

**Village of Millbrook
Planning Board Meeting
Minutes**

May 19, 2015

Call to Order: Meeting was called to order at 7:29 PM by Chairman Morse.

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

Pledge of Allegiance: Led by Ms. LaVarnway.

Review of Minutes: Minutes from the April 21, 2015 Planning Board meeting were reviewed. A motion was made by Mr. Frisina and seconded by Mr. Still to accept the minutes as presented. All were in favor.

Old Business:

1. **Danielle's Hair Design – Danielle Swartz/Pino Pace – Free Standing Sign Review for hair salon/barber shop located at 3295 Franklin Avenue.** Mr. Pace presented a mock-up for a combined (Danielle's & Pino's) free standing sign to be installed on the front lawn in front of their combined shop. It will be a 4 sq ft, aluminum face sign board, cut to size, 2 sided, white background with black lettering mounted approximately 65" from the ground on a 2.5" aluminum welded post, painted black. The only other color on the sign will be the "I" in Pino's striped in red & blue to resemble a barber pole. The sign will be placed on the grass to the left of the front of his shop (1-2 ft away from the walkway). The sign will also include the words "Use Right Door Entrance" and a sign will also be placed on their front door advising clients to use the right side door instead of the front door. A discussion ensued regarding the size of the sign (4 sq ft) and the fact the Village Code (Section 230.20) only allows for a 2 sq. ft. free standing sign. The Board decided that their sign must exactly match the dimensions of the one used by Joyce Heaton Jewelers (their neighboring business). A motion was made by Mr. Frisina and seconded by Mr. Still to approve their free standing sign as long as it has exactly the same dimensions as the one in front of Joyce Heaton Jewelers. All were in favor. Mr. Pace must bring a copy of the actual free standing sign (with dimensions) to the Village Hall – to be placed in his permanent file. He does not have to return to the Planning Board.
2. **PUNCH – Ruthie Bontecou – Sign Review for awning(s) at new location - 115 Merritt Avenue.** Ms. Bontecou was unable to attend this evening's Planning Board meeting. Chairman Morse advised the Board that Mr. Still, the former owner of this building, would be permitted to vote on this matter. Chairman Morse also noted that this sign review approval was purely an administrative

matter because an “off line” discussion reviewing the signage and awnings held after the April 21st Planning Board meeting (between Ms. Bontecou, Chairman Morse and Mr. Still) found them to be in compliance with the Village Code, and of architectural design befitting and in character with the Village. Since the Board had adjourned the April Planning Board meeting, conditional approval could not be given without a vote. However, the Board felt strongly that, in the case of conforming use relocation within the business district, delaying the opening of PUNCH was not in the best interest of the Village. At this evening’s meeting, Mr. Frisina moved and Mr. Still seconded a motion to approve the awnings as presented in April for the new PUNCH location. All were in favor.

New Business:

1. **Jennifer’s Nail Studio – Jennifer Mills - Sign Review for new owner of nail salon located at 11 Washington Street.** Ms. Mills told the Board that she has been in business at this location since January 2015. She apologized for not coming before the Planning Board sooner and explained that she was not aware that she needed prior signage approval. She presented a picture of her actual signage. The hanging sign is 2 ft x 3 ft – and is the same sign that the former owner used (just painted over with Jennifer’s business name & phone number). The lettering on the glass portion of her front door takes up 19.8% of the glass space - compliant with Village Code regulations of no more than 20%. Mr. Frisina moved and Mr. Still seconded a motion to approve both of Jennifer’s signs. All were in favor.

2. **Nooch’s Bar & Grill – Paul Iannucci and Jessica Pastre – 156 Church Street – Sign Review and Special Use Permit.** Mr. Iannucci and Ms. Pastre attended this evening’s meeting. Mr. and Mrs. Lang – neighbors – also attended this meeting.

