

Village of Scottsville
Planning Board Meeting Agenda
Thursday, December 8, 2022 – 7:00pm
UNAPPROVED Minutes

Call to Order: Co-Chairman Mark Smith called the Thursday, December 8, 2022 Village of Scottsville Planning Board meeting to order at 7:40pm.

Pledge of Allegiance

Roll Call:

Kevin Marks
David Domina
Mark Smith

Absent:

Steve Cullum
Patti Brandes

Also Present:

Andy Fraser, Deputy Mayor
Anne Hartman, Village Clerk
Emily Clarke, Deputy Clerk
Maggie Ridge, Mayor

Attorney:

Kristy Brightman

Approval of Minutes:

Motion: made by Kevin Marks and seconded by David Domina to approve the minutes of the Thursday, November 10, 2022 Planning Board Meeting as submitted.

Vote: Carries (3-0) PB 12/8/22

Steve Cullum	ABSENT	Patti Brandes	ABSENT
Kevin Marks	AYE	David Domina	AYE
Mark Smith	AYE		

LEGAL NOTICE

VILLAGE OF SCOTTSVILLE

At 7:40pm Co-Chairman Smith reopened the October 13, 2022 public hearing to consider granting a special use permit for 39 Main Street, Scottsville, NY contingent on the receipt of a complete application including a site plan and SEQRA Review.

Discussion: No Discussion.

Public Hearing closed at 7:42pm

Motion: made by Mark Smith and seconded by David Domina to grant the special use permit for 39 Main Street, Scottsville, NY.

Vote: Carries (3-0) PB 12/8/22

Steve Cullum	ABSENT	Patti Brandes	ABSENT
Kevin Marks	AYE	David Domina	AYE
Mark Smith	AYE		

**RESOLUTION
(Design Review)**

APPLICATION by Bears Management Group, Inc. d/b/a Bears Playgrounds (the “Applicant”) for 39 Main Street, Scottsville, New York (Tax Map No. 200.09-2-30) (the “Property”), for design review approval in connection with the Applicant’s proposed acquisition and development of the Property for manufacturing, sales, and distribution of playground equipment (the “Project”).

WHEREAS, the Applicant has applied to the Village of Scottsville Planning Board (the “Planning Board”) for design review approval pursuant to Section 170-26 of the Code of Village of Scottsville (the “Zoning Code”) in connection with the Applicant’s proposed acquisition and development of the Property for the Project; and

WHEREAS, the Planning Board has examined the application, plans, and other materials filed by the Applicant as part of the application, including Part 1 of the Short Environmental Assessment Form, and all comments from the public, and other interested and involved agencies associated with the Project; and

WHEREAS, on October 6, 2022 and November 10, 2022, the Planning Board held a public hearing on the application, and during the public hearing all persons desiring to speak on the matter were heard; and

WHEREAS, the Project constitutes an Unlisted Action under the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 NYCRR Part 617, as amended, and the Planning Board as lead agency has previously determined that the Project will not have a significant adverse environmental impact by adopting a Negative Declaration; and

WHEREAS, the Planning Board has reviewed the Project and considered the standards for design review approval under Section 170-26(G) of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED, that after considering all the proof and evidence before it, and giving careful consideration to the facts presented, the Planning Board hereby grants the Applicant’s request for design review approval under Section 170-26 of the Zoning Code on the grounds that the Project, as proposed, is compatible with the structure on the Property and/or the surrounding properties in the Central Business District with regards to the standards set forth in Section 170-26(G) of the Zoning Code; and

BE IT FURTHER RESOLVED, that the design review approval granted herein is subject to the following conditions:

1. The Applicant shall obtain all other necessary permits and approvals required for the Project.

2. The Applicant is required to comply with the applicable requirements of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Conservation Construction Code, and the Village of Scottsville Code.

3. The Applicant shall comply with all conditions of the use variance approval granted by the Village of Scottsville Zoning Board of Appeals

4. The Applicant shall obtain a building permit for the construction/installation of the Project from the Scottsville Building Inspector and pay the appropriate fee.

5. The color of any exterior painting of the buildings on the Property shall be subject to review and approval by the Planning Board.

6. The Applicant's proposed sign shall be oriented and scaled so as to not negatively impact the visual character of the street, and shall be approved in accordance with Article VII of the Zoning Code governing signs.

Motion: made by Mark Smith and seconded by Kevin Marks to adopt the Design Resolution for 39 Main Street, Scottsville, NY.

