

TOWN OF STANFORD  
PLANNING BOARD  
MEETING OF 02-25-2015

PRESENT:

Robert R. Butts, Chair  
John Royall  
Jim Fouts  
Gary Lovett  
Thomas Angell  
Gerry Fernandez  
Scott Cale

ALSO PRESENT: David Clouser, Engineering consultant.

Mr. Butts called the meeting to order at 7:40pm. He announced that the Planning Board is pleased to welcome their newly appointed member, Scott Cale.

**PUBLIC HEARING:**

**KAYE SPECIAL USE PERMIT/GUEST COTTAGE-**

Mr. Rohde appeared before the Board for the continuation of the public hearing on the application to convert an existing 1,234 square foot barn to a Guest Cottage on a 36 acre property at 6187-6189 Route 82, Stanfordville, NY, tax map no.: 6768-03-278425. Mr. Rhode noted that an area variance has been granted by the ZBA, and presented the affidavit of publication of the legal notice in the Poughkeepsie Journal on February 15, 2015. Proof of mailing of legal notices had been submitted by the applicant. Mr. Butts opened the hearing. There being no comment from the public, Mr. Lovett moved and Mr. Royall seconded to close the public hearing. All in favor: Unanimous. Motion carried.

**BUSINESS:**

**KAYE SPECIAL USE PERMIT/GUEST COTTAGE-**

Continued review of application as noted above. Mr. Butts noted that the Board has issued a negative declaration under SEQRA and the ZBA has granted the necessary area variance. Mr. Rhode added that they have received Health Department approval as well. Mr. Fouts moved and Mr. Lovett seconded to approve the application for special use permit/guest cottage. All in favor: Unanimous. Motion carried.

**MILLBROOK SCHOOL DINING CENTER-**

Mr. Casamento appeared on behalf of the applicant, explaining that comments were received from Mr. Clouser and that SEQRA documents were updated accordingly. He asked that the Board discuss whether a height variance would be required for the roof projections (cupola and chimneys), as he and Mr. Clouser have differing views on how to interpret the code. The issue involves the definition of "Building Height" in the Zoning Code. Mr. Casamento presented elevations and explained how he calculated the height formula, noting that the average height including the cupola and all chimneys did not exceed 35'. Mr. Lovett noted that he interpreted the code the same way as Mr. Casamento.

Mr. Clouser stated that the code doesn't say how to consider those structures. He noted that it does make some sense how Mr. Casamento calculated it, but according to his interpretation it could require referral to the ZBA. Mr. Butts noted that the Planning Board has the authority to review the appearance of roof projections in the context of the site plan approval process, and questioned whether further review of the structure's appearance by the ZBA on a variance application would be productive. *\*Mr. Angell arrived.*

Mr. Royall asked if they had run into this issue with regard to Mr. Palombo's Village Centre project. Mr. Fouts replied that he doesn't believe they needed a variance. Mr. Angell asked Mr. Clouser if the Board were to accept the applicant's view of the code, could he imagine a scenario where using this interpretation would be a problem. Mr. Clouser suggested perhaps a steeple or smokestack on a single story building. Mr. Butts commented that he thinks the proposed cupola and chimney features are attractive and would have no problem approving them, although he can imagine another scenario where a roof projection could be garish. He noted that they do have site plan approval and suggested that if the Zoning Code is ambiguous, it should be construed in favor of the applicant to preserve the owner's property rights.

Mr. Angell moved and Mr. Lovett seconded to agree with the applicant's interpretation of the code and that no variance is needed. Discussion: Mr. Butts asked if the applicant is comfortable with the Board's conclusion. Mr. Casamento assured that he is. All in favor: Unanimous. Motion carried. Mr. Butts thanked Mr. Clouser for bringing the issue for discussion before the Board. Mr. Clouser noted that the Town should consider rewording the code in this section.

