

## Village of Schoharie Planning Board

September 17, 2024

### Meeting Minutes

#### In Attendance:

Board members: Tom Hitter, Steve Babbitt, Tim Repicky, Russ Shaw, Dave Knoop

Board Consultants: None

Applicants: None

Public: Patsy Nicosia (Times Journal)

The chair called the meeting to order at 7:00. It had been nearly 3 months since our last meeting. Tom made a motion to approve the draft meeting minutes from June 25, no changes were suggested, so Tim seconded the motion and we voted 5-0 in favor.

New member joins the Board: David Knoop has joined the Planning Board, restoring us to full strength with 5 members.

Initiative to Make Application Process and Forms Easier-To-Use: Russ presented a sample document in which he had restructured the presentation of the many requirements for a site plan review. The Land Use Law document delivers most details in narrative paragraphs, often grouping several criteria or process steps together in long paragraphs. Separately, in other locations, are flow diagrams with the timelines for the process steps, and checklists. Russ has consolidated and re-organized the step-by-step details into a table with each requirement on a separate row and with checkboxes so each individual step could be checked off when complete. Also, references to the applicable paragraph of the LUL or state code of rules & regulations, with Internet links if viewing online, and the allotted timelines for the task to be completed by the Planning Board, would be included. This reorganization would simplify the legalese of the LUL and assemble or kit all the needed information the public would need into a much more user-friendly format. Russ was encouraged to continue his efforts and settle on a preferred format.

Village Application for State Grants: The village will be applying for state DRI and NY Forward grants and has an online survey with a list of proposed projects to be rated from most preferred to least preferred. Tom encouraged us to take the survey.

#### Great American Planned Development Area (PDA):

Schoharie Dental (Dr. Elbially) has applied to the Village Board for a PDA which would transform the derelict former Great American lot into a combined healthcare facility and multi-family residential complex. The healthcare facility would be a new building housing an enlarged dental practice. The existing dental practice would relocate from its present location at 229 Main St, and the 229 + 218 Main St site would transition to hosting a child care facility. No members of the Planning Board have experience dealing with a PDA; The Birches was the most recent one in the village, but none of us were on the Planning Board at that time. So we discussed the applicable section of the LUL, section 2-8.6, and what role we will play. The Village Board must establish the PDA as a new zone and define the permitted/special use/not permitted uses. The Planning Board serves as an advisory board to the Village Board as they work through the process, and they have already asked us for initial thoughts following the public presentation at the September 10 village board meeting and distribution of the initial application documents to us.

- Need clarification from applicant regarding the extent of the PDA zone: It's unclear whether the PDA zone will be just the Great American parcel (218 Main St), currently zoned Commercial, or is it intended to also absorb the 2

parcels across Main St: Schoharie Dental (229 Main St) and the adjacent damaged residence (235 Main St)? These two parcels are currently zoned Residential/Mixed Use.

- The concern to the Planning Board is future lessening of village oversight for the 2 parcels if the proposed child care facility (Educational facility land use) does not thrive and fill the space, and if other tenants with other land uses (i.e. Commercial) are brought in. Our presumption is that the PDA zoning will grant the land owner greater freedom from village oversight than leaving the two parcels in the existing residential/mixed-use zone would, although changes in use would presumably require Special Use review. The village board must decide how to balance greater land-use flexibility vs. village oversight.
- The current healthcare facility land use for 229 Main St exempts Schoharie Dental from the residential/mixed use zone requirement for a housing unit to be on-site, but an Education land use classification would not.

Some design-related topics to be examined in greater depth are:

1. Sufficient parking? Will even the planned 202 new parking slots be sufficient for a combined 72-chair dental practice and 46 apartments? This is now a high volume industrial-scale dental center, not the neighborhood dental practice most of us grew up with. The parking lot at The Birches is typically full or close to full.
2. Roof Height of 3-storey apartments: If the elevator shafts in the 3-storey apartment buildings extend several feet up into the attic and top out above the roof, will the roof height remain below the 45 ft maximum?
3. Can Schoharie Fire Dept. handle a fire in the 3-storey apartment with 44 ft. roof height?

The chair will draft an "Initial Advisory Statement" (see following page) to be sent to the mayor and village board members.

Meeting adjourned at 8:40.

#### **Future Meetings**

Tuesday, October 15, 7:00 p.m. (This follows the monthly Village Board meeting by one week.)

*Stay tuned: If the Village Board schedules a special meeting before their Oct. 08 monthly date to expedite the application process, the Planning Board will schedule an expedited meeting also.*

Respectfully,

Steve Babbitt

Good Evening Mayor Henry

The following comments regarding the project proposal for 218, 229 and 235 Main St presented to the Village Board by Dr Elibialy last week are respectfully submitted to the village board of trustees

1. We recognize that technically our official review of this proposal and our advice to the village board actually doesn't begin until the application is considered complete and accepted by the Village Board however we hope you'll find these preliminary comments helpful
2. Per LUL 2.8. E (1) We assume that the first two bullet points will not be required since the village hasn't formulated those but the application still needs the perspective drawing (lighting and signage should be shown as well) and draft supplemental environmental impact statement to be complete. There are also a few minor omissions in the Part 1 EAF submitted for the PDA as well and see #4 below it probably has to be turned into three separate EAFs anyway.
3. We suggest Escrow be set for at least \$20,000 available to both the Planning Board and the Village Board
4. Careful re-reading of the application especially the letter from Christopher Knox and particularly the third paragraph on page 2 convinced us that it is their intent to request a PDA only for 218 Main St. He states "It is also understood that the educational uses proposed for 229 & 235 Main St will be permitted by seeking only Planning Board approval for SPR and SUP. It is anticipated the Village Board consideration for a PDA establishment at 218 Main St. will occur first and that Planning Board SPR and SUP consideration will occur subsequently and conducted concurrently for all three parcels". Three separate SPR and three separate SUP forms and fees will be required. On that last point the packet submitted to the board is inconsistent since only one each of the SPR and SUP application forms and Part 1 of the EAF were submitted and those all referenced all 3 parcels. Even if the PDA application were meant to encompass the 3 parcels the LUL and state regulations are clear that only single parcels can receive an SPR or SUP review. We recommend that the village board be explicit and accept the PDA application for just 218 Main St.
5. Presumably the flood plain construction and drainage issues will be addressed, the proposals so far, after our casual initial review, look compliant with the LUL and the Comprehensive plan with no major concerns though we do wonder if 202 parking spots for a 72 chair dental practice as well as 46 apartments is actually sufficient and suggest that be given more explanation and analysis by the applicant along with a traffic study and emergency access details especially to the 3 story apartments. (As an aside the overall height of 44'2" and the 3 stories appear to be the only aspects of the proposal that took it outside the 218 Main Streets parcel's existing commercial zoning guidelines) We suggest they be absolutely sure that they can in fact keep it below the PDA maximum of 45 ft even with the upper projections of the elevator shafts.
6. Bear in mind that all of these applications will have to be referred to the county
7. We may be wrong but since it is a change in zoning law to create this PDA it seems that the village board has to be the lead agency at least for that action.
8. We have scheduled our next planning board meeting for the 10/15/24, one week after the next scheduled Village Board of Trustees meeting. If you decide to meet earlier we can advance our schedule as well. We wish to cooperate in expediting this process in any way possible.

Respectfully

Village of Schoharie Planning Board

Tom Hitter, Chair

SB 11/20/2024