

VOB Planning Board / Monthly Meeting
Minutes / Action Items
Tuesday February 10, 2015 7:00 pm

Planning Board Members:	J.Paliseno, M.Sagliocca, F.Maffucci, M.Kane, P.Fawcett, G.Proce, C.Low * - Attendees Bold Action Item Owners highlighted in Red Font
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7:04pm – Planning Board (PB) Meeting Commenced

1. Discussed latest update regarding Mini Storage Facility at 59 Orinoco Drive. After J.Paliseno discussed situation with Mayor and Building Inspector, VOB was going to draft and send to applicants minimum amount of documentation required before the VOB was to officially review and consider the propose property.
2. At the VOB January mid month meeting, the PB was instructed to send their proposed new and revise codes to the VOB Attorney. Subsequent sending revised codes, current VOB Attorney resigned and PB waiting on appointment of new attorney before forward revised codes.
3. PB agreed to complete work on the Shed, Solar and Cell Tower codes so be submitted for consideration.
4. PB agreed to start drafting minimal documentation required for new structures for commercial and residential properties.
5. Dumpster Code 128.57 – PB agreed to revise code removing “without a permit if the dumpster is placed in the rear yard” so that all Dumpsters require a permit.
6. Special Permits 128.14 - C.Chiappetta requested PB clarification on the spirit of “following a public hearing on an application for a use for which a special permit is required”. Carmine believes the spirit of the code calls for a Board of Trustee “Public Hearing” to be held considering Special Permits. Matter was referred to the VOB Attorney and he ruled since Zoning Board of Appeals held a “Public Hearing”, no further Hearings were required.

9:25 pm – Planning Board (PB) Meeting Ended

NEXT PB MEETING WILL BE HELD March 10 @ 7:00pm at VILLAGE HALL

IF YOU UNABLE TO ATTEND A MEETING, PLEASE ADVISED PB CHAIRMAN PRIOR.

Planning Board's Proposal to Existing and New Codes for the VOB

128.31 Rear Yards

(D) **Existing** – “Rear yard area limited for nonvegetative use. The ground area ratio (GAR) available for use of nonvegetative or nonimpervious surfaces is to be no more than 30% of the rear yard area for plots over 15,000 square feet.

Change: - “Rear yard area limited for nonvegetative use. The ground area ratio (GAR) available for use of nonvegetative or impervious surfaces is to be no more than 30% of the rear yard area for plots over 15,000 square feet.”

128-73 Demolition Permit Required

[Amended 1-7-2013 by L.L. No. 1-2013]

(A) Existing - It shall be unlawful for any entity or individual to raze, remove, or demolish or to allow, commence or maintain the removal or demolition of a building or structure on behalf of the property owner without first obtaining a copy of the formal written permit issued by the Village of Brightwaters Building Department and all criteria and fees are met. A renovation affecting more than 75% of a structure will require a demolition permit. This permit is to be displayed on site at all times work is being performed. The demolition permit is valid for four months upon issuance

Change: - “It shall be unlawful for any entity or individual to raze, remove, or demolish or to allow, commence or maintain the removal or demolition of a building or structure on behalf of the property owner without first obtaining a copy of the formal written permit issued by the Village of Brightwaters Building Department and all criteria and fees are met. A renovation affecting more than 75% of a structure will require a demolition permit and is considered a “new structure”. This permit is to be displayed on site at all times work is being performed. The demolition permit is valid for four months upon issuance.”

NEW STRUCTURE (128-73.2) (To be Added)

Any building constructed from a new foundation or a pre existing building that has a certificate of occupancy of which the *livable floor area is proposed to be increased or altered by more then 75% of the existing floor area. If said proposed new structure is greater then 75% of the existing then a demolition permit is required and approval of all current building and zoning codes apply.

*Livable floor area is defined as a residential area of a premise, accessory building, pool house or garage that is currently within the exact footprint as stated on the most recent certificate of occupancy. Livable floor area must be habitable and consist of a roof and four walls, plumbing, electric and heat. If said livable area of less then 75% of FAR as determined by the building inspector and is temporarily void of plumbing, electric and heat due to alterations for a period less then a 24 hours then the livable area is deemed habitable. If the existing footprint is not as stated on the current certificate of occupancy then one must be attained prior to be defined as livable space

128-34 Building Height

[Amended 5-3-2004 by L.L. No. 14-2004]

Existing Code:

No building or shed in any district, except as hereinafter specified, shall exceed in number of stories or total height the following:

A.

