

TOWN OF STANFORD
PLANNING BOARD
MEETING OF 6-29-11

PRESENT:

Robert R. Butts, Chair
Gerry Fernandez
Conrad Levenson
James Fouts
Thomas Angell

ALSO IN ATTENDANCE: David Clouser, Engineering Consultant,
Johanna Shafer, Town Board liaison.

PUBLIC HEARINGS:

WAYNE MINOR SUBDIVISION-

Mr. Butts recused himself and Mr. Angell assumed acting Chair for the hearing on a minor 2 lot subdivision at 194 Pumpkin Lane in Clinton Corners. Mr. Holub presented the affidavit of publication of the hearing notice published in the Poughkeepsie Journal on June 1, 2011. There being no comments from the public, Mr. Levenson moved to close the hearing. Mr. Fouts seconded. All in favor: Unanimous. Motion carried.

BUSINESS:

WAYNE MINOR SUBDIVISION –

Mr. Holub presented revised plans including items requested by Mr. Clouser in his letter dated April 20, 2011. Mr. Clouser remarked that the Board will also need approval from Mr. Furst on the shared driveway easement. The Board reviewed an email from Mr. Furst, dated January 26, 2011, stating that the applicant wished to remove the language regarding the estimated cost of replacing the culverts, and that the declaration will need to be completed and signed. Mr. Fouts moved to grant approval of the Wayne minor subdivision conditional to the satisfaction of easement issues and filing of the completed easement. Mr. Fernandez seconded. All in favor: Unanimous. Motion carried. Mr. Clouser commented that a Mylar will be required.

SALVIA MINOR SUBDIVISION-

Mr. Salvia explained that the application has been revised from the subdivision of a 5 acre parcel to that of a 10+ acre parcel, per the Planning Board's recommendation at the May 25 preapplication conference. The 10 acre parcel will consist of areas on both sides of Cold Spring Road. Mr. Salvia noted that the 5 ½ acre portion on the east side of Cold Spring Road includes approximately 3-4 acres of wetlands, while the additional 5 acre portion located on the opposite side of Cold Spring Road is believed to be dry. Mr. Butts commented that this plan will create one new building lot of approximately 84 acres. Mr. Salvia noted that this arrangement would satisfy the Board's request for a 10 acre parcel to be created to include two existing residences.

Mr. Butts noted that the presence of State wetlands may effect acreage requirements, and instructed the applicant to calculate percentage of land that is wetland. He noted that section 140-18A (3) of the Town Code requires that not less than 75% of the minimum lot area of 10 acres must be fulfilled by land outside of designated FEMA floodplains and DEC wetlands. The applicant agreed to calculate and prepare plans that include a parcel with an acceptable ratio of dry land.

RPG/BANGALL WHALING CO. SITE PLAN-

Mr. Butts stated that to his understanding, the current application before the Board is a new matter that is different from the application previously submitted to the Zoning Board of Appeals. Mr. Palombo clarified that he had applied for a building permit to construct three decks and was referred by the building Inspector to the ZBA for setback variances. He explained that the ZBA then instructed him to apply to the Planning Board because the application would expand the building footprint. The application that has now been filed with the Planning Board is for site plan approval for the addition of one deck at 97 Hunns Lake Road. Mr. Palombo agreed to provide a \$1,000 check for the required escrow the following day.

He noted that he has submitted a sketch of the floor plan, as requested by the Planning Board. Mr. Levenson commented that the submitted sketch may not contain enough information for the Planning Board to take action. Mr.

Palombo reviewed Town Code §164-31 B, and asked that the Board take one of the three actions as stated in that section.

Mr. Butts agreed that the Board should take one of the referenced actions and determine that either site plan review is not required, or that site plan review is required, or that the Board needs additional information to make a determination. Mr. Palombo distributed an updated floor plan. He explained that the application is for the addition of a 120 square foot deck for a new walk-in cooler, is limited in scope, and believes that the Board can determine that the project does not require further review. Mr. Butts commented that the Board needs documentation on the existing use and must consider parking requirements. Mr. Clouser referenced Town Code §164-16, explaining that any time an existing building is increased in floor area, permanent off-street parking and loading space must be provided according to the minimum standards.

Mr. Fernandez commented that he fails to see what parking is needed for a cooler. Mr. Butts commented that the Board doesn't have the authority to modify the existing grandfathered use unless related to the new request. Mr. Fouts asked for Mr. Clouser's opinion. Mr. Clouser stated that it is difficult to amend a site plan if a site plan does not exist. Mr. Butts added that the Planning Board received advice from their consultant, Mr. Furst, who suggested site plan review.

Mr. Fernandez moved to adopt option 1 of Town Code §164-31 B, as follows:

- (1) Administratively determine that the project is limited in scope, with compatible land use, site and building design characteristics, thus requiring no further review under this article, with such determination restricted to applications including the establishment of permitted uses within existing complying structures or the limited modification of existing conforming uses and complying structures, as determined by the Building Inspector, wherein no substantial site improvements are either required or proposed.

None seconded.

