Resort) at 1261-1267 Main Street.

Chairman Jason Wadler noted that the applicant did not come back to the Planning Board for a modification to the original plan and therefore recommended returning the escrow funds.

Motion made by Jason Wadler; second by John Fronckowiak to refund escrow funds to Main Street Property Development Corp (Northland Resort) for 1261-1267 Main Street consultant fees. All ayed; motion carried.

Adjournment

At 6:02 pm, there being no further business, member John Fronckowiak moved to adjourn the meeting; seconded by Jennifer Walsh. All ayed; motion carried.