Mr. Clouser explained that his comments related to SEQR have been addressed in the new EAF. He noted that some stormwater details will be submitted for next meeting but will not affect SEQR. Mr. Casamento assured the Board that they are working with Mr. Clouser on details and that they would like a negative declaration. Mr. Butts explained that the Board first must confirm lead agency, noting that a response was received from County Planning, but no response was received from the Department of Health, and it appears that we are not past the 30 days response time limit.

Mr. Butts asked Mr. Casamento to review his proposed timeline. Mr. Casamento explained they will need to get approval by the April meeting. The Board reviewed publishing requirements for the public hearing. Mr. Angell moved and Mr. Fernandez seconded to schedule a special meeting on Wednesday March 11, 2015 at 7 PM. All in favor: Unanimous. Motion carried. Ms. Turck will alert the Town Clerk of the Town of Washington.

**OTHER:**

**POOL HOUSE ISSUE –**

Mr. Butts reviewed the issue of the pool house that had been brought to the Planning Board's attention by the Town Assessor, Mr. Gotovich. Mr. Butts explained that a property owner on Creamery Road has applied for a building permit to construct a 3,000 sq. ft. pool house with bedrooms. This structure will be considered the main residence initially, as there is no main house on the parcel yet. The applicant has indicated that a plan to construct a main residence may be presented in the future, and the owner will need to apply for an area variance and special

permit to convert the pool house to a guest cottage at that time. Mr. Butts noted that a guest cottage is limited to 1,000 sq. ft. by code, but that most applications for guest cottages need an area variance as they often exceed 1000 sq. ft.

Mr. Butts explained that he spoke with the Building Inspector and requested that he notify the owner of the need for variances in the future. The Board reviewed the letter from the Building Inspector to the applicant, dated February 4, 2015. Mr. Butts also noted that he mentioned to the Building Inspector that applications such as this tie the hands of the Planning Board and ZBA, pressuring them to grant approvals. He agreed to follow up with the Building Inspector and Assessor.

Mr. Angell noted that he doesn't think the Building Inspector has the authority to say no when an application is made for a building permit for a residence. He asked Mr. Clouser how other Towns deal with this issue. Mr. Clouser noted that some do site plan for all building applications, others have no guest cottage provisions. Mr. Butts reviewed a spreadsheet comparison of pending and recently approved guest cottages in Stanford, prepared by Ms. Turck. He noted that the majority of the applications need variances. He suggested the Board make a recommendation to the Town Board to change the code. He questioned whether it is necessary to have a limit on square footage.

Mr. Royall asked Ms. Turck to add lot size to the guest cottage spreadsheet, and Mr. Angell asked that she research town codes in Northeastern Dutchess County with regards to guest cottage provisions. The issue will be discussed at the March regular meeting.

#### APPROVAL OF MINUTES-

The Board reviewed the minutes of November 19, 2014. Mr. Fouts moved and Mr. Fernandez seconded to approve the minutes as written. Discussion: Mr. Butts noted that Mr. Cale may abstain if he wishes, as he did not attend that meeting. All in favor: Mr. Butts, Mr. Fouts, Mr. Fernandez, Mr. Angell. Abstained: Mr. Royall, Mr. Lovett, Mr. Cale. Motion carried.

Mr. Lovett moved and Mr. Fouts seconded to approve the minutes of January 28, 2015 as written. All in favor: Mr. Butts, Mr. Royall, Mr. Lovett, Mr. Fouts, Mr. Angell. Abstained: Mr. Fernandez, Mr. Cale. Motion carried.

#### OTHER:

Mr. Butts mentioned that the Planning Board received an email from Mr. Levenson and agreed to send a letter to him on behalf of the Board, thanking him for his service. Mr. Royall mentioned that he received a phone call from Mr. Einhorn inquiring about Mr. Levenson.

#### ADJOURNMENT-

Mr. Fouts moved and Mr. Angell seconded to adjourn at 8:56pm. All in favor: Unanimous. Motion carried.

Submitted By: \_\_\_\_\_

Michelle Turck, Secretary

Approved By: \_\_\_\_\_  
Robert Butts, Chair

APPROVED