

**Village of Millbrook
Planning Board Meeting
Minutes**

December 16, 2014

Call to Order: Meeting was called to order at 7:30 PM by Charles Frisina – filling in for Chairman Morse.

In Attendance: Charles Frisina, Joseph Still, Joseph Forte, Heather LaVarnway and David Clouser (David Clouser & Associates). **Excused:** Chairman Stan Morse.

Review of Minutes: Minutes from the October 21, 2014 Planning Board meeting were reviewed. A motion was made by Mr. Forte and seconded by Mr. Still to accept the minutes as presented. All were in favor.

Old Business:

1. **Aztec Agency Inc. – 3278 Franklin Avenue – Robert Kulpa – Official Sign Approval – Referral from October 21, 2014 Planning Board meeting.**

Mr. Still moved and Mr. Forte approved a motion to officially approve the Aztec Agency Inc sign as presented. All were in favor.

2. **New York Wellness & Medispa – Millbrook. 3286B Franklin Avenue. J. Douglas Quesenberry/JDouglas Mgmt Svcs/Rod Soclolo, MD. Request for Special Use Permit as a medical spa & Sign Request.** Mr. J. Douglas Quesenberry and Mr. Chris Colby of Spire Architects represented them at this evening's meeting.

Mr. Colby reviewed and described all the new documents that were submitted for the Planning Board's review on December 1, 2014. These documents are noted in Mr. Clouser's review comments Memorandum dated 12/12/14 (copy attached to these minutes). This Memorandum addresses New York Wellness & Medispa – Millbrook's updated submittal for the proposed Site Plan/Special Use Permit which involves the change of use and interior renovations of a portion of an existing commercial building located at 3286B Franklin Avenue in the GB zoning district.

The Site Plan/Special Use Permit application will be considered an Unlisted Action for its SEQRA environmental review. The Planning Board can consider accepting Lead Agency status in an uncoordinated environmental review.

Mr. Clouser reviewed the comments and the additional required information noted in his Memorandum. A brief discussion regarding the size of the door sign ensued. It was determined that this sign should be made slightly smaller to conform to Village Code requirements.

Mr. Colby provided a letter from Lida Tait, Property Manager, supporting this application.

Secretary Gould will submit a new document packet to the Dutchess County Dept of Planning and Development for their review prior to holding a Public Hearing on this matter. The original documents were submitted to the Dutchess County Department of Planning & Development on October 14, 2014 – with the response that this is a "Matter of Local Concern". Mr. Quesenberry stated that his plan submitted to the Dutchess County Dept of Planning & Development had already been "approved". Mrs.

LaVarnway explained that a response of "Matter of Local concern" is not an approval, but a referral of judgment to the local municipality board.

Mr. Colby and Mr. Quesenberry agreed to provide all the missing/required information noted in Mr. Clouser's Memorandum within the next two weeks.

If all the necessary documentation is received and complete, Secretary Gould will schedule a Public Hearing to address this matter at the next Planning Board meeting to be held on January 20, 2015.

New Business:

1. The Cooper Finn Gallery – Request for Sign Approval.

The Planning Board only received a paper copy of the proposed sign. They did not receive a sign request form, applicable fee, address and name of the business owner. Mr. Frisina, with the Board's approval, decided to table this request until the January 2015 meeting in the hope that the missing documentation can be obtained.

Other Business:

None

Adjournment:

Mr. Forte moved and Mrs. LaVarnway seconded a motion to adjourn the meeting at 7:48PM. All were in favor.

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MEMORANDUM

To: Chairperson Stanley Morse and Planning Board Members
From: David B. Clouser, PE, LS
Date: December 12, 2014
Re: **NY Wellness Medispa Site Plan / Special Use Permit Review** (3286 Franklin Avenue)
(SBL: 6765-18-442090)

Our office has reviewed the updated submittal for the proposed Site Plan / Special Use Permit which involves the change of use and interior renovations of a portion of an existing commercial building located at 3286 Franklin Avenue in the GB zoning district.

The new retail / medical office proposes the use of 938 square feet within an existing commercial building (totaling approximately 9,220 square feet) that is located on a 0.21 acre parcel of land. A 24' wide right-of-way at the rear of the building is included and this right of way is currently utilized as a parking area with approximately 7 parking spaces. The lot is existing nonconforming with regards to the bulk requirements (i.e., setbacks, area, height, etc.) of the GB zone as listed in the Schedule of Lot and Bulk Requirements.

'Medical office' is considered a special use within the GB zone as listed in the Schedule of Permitted Uses and Special permit Uses, and therefore a Special Use permit and Site Plan review is required for this change of use from its former use as strictly retail space.

