

York Planning Board
Thursday, May 12, 2016, 7:00 P.M.
York Public Library

Call to Order, Determination of Quorum; Appointment of Alternates

Chairman Peter Smith called the meeting to order at 7:00 pm. A quorum was determined with five people voting: Chairman Peter Smith, Vice Chair Amy Phalon, Board Secretary Gordon Eldridge (representing York Beach), Lew Stowe, and Al Cotton. Alternates Wayne Boardman and Kathleen Kluger were present, but did not vote. Assistant Planner Scott Hastings represented staff.

Public Forum

No one came forward to speak.

Minutes

The April 28, 2016 minutes were reviewed. No changes were requested.

Motion: Al Cotton moved to accept the April 28, 2016 minutes as written. Amy Phalon seconded. The motion passed 5-0.

Field Changes

15 Railroad Ave., Map 23 Lot 3-2
Additional deck as expanded condo common area

Contractor Ozzie Bourque described this field change as a two-foot addition to the second-floor deck on condos above Kettle Boys Popcorn on Railroad Avenue. The deck is common space owned by three owners. There is no substantive change to the footprint.

Kathleen Kluger noticed that the amended document to the Weir Family Condominiums has three signatures, but the names are not legible. Chairman Peter Smith asked for the document to be updated showing the owners' signatures, printed names, and a date.

Motion: Lew Stowe moved to approve the field change for the Weir Family Condominiums with the condition that the planner be presented with the complete document that explains who the signers are, their addresses, and the date. Amy Phalon seconded. The motion passed 5-0.

Greenleaves Restaurant, 647 Route 1, Map & Lot 0091-0008-W
Relocate walk-in cooler to exterior of building

Andy Wang is the owner of Greenleaves Chinese Restaurant in the Meadowbrook Plaza. He is installing a new walk-in cooler outside the building. The original, inside cooler will be removed.

Scott Hastings said the access for emergency vehicles behind the building must be maintained. The applicant should submit a letter from the Fire Chief saying that the fire lane is acceptable.

The Chairman opened and closed the public hearing. No one came forward to speak.

Motion: Amy Phalon moved to accept the field change for Greenleaves Restaurant, 647 Route 1, Map & Lot 0091-0008-W, for relocation of a walk-in cooler to the exterior of the building, provided that there is a letter from the Fire Chief verifying that the fire lane is unencumbered. Al Cotton seconded. The motion passed 5-0.

Application Reviews and Public Hearings:

Tiki Bar, 20 Harris Island Road. Map & Lot 0063-0002

The applicant is proposing to add a seasonal outdoor bar to the property operating on an existing portion of a pier. No new structures are proposed. The bar would seat 39 patrons and have 4 employees.

Scott Hastings introduced this revision to a previously approved plan. There are noise and parking issues. To mitigate sound, the bar is planned to close at 9:00 pm, an hour before the noise ordinance requires it. The 39 additional seats require 17 additional parking spaces. Dean Lessard has indicated that parking in the right of way could be a problem.

Owner John Lusty and engineer Eric Weinribe from Altus Engineering represented the application. The bar will be open seven days a week during July and August and some weekends in June and September. Using the 1997 site plan, Eric Weinribe explained the parking plan. In 1997, the hotel, restaurant, and marina required 78 spaces. Seventeen more spaces are required for the bar. Seventeen plus 78 equals 95 required spaces. Currently there are 119 spaces available, said Mr. Weinribe.

They are proposing “acoustic” music.

Motion: Al Cotton moved to accept the application as submitted. Amy Phalon seconded. The motion passed 5-0.

Chairman Peter Smith opened the public hearing.

Brian McGann, of One River Mouth Road, lives in a house his family has owned for 80 years. He likes the Lustys, but this is a step too far, he said. When there are weddings, the music is invasive and annoying. After 9:00 there is still a residue of people going home. There is no need to allow additional commercial activity within that harbor.

Mason Newick lives on Brackens Island in the summertime. He opposes the application, as it is contrary to the intent of the Town of York Comprehensive Plan that says the Residential 1-A zone allows marinas, hotels, and restaurants as existing businesses, with the intention that they cannot expand. There is not plenty of parking on Harris Island, he said. He has been for dinner at Dockside and can't find parking. Where are the boats, trailers, and stanchions going to go?

Steve Ozaroff of 19 Harris Island Road said his grandfather sold Harris Island to the Lustys piece by piece over time. People who have been drinking or celebrating at the Lustys' drive dangerously onto his property at least once a summer. He is concerned about adding more drinking. He has young kids. He does not want to have 39 more people drinking across the street from his house seven days a week.