Mr. Butts explained that there are concerns from local residents who may wish to be heard regarding the site. Mr. Levenson remarked that he is

concerned because the applicant has stated that they would like to make more changes in the future. He stated that the applicant has other options, and he would like to see a submission of the full vision for the site so that the Board has a better sense of what is going on. Mr. Palombo responded that he needs the cooler to be more efficient and stay open before he is able to add parking, septic, or any other changes. Mr. Fouts inquired if the current use is grandfathered. Mr. Palombo responded that it is a restaurant. Mr. Fouts remarked that the applicant contends that the use is the same as the previous owner's, Artie Dimella, and asked why a new cooler was needed. Mr. Palombo stated that it would lower electric bills and allow for fewer deliveries. He stated that the compressors for the cooler will be located outside.

Mr. Angell moved to adopt a full site plan review for the application. Mr. Fouts seconded. Discussion:

Mr. Fernandez commented that a full review is unnecessary. Mr. Fouts remarked that he is concerned that the application is part of a slow progression of an increased intensity of use. Mr. Palombo remarked that the Planning Board should consist partially of local businessmen who understand his point of view, that the Board is asking him to spend hundreds and possibly thousands of dollars, and that his restaurant is going to go out of business because the Planning Board doesn't want to help them. Mr. Fouts asked Mr. Clouser if he feels it is appropriate to ask for full site plan review. Mr. Clouser remarked that parking will need to be provided for an enlargement of any existing building. Mr. Fernandez inquired how much existing refrigeration is being replaced by the new cooler. Mr. Palombo responded that the new cooler will be a net increase of approximately 60 square feet of cooler space.

Following discussion, Mr. Fouts withdrew his second on Mr. Angell's motion. Mr. Butts noted that neither Mr. Fernandez' nor Mr. Angell's motion is seconded.

Mr. Levenson stated that the Board is still concerned with having a baseline of information to be used any time the applicant comes before them for review. Mr. Palombo suggested the Board approve the site plan so that they can return to the ZBA and start construction, and he agreed to provide a

detailed floor plan to the Planning Board within 60 days. Mr. Butts reviewed the letter from the ZBA from April 2011, and remarked that it sounds like the ZBA feels that site plan review is necessary. Mr. Palombo responded that the ZBA wants the Planning Board to determine that this request is limited in scope. He reviewed all materials that have been submitted to the Board and stated that if the Planning Board will approve the application and send them to back to the ZBA, he will send the Board the information the detailed plans they have requested. Mr. Butts responded that he agrees that the Board should take one of the actions (1), (2), or (3) under section 164-31 B, but they should not negotiate a different course of action outside the procedures provided for in the Code.

Mr. Fouts then seconded Mr. Fernandez' earlier motion. Discussion: Mr. Fouts asked if the applicant will state in the application that the addition will not increase intensity of current use. Mr. Palombo responded that he can state that he will not increase operating hours, but cannot make a general statement regarding intensity. All in favor: Mr. Fernandez, Mr. Fouts, Mr. Levenson. All opposed: Mr. Butts, Mr. Angell. Motion doesn't carry. Mr. Butts noted that the majority of the entire Board must be in favor to approve, and explained that the applicant may return before the Board at the next meeting for a vote by the full Board.

Mr. Angell requested that the applicant return with the requested information. Mr. Palombo asked for a list of requested materials. Mr. Levenson reviewed the following items requested of the applicant: full site plan, full set of floor plans with information on square footage, seating capacity. Mr. Palombo exited the room prior to a complete review of requested information.

ROCKY REEF, LLC. MINOR SUBDIVISION PREAPPLICATION CONFERENCE-

Mr. Battistoni explained that the applicant would like to apply for a two-lot subdivision of a 243 acre parcel that may have an issue with access. He noted that the owner would like to utilize Aberdeen Road, which is a privately owned road currently providing access to four driveways. He explained that the frontage on Route 82 is too steep and rocky to be used for access.

Mr. Angell commented that a private road can be used for access of up to eight lots if it is owned by a homeowner's association. He added that the Board usually requires building envelopes and engineering reports for buildable lots, along with discussion regarding further subdivision. He suggested that Mr. Battistoni talk to Mr. Clouser to solve any access issues. Mr. Clouser commented that a shared driveway is allowed off of a private road. Mr. Butts added that if Route 82 is used as a theoretical driveway location, an easement to use Aberdeen Road will not be an issue. Mr. Battistoni inquired whether approval from the highway superintendent is necessary. Mr. Fouts replied it is not. Mr. Battistoni agreed to file an application while working out issues with Mr. Clouser.

OTHER BUSINESS:

APPLICATION CHECKLISTS-

Mr. Butts asked that Board members review the Site Plan and Special Permit Checklists for consideration at the next meeting. He noted that Ms. Turck will prepare a Subdivision Checklist in the future as well.

MINUTES-

Mr. Fouts suggested amendments to the minutes of May 25, 2011. Mr. Angell moved to approve the minutes as amended. Mr. Levenson seconded. All in favor: Unanimous. Motion carried.

The Board reviewed submission requirements for RPG-Bangall Whaling Co. and agreed to send the list to Mr. Palombo.

Mr. Levenson moved to acknowledge the resignation of Mr. Jerry Monaco and to send a letter of thanks for his service to the Town. All in favor: Unanimous. Motion carried. A letter will be sent to the Town Board requesting that a new board member be appointed.

The meeting was adjourned at 10:25 pm.

Submitted By: _____

Michelle Turck, Planning Board Secretary

Approved By: _____
Robert Butts, Chair

APPROVED