

**Village of Athens Planning Board**  
**Athens Village Office, 2 First Street, Athens, NY 12015**  
**Meeting October 17, 2017**

Members Present: Margaret Moree, John Miller, Kurt Parde, Bill Tompkins, Carrie Feder and Peggy Snyder,  
Secretary

Absent: None

There was a valid quorum present for voting purposes.

Meeting called to order at 6:25 pm by Chairman Moree

### **Minutes**

Motion was made by Kurt Parde and seconded by Bill Tompkins to approve the September 19, 2017 minutes as presented. All in favor, motion carried.

### **New Business**

**Tim Albright, 31 S. Franklin Street**, an application to build a 10' X 25' addition to the rear East side of house, replace existing shingles with new "weathered" architectural shingle from Timberline, all finish detailing and material dimensions to match existing, the South section of the addition to appear like an enclosed porch using dimension and finish details from the existing house, column, soffit and overhang details, foundation re-used brick, siding of hardboard painted to match existing house, trim material Versatex PVC dimensional material painted to match existing color, windows will be Marvin true divided light in clad exterior, Pebble Gray finish 6 over 6, door with true divided light wood to be painted to match existing color. All paint will be Benjamin Moore Briarwood in monochromatic color scheme. Drawings and photos accompany the application. A motion was made by Carrie Feder and seconded by John Miller to approve the application as per scope of work for addition; foundation; roofing; windows and painting. All in favor, motion carried.

**Sandra Strauss, Brick Row**, inquired about requirements in the Code for porch installation or modifications to homes on Brick Row. She asked if the Code permits an existing porch to be enlarged. She also offered to take Planning Board members on a personal tour of Brick Row to show how changes to neighboring properties are jeopardizing the stability of her home, and how prior Planning Board site plan approvals were not being followed by homeowners. She continues to seek redress for the installation of a dormer on the adjoining home, which was installed outside the specifications approved by the Planning Board and for which the Code Enforcement Officer has taken no follow-up action. Chairman Moree advised Ms. Strauss on areas where the Code addresses porch modifications within the historic district and advised that there is no current application before the Planning Board for any work at this time. Ms. Strauss was advised that the Planning Board reviews the applications presented for consistency with the Code, but it remains the responsibility of the Code Enforcement Officer to enforce and apply the permitted provisions of an application upon issuance of a building permit. Concerns about equitable enforcement of the Code should be taken to the Village Board.

**Mike Gromwaldt, 31 North Water Street**, presented with photos and drawings of structure to remove deteriorating damaged roof and replace with new 2" X 8" roof rafters, sheathing and GAF Pewter Grey shingles. The roof line will be adjusted to increase the pitch, for a maximum height of 17'. Siding at the Gable ends to match existing siding on house. A motion was made by Margaret Moree and second by John Miller for the repairs to the roof and placement of GAF Pewter Grey shingles; siding to be replaced to match consistent with what is on the house; roof line adjustment made as described in application. All in favor except Carrie Feder who opposed, motion carried.

**James Moore, 25 South Franklin Street**, application to repair porch floor boards and stair treads on rear, east facing porch that is 40' in length and 8' in width. Plans to level the porch before replacing flooring. Homeowner will return with pictures and samples of material and design to replace railing, trellis and gutters. Floor not to be painted until spring and will return with colors at that time. A motion was made by Margaret Moree and seconded by Bill Tompkins to approve the repairs to the porch and stairs tread with the homeowner to return with photos and details on railings, trellis and gutters. All in favor, motion carried.

**Lawrence Palmateer, 1 Second Street**, solar company representative presented application to install solar panels on the entire South facing side of structure which would include the house, garage and addition. The panels would be black and approximately 5" in height from the roof. Questions were discussed by the Board on whether there was a way to achieve the desired result with lesser the number of panels, representative explained to receive 100% efficiency with this type of panel all the surface needs to be used. Smaller number of panels with equal if better efficiency could be achieved, but her firm did not market those products and they were likely more expensive. Photos, drawings and material information was provided. A motion was made by Kurt Parde and seconded by John Miller to approve the application under duress given the positioning of the home and 100% visibility roofline; as described in application for installation of solar panels on entire south roof lines of structure. All in favor except Carrie Feder who abstained from voting. Motion carried.