Chairman Morse outlined the history of owners in this business location and noted that the most recent previous business “Coach’s” moved out 3 months ago. Chairman Morse also mentioned that issuance of a “Special Use Permit” is the highest authority of the Planning Board and that the requirements that the Planning Board must adhere to are outlined in the Village Code – Article VI – Sections 230-43 through 230-45. Chairman Morse noted that Special Uses are also subject to the requirements of Section 230-44 – Site Plan Approval. The Village Code requires a Special Use Permit in the GB district. During a “pre-application meeting” held on May 18th, (attendees, Mr. Iannucci, his attorney - Alan Rapplyea, Code Enforcement Officer, Ken McLaughlin, Chairman Morse and Mr. & Mrs. Lang as concerned neighbors), it was determined that not one Special Permit had been issued for any of the former business owners at this location. The Village of Millbrook attorney, Jeffrey Battistoni, determined that a Special Permit is required for Mr. Iannucci because “this property has the potential for impact outside its geography”.

Mr. Iannucci told the Board that he currently owns the Fireside Restaurant in Salt Point and he was a former owner of the Millbrook Deli (1992 – 1998). He has 25+ years in the restaurant business. His partner, Ms. Pastre, has a degree in restaurant management and 18+ years in the industry. They want to

open Nooch's to give Village residents a local place for pub food and beverages without having to leave the Village.

Mr. Iannucci submitted a Short Environmental Assessment Form (EAF) to initiate the Special Permit process. Chairman Morse asked for a motion to name the Planning Board as the Lead Agency under SEQRA for this Special Permit. Mr. Still moved and Mr. Frisina seconded a motion to approve the Planning Board as the Lead Agency for this Environmental Assessment.. All were in favor.

He also noted that the Planning Board must fix a time within 62 days of application for a Public Hearing. Within 62 days of the Public Hearing, the Planning Board must approve, approve with modifications or disapprove the Special Permit request. A building permit cannot be issued for the Special Use until the provisions of Section 230.43 of the Village Code have been met.

Chairman Morse noted that the Planning Board must have the Public Hearing on or before July 13, 2015.

Mr. Iannucci explained that must first have Planning Board approval, then sign a lease and then begin \$20,000 - \$30,000 of renovations (that can take 30+ days). He hopes to open by mid July. Chairman Morse asked if he has a business plan. He does.

Mr. Iannucci addressed some of his proposed changes for the Pub and shared his hand-drawn floor plan. The side door will be an emergency door only; everyone must come and go through the front door. He plans to remove the existing partitions and extend the bar. The middle floor area will only be used as a walkway. He does not plan to have anything outside. The rear of the building will be "off limits" to his patrons and is currently used by the building tenants as a back yard for their children. Mr. Clouser reminded Mr. Iannucci to be very specific regarding the back yard on his Site Plan. Mr. Iannucci said that they plan to be open 7 days/week – opening at 11AM with a closing time yet to be determined. He also said that they want to encourage eat-in as well as take out and local delivery.

Mr. Frisina asked about accommodation for smokers. Mr. Iannucci is working on that and also plans to clean and maintain the south side of the building which is currently a mess. Mr. Iannucci explained that he is very aware of the former owner's issues and problems and also stressed that he plans to have a licensed security person on site on Friday and Saturday evenings from 8PM to closing to patrol inside and outside. He plans to employ approximately 10 staff.

Chairman Morse noted 4 concerns for Mr. Iannucci to address: 1. Closing hours; 2. Smoking – where; 3. Dumpster location and 4. Backyard.

Mr. Clouser outlined the process and requirements for the Special Permit with Site Plan – they will need the following:

Architect Plan(s); locate and produce an old survey ; SEQRA review; Dutchess County Planning & Development review (requires Site Plan, EAF and applications).

Section 230-43 of the Village Code outlines the procedures for a Special Permit in detail.

Site Plan approval procedures are outlined in Section 230-44 of the Village Code.

Section 230-14 of the Code specifies Performance Standards.

Mr. Clouser reminded them to tell the Planning Board about everything they plan to do. Any future plans will require additional Planning Board approval(s). Mr. Clouser offered that Mr. Iannucci's

architect could contact him with any questions.

Chairman Morse asked about plans for entertainment. Since this will be a pub – they can start at 7PM and might have acoustic music.

Chairman Morse gave Mr. Iannucci the fee schedule for a Special Use Permit with Site Plan: \$400 Application and \$350 Escrow. The Board explained to Mr. Iannucci that he would be contacted if additional funds are needed.

