

TOWN OF STANFORD
PLANNING BOARD
MEETING OF 09-30-2015

PRESENT:

Robert R. Butts, Chair
John Royall
Jim Fouts
Thomas Angell
Gerry Fernandez

ABSENT: Scott Cale, Gary Lovett

ALSO PRESENT: Mary Weinberger, Town Board Liaison, David Clouser, Engineering Consultant

Mr. Butts called the meeting to order at 7:32pm.

PUBLIC HEARINGS:

BIXBY & MYERS/JOHNSON LOT LINE ALTERATION –

Public hearing on the application for lot line alteration conveying 0.39 acres from the land of Johnson at 1209 Duell Road, Tax ID: 6768-03-468254 to the 2.68 acre parcel of Bixby & Myers at 1219 Duell Road, Tax ID: 6768-03-485328. Mr. Houston was present to represent the owners and presented the affidavit of publication of the hearing notice in the Poughkeepsie Journal on September 11, 2015. There being no comment from the public, Mr. Angell moved and Mr. Fernandez seconded to close the public hearing. All in favor: Unanimous. Motion carried.

BUSINESS:

BIXBY & MYERS/JOHNSON LOT LINE ALTERATION –

New application for lot line alteration conveying 0.39 acres from the land of Johnson at 1209 Duell Road, Tax ID: 6768-03-468254 to the 2.68 acre parcel of Bixby & Myers at 1219 Duell Road, Tax ID: 6768-03-485328. Mr. Angell moved and Mr. Fernandez seconded to approve the application for lot line alteration. All in favor: Unanimous. Motion carried. Mr. Butts signed the Mylar.

MILLBROOK SCHOOL MILL SITE PLAN & SPECIAL USE PERMIT –

Continued review of the application for site plan and special use permit for renovation and conversion of the existing Mill building into a welcome center at 10-48 West Road, Tax ID: 135200-6967-00-385632. Mr. Casamento explained that Mr. Clouser's comment letter dated September 17, 2015 has been received. He reviewed the ADA compliance comments with the Board and illustrated updated plans to the Board and Mr. Clouser.

Mr. Clouser noted that the application is a Type II under SEQRA and that his comments on the EAF have been addressed. He noted that his comments on the site plan are very minor and the applicant has already addressed the ADA compliance comment. Mr. Casamento noted that he has spoken to the Health Department regarding moving the water line and that the School is

leaning toward a white exterior for the building to match the aesthetic of other buildings on campus.

Mr. Butts noted that the Board has circulated for lead agency and has received consent from the Town of Washington and the Department of Health. Mr. Angell moved and Mr. Fouts seconded to confirm lead agency status. All in favor: Unanimous. Motion carried. Mr. Fouts moved and Mr. Angell seconded to classify the application as a Type II action. All in favor: Unanimous. Motion carried. Mr. Angell moved and Mr. Fernandez seconded to schedule a public hearing on October 28, 2015 at 7:30 PM.

HILLIARD LOT LINE ALTERATION –

New application for lot line alteration to incorporate .39 acres of easement area at 84 Cold Spring Road, Tax ID: 6768-00-207985 into the adjacent .82 acre parcel at 106 Cold Spring Road, Tax ID: 6768-00-185982. Mr. Butts explained both lots are non-conforming and will require variances from the ZBA. Mr. Angell inquired whether the well and septic are denoted on the survey. Ms. Hilliard illustrated the marking for the well on the map and showed where the septic is located.

Mr. Angell moved and Mr. Fernandez seconded to classify the application as a minor subdivision/ lot line alteration. All in favor: Unanimous. Motion carried. Mr. Angell moved to refer the application to the ZBA with a positive recommendation that area variances be granted. Mr. Fernandez seconded. All in favor: Unanimous. Motion carried. Mr. Fouts reviewed part 2 of the short EAF and moved that the project will not have a significant adverse impact on the environment and that a negative declaration be prepared. Mr. Angell seconded. All in favor: Unanimous. Motion carried.

Mr. Angell moved and Mr. Fernandez seconded to schedule a public hearing for November 18, 2015 at 7:30PM. All in favor: Unanimous. Motion carried. Mr. Butts recommended publishing notice at the end of October or beginning of November.

RUSSELL LOT LINE ALTERATION –

New application for lot line alteration of .05 acres between lands of Russell et al. at 607 Willow Brook Rd, Tax ID: 135200-6569-00-387432 and lands of Murray at 587 Willow Brook Rd, Tax ID: 135200-6569-00-392391. Mr. Murphy was in attendance to represent the applicants and explained that each parcel is to convey an equal portion of land to the other to place the Russell barn entirely on Russell property with appropriate setbacks. Mr. Butts noted that question #12 on the Short EAF states that a structure is listed on the State or National Register of Historic Places. Mr. Murphy stated that he did not believe that to be correct. The Board agreed that the issue will need to be investigated, as a listing on a State or National Register would make the project a Type I under SEQRA.

The Board confirmed that side and rear setbacks are 20 ft. for accessory structures. Mr. Angell moved and Mr. Fernandez seconded to classify the application as a minor subdivision/ lot line alteration. Mr. Butts noted that the consequence of being a Type I application would be that the applicant would need to prepare a long form EAF.

COOK – MIDDLE ROSEBROOK LLC LOT LINE ALTERATION –

New application for lot line alteration moving 14.053 acres from a 56.371 acre lot at 36 Poppa Joe Way, Tax ID: 6768-00-875800 to the adjoining 11.335 acre property at 36 Poppa Joe Way, Tax ID: 6768-00-905764. Mr. Horton was present to represent the applicants. He presented plans, indicating where the existing riding rink and stable are located. He noted multiple easements for access would no longer be necessary after the lot line alteration and agreed to confirm with the applicant that the easements will be removed.

Mr. Angell moved and Mr. Fernandez seconded to classify the application as a minor subdivision/ lot line alteration. All in favor: Unanimous. Mr. Fouts reviewed part 2 of the short EAF and moved that the application will not have a significant adverse environmental impact and that a negative declaration be prepared. Mr. Angell seconded. All in favor: Unanimous. Motion carried. Mr. Angell moved and Mr. Fernandez seconded to schedule a public hearing on October 28, 2015 at 7:30 PM. All in favor: Unanimous. Motion carried.

OTHER:

APPROVAL OF MINUTES –

Mr. Angell moved and Mr. Fouts seconded to approve the minutes from July 14, 2015 as written. All in favor: Mr. Angell, Mr. Fouts, Mr. Royall. Abstained: Mr. Fernandez, Mr. Butts. Motion didn't carry. Mr. Butts adjourned the matter for consideration at the next meeting as Mr. Fernandez and Mr. Butts were not in attendance at the July 14 meeting and wished to abstain.

The Board reviewed the minutes of July 29, 2015. Clarification was made regarding a statement on page 5 lines 11 and 12 by Mr. Fernandez that the intention was as a general policy statement and not limited to a particular applicant. Mr. Angell moved and Mr. Fernandez seconded to approve the minutes from July 29, 2015 as written. All in favor: Unanimous. Motion carried.

GUEST COTTAGE CODES COMPARISON –

Mr. Angell inquired if Mr. Butts spoke with Supervisor Norton on the Mangassarian application. Mr. Butts confirmed that he had. Mr. Royall noted that he received a call from Mr. Norton indicating that he did not want to get Town Attorney Bogle involved with the Mangassarian application. Mr. Butts explained that he spoke with Ms. Van Tuyl following the last meeting and she seemed to indicate that her client was considering moving forward with a subdivision application. He noted that until an application is made, the Board does not have any issue to respond to.

Mr. Angell asked if Mr. Butts had any discussion with Mr. Norton regarding changing the guest cottage code. Mr. Butts confirmed that he had discussed making an application to the Town Board, keeping issues very narrowly focused. The Board discussed issues previously outlined, concluding that a change to square footage would be the simplest revision to recommend. Mr. Angell moved and Mr. Fernandez seconded to recommend to the Town Board that Town Code §164-22 (K) (1) be amended to a limit of 2,500 square feet. All in favor: Unanimous. Motion carried. Mr. Butts agreed to write a letter to the Town Board.

LEGAL CONSULTANT –

Mr. Butts explained that Ms. Van Tuyl represented Mr. Mangassarian as an applicant at the previous meeting. He noted that the Planning Board had begun using Ms. Van Tuyl as their legal consultant, but that over time Mr. Furst became the attorney at her firm that almost exclusively represented the Board. He noted that Mr. Furst left Ms. Van Tuyl's firm amicably and is now at another firm.

Mr. Butts explained that he asked Ms. Van Tuyl if she considers herself to be the Planning Board's attorney, to which she responded that she didn't feel there was a conflict of interest because the Board has not used her firm for so long. Mr. Butts noted that if the Board feels they need to hire an attorney with regard to the Mangassarian application, they will need to hire another attorney and will need to gain approval from the Town Board. Mr. Angell noted that there are ethical rules regarding government employment of legal counsel.

Mr. Butts explained that one of their options would be to go out to bid for the position. Mr. Angell moved and Mr. Royall seconded to advertise in an appropriate location that the Planning Board is soliciting resumes to be considered for the position of legal consultant. Discussion: The Board agreed that the Dutchess County Bar Association would be an appropriate place to advertise, as well as sending letters to well qualified local attorneys. Mr. Fouts inquired as to what the rate for services would be, to which Mr. Butts responded that he expects attorney's rates to be stated in their proposal. All in favor: Unanimous. Motion carried.

CORRESPONDENCE –

The Board discussed correspondence received from Mr. Hattem dated September 14, 2015, regarding issuance of a building permit on Bowen Road. Mr. Hattem claims that the applicant has the intention of starting a distillery and feels that site plan approval is necessary. Mr. Butts noted that he spoke to the Building Inspector, who indicated that the property is an Ag property and applied for a permit for a barn as a farm operation.

Mr. Butts noted that Town law and right to farm law both apply to a distillery operation, though at this point the only application is for a barn. He explained that Mr. Smith would be responsible for zoning enforcement if the use becomes an issue. Mr. Angell stated that he doesn't see how the Planning Board would be involved in this issue. Mr. Butts agreed to write a letter in response to Mr. Hattem explaining that they have received his letter but do not feel there is any issue for the Planning Board to take action on. Mr. Angell moved to ask the Chairman to respond to Mr. Hattem as discussed. Mr. Fernandez seconded. All in favor: Unanimous. Motion carried.

ADJOURNMENT-

Mr. Angell moved and Mr. Fernandez seconded to adjourn at 9:27 PM. All in favor: Unanimous. Motion carried.

Submitted By: _____

Michelle Turck, Secretary

Approved By: _____
Robert Butts, Chair

APPROVED