Vote: Carries (3-0) PB 12/8/22

Steve Cullum ABSENT

Patti Brandes ABSENT

Kevin Marks AYE

David Domina AYE

Mark Smith AYE

RESOLUTION (State Environmental Quality Review Act)

APPLICATION by Bears Management Group, Inc. d/b/a Bears Playgrounds (the "Applicant") for 39 Main Street, Scottsville, New York (Tax Map No. 200.09-2-30) (the "Property"), for design review approval in connection with the Applicant's proposed acquisition and development of the Property for manufacturing, sales, and distribution of playground equipment (the "Project").

WHEREAS, the Applicant has applied to the Village of Scottsville Planning Board (the "Planning Board") for design review approval pursuant to Section 170-26 of the Code of Village of Scottsville in connection with the Applicant's proposed acquisition and development of the Property for the Project; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 NYCRR Part 617, as amended (collectively referred to as "SEQRA"), the Planning Board must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, the Planning Board has completed its review of Parts 2 and 3 of the Full Environmental Assessment Form ("EAF"); and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in 6 NYCRR § 617.7(c) and the information contained in Parts 1, 2 and 3 of the Full EAF.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD AS FOLLOWS:

Section 1. The Project is classified as an Unlisted Action as it does not exceed any existing thresholds of the Type I list as established through 6 NYCRR § 617, and each of the Whereas Clauses in this Resolution are incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein.

Section 2. The Planning Board has considered the Project pursuant to the parameters and criteria set forth in applicable provisions found under 6 NYCRR §§ 617.2 and 617.3.

Section 3. The Planning Board has considered the significance of the potential environmental impacts of the Project by: (i) carefully reviewing and examining the responses to the Short EAF, and completing the analyses for Parts 2 and 3 of the Full EAF, together with examining other information and documents concerning the Project, including the plans and other documents prepared by the Applicant, to identify the relevant areas of environmental concern with respect to potential impacts to land, geological features, stormwater and groundwater, wetlands, flooding, air, historic, archaeological and other recognized and/or protected resources, plants and animals, including threatened or endangered species, noise, odor, or light, human health, critical environmental areas, open space and recreation, aesthetic resources, transportation, agriculture, community character and cumulative impacts, if any, and other potential impacts as required by applicable regulation; (ii) considering the criteria set forth in 6 NYCRR § 617.7(c); and (iii) thoroughly analyzing the identified areas of relevant environmental concern.

Section 4. Based upon a thorough review by the Planning Board of the Short EAF and supporting information and documents concerning the Project, the Planning Board hereby finds that the Project will result in no potential significant adverse environmental impacts requiring the preparation of an environmental impact statement for the Project. The Planning Board thus issues a Negative Declaration for the action pursuant to 6 NYCRR § 617.7. The reasoning supporting the Planning Board's determination of significance for the Project is more fully set forth in the Part 3 Determination of Significance.

Section 5. The Planning Board accepts the findings contained in Parts 2 and 3 of the Full EAF and directs the Planning Board Chairperson to sign and date Part 3 of the Full EAF.

Section 6. The requirements of SEQRA have been satisfied and this Resolution shall take effect immediately.

Motion: made by Mark Smith and seconded by Kevin Marks to adopt the Negative Declaration for 39 Main Street, Scottsville, NY.

Vote: Carries (3-0)PB 12/8/22

Steve Cullum ABSENT

Patti Brandes ABSENT

Kevin Marks AYE

David Domina AYE

Mark Smith AYE

New Business

Creating a new Special Use Permit 32 Main Street Scottsville, NY.

Old Business

No Old Business

Adjournment:

Motion: made by David Domina and seconded by Kevin Marks to adjourn the meeting at 7:47pm.

Vote: Carries (3-0)PB 12/8/22

Steve Cullum ABSENT

Patti Brandes ABSENT

Kevin Marks AYE

David Domina AYE

Mark Smith AYE

Respectfully submitted by,



Emily Clarke, Deputy Clerk



Victory Hill Land Co.

Village of Scottsville
Planning Board
22 Main Street
Scottsville, NY 14546

December 17, 2022

**Proposed Mixed-Use Special Permit
32 Main Street, Suite B**

Dear Village Officials:

On behalf of Beth Paszko of Van Helising Capital, LLC, the building owner and applicant, this correspondence submits an Application and supporting information to appear before the Planning Board for consideration of a Special Use Permit per Section 170-26 of the Zoning Code.

The applicant wishes to Change the Use of approximately 730 sf area of commercial space known as Suite B into a Mixed-Use space that would allow for leasing the space as one of the following uses per Table 170-13.1 of the Village Code:

- Professional, Medical, Dental Office(s)
- Retail or Personal Service Store or Shop
- Dance, Art, or Music Studio
- One Family Dwelling

The location of the space is currently vacant commercial space in the center of the building (pictured at right) that the applicant cannot keep rented. It has not been rented for about 18 months.