Two and one-half stories or 35 feet in a Residence A District, Residence B District or Residence C District.

B.

One story or 20 feet in a business district; provided, however, that a two-story building in a business district may be constructed and maintained only by special permit from the Board of Trustees but may not exceed 35 feet in height.

[Amended 9-20-1995 by L.L. No. 6-1995]

C.

No shed may be more than eight feet in height above the property grade

PB Proposed Revisions to Code:

BUILDING HEIGHT 128-34

Unless otherwise stated, the vertical distance from the average crown of the road or average top of curb (if curb has 5" or more reveal) that fronts the property, whichever is less, to the highest point of the roof, provided that chimneys and similar permitted projections shall not be included in the height. For any single-family residential and any structure(s) accessory thereto, no principal building or structure shall be erected to a height in excess of 35 feet or 2 1/2 stories within an area of special flood hazard pursuant to this chapter, the structure or the minimum elevation necessary to meet the prerequisites for federal flood insurance as determined by the National Flood Insurance Program/FEMA shown on any applicable Flood Insurance Rate Map. The Commissioner of Planning, or his/her designee, shall be responsible for any interpretations concerning average grade and/or base flood elevation.

A.

In a Residential District, no principal building or structure shall be erected to a height in excess of 35 feet or 2 1/2 stories.

B.

Accessory structures shall not exceed 24 feet in height or shall be a maximum of one story, whichever is less.

C.

Flagpoles shall not exceed 30 feet in height.

D.

Architectural protrusions above the ridge line such as Cupola, Antennas and Weather vanes may not exceed five feet above the highest peak of the residence. Other protrusions such as solar panels, dish receivers, ornamental temporary fixtures cannot exceed the building height code (128-34)

Exceptions:

The provision hereof shall not apply to the height of architectural elements of a church or similar place of worship, including but not limited to a steeple, dome, monument or chimneys.

Revisions to Existing Pool Permit

The Planning Board feels that further safety initiatives would be ensured if the following language were added to the end of the Swimming Pool Building Permit Application on the back page just above Special Conditions of the Permit: The Inspection Process is as follows:

- 1) The Village Office must be notified when ground is to be broken to arrange for a site inspection to ensure suitable temporary fencing, a minimum of four feet high, has been installed.
- 2) The Village Office must be notified when pool is to be filled to arrange for site inspection.
- 3) The Village Office must be notified to arrange for a final inspection Note*** This pool permit expires in eight weeks and must be renewed unless a permanent fence has been installed.

128-26 Fences, hedges and retaining walls

Currently:

A. Residence A and B Districts.

(1)

In any Residence A or Residence B District, no fence which is more than six feet high shall be permitted; provided, however, that the finished side of any fence shall face outward from the property on which it is constructed. Every fence facing a public street shall be nonsolid and ventilating and shall be screened from view to half of its height above ground level by natural plantings spaced 36 inches apart at ground level.

[Amended 11-6-1995 by L.L. No. 7-1995; 8-6-2001 by L.L. No. 4-2001; 6-2-2003 by L.L. No. 5-2003]

Proposed:

(1)

In any Residence A or Residence B District, no fence which is more than six feet high shall be permitted; provided, however, that the finished side of any fence shall face outward from the property on which it is constructed. Every fence facing a public street shall be nonsolid (25% of 1 linear foot equally distributed vertically (top to bottom) must be open vented space (not less than 3 inches) visible from the street) and shall be screened from view to half of its height above ground level by natural plantings spaced 36 inches apart at ground level.

128.26 F 2 (Existing Code)

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No fence permit shall be issued unless the applicant has paid the fence permit fee and has also posted a cash bond, both sums to be established by the Board of Trustees.

ADD on Pool Permit Below “Special Conditions of Permit”

Proposed (establishing Bond Amount):

Each application shall be accompanied by a cash bond in the amount of \$200.00 ensuring upon the completion of the fence installation and required hedge screening around the exterior of the fence, the VOB Building Inspector is notified to conduct a final review of the fencing and hedging requirements.

Proposed New Generator Code

(available under a separate cover)

Revisions to Existing Sign Code

(available under a separate cover)