

Village of Youngstown

VILLAGE CENTER • 240 LOCKPORT STREET
P. O. BOX 168
YOUNGSTOWN, NEW YORK 14174-0168



INCORPORATED:
APRIL 18, 1854

TELEPHONE:
(716) 745-7721
FAX:
(716) 745-3400

Village of Youngstown Planning Board Application of Steve Schmoyer, Townhouses of Youngstown, Tax Map 45.14-1-1 December 9, 2019

The meeting of the Village of Youngstown Planning Board was called to order at 6:38 p.m. with the Pledge to the Flag and a roll call attendance.

Present: Chairperson Margaret Hanson, Member Fred Braun, Member Brian Muller, Alternate Member David Thurlow, Planning Board Clerk Amy Freiermuth. Arrived late Member Claudia Andres.

Excused: Member Sue McNaughton

A copy of the public hearing was available for viewing:

VILLAGE OF YOUNGSTOWN PLANNING BOARD *NOTICE OF PUBLIC HEARING*

NOTICE IS HEARBY GIVEN THAT, pursuant to Village Law and the Subdivision of Land Chapter 197 of the Code of the Village of Youngstown, a public hearing will be held by the Planning Board, at the Village Center, in the Board Room at 240 Lockport St., Youngstown, NY (716-745-7721) on December 9, 2019 at 6:30 p.m. for the purpose of hearing and considering the following applications for a minor subdivision:

Application of Steve Schmoyer, Townhouses of Youngstown, for property located at Main Street and Jackson Street, Tax Map ID: 45.14-1-1

Applicant or representative must be present at the hearing. Description for the above application is available for viewing at the Village Clerk's Office during normal business hours.

*Amy L. Freiermuth
Planning Board Clerk*

Chairperson Hanson asked Mr. Schmoyer to please explain the project. Mr. Schmoyer stated that he wanted to subdivide the Townhouses from the apartment building into two separate entities. He stated there would be no changes and no more buildings added.

Member Braun asked if Mr. Schmoyer was the owner of the parcel and Mr. Schmoyer stated it was currently co-owned by himself and his two siblings.

Member Braun stated he had serious concerns regarding the utilities because they are combined on the property. Mr. Schmoyer explained that they are separate accounts and the accounts would be handled by the property owner. Member Braun further explained that he was concerned about the infrastructure of the utilities – specifically water and sewer because they were not included on the survey. He explained that if the sewer line for one building went onto the property of the other owner, it would be hard to determine who was responsible for repair and maintenance. He continued that this needed to be addressed and defined in writing. Mr. Schmoyer explained that the Townhouses all have individual water meters and utilities for each unit and those utilities are paid for by the tenant. He continued that the apartment building has one water meter and that bill is paid for by the owner.

Member Braun stated that he is not against the project, but the billing of utilities does not define the how the sewer lines run and in anticipation of the future, the responsibility of those lines may change if the property is sold. Mr. Schmoyer stated he would maintain and repair the lines, but Member Braun stated that if he sells the property, it should be clearly defined. Member Thurlow stated that the infrastructure needs to be addressed to determine who is responsible. Member Braun stated that responsibility needs to be assigned for those utilities for the future.

Member Braun stated he was also concerned about a new parking lot and entrance. Mr. Schmoyer stated he would not be building a new parking lot or entrance. A Google Image was provided to Mr. Braun to show the existing entrance and parking lot for the apartment building. Mr. Braun stated he was mistaken in thinking it was not already established.

Member Thurlow asked if Mr. Schmoyer intended to sell the Townhouses in the future. Mr. Schmoyer explained that he is holding the mortgage for his son on the apartment building, but needs to subdivide the property for the deed transfer. He stated he will be buying out his sibling's share of the Townhouses and will be the sole owner. He continued that he plans to own the Townhouses "until I die."

Chairperson Hanson asked the Members if they had any other questions or concerns and there were none.

Member Andres arrived.

Chairperson Hanson opened the public hearing and asked for any comments or questions from the audience.

Resident Gloria Carmody stated she thought that Mr. Schmoyer was going to build additional Townhouses. She stated that maybe each building could have their own dedicated sewer line to solve the utility issues.

Resident Mary Ann Yadon asked why the property is being subdivided. Member Thurlow stated that the parcel is currently one piece and the subdivision will separate it into two pieces. Mr. Schmoyer illustrated where he would like to split the property using the survey provided.

With no further comment from the audience, Chairperson Hanson closed the public hearing.

Chairperson Hanson asked the Members if they had any further comments. Member Muller stated he agreed with Member Braun to have Mr. Schmoyer document the utility responsibilities in writing. Chairperson Hanson asked the Members if they preferred to approve the subdivision with stipulations or to table the

decision until the document is received. Member Andres asked if this was the only major concern and the Members agreed it was. Member Braun stated that the water and sewer infrastructure need to be documented and both the Village Attorney and Village Engineer need to review and approve the documentation.

With no further discussion, a motion to approve the subdivision with the condition that the Village receives proper legal assurance of ownership of the individual utilities for each newly divided parcel was made by Member Braun and seconded by Member Andres. With no further discussion, roll was called:

Chairperson Hanson: Yes

Member Andres: Yes

Member Braun: Yes

Member Muller: Yes

Alternate Member Thurlow: Yes

Motion carried.

Member Muller asked if the Board needs to meet again once the document is received and Member Braun stated they did not need to meet. Member Muller stated that the Village Engineer should be involved in approving the document.

Chairperson Hanson informed the audience that Niagara County Planning Board did approve the subdivision and that variances were issued for the property when the Townhouses and Apartments were originally built.

A motion to adjourn the meeting at 7:14 p.m. was made by Member Braun and seconded by Alternate Member Thurlow. All in favor, motion carried.

Respectfully Submitted,

Amy L. Freiermuth

Clerk, Zoning Board of Appeals

The decision of the Planning Board was provided to the Village Board of Trustees to determine the documentation of the utility responsibilities at the December 12, 2019 board meeting. A mutual easement was agreed to be the most logical solution and Attorney Caserta will work with Mr. Schmoyer's attorney to finalize the paperwork to be filed with the deed.

A motion was made by Trustee Zastrow to approve the easement requirement, seconded by Deputy Mayor Lockhart. All in favor, motion carried.