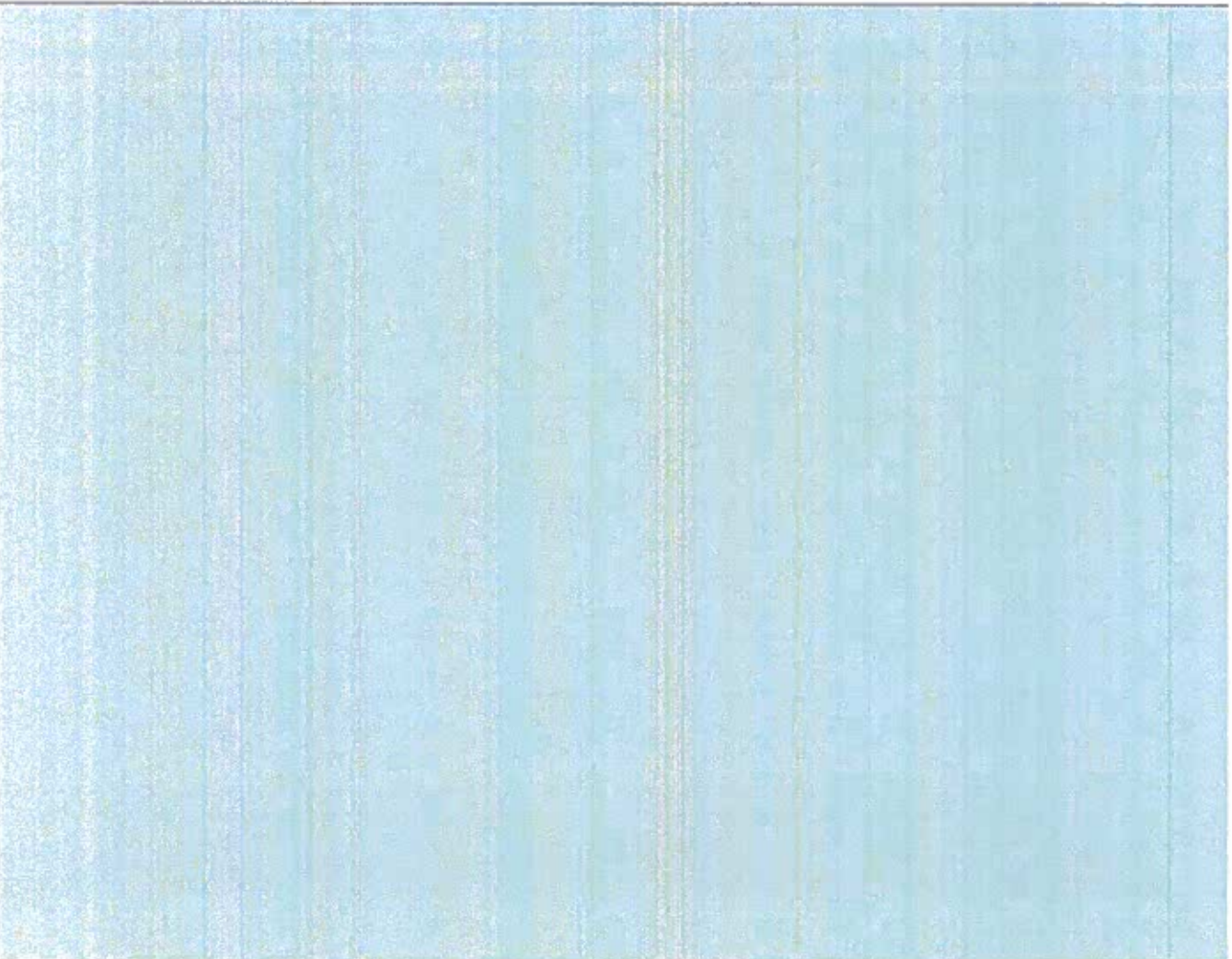
Although the building is currently for sale, the applicant wishes to pursue the change in use in case it does not sell so that he may renovate the interior space and keep the building fully leased.

As you recall, in 2019, The Village Planning Board approved a Special Use Permit to convert 370 sf area at the rear of building into a studio apartment, which has been a successful rental. The addition of 730 sf for the new Mixed-Use space will total 1,100 sf. This represents approximately 12% of the total 9,200 sf building floor area, which, is still a negligible amount of the building. The two large commercial areas, which comprise approximately 89% of the building to the left and the right of Suite B, remain successfully rented and are planned to remain in commercial use.



Engineering | Architecture | Planning & Design | Construction Management | Development | Building Rehabilitation

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Chauncey, NY 14428
top.falsety@gmail.com 585-451-6538



As discussed at a meeting with the Board in 2019, the Passtkos have made several improvements to the building during his years as the owner. They essentially rescued this building after it was foreclosed upon and left to deteriorate. The business plan for maintaining this property requires continual leasing, which has been challenging in downtown Scottsville and in conjunction with the reduction in retail demand all over the country. Granting a Special Use Permit for the mixed-use of Suite B will provide the Passtkos with more potential tenants to keep the building fully utilized and profitable.

