

**Village of Millbrook  
Village Planning Board  
February 26, 2009 Meeting**

***Call to Order***

Meeting began at 7:30 p.m.

***In Attendance***

Linda Roberts, Chairman, Joe Still, Joe Forte, Charles Colomello,  
Dr. Thomas Murray, David Clouser, Engineer

***Review of Minutes***

Minutes of the January 22, 2009 meeting were reviewed.  
Dr. Murray made a motion to accept the minutes, Joe Forte seconded. All were in favor.

***Public Hearing***

**Lot Line Adjustment- Brian Houston LS**

Brian Houston of Bly and Houston LLP came before the Planning Board on January 22, 2009 behalf of Serenity Shipbuilders LLC in regards to a lot line adjustment between Lots 2 and 4 of the "Crowe Subdivision". Serenity Shipbuilders LLC would like to take 0.44 acre of land from Lot 4 and merge it with Lot 2. This will make Lot 4 an even 4 acres and increase Lot 2's size to 2.54 acres. Linda Roberts went on to explain that the reason for this adjustment is that the current owners, Serenity Shipbuilders LLC are currently in negotiations to sell Lot 2. The prospective buyers would like more property and they are willing to accommodate. Once Linda was finished explaining the application before the Board she opened the public hearing.

With no comment from the public who attended, Joe Still made a motion to close the public hearing. Charlie Colomello seconded. All were in favor.

Dave Clouser went on to go over the revisions to the application that he had asked for at January's meeting. Going through his memo, Dave noted that a written waiver had been submitted for the Board's consideration on the requirements that do not apply to a lot line adjustment. He then continued to go through the EAF coming to the conclusion that based on the application and public hearing that this lot line adjustment will have no adverse affects. All the Planning Board members were in agreement. Dr. Thomas Murray then made a motion that the project creates no negative impact on SEQRA, Joe Still seconded. All were in favor.

The Board then went on to discuss the waivers submitted. One being the location of trees, a tree plan was submitted with the original subdivision plan. Another was water supply and septic disposal plans, which do not change from original plans because of the lot line adjustment. Another being soil characteristics. Dr. Murray made a motion to accept the waivers, Charlie Colomello seconded. All were in favor.

A motion was then made by Joe Still to accept the preliminary subdivision approval while waiving the public hearing by Joe Still and seconded by Dr. Murray. All were in favor.

Finally a motion was made by Dr. Murray to grant final subdivision approval, Joe Still seconded. All were in favor

#### *New business*

#### **Sign Review-Spire Architecture**

Chris Colby came before the Planning Board to discuss a sign review for his store front at 3286 Franklin Avenue. The signage for this store front consists of one 8" tall runner along the bottom of each storefront window, a projecting sign hung from the existing bracket from the face of the building and the logo and lettering applied to the glass of the entry door. Dave Clouser felt as though the window coverage on the front door seemed to be more than the allowable 20% coverage and that the logo could be reduced by 30-40% on the door to make it comply with code. All else seemed to look good.

Charlie Colomello made a motion to approve the signs with the revisions to the logo, Joe Still seconded. All were in favor.

#### **Special Use/Site Plan Application- Haight Ave Associates**

Thompson Shaw came before the Board on behalf of Haight Avenue Associates for a special use/site plan application in which they would like to turn the second floor of the old Napa building on Front Street into a two-bedroom apartment. Currently it is approved for retail space on the ground floor and 2 offices on the top floor.

This building is located in the GB district and accessory apartments are not permitted by code. Thompson noted that currently there are several apartments within the GB district. However, Dave Clouser rebutted that these apartments were there prior to the code and are "grandfathered" in. In order to accept any apartments now within the GB district, the dwelling must be multi-family which would include 2 or more units.

Dave Clouser had asked about a parking plan, stating that currently the plan shows 6 spaces. Thompson stated that since both the bookstore, an adjacent property and this building are owned by the same people, parking spaces at the bookstore are utilized for parking for this building and application. Dave mentioned then, that this needs to be legalized in writing that if the bookstore were to ever be sold that the parking spots would stay with the residents within the old Napa building.

The Mayor, Andrew Ciferri, then asked to speak to the Board in regards to the Village's yearly rolling average SPEDES permit that was just granted. He stated that the Village cannot grant any applications currently, that may increase flow to the I&I, without first being granted DEC approval. The flow rate for these apartments would be approximately 220 gallons per day. Although the Planning Board and Thompson tried to get an idea of how long it may take to get this approval, the Mayor did not know a time frame. He did however suggest that the approval be gotten prior to scheduling a public hearing.

The discussion then came up about taking an application to the Village Zoning Board of Appeals for the 2 bedroom apartment as opposed to changing the application before the Planning Board to 2-one bedrooms apartments. Dave Clouse explained that a use variance would be needed and that it is highly unlikely that it would be approved. An approval would be like stating that the Village Code doesn't exist.

