

PLANNING BOARD MEETING
March 6, 2019

Present: Brian Parker Absent: Terri Humberstone
 Todd Mack Bruce Billings
 Bridget Givens
 Dana Grover
 Don Roberts
 Heather Bellinger
 David DiMatteo

Additional Present: Craig Woodworth
 Rochelle Woodworth
 Dennis Hewitt
 Matt Jensen
 Frances Kabat
 Megan McGinnis

Chairman Parker led in the pledge to the flag

Chairman Parker called the meeting to order at 7:02 PM

Motion was made by Bridget Givens and seconded by Todd Mack to approve the meeting minutes from the November 14, 2018 meeting.

Motion was carried as follows:

Brian Parker – aye
Bridget Givens – aye
Todd Mack – aye
Dana Grover – abstain

Discussion for: Review of Re-Zone application & recommendation

Application was made by Perry Vets Club for the following proposal: Re-Zone from Residential R-2 District to Commercial C-2 District. The property is located at 64 Lake Street, Perry, New York.

Francis Kabat – Lawyer representing Perry Vets Club for Re-Zone request.

- Re-Zone was looked at due to Article III section 490-15 B – “Enlargement” – nonconforming use shall not be enlarged, changed or extended.
- Looking to add an addition – currently revising Site Plan
- Looking to add noise reduction buffers
- Parking spaces – redo parking area

David DiMatteo – Lawyer representing Village of Perry for Re-Zone request.

- Presented definitions of: “Club”& “Fraternal Organizations”
- Salkin Law books - See Sections 4:10 – 4:18

Board Discussion:

- Comprehensive Plan (long term & short term goals) – Appears to be clear on the overall land use for future development and expansion provisions.

- Past zoning amendments to District changes – Water St. District location was discussed as this involved similar cases, Dompolski’s, Baker’s & Sofi’s, all bar/food establishments located in District of non-conforming use. The later conversion of the M1 District to an R3 was a result of 2 issues; proposed project and industrial uses no longer exist within the surrounding residential use area.
- Definition of a “Club” – The existing use of the building seems to fit our current definition
- Review of the permitted use tables – Listed under permitted uses, clubs and fraternal organizations are listed, and appear to be allowed by “Special Use” in C2, M1, R1, R2 & R3 Districts.

Re-Zone Recommendations from R2 district to C2 district – 64 Lake Street

Upon the Village Perry Planning Board review of the proposed “Re-zone” application, the following observations and recommendations are made;

- Remainder neighboring area is still intact as a Residential.
- No signs of Commercial growth in or around current property.
- There does not appear to be any district designation in close proximity and may be considered “Spot Zoning” which generally only benefits the owner of said property. (Spot Zoning refers to the rezoning of a parcel of land to a use category different from the surrounding area, usually to benefit a single owner or a single development interest. Zoning and the Comprehensive Plan, Division of Local Government Services)
- Observation and comments made by WCPB appear to point out another approach may be better served by the applicant to ensure integrity of current Residential area.
- Upon rezone approval, any use listed under a C2 District would be allowed and may result in a substantial change to the character of the neighborhood.

Motion was made by Todd Mack and seconded by Bridget Givens to recommend to the Village Board, the re-zone application made by the “Vet’s Club” located at 64 Lake Street be denied.

Motion carried as followed:

- Brian Parker – aye
- Bridget Givens – aye
- Todd Mack – aye
- Dana Grover – abstain

Motion was made by Todd Mack and seconded by Bridget Givens to adjourn the meeting at 8:22PM

Respectfully submitted,

Heather Bellinger
Zoning Secretary