

TOWN OF STANFORD  
PLANNING BOARD  
MEETING OF 4-27-11

PRESENT:

Robert R. Butts, Chair  
John Royall  
Jerry Monaco  
James Fouts  
Thomas Angell

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

PUBLIC HEARINGS:

MACEDONIA SITE PLAN/SPECIAL PERMIT-

Mr. Butts opened the hearing for the site plan and special permit application at 88 Hunns Lake Rd. He reviewed the affidavit of publication and return receipts from mailed hearing notices. There being no comments, Mr. Angell moved to close the hearing. Mr. Monaco seconded. All in favor: Unanimous. Motion carried.

BUSINESS:

MACEDONIA SITE PLAN/SPECIAL PERMIT –

Mr. Graminski explained that no changes have been made to the plans, and that he is waiting for the Planning Board attorney, Mr. Furst, to provide language for the shared parking note on the map. The Board asked that a declaration of the parking agreement be recorded in the County Clerk's office. It should note that, if the agreement is revoked by the Church, alternative parking plans will be constructed within four months, subject to weather conditions.

The Board discussed making the special permit renewable. They agreed to make the permit conditional with notice given to the Planning Board upon change of ownership or cancellation of shared parking license agreement.

Mr. Angell moved to approve the application for site plan and special use permit with the following conditions:

1. Addition of notes on site plan as recommended by Mr. Clouser.
2. Addition of shared parking license agreement note on site plan, including the condition that the alternative parking shown on the approved site plans will be constructed within four months, subject to weather conditions, if the license agreement is revoked. In the interim, the applicant shall provide an adequate alternative means of parking. The license agreement is to be recorded in the Dutchess County Clerk's Office.
3. Owner to notify Planning Board within one week of any notice of termination of the license agreement or sale of property. If the license agreement is terminated the Planning Board may call a meeting to determine compliance with the conditions of this site plan and special use permit, including interim parking arrangements.
4. Declaration setting forth owner's obligation to provide parking (under license with Church or by construction of alternative parking area) to be recorded in the Dutchess County Clerk's office in a form approved by the Planning Board Attorney.

Mr. Monaco seconded the motion. All in favor: Unanimous. Motion carried.

#### STANFORD FREE LIBRARY SITE PLAN/SPECIAL PERMIT-

Mr. Butts recused himself as Chairman, Mr. Royall assumed acting Chair for this application. Mr. Williams explained that the Library would like to request a waiver of the requirement for detailed elevations at this time so as to avoid committing at this point to an architectural design. He provided the Board with a written request along with an email from the project architect detailing the proposed height, exterior materials and color of the building, and explained that he would like to submit the detailed elevations in the future. After discussion, Mr. Angell moved to grant the applicant a waiver of detailed elevation requirements. Mr. Monaco seconded. Discussion: Mr. Clouser asked if the elevations will be ready prior to approval. Mr. Williams replied that they will be. Mr. Clouser added that if there are no major deviations from submitted plans they will be sufficient for SEQRA review. All in favor: Unanimous. Motion carried.

#### WAYNE MINOR SUBDIVISION-

Mr. Butts remained recused from review, Mr. Angell assumed acting Chair for this application. The Board confirmed that the applicant received a moratorium waiver from the Town Board on December 17, 2009. Mr. Holub reviewed Mr. Clouser's letter, dated April 20, 2011, and indicated his intent to address the five additional comments therein. Mr. Clouser stated that the application is ready for SEQRA review.

Mr. Fouts reviewed part II of the short Environmental Assessment Form, and moved that the application for a minor 2-lot subdivision at 194 Pumpkin Lane will not have a significant adverse environmental impact, and that a Negative Declaration be prepared. Mr. Monaco seconded. All in favor: Unanimous. Motion carried. Mr. Fouts moved to schedule a public hearing on May 25, 2011. Mr. Monaco seconded. All in favor: Unanimous. Motion carried. Ms. Turck will provide hearing notices to the applicant and will inform the Town of Clinton of the hearing. Mr. Holub agreed to publish notification of the public hearing and to return with an updated map including the changes requested by Mr. Clouser.

#### DENNIS MINOR SUBDIVISION-

Mr. Clouser confirmed that the applicant has satisfied all requests from himself and the Board. Mr. Houston submitted a draft driveway maintenance easement and explained that he has forwarded it to the Planning Board attorney. Mr. Butts noted that the easement will need to be finalized. Mr. Angell moved to approve the application for a minor 2-lot subdivision at 64 Market Lane conditional to the approval of the driveway maintenance agreement by Mr. Furst. Mr. Fouts seconded. All in favor: Unanimous. Motion carried. Mr. Butts asked that the applicant submit a copy of the driveway maintenance easement after it is recorded.