Mr. Iannucci and Ms. Pastre will deliver all required documents in advance of the June 16th Planning Board and plan to attend.

Adjournment: Mr. Still moved and Mr. Frisina seconded a motion to adjourn the meeting at 9:05 PM. All were in favor.

Village of Millbrook Planning Board
SEQRA Determination of No Significant Impact
and
Special Use Permit and Conditioned Site Plan Approval

Nooch's Pub and Grill
156 Church Street
Proposed Restaurant and Bar

Applicant: Paul Iannucci
6 Daheim Road
Millbrook, New York 12545

Whereas, the Village of Millbrook Planning Board has received an application from Paul Iannucci for a special use permit and site plan approval for operating a restaurant and bar in the existing building formerly used as a restaurant and bar at 156 Church Street, which application includes other interior and exterior improvements related to the building rehabilitation. The property is comprised of approximately 0.07 acres and is located in the Village's GB, General Business zoning district and is classified as a pre-existing non-complying lot with regards to area and setbacks. The prior use was considered non-conforming with regards to Village zoning criteria, and

Whereas, no record of a special use permit for the prior restaurant and bar use was granted according to Village records although same is required by the Village Zoning Code, and

Whereas, the Village Building Inspector denied issuance of a building permit for the necessary building alterations on the basis of the requirement of a special use permit for operation of a restaurant and bar in the GB zoning district and therefore the prior use could not be continued, and

Whereas, the Planning Board reviewed the application for a special use permit and site plan approval requirements with the Applicant and requested additional information be provided for the Board's review, and

Whereas, a *Site Plan, Building Elevation, Floor Plans and Sign Plan* was prepared by Steven Hackbarth, RA, dated June 1, 2015, and Special Use Permit and Site Plan application forms, general information about the proposed operation of the business, and a Short Form EAF and were submitted by the Applicant in support of the special use

permit and site plan application, in compliance with the requirements of Chapter 230, "Zoning" of the Village Code, and

Whereas, the Planning Board considered the proposed use of the site with regards to the intended staffing, hours of operation, adequate parking, site lighting and landscaping, as well as operational details of the proposed restaurant and bar and its compatibility with neighboring properties, and

Whereas, the Planning Board has determined that parking necessary for the proposed renovated restaurant and bar would likely be no greater than the former restaurant and bar use since the total number of seats would be no greater than the former use, and

Whereas, the Planning Board considered the close proximity of the nearby residential district and residences that would be affected by noise generated by the business, including the noise and potential nuisance of patrons' use of the property outside of the building, and

Whereas, the Planning Board considered the representations by the Applicant to mitigate noise concerns by restricting entertainment to non-amplified performances, to use the side door as an emergency exit only and to prohibit patrons' access and use of the side yard and rear yard of the property, and

Whereas, written waiver request for site plan requirements that were not pertinent to the application were submitted to the Planning Board by the Applicant and these waivers were reviewed and granted by the Planning Board on May 19, 2015, and

Whereas, the Planning Board determined that the requested special use permit and site plan approval to be an Unlisted Action in accordance with the requirements of 6 NYCRR Part 617, the State Environmental Quality Review Act (SEQRA), and determined that a coordinated review is not required, and

Whereas, the Planning Board opened a public hearing on the subject application for site plan approval on June 16, 2015, which was closed on that date after receiving comments from the public and addressing those comments at that time, and

Whereas, the Planning Board reviewed and discussed the building's aesthetic qualities and architectural style with regards to neighborhood compatibility and acknowledges that no significant exterior changes (excepting the addition of a gate on the north side of the building that will restrict access to only residents of the apartment above), and

Whereas, the Planning Board referred the application, plans and Short EAF to the Dutchess County Planning Department as required by General Municipal Law 239- m on June 9, 2015 and that a favorable response was received by the Planning Board indicating no regional planning impact is anticipated to occur as a result of the proposed project, and

Whereas, the Planning Board has reviewed the submitted Short Environmental Assessment Form, Part 1, has reviewed the submitted plans, and related submitted information by the Applicant, and did not identify any significant and important potential environmental impacts that might result from the use and operation of Nooch's Pub and Grill proposed restaurant and bar, and

Whereas, the Planning Board has reviewed the submitted plans, reports and related submitted information by the Applicant and considered the criteria for the determination of significance of the proposed action on the environment in accordance with 6 NYCRR Part 617, § 617.7 (c), including whether the action may cause long-term, short-term, direct, indirect and cumulative impacts, and the Planning Board assessed whether the identified project impacts might be material, substantial, large or important.