Joey Donnelly lives in York Harbor. He said the Harbor basically closes down at 5:00 in the afternoon. If they have music, the entire flavor of York Harbor will be changed. It will impact everybody who lives on the Harbor and impact people who come in by boat and like a nice quiet harbor.

David Webber, Chairman of the Harbor Board, said the Harbor Board has a good relationship with the Lustys. He offered the Planning Board members a site visit from a boat, so the board could see the proposed location from the water perspective. The Harbor Board is involved in this application because the structure that is proposed is in the Harbor, below the high water mark. It is in their jurisdiction.

Motion: Lew Stowe moved to schedule a site walk for Wednesday, May 25, for the Tiki Bar, 20 Harris Island Road application. Amy Phalon seconded. The motion passed 5-0.

Chairman Peter Smith closed the public hearing.

John Lusty explained the kitchen will be contained in a truck that meets State regulations. The truck is portable and easy to take away. They will serve boiled lobster, lobster rolls, chowder, and other things. The music performances will be on Friday or Saturday nights, not every night. Kathleen Kluger said "acoustic music" does not necessarily mean the music is quiet. Musicians will most likely plug their acoustic guitars into amplifiers.

Lew Stowe asked to have the 95 parking spaces identified on a plan. Eric Weinrib explained the calculation. Ninety-five is equal to 78 spaces from the 1997 plan, plus 17 needed for the bar. Peter Smith objected to Lew's request for a parking plan, saying that changes to the prior plan were not the focus of this review.

Motion: Lew Stowe moved that, as a onetime request, the applicant submit documentation locating the proposed location of parking spaces and how they will be used. Al Cotton seconded. The motion passed 3-2, with Peter Smith and Amy Phalon opposed.

Lew suggested putting in a sunset clause as part of the approval.

Motion: Al Cotton moved that we continue this application to Thursday, May 26, 2016. Amy Phalon seconded. The motion passed 5-0.

Sketch plan review, 464 U.S. Route 1. Map & Lot 0048-0025

The applicant is proposing a bank on a small parcel and would like to discuss potential solutions for operating within the constrained space.

Engineer Bill Anderson and Jeffry Jellison represented this sketch review for a new bank building on the site of the Dead River gas station. To develop the lot, they hope the Planning Board will grant an easement from the adjacent lot where they can put parking. Both properties are owned by family member Duane Jellison.

The chairman noted there was no need to open a public hearing, because there was no one in the audience.

After removing trees, eleven angled spaces will go into the easement. To make room for the easement, steps in the back of the existing building will be replaced with a deck. The back office doors will remain. Lew Stowe said the layout is tricky, the setbacks are OK, but the traffic flow is the issue. The applicant noted that there will be a connector between the two lots.

There is an electrical easement in the back of the small lot. It can be changed or moved. Carriage House Apartments also abuts the property in the back. There is a 50 foot residential buffer with a stockyard fence. The buffer can be reduced to 30 feet.

The configuration of the turns that go in and out of the property will be complicated to determine, because the Jellison building has a right-in, right-out pattern and the Bangor Bank next door on the other side has traffic turning out going both ways.

Other Business

Amendment 1 Definition of Building Height Amendment

Add language to Section 5.1.9.b for the BoS to consider at the next public hearing they have on ordinance amendments.

Scott Hastings said the language, “Maine licensed professional engineer,” has been inserted into the ordinance. It will give people the option of using either professional engineers or professional land surveyors.

Motion: Al Cotton moved that we amend the definition of Building Height Amendment in Section 5.1.9.b to include the language suggested by the planning department. Amy Phalon seconded. The motion passed 5-0.

Discussion of Findings of Fact

Lew said the checklist of pertinent details from Sections 6.3 and 6.4 need to be rewritten. Pete agreed that it would be useful to redraft the procedures and recommendations. Scott said he uses a template containing all the details and narrows them down. Only applicable items become part of his review. Amy suggested organizing the requirements specifically to each application.

Discussion Key Documents Being Provided During Meetings

A number of engineers hand out documentation during meetings, including handouts for the Harris Island application, tonight. The submissions made at meetings are usually in response to the planner’s memo. In this case, Scott’s Harris Island memo went out over a week ago. Pete said there has to be a deadline for receipt of the material to review. In the past, it was due 10 days ahead. Amy thought 72 hours is a fair amount of time, otherwise the application can go on the next agenda. Scott said he will make it clear to the applicant that items submitted less than 72 hours ahead of the review may not receive full planning board review.

Adjourn

Motion: Amy Phalon moved that we adjourn. Al Cotton seconded. The motion passed 5-0. It was 10:00.