

**Village of Port Dickinson
Planning Board Meeting
May 11, 2021**

Present:	Chairperson	Gary Campbell Peter Dionne Ginger Kipper
	Attorney Village Clerk	Nathan VanWhy Susan Fox

The meeting was called to order at 6:40 pm by Chairperson Campbell.

APPROVAL OF MINUTES:

Motion by P. Dionne, seconded by G.Kipper for a resolution to approve the January 14, 2020 minutes
AYE Campbell, Dionne, Kipper
NAY NONE

PLANNING BOARD REVIEW: meeting for the purpose of making a recommendation to the Zoning Board of Appeals regarding the Use Variance Application of Casey Calvey, 25 Riverview Rd.

- 239 Review from Broome County Planning Dept in file – They indicate there are not Countywide or community impacts from the project. They comment that the site is located in the FEMA flood hazard area and the applicant should be aware. Any new signage should be consistent with the Village Comprehensive Plan.

A Use Variance is required as the garage is a detached accessory structure and does not allow operation of the home business in the structure.

APPLICANT COMMENT:

Casey Calvey, 25 Riverview Rd, commented on her Use Variance application. She submits plans to move her yoga studio from the 2nd floor of her home to her detached garage. The 3 car garage will be converted to a studio using two of the garage stalls.

In response to questions, the applicant indicated that due to COVID, she is does not have space on her second floor to run her classes. Her present space is not handicapped accessible and stairs to the space are exterior and exposed to weather. Renting space is cost prohibitive as it costs about \$1,000/month. She has lost students attending in person and is also teaching remotely. Renovation cost is about \$17,000 and expected to be recouped in 18 months. There are no other employees of the business.

Contractor, Michael Ball, indicates that the property has unique features of no development in the rear (bounds the levee) and the right side (as facing the home). The property is located on a dead end street. The home has 2 driveways. Square footage in home is about 250 sq ft. The square footage in the proposed space is 541 sq feet.

Attorney Comments:

The Residential Zoning does not allow operation of a business in an accessory structure. There are some home occupations that are allowed in the primary structure. Use variance is a vehicle that allows Planning & Zoning

Boards to consider exceptions in cases of hardship. Review of Section 4(D) 1, 2, 3 of the Application for Appeal needs explanation by application.

Use variance stays with the land, even when conveyed to another owner. A different business would need to return to Planning Board for another variance. The current owner could sell the business if the variance is granted. The grant of a variance and site plan review can place restrictions on the variance (parking, number of students, signage...)

Unique hardship to the property needs to be shown by applicant. Variance is not about the applicant, or the type of business but the property. May speak to an appraiser or realtor for assistance in responding to questions. May submit a profit/loss statement for the business. Suggestion for applicant to seek private counsel to respond to Application for Appeal questions in writing.

Planning Board is reminded that the granting/denial of this application will set a standard for future applications and he would recommend that the applicant shows adequate evidence to support application. Recommend that the Board insure there is adequate information in the record so that if the Board/Village were to be sued, there is a solid basis for the decision(s) that were made.

PLANNING BOARD REVIEW:

Board members discuss if there is enough information given as part of the meeting record to make a recommendation.

Discussion that making a recommendation to approve may set a precedent for other properties requesting a similar variance.

Motion by P. Dionne, seconded by G. Kipper to request application to clarify Section 4(d) 1-3 of the Application for Appeal in writing and reconvene at a later time.

AYE Campbell, Dionne, Kipper
NAY NONE

Respectfully submitted,
Susan E. Fox, Village Clerk