Whereas, the Planning Board has specifically considered the standards for special use permit approval in Zoning Code § 230-43 F. including, but not limited to, the location and size of the proposed use, site amenities being proposed, the changes in the business operation that would limit noise and other recognized nuisance conditions that were reported to have occurred as a consequence of the previous use, and that existing parking provisions and landscaping is adequate, and

Whereas, the Planning Board has specifically considered the standards for site plan approval in Zoning Code § 230-44 (E) including, but not limited to, considerations of the location and size of the use, access, landscaping, site lighting, that the proposed interior building renovation and planned use will be compatible with the existing neighborhood and community character and will not be a threat to public health or property values, and there will be adequate parking for the use, and

Therefore Be It Resolved, the Planning Board hereby assumes its designation as Lead Agency status for the project's environmental review pursuant to §617.6 of 6NYCRR Part 617.

Be It Further Resolved, that the Planning Board has considered the proposed action, as described in the site plan application, the Short Environmental Assessment Form, Site Plans and Floor Plans, and other documents prepared by the Applicant and its architect which were reviewed by the Planning Board and the Board's Engineering Consultant, and that the Planning Board finds and determines that the subject project's special use permit and site plan proposal and proposed use is not likely to have a significant adverse impact upon the environment and that a negative declaration should be issued with respect to the proposed action in accordance with the process and requirements of the State Environmental Quality Review Act.

Be It Further Resolved, that the Planning Board grants a special use permit and site plan approval of the Nooch's Pub and Grill and renovations plans and proposed

intended use and operation of a restaurant and bar in the Village of Millbrook in accordance with § 230-44 of the Village Code, with the following condition(s):

1. Development, continued use and maintenance of the site shall strictly comply with the design, details and notes indicated on the approved Site Plan and Floor Plans documents, prepared by Steven Hackbarth, RA, dated June 1, 2015. Continuing compliance with the above referenced plans, including access restrictions as noted thereon, shall be the basis for continuation of the granted special use permit.
2. Agreement by the Applicant to apply for review and approval of the Village Planning Board for an amended site plan due to improvements that would be required as a result of an increase of use of the premises (i.e., expansion that result in additional seating, increased hours of operation, outside seating, etc.) and/or other activity causing a more intensive use on the property.
3. Agreement to restrict access to the door on the northern side of the building to Emergency Access Only (i.e., the door being also fitted with a crash bar and audible alarm) and to restrict by installed gated access to the Covered Side Walkway, as proposed on the above referenced Site Plan, for the use of the residents of the building's second floor apartment only.
4. To restrict access to the rear yard area of the property for the exclusive use of the residents of the building's second floor apartment.
5. Hours of operation shall be from 11:00 AM until 1:00 AM. Any extension of these hours of operation shall be reviewed and approved by the Planning Board upon application by the Applicant as a condition of the special use permit.
6. To operate the business in a manner that prohibits any nuisance condition that would adversely affect the character of the community and specifically that would detract from the use and enjoyment of adjacent residential properties.
7. Agreement by the Applicant to remove all debris from the property prior to commencing the business opening and to maintain the enclosed outside storage, utility, and refuse container area on the south side of the building in a clean and orderly manner.
8. Submission of 2 mylar reproducibles and 4 print copies of the revised site plan and payment of all fees, including site plan review and approval fees in accordance with the Village Code requirements.

Said determination was adopted upon a motion of Member Joseph Fank

seconded by Member Joseph Skil and the affirmative vote of 5 members, the negative vote of 0 members, and 0 member(s) absent;

The Planning Board hereby directs the Secretary of the Planning Board to file a copy of this decision in the office of the Village Clerk and mail a copy of the decision to the Applicant.

Dated: June 16, 2015


Secretary of the Planning Board

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