

Village of Millbrook  
Village Planning Board  
December 16, 2010 Meeting

*Call to Order* Meeting began at 7:34 p.m.

*In Attendance* Linda Roberts, Chairperson, Joe Still, Joe Forte, Charlie Colomello, Dr. Thomas Murray, Dave Clouser, Planner/Engineer

*Absent* No Planning Board members were absent

*Review of Minutes* Minutes of the November 18, 2010 meeting were reviewed. Joe Still made a motion to accept and Joe Forte seconded. All were in favor.

*New Business* **Babette's Kitchen-Request for Site Plan application waiver**

Buffy Arbogast and Beth Daidone came before the Planning Board to request a site plan application waiver. They are looking to move their business from its current location on Franklin Avenue to a tenant space in the Guernsey Realtor building located at 3289-3295 Franklin Avenue. Ken McLaughlin, Village of Millbrook Building Inspector and Code Enforcement Officer submitted a letter on their behalf agreeing to and requesting the site plan requirement waiver.

Buffy began by handing out a brief overview of what they would like to offer in their new space. The Board members found it to be similar to what they offer at their current location. The biggest change will be that a small kitchen, following Board of Health compliance, will be in the rear of the new space whereas now, it is being done in a separate building across the parking lot of Babette's Kitchen. Both Buffy and Beth feel as though a waiver request is acceptable seeing as though in 2002 the proposed location was home to Slammin' Salmon, another catering facility/restaurant. Another point raised was that Babette's has been operating in the Village for several years and is doing very well. Expediting the move will allow the small business to remain operating with little to no down time or problems.

The Planning Board discussed the residential tenants upstairs and questioned if a restaurant below required special approvals. Dave Clouser looked into the code and felt that there was nothing specific in the code currently that prevented such use below residential apartments. Buffy pointed out that all of the fire suppression that is currently used in their kitchen will be moved to the new location and as previously stated they will be Board of Health compliant.

Joe Still stated that when Slammin' Salmon operated from that space there was a much more intense use then there will be with Babette's Kitchen located there, therefore he is inclined to agree with a site plan waiver.

Dave stated that the code stipulates, if there is a change of use to a space, the Planning Board is required to "look at it". This meeting satisfies that requirement. Nothing in the code states that they must have a site plan approval unless huge modifications are proposed. The letter from the Building Inspector is also a requirement. That was submitted for this meeting.

Joe Still makes a motion to approve the site plan requirement waiver. Dr. Murray seconded. All were in favor.

#### **Millbrook Early Childhood Education Center-Site Plan Review**

Josh Mackey of Iseman, Cunningham, Riester & Hyde, LLP came before the Board, representing the Millbrook Early Childhood Education Center for their site plan review. In September 2007, the preschool was issued a use variance and site plan approval for 3 years. They were due to come back this past September of 2010 to have them renewed. In that time the preschool has undergone a change of hands. There will be no proposed changes of use or intensity.

Currently, Laurie Fey, of the Millbrook Early Childhood Education Center is applying for a Charter with the New York State Department of Education. This requires that the site plan approval and area variance be up to date.

Dr. Murray stated that he feels a renewal is totally appropriate for the preschool. Linda Roberts, Planning Board Chair, stated that the only reason a temporary site plan approval was given was because, at the time, the preschool was only going to be at their current located temporarily. The current location has now become the preschool's permanent location. Seeing as though the Zoning Board of Appeals issued a use variance as part of the site plan approval, it will be necessary for the Millbrook Early Childhood Education Center to receive an updated approval from the ZBA as well.

Linda Roberts proposed a resolution for permanent site plan approval with the stipulation that a permanent use variance from the Zoning Board of Appeals be granted. Dr. Murray makes the motion to adopt the resolution and Joe Still seconded. All were in favor.

***Public Hearing***

**Eleanor Pelc Bed and Breakfast-Special Use/Site Plan Application**

Linda opened the public hearing for the proposed Bed and Breakfast, located at 7 Russell Knolls with a brief synopsis of the application.

With no public in attendance for comment, Joe Still made a motion to close the public hearing. Charlie seconded, all were in favor.

At last month meeting, there were concerns raised over the right of way and its width. Because of the requirements per code a legal interpretation from the Planning Board Counsel, Rich Olson, was suggested. To date, there has been no input received from the attorney.

The application will remain open another month to allow Rich to get back to the Planning Board. All other issues, to date have been resolved.

***Old Business***

Linda read a note from Bob Campbell requesting the status of the site plan application for the old Department Store building located on Franklin Avenue. The application proposed 5 office suites on the second floor, including a handicapped accessible bathroom and shared conference room. This application was approved August 6, 2010 and to date no Mylar has been received from Bob Campbell or Franklin Avenue Real Estate. While they are approved to start work, final approval cannot be given until the final site plan is received.

Linda also stated that the sign for Country Road Associates, located on Front Street is still standing, even though the building has been gone for several months now. She asked that a letter be drafted to the Code Enforcement Officer, Ken McLaughlin requesting the removal of the sign, as it blocks the line of site, as well as other business signs located in that area.

***Motion to Adjourn***

Motion was made for the Planning Board to adjourn by Dr. Murray and seconded by Joe Forte. The meeting adjourned at 8:57 p.m.