

Mary Ellen McGurty, Chairwoman
James Knight, Vice Chairman
Alex Acevedo



Billy Gaddam
Christopher Hanzlik
Mark ten Eicken

City of Peekskill
ZONING BOARD OF APPEALS

MINUTES
September 15, 2016

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, September 15, 2016 in the Common Council Chambers, 840 Main Street, Peekskill, New York.

Board Members:

Present: Mary Ellen McGurty - Chairwoman, Christopher Hanzlik, Mark ten Eicken, Alex Acevedo and Billy Gaddam

Absent: James Knight - Vice Chair

Department of Planning and Development Staff:

Present: Jean Friedman, AICP - Director, John Lynch, AICP - Consulting Planner, Timothy Kramer - Assistant Corporation Counsel and Cecille Bennett - Zoning Coordinator

The meeting was called to order at 7:35 p.m. by Mary Ellen McGurty, Chairwoman.

PUBLIC HEARING

- 1) APPL: Ginsburg Development Companies, LLC P16-011/Z16-004/Z16-007
100 Summit Lake Drive, Suite 235
Valhalla, NY 10595

Owner: City of Peekskill
840 Main Street,
Peekskill, NY 10566

RE: **Public Hearing** by the Zoning Board of Appeals regarding an **Area Variance** pursuant to Section 575-16B of the City of Peekskill Zoning Ordinance regarding steps and stoops, for a proposed development project (construction of 16 Townhomes, 14 of which would require this variance) on properties located within the R-6, Central Multiple Residential District.

Location: **105-115 Spring Street; 702-716 Main Street; and
110 Hadden Street**

Section-Block-Lot: **Peekskill Tax Map**

- 1) 105-115 Spring Street ~ 32.08-3-1.1 - 32.08-3-1.6
- 2) 702-716 Main Street ~ 32.08-3-1.7 - 32.08-3-1.14
- 3) 110 Hadden Street ~ 32.08-3-1.15

Zoning District: R-6, Central Multiple

Present was: Kevin Marrinan - Development Director, Ginsburg Development Companies, LLC.

Ms. McGurty gave an overview of the application, stating that the applicant was seeking approval of an area variance for steps and stoops for the above-mentioned development project. Fourteen of the proposed townhomes would require this variance.

Mr. ten Eicken made a motion that the Zoning Board of Appeals waive the reading of the Public Hearing notices and open the Public Hearing regarding the application of Ginsburg Development Companies, LLC for properties located at 105-115 Spring Street; 702-716 Main Street; and 110 Hadden Street in the R-6, Central Multiple Residential District.

Mr. Hanzlik seconded the motion, which carried unanimously.

Ms. McGurty declared the Public Hearing opened, noting that Affidavits of Publication of the Legal Notice in THE PLUMA LIBRE and THE JOURNAL NEWS had been received and that receipts of mailings and evidence of signage were in order.

Mr. Lynch described the area variance request, noting that variances will be needed for the front steps and stoop areas on all of the units that front on Main Street and Spring Street. He stated that each unit is set up as a dual platform with steps from the street line leading to the platform (approx. 70 sf. in size). The entry doors to each unit would front on the platform. Mr. Lynch also noted that the front building wall meets the building setback requirement of 10 ft. but the covered platform and the steps encroach into the setback area.

Mr. Lynch informed members that approval of a subdivision plat and site plan was granted for a previous proposal submitted for this site in 2006 for 14 fee simple townhomes. The townhomes proposed at time were arranged like "brownstones" and they all had front stoops that were similar to brownstones seen in New York City. Variances for the front stoops and uncovered platforms were also approved for the 2006 proposal.

Mr. Lynch further noted that, as indicated by the current applicant, the façade changes requested by the Planning Commission will not affect this variance application, as there will not be any changes to the building footprint, the setbacks, the interior layout, the floor plan, and paving plan submitted earlier this year.

Ms. McGurty stated that this proposed development project was still being heard by the Planning Commission, and the Zoning Board of Appeals' decision on this variance request would be based solely on the plat presented. She further stated that the façade changes requested by the Planning Commission would not affect the building structure as presented to the Zoning Board of Appeals; therefore, the Zoning Board's action on the variance would not conflict with any future action by the Planning Commission.

Ms. McGurty asked if there were any citizens who wished to speak in favor of, or in opposition to, the subject application. There were none.

