

**Village of Millbrook
Planning Board Meeting
Minutes**

September 15, 2015

Call to Order: Meeting was called to order at 7:26 PM by Chairman Morse.

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

Pledge of Allegiance: Led by Mrs. LaVarnway

Review of Minutes: A motion was made by Mr. Still and seconded by Mr. Frisina to approve the August 18, 2015 Planning Board Minutes as presented. All were in favor.

Old Business:

Public Hearing for Salty Foods LLC — Request for Special Permit to open a restaurant “Canoe Hill” to be located at 3264 Franklin Avenue. Michael DelGrosso and Lauren Lancaster attended along with Kimberly R. Ryan, AIA from Liscum McCormack Van Voorhis LLP. Other attendees included Attorney Allan Rappleyea, Michael Flannigan and Francis Wright.

Chairman Morse asked Mr. DelGrosso to explain his proposal for Canoe Hill. Mr. DelGrosso reiterated his plan to have a full service restaurant with bar – that will initially serve dinner Tuesday through Sunday. Future plans will include weekend brunch.

Chairman Morse asked for a motion to open the Public Hearing portion of the meeting. Mr. Frisina moved and Mr. Still seconded the motion. All were in favor.

Chairman Morse reviewed the Site Plan and narrative that were submitted by Mr. DelGrosso. Mr. Still asked about the floor plan. Ms. Ryan displayed the floor plan for the Board and explained that it is 80% complete. She also clarified the dimensions of the vestibule – 7’ x 5’6”. Mr. DelGrosso explained that there will be a coat rack in the interior of the vestibule.

Chairman Morse and Ms. LaVarnway asked about the free-standing sign plan – as submitted. Ms. Ryan explained that they do not yet have a finished/approved sign but will stay with the basics as presented. A discussion ensued regarding the sign lighting – should it be bottom-up or top-down – to reduce shining on passers-by. It was determined that top-down lighting would be less intrusive. A planter box will surround the base of the sign. Mr. Frisina noted that the sign dimensions – as presented – are larger than what is permitted by the Village Code. The sign needs to be slightly reduced to conform to the required 2 sq ft (288 sq inch) regulation. Mr. Frisina also suggested that they consider a wall-mounted

sign on the building for additional awareness of Canoe Hill from the street.

Mr. Still moved and Mr. Forte seconded a motion to offer conditional approval for the Canoe Hill sign - as long as the sign dimensions are reduced to conform to the Village Code regulations. All were in favor.

Chairman Morse had two questions regarding the narrative, as presented: What is “morning service” - weekend coffee and brunch per Mr. DelGrosso. The wood burning fireplace – where will it be located, etc. Mr. DelGrosso and Ms Ryan explained that it is planned as a built-in on the back wall of the restaurant with a cut-out next to it for wood storage. It will be single-sided – not open to the kitchen. The Board noted that there are several apartments in close proximity to Canoe Hill that could be impacted by smoke from this fireplace if not properly ventilated. **The Planning Board members are very concerned that, in certain weather conditions, smoke, particulates, and odors from the wood burning chimney may encroach and cause ventilation problems for adjacent properties.** After much discussion regarding the potential problems with a wood burning fireplace, it was decided that this issue should be referred to the Building Inspector, Kenneth McLaughlin, for resolution. Attorney Rappleyea suggested that Mr. DelGrosso could also speak with Zack from Marona’s Market for possible solutions. Zach is an architect by trade.

Mr. Still asked if Mr. DelGrosso has spoken with the owner of the Millbrook Diner to form a cooperative relationship. He has. Mr. Frisina asked about the 4 LP tanks shown on the plans in the driveway between the Diner and Canoe Hill. Mr. DelGrosso and Attorney Rappleyea said that those tanks do not belong to Canoe Hill. Mr. DelGrosso did say that he plans to replace the fence behind Canoe Hill – without any change in height. He also said that he plans to come back to the Planning Board next spring with plans for a patio. Chairman Morse asked if they would be planting any trees. Ms. Ryan noted that there is one tree on the property that will remain.

Chairman Morse noted that approval was received from the Dutchess County Department of Planning and Development late this afternoon. Mr. Clouser worked with Ms. Tissiere, the D.C. Planner assigned to this project, to clarify and satisfactorily answer all Ms. Tissiere’s questions.

Mr. Clouser reviewed the SEQRA Determination and Special Use Permit and Conditioned Site Plan Approval for Canoe Hill (a copy is attached to these minutes). He noted that “this action is classified as a SEQRA Type 2 action since it is a non-residential structure or facility having less than 4000 square feet of floor area and not having a change in zoning or a use variance and consistent with local land use controls (i.e. conforms with 6 NYCRR Part 617, ..617.5(c)(7),..”

Chairman Morse asked for comments for the attendees.... Mr. Wright offered congratulations and hoped that there would not be electrically amplified live music that disturbs people who live in the area. Mr. DelGrosso assured him that he will not have live music... Canoe Hill will be a restaurant – not a bar. Mr. Flannigan welcomes Canoe Hill as an addition to the business community. His only concern would be the wood burning fireplace but he is sure that a solution will be found.

Attorney Rappleyea congratulated them and emphasized that more business for the Village is a good thing. He also complimented and thanked the Planning Board for their timely and efficient handling of this and other projects in the past several months.

Chairman Morse called for a motion to close the Public Hearing portion of the meeting. Mr. Still moved and Mr. Forte seconded the motion. All were in favor.

New Business: N/A

Other Business/Administrative Items:

1. Chairman Morse reminded the Board that each member is required to complete 4 hours of training this year. 2 members have already complied. He reminded the Board that a Solar Training will be offered by the Dutchess County Planning Federation on September 24, 2015.

Adjournment: Mr. Frisina moved and Mr. Still seconded a motion to adjourn the meeting at 8:25PM. All were in favor.

Village of Millbrook Planning Board
SEQRA Determination
and
Special Use Permit and Conditioned Site Plan Approval

Canoe Hill Restaurant
3624 Franklin Avenue
Proposed Restaurant and Bar

Applicant: Salty Foods, LLC
c/o Michael DelGrosso
P. O. Box 991
Millbrook, New York 12545

Whereas, the Village of Millbrook Planning Board has received an application from Michael DelGrosso 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 3624 Franklin Avenue, which application includes interior and minor exterior improvements related to the building rehabilitation. The restaurant is comprised of a portion of a two story building commercial property totaling 0.286 acres located at the southeast corner of Franklin Avenue and Front Street, and is located in the Village's GB, General Business zoning district. The property is classified as a pre-existing non-complying lot with regards to front and rear yard setbacks. The prior