

**Village of Port Dickinson
Planning Board Meeting
May 25, 2021**

Present:	Chairperson	Gary Campbell Peter Dionne Edward Corcoran
	Attorney	Nathan VanWhy
	Village Clerk	Susan Fox
	Building Inspector	John Broughton

The meeting was called to order at 5:30 pm by Chairperson Campbell.

APPROVAL OF MINUTES:

Motion by E. Corcoran, seconded by P. Dionne for a resolution to approve the May 11, 2021 minutes
AYE Campbell, Dionne, Corcoran
NAY NONE

PLANNING BOARD REVIEW (continued from 5/11/21 meeting): 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.

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.

Letter from applicant attorney is now in file addressing Section 4(D) 1, 2, 3 of the Application for Appeal.

Attorney Comments (continued from 5/11/21 meeting):

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.

Motion by P. Dionne, seconded by E. Corcoran to recommend granting of a Use Variance limited to a yoga studio.

AYE Campbell, Dionne, Corcoran
NAY NONE

SEQR Review (as referred from Zoning Board of Appeals):

11 questions for SEQR review are answered.

Motion by E. Corcoran, seconded by P. Dionne for a negative declaration, the project will have no impact.

AYE Campbell, Dionne, Corcoran
NAY NONE

SITE PLAN REVIEW:

In review of the file and plan submitted: there are no new buildings or structures proposed, there is off-street parking for 12 vehicles, no new paving or landscaping is involved the project so there are no drainage issues created. The renovation is to the interior of the building.

Discussion of Zoning Board of Appeals limitations and other possible additional limitations.

Motion by P. Dionne, seconded by E. Corcoran, to approve the site plan as presented with the condition of:

A minimum of 30 minutes between group classes to allow for one group to leave before another starts arriving.

AYE Campbell, Dionne, Corcoran
NAY NONE

Motion by E. Corcoran, seconded by P. Dionne, to adjourn at 7:30PM.

Respectfully submitted,
Susan E. Fox, Village Clerk