The Zoning Board / staff discussed:

1. Mr. ten Eicken made reference to the area variance approved for this project earlier this year (regarding lot frontage for the two interior lots) and inquired whether the applicant was aware of the grading on Main and Spring Streets at the time the previous application was submitted. Mr. Marrinan apologized, on behalf of the applicant, for not realizing that the proposed stoops and steps would require a variance. He stated that other alternatives were considered, such as:
 - a) reducing the width of the road in the rear of the property - this would have been difficult to achieve considering that this is the proposed driveway (entry and exit).
 - b) shortening the buildings - this would have affected the parking layout.
2. Mr. Hanzlik inquired whether the platforms would be covered - Mr. Marrinan responded that the original proposal was for uncovered platforms; however, the Planning Commission requested a design change in terms of adding some type of adornment (a turned gable) onto the front façade. He also noted that the applicant is redesigning the façade, as requested by the Planning Commission. The façade changes will not affect the building footprint.
3. Mr. ten Eicken inquired whether a map was filed for the 2006 proposal and the reason it was not being utilized with this current proposal. Mr. Lynch responded that the map was filed, however, it cannot be utilized for this proposal due to differences in configuration of the building.
4. Mr. Hanzlik inquired about the possibility of reducing the drive aisle in the rear of the property and whether discussions were held with emergency services personnel about the effects of any reduction on emergency access. Mr. Lynch stated that generally the wings on a fire truck require approx. 22 ft. and that 24 ft. is the standard width for a two-way aisle.

After discussion of the above-mentioned items, the Zoning Board reached a consensus to vote on the application.

Ms. McGurty made a motion that the Zoning Board of Appeals close the public hearing regarding the application of Ginsburg Development Companies, LLC for properties located at 105-115 Spring Street; 702-716 Main Street; and 110 Hadden Street in the R-6, Central Multiple Residential District.

Mr. Hanzlik seconded the motion, which carried unanimously.

Mr. ten Eicken made a motion that the application of Ginsburg Development Companies, LLC for properties located at 105-115 Spring Street; 702-716 Main Street; and 110 Hadden Street in the R-6, Central Multiple Residential District be deemed a Type II action under SEQRA, requiring no further environmental review.

Mr. Hanzlik seconded the motion, which carried unanimously.

Ms. McGurty made a motion that the Zoning Board of Appeals grant the requested Area Variance from Section 575-16 B of the City of Peekskill Zoning Ordinance regarding steps and stoops, for a proposed development project (construction of 16 Townhomes, 14 of which would require this variance) on properties located within the R-6, Central Multiple Residential District. Area Variance approval will expire on September 15, 2017, subject to the following conditions:

1. Approval of a final plat plan by the City of Peekskill Planning Commission substantially conforming to the layout presented to the Zoning Board of Appeals.
2. Approval of a façade plan satisfactory to the Planning Commission.
3. Final site plan approval for the project must include an appropriate mechanism acceptable to the City that places responsibilities for maintenance of the rear access way on all lots equally.
4. Final site plan approval for the project shall include (a) provisions requiring that open space to be retained and maintained by a common association; (b) provisions restricting or limiting changes to the building footprints; (c) provisions restricting or prohibiting accessory structures and additions; and (d) provisions restricting or prohibiting fencing, decks and/or projections such as balconies.

Mr. Hanzlik seconded the motion, which carried unanimously.

MINUTES OF PREVIOUS MEETING

- July 21, 2016

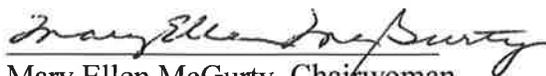
The Minutes of the meeting on July 21, 2016 could not be acted on due to the absence of a member who was present at the meeting. Action on the Minutes was tabled to the next Zoning Board of Appeals Meeting.

ADJOURNMENT

Mr. ten Eicken made a motion to adjourn the meeting. Mr. Gaddam seconded the motion, which carried unanimously. The meeting was adjourned at 8:04 p.m.

"All documents, letters, and other written comments about the applications reviewed at this meeting, that were received by the Zoning Board of Appeals prior to or during the meeting, are part of the public record. Unless otherwise noted below, these materials are not attached to the minutes posted on the City of Peekskill's website. However, a complete record of all materials received is available for public review by contacting the Department of Planning and Development at (914) 734-4211."

Prepared by Cecille Bennett, as Recording Secretary for the Zoning Board of Appeals, for signature by:



Mary Ellen McGurty, Chairwoman

Adopted on: *October 20, 2016*