One topic to address with any conversion of use is the potential impact to neighbors. For this application, the size of the conversion is very small and will not result in any changes to the rear of the building facing residences. This leaves parking in the 10 space gravel lot as the one potential issue for discussion. Currently, at this time the Orthodoxist tenant's customers utilize on-street parking. The tenant for the large commercial space on the right side of the building uses two spaces in the rear parking lot. Since the tenant on the right side uses much of their space for storage there are no customers. That leaves the remainder of the parking lot in the rear of the building available for employees and two parking spaces for the residential uses, which includes one space for the studio apartment tenant.

Access to both the existing studio apartment and the new Mixed-Use space will be via a shared vestibule at the rear of the building, which also serves the Dr. Dingur Orthodontic clinic. The existing entrance from Main Street will continue to exist.

Electric service (lights, HVAC and hot water) will be separately metered. The attached drawings show the minor improvements of adding a shower, a kitchenette, and windows on the rear of the building, which are needed to add residential use to the space. The space is already permitted for office and retail.

We understand that this application must be reviewed by the Planning Board for approval of the residential conversion, and that the technical details of construction will be addressed with Code Enforcement Officials. Please schedule this application for the next Planning Board meeting in January 2023. Please call me at (585) 451-6538 or send email to kip.finley@gmail.com if there are questions.

Sincerely,



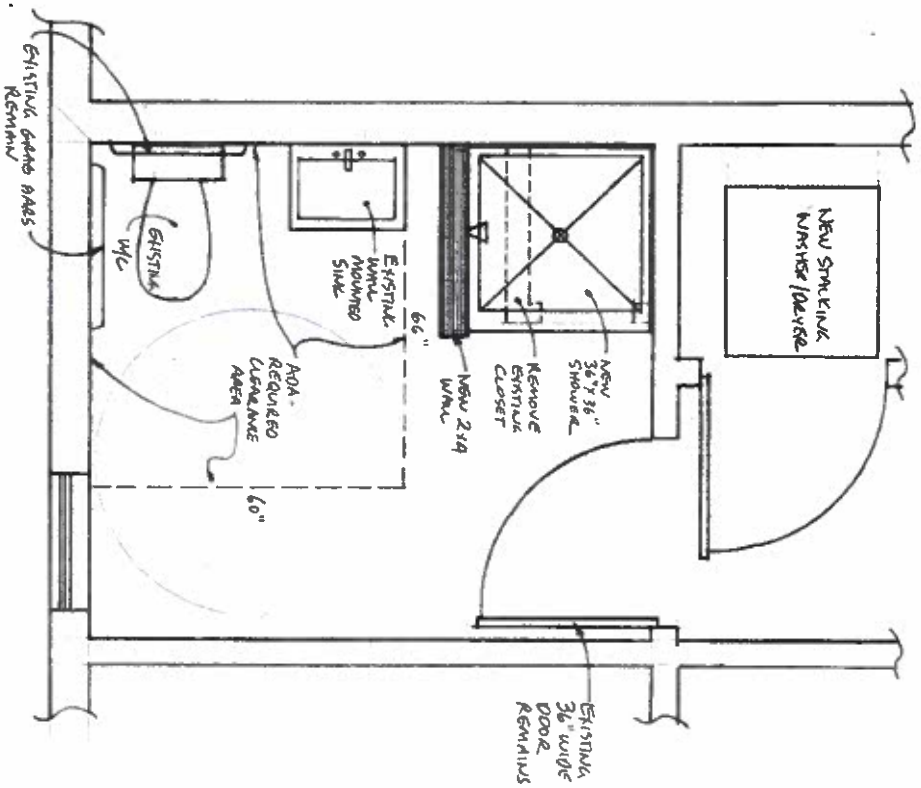
Kip Finley, PE

Xc: Beth Passtko Van Heising Capital, LLC

Attachments:
Application
Engineering Drawings

Engineering | Architecture | Planning & Design | Construction Management | Development | Building Rehabilitation

868 Wadsworth Road Churchville, NY 14428
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BATHROOM FLOOR PLAN

Scale: 1/2" = 1'-0"

Kip Finley, PE
 db a Victory Hill Land Company
 888 Winslow Road
 Churchville, NY 14428
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 (585) 451-8538

REVISIONS



**SUITE B- PROPOSED MIXED USE
 RETAIL, OFFICE, APARTMENT**
 32 MAIN STREET
 Village of Scottsville, New York
 SHEET 2 of 2

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