Mr. Shaw stated he would take the information back to Haight Avenue Associates and get back to the Planning Board secretary as to how they would like to move forward.

#### *Other Business*

#### **December DEC and SHPO Letters**

Planning Board Chair Linda Roberts began by asking for a motion to refer these letters in regards to the Bennett Redevelopment Project to the Board's consultants for their review and clarification.

Before motion could be made, Alan Rappleyea Jr. asked to approach the Board with some information in which he believed to be pertinent to the Board's decision regarding the Negative Declaration given to the Bennett Project. He stated that he hand delivered a letter to the Planning Board in January requesting to be placed on the agenda. Since this letter was received after the agenda had already been approved, the Planning Board secretary stated that he would be placed on the February agenda. After consulting with the Village Attorney, Rich Olson, Linda Roberts declined to have Mr. Rappleyea before the Board and his request was denied. This time, he was allowed to approach the Board with the understanding that due to pending litigation, no response would be given by the Board.

Mr. Rappleyea went on to his first issue in regards to SHPO. He stated that before the October public hearing was closed, a resident and one of his clients, Mr. Tim Tice came before the Board to discuss the historical nature of an abutting property, the Exmore House, which he owns. He then came to the two workshops that were held by the Planning Board and its consultants in regards to the Bennett Project as well as the Special Meeting and at all 3 meetings he was denied the opportunity to continue to provide the Board with his findings. Mr. Rappleyea went on to go over several points made from the Board's minutes from these meetings and stated that the information that Mr. Tice was trying to give to the Board was from Mr. Ken Markunas stating that there was no sign off from SHPO in regards to this project, as stated in the minutes.

Next, Mr. Rappleyea went on to discuss his second issue, being with the DEC. The DEC letter sent to the Planning Board asked that the Negative Declaration be rescinded. He posed the question that since there was such an issue with the hookup of 2 apartments in the Village, than how can the Bennett Project be approved?

He went onto say that he understands the difficulty of this application and that the Planning Board members are relying on their consultants to help them make the tough but accurate decisions. However, he suggests that the members read through everything and form their own opinions about the submissions prior to requesting their consultant's comments.

### **May Planning Board Meeting**

The Planning Board secretary requested that the Board's May meeting be held on the second Tuesday of the month of May as opposed to the fourth due to scheduling conflicts. After checking to ensure that there would sufficient time for potential applicants to prepare between meetings, the May meeting was rescheduled to May 14, 2009.

### **Mayor Andrew Ciferri**

The Mayor then approached the Board again. He wanted to clarify a few things for the board. He stated that he had called the DEC in regards to the letter they had sent to the Planning Board. The lady that he spoke with stated that while the DEC has no jurisdiction over the Village Planning Board, they asked that the Board rescind the Negative Declaration based on information that was sent to them from the Village Attorney, the applicants themselves, and/or the Planning Board. He suggested that if there is new information that the Planning Board has, it should be submitted to the DEC for further review.

The Mayor then went onto to request that the Planning Board think about holding two meetings a month as opposed to one. The first could be a workshop for applicants to understand fully what their application needs to consist of and then the meeting in which the application are reviewed and determined on. He stated that the Village Board has taken on the 2 meetings a month and it is working out well for them. Linda Roberts thanked the Mayor for his suggestion but stated that most Planning Board applicants find it challenging to submit any information to the Planning Board for its review within a month's time frame. A meeting sooner than that may not be beneficial. She did go onto to state that the Planning Board would however, consider his suggestion.

#### **Millbrook Lofts-Frank Cimino**

Frank Cimino had come before the Board a few months ago requesting that Linda sign a copy of his approved mylar so that he could submit them to the County. He is looking to change his 8 apartments to Condominiums and already has preliminary approval from the Attorney General. Linda had referred this to the Village Attorney and he stated to her that the Planning Board cannot police personal ownership.

#### **Lot Line Adjustment-Kirk Horton**

Kirk Horton came before the Board to discuss a lot line adjustment between the Grace Church and Kevin McGrane's property on Franklin Avenue. This is a very small subdivision in which a lot that the Grace Church currently owns will change hands and become part of Mr. McGrane's property. Dave Clouser stated that this is a straight forward application and a public hearing could be set. The Public Hearing will be scheduled for March 26, 2009 pending all fees are collected prior to the hearing.

#### ***Executive Session***

Mayor Ciferri asked that Board go into Executive Session. Joe Still made a motion at 9:20 p.m. to go into Executive Session, Dr. Murray seconded. All were in favor.

Motion was made at 10:10 p.m. by Joe Forte to exit Executive Session, Joe Still seconded. All were in favor.

#### ***Motion to Adjourn***

Motion was made to adjourn by Joe Still and seconded by Charlie Colomello. The meeting was adjourned at 10:11 p.m.