



to reflect 23 units rather than 21. He presented calculations showing that the F.A.R. is 0.59 and that no variance is needed. He presented a rendering showing the elevations which have not changed from when the plan was first presented. The ht. is 39' and, therefore, less than 40' which the law allows. On the issue with Landscaping Mr. Linzenberg stated that he will make certain that no lights reflect on neighboring properties or the roadways. The final comment that Mr. Linzenberg addressed from Mr. Kauker was the suggestion of placing a trench. Mr. Linzenberg agreed with Mr. Kauker comments, and agreed to place a trench to ensure that there no storm water does not flow onto public streets.

Mr. Kauker pointed out the need for a variance for parking in the front yard. This is needed because the property is situated on a corner and thus has two front yards. The applicant will appear before the ZBA next week to request such a variance.

Mr. Kauker wants improvements in the parking layout. He agrees that the FAR is correct and the changes in the lighting plan will correct the defects that he pointed out. At the corner of the property the ht. of bushes cannot exceed 24".

Since there was continued differences regarding parking configurations; whether a crash gate should be put in place and whether a curb cut should be removed, The Planning Board directed that a CRDC meeting be held to resolve these problems prior to the next Planning Board meeting. Walter Booker suggested the CDRC be held on 2/16/2010.

## **Hatzlacha Supermarket**

### **Mr. Garner**

This is an initial application seeking site plan approval to construct a new supermarket on three lots. One of the lots is at the intersection of West Street and Maple Avenue and is in the NB zone. The other lots are in the R-2 zone and require a referral to the Village Board for a zone change and to the ZBA for Variances.

Ira Emanuel appeared for the applicant and addressed the Board. He requested referrals to the Village Board for a zone change and the ZBA for variances. He also sought a SEQRA Negative Declaration determination.

### **Mr. Emanuel**

Spoke on behalf of the applicant and stated that his client wants to build a larger store to accommodate the needs of their customers. The new store will have 9,250 sq. Ft equals better parking and access. There will be 3 lots which will be combined into 1.2 of the lots are presently in the R-2 zone and will need Village Board approval to move them into the NB zone where the third lot is presently situated. The project engineer, Mike Miele described the design.

### **Mr. Kauker**

Stated that he had reviewed the plans and conducted a SEQRA review. He calculates the number of parking spaces at 43, not 37 and therefore a variance is needed pursuant to section 89d(4). He expressed some concern about backing out onto the roadway from the loading docks. The

applicant stated that the trucks would back in and pull out forward. He requested that screening be provided so that cars will not shine lights onto the roadway or into a neighbor's yard.

**Mr. Katz**

In Regards to SEQRA, Mr. Kauker do you feel that the Planning Board should declare lead agency tonight?

**Mr. Kauker**

It is my opinion, that the Planning Board should declare itself lead agency on this project.

**Mr. Katz**

The Board must give thirty (30) days for other agencies to contest lead agency status.

**Mr. Booker**

Spoke and informed the Board, that he already had delivered the documents to County and all the other appropriate agencies.

**Mr. Kauker**

Stated that he did not have any problems with the Planning Board making referrals to the Village Board and the ZBA to start the process, but those agencies cannot take final action until the Planning Board has completed its SEQRA Review.

Mr. Emanuel stated that the Part2 and he had spoken to the drainage and water agencies. The applicant has provided a drainage study which addresses these issues.

After much discussion Walter booker and Mr. Kauker agreed that the storage area should not count toward FAR. This is consistent with prior actions regarding earlier applications. If the FAR is too great, the applicant requests a wavier rather than seeking a variance from the ZBA. The Planning Board seemed receptive to this approach.

Mr. Kauker suggested flipping the parking and the building with the building closer to the street. Mr. Emanuel said that this was considered. If this is done the building will be in their neighbor's front yards.

The applicant agreed to discuss hours of loading to limit interference with the lives of the neighbors.

The Planning Board voted unanimously to declare lead agency; refer the applicant to the Village Board for a zone change and to the ZBA for variances. The Board also set this matter for a public hearing on April 7, 2011.

## **Ridge Avenue referral from Village Board**

### **Mr. Katz**

The Village Board is considering a zone change of certain properties in the Ridge Avenue area from R2 to R-3 and has referred this proposed change to the Planning Board for comment. You should all have copies of the proposed Local law. The Planning Board should be aware that in the past 4-5 years the Village Board has changed many properties in the Ridge Avenue area from R-2 to R-3. This is just a continuation of the process. I believe that Mike Kauker has reviewed the proposal and may have comments for you. If the members of the Planning Board feel that they have sufficient information to make a recommendation to the Village Board tonight, they may do so. If not, you may do so at next month's meeting.

The Board accepted the referral but due to late hour and the fact that they had not had time to study the application, determined to consider it at the March meeting.

As there was no further business to come before this board, on a motion by Mr. Dorvil seconded by Mr. Sternberg the Board voted unanimously to close the meeting at 9:00 p.m.