The most recent submittal contained the following information for the Board's review:

- Cover letter (2 pages) dated December 1, 2014 from Christopher Colby, AIA, LEED AP, of Spire Architecture & Design, PLLC,
- Site Plan / Special Use application, (1 page) dated November 25, 2014, signed by Christopher Colby, AIA, LEED AP, of Spire Architecture & Design, PLLC,
- Village of Millbrook Applicant Disclosure Form (4 pages) signed by Christopher Colby, AIA, LEED AP, of Spire Architecture & Design, PLLC, and notarized by David M. Fountain,
- Short EAF (3 pages) dated November 25, 2014, signed by Christopher Colby, AIA, LEED AP, of Spire Architecture & Design, PLLC,
- Site Plan / Special Use technical review checklist, (3 pages) dated November 25, 2014, signed by Christopher Colby, AIA, LEED AP, of Spire Architecture & Design, PLLC,
- Letter of Representation, (1 page) dated November 25, 2014, signed by J. Douglas Quesenberry,
- Sign Diagram, (1 page) unsigned and undated, and
- Site Plans (3 pages) dated November 25, 2014, prepared by Christopher Colby, AIA, LEED AP, of Spire Architecture & Design, PLLC.

The site plan / special use permit application will be considered an Unlisted action for its SEQRA environmental review. The Planning Board can consider accepting Lead Agency status in an uncoordinated environmental review.

Site plan review will be primarily focused on the change of use proposed within the existing building and that all relevant aspects of the Town Code, including §230.16 Off-street parking and loading, and §230.44 Site Plan Procedure. The required Special Permit will focus on compatibility with the permitted uses in this zoning district as described in §230.43 Special Permits. Issues regarding a comparison of use intensity between the former retail / office use and the proposed medical and medical product retail use must be considered (i.e., traffic and parking requirements, water and sewer use, etc.)

The following comments are offered for the Board's consideration:

- **Site Plan application:**
 - The applicant has indicated that there are no state or county highways within 500 feet of the property, however, Franklin Avenue is classified by the NYSDOT as State Touring Route 984P. This designation requires that a 239-m planning referral be made to the Dutchess County Department of Planning.
- **Short EAF:**
 - Part 1 Project Description – Include in the use of the space description a reference to the space allocated for medical treatment.
 - Item 3b. – Respond with the area of the renovated space (0.02 acres).
 - Item 5a. – The Applicant should note on the form that a Special Permit is required.
 - Item 9 – The Applicant should describe design features and technologies that will be implemented if the proposed action will meet or exceed the State Energy Code requirements as indicated.
 - Item 12b. – A response should be provided to this question.
 - Item 16 – A response should be provided to this question.
- **Site Plan and Special Permit / Code Review Issues:**
 - §230.44 Site Plan Procedure – All features / information described in this section of the Village Code must be provided on the Site Plan or a request for the Board to waive the items that are not pertinent to the application should be made per the provisions of §230-44 C (6). Some of these items include location map, topography, soil types, existing and proposed site improvements, sewage disposal method, water supply facilities, landscaping, lighting, utilities, and subsurface facilities.
 - The site plan does not indicate any new improvements to the building space aside from the proposed sign to be added to the entry door. Confirmation that there are no additional proposed improvements associated with this project should be provided.

- The Applicant should add existing information to the 'Project Information – Special Use Permit – New York Wellness Medispa' chart on the Site Plans, specifically what was the previous occupancy, square footage for that occupancy and parking requirements provided for that occupancy.
- Provide an estimate of the water and sewer usage rates for this occupancy as compared to the previous retail / office use.
- The Applicant references §230.16A.C of the Code which states that the change of use from business to retail may be made without the necessity of any additional parking requirements beyond those in place. The proposed change of use, however, is to both a retail use and a medical office. The combination of parking for each proposed use should be compared with that of the former office / retail use. If available, information should be provided on how the previous uses' parking requirements were met for the Board's consideration.
- The Applicant should identify what the existing on-site, off-street parking stalls located in the right of way at the rear of the building are used for and whether there is any remaining capacity to satisfy the requirements of this application.
- A review of the parking requirements in §230-16 C indicates the same number of parking spaces are required for the prior use and for the combination of uses being proposed. This number is 7 parking spaces are required, including the 2 spaces required for 2 employees. Accordingly, since the number of spaces will not increase, the impact on parking will be no greater than for the former use, so additional parking does not appear to be warranted.
- Will any new lighting fixtures be mounted on the outside of the building or is there presently existing exterior lighting on the building? If so, provide product data catalogue sheets of the fixtures being proposed and photographs of the existing fixtures and wattage for the Board's file record.
- The sign being proposed on the front door exceeds the 20% maximum of the total area of the window [door window in this case] on which it is located, per §230-20 B. (2) (e). The maximum sign dimension would be 16 ½ inches square for this door window. The 22" x 22" sign size being proposed would meet the code dimensions if it were located on one of the adjacent storefront windows, however.

Prior to the Board's approval of the application, consideration to the compatibility with the existing businesses in the surrounding neighborhood should be considered. If this use is deemed to be compatible with the community's character at this location, other factors regarding the intensity of use (i.e., water, sewer, traffic and parking) do not appear to be increased. Therefore the issuance of a Site Plan approval and a Special Permit may be considered following completion of the SEQRA review procedures and addressing any comments from the public after the close of the required public hearing.

Please feel free to call our office at your convenience with any questions or comments regarding this matter.

cc: Christopher Colby, AIA, LEED AP