**Moria Little, 91 North Washington Street**, application to add a 1.5 story addition over existing deck in rear of residence with dimensions equal to existing deck; replace existing 3 footings and add 3 more footings to carry weight of addition and snow loads; all exterior siding and roofing to match existing. Drawings and photos supplied with application by contractor. The Planning Board is in receipt of notice from the Water Front Advisory Committee confirming no objections to the application for the addition. Chairman Moree noted that the application still required certification from the Code Enforcement Officer consistent with the Village Flood Prevention Act before any permit can be issued. This was discussed at September meeting; Code Enforcement Officer was present at October meeting and advised he will complete that process. A motion to approve the addition of a 1.5 story structure as detailed in the application; siding and roofing to match existing; dependent on Code Enforcement Officer approving Village Flood Plain Prevention form was made by Margaret Moree and seconded by John Miller. All in favor, motion carried. Code Enforcement Officer was present at the meeting and is aware he needs to complete the Village Flood Plain Prevention form.

**Becky & Bob Hart, 19 North Warren Street**, contractor inquired as to status on whether an area variance would be required for the proposed property modifications described, without formal application yet submitted. Chairman Moree stated that she has not heard in writing from Attorney Rapplyea on this property yet if a zoning variance is needed but will again follow-up.

**Chris Baswell, 98 Second Street**, application presented to remove existing metal front door and replace with wood door. No photos or drawings or other information with application and contractor was not present to advise. Application not complete, resident will be notified that more information is needed to complete application.

### **Other Business**

Code Enforcement Officer (CEO), Mike Ragaini inquired about what type of approval would be needed for a building on Second Street to operate a business out of the first floor unit. Chairman Moree advised upon review of the Code that there is nothing in the Code prohibiting a retail operation given the district they are located in. Certain uses may require a special use permit, but as described by the CEO, it would appear that a retail operation would be consistent with permitted uses in that building. Building and safety code issues related to a retail operation are the purview of the Code Enforcement Officer. Any sign for the retail operation would need to secure a sign permit consistent with provisions in the Code. CEO Ragaini stated he will talk to the people about coming for a sign permit.

CEO Ragaini stated that Tim Watkins and Carol May, who currently operate a ‘home occupation – minor’ at their property located on North Warren Street, are investigating permitted options for their building given new business opportunities. The CEO advised that when the property was purchased in 2004 a zoning variance application was submitted but he had been unable to identify any formal action taken by the ZBA on that application. Chairman Moree advised on permitted uses and special permitted uses for the building given the current zoning district in which they are located. If the homeowners wish to expand at their current location, it would require a special use permit and they would need to align their business model with the definition of “home occupation – major”. If their business model goes beyond that definition, and they wished to conduct business at their home, they would require a Use variance from the Zoning Board of Appeals. Chairman Moree found ZBA minutes back to 2005 but not earlier. She did find files going back to the 1990s so will work with the Village Clerk to see where minutes prior to 2005 may be located.

CEO Ragaini followed-up on complaints lodged about access to the river through a portion of the Pedatella property located on North Water Street. He also took photos and sent them to the clerk to show that there is access to the river and the back of the sewer plant building by his home. The homeowner had put up “no trespassing” signs temporarily to keep people off the newly planted lawn. Carrie Feder also noted that Mr. Padatella was supposed to return to the Planning Board regarding the windows put in the house and has not. CEO Ragaini stated he will look at the application and talk to Mr. Padatella.

Chairman Moree noted that she has noticed that the former Paddleheads business on Water Street appears to have been converted from its former use to a two-family residence. She asked the CEO to investigate and ensure the building and use are consistent with permitted uses in the Code for properties in the Waterfront District. CEO Ragaini stated he will look into this.

Respectfully submitted,

Margaret Snyder  
Secretary, Village of Athens Planning Board