#### SALVIA MINOR SUBDIVISION PREAPPLICATION CONFERENCE-

Mr. Salvia explained that he would like to subdivide a 5 acre parcel out of the 97 acre parcel of land at 476 Cold Spring Road. He noted that the parcel has two existing houses and two barns that he would like to include on the new parcel to sell. Mr. Butts explained that including two houses will be an issue as it would be making a non-conforming lot less conforming. He noted that if one house is to be considered a guest cottage, the parcel will need to be 10 acres and will be subject to other provisions. He suggested creating 2 five acre lots which may include wetlands to meet acreage needs. Mr.

Clouser noted that the code requires that 75% of the minimum lot area must be outside of DEC wetlands and flood plain.

Mr. Salvia commented that the houses are located 40-50 feet apart, for which the Board indicated that he may need setback variances if the property line is drawn between them. Mr. Butts indicated that if all buildings are removed by subdivision, the remaining parcel becomes a potential building lot and will need engineering reports. Mr. Salvia asked to be placed on the agenda for the May 25, 2011 agenda.

#### ARTEMIS REALTY SPECIAL PERMIT PREAPPLICATION CONFERENCE-

Ms. Blahut and Mr. Lupine explained the application is the result of an order to remedy the violation of operating a retail store within the barn at 15 Stage Stop Way. They presented a map indicating the location of the property adjacent to the Red Devon, which is also owned by Artemis Realty. The properties have shared parking and access, but no access easements exist due to common ownership. Ms. Blahut explained that the store is owned by an interior designer.

Mr. Lupine indicated that there is also an existing dwelling on the same property, and there is no running water in the barn. Mr. Clouser commented that there is an issue with the building code being that it is a one acre parcel. The Board discussed whether multiple uses are allowed. Mr. Butts asked if the applicant can document that it is a pre-existing non-conforming lot. Mr. Angell remarked that it sounds like a good idea and some way should be found to approve a special permit.

Mr. Butts reviewed section 164-7 of the Town zoning code indicating that 2 uses are allowed in the RC zone. A driveway easement and maintenance agreement will be required. Mr. Fouts commented that parking is an issue. Mr. Butts suggested that the Board could request a permanent parking agreement. Mr. Lupine agreed to draft an agreement for 8 spaces and will look into lighting. Mr. Angell suggested that the parking agreement can be limited to daytime hours. Mr. Royall asked that the applicant look into bathroom requirements for retail spaces.

Mr. Angell suggested the applicant consult with Mr. Clouser. Mr. Butts instructed the applicant to file an application and submit escrow.

#### OTHER BUSINESS:

#### COORESPONDENCE-

Mr. Butts informed the Board of the letter received from the Zoning Board Chairman regarding the application from RPG Development, Inc. for setback variances for 3 decks to be built at 97-103 Hunns Lake Road. He explained that he spoke to Mr. Clark who indicated the application is new and that the ZBA will not review it before they have site plan and special permit review by the Planning Board. The ZBA considers the application an enlargement of the existing use.

Mr. Shaw informed the Board that a gravel lot is currently under construction and discussed the parking issues that have been generated by the Bangall Whaling Co. He remarked that the restaurant is in progress of changing from a 21 seat restaurant into a 50-80 seat restaurant/bar with outdoor dining.

Mr. Butts inquired if he should respond to the letter. After discussion Mr. Angell moved to respond that the Planning Board has not received an application, but will be happy to review the application when it is received. Mr. Royall seconded. Discussion: Mr. Butts commented that upon receipt of the letter from Mr. Clark, his first impression was that the ZBA was making a referral. Mr. Angell suggested keeping the response simple. Mr. Monaco stated that that nothing was asked of the Planning Board and he is uncomfortable with responding to the letter. Ms. Shafer commented that a response is important so that the record will show acknowledgement. All in favor: Mr. Butts, Mr. Royall, Mr. Fouts, Mr. Angell. Opposed: Mr. Monaco. Motion carried.

#### MINUTES-

The Board reviewed the minutes of the March 30, 2011 meeting. Mr. Fouts highlighted that lighting details were requested for the Macedonia application. Mr. Clouser agreed to ensure that they are included in the final plans. Mr. Angell moved to approve the minutes as written. Mr. Royall seconded. All in favor: Mr. Butts, Mr. Royall, Mr. Fouts, Mr. Angell. Abstained: Mr. Monaco. Motion carried.

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

Michelle Turck, Planning Board Secretary

Approved By: \_\_\_\_\_

Robert Butts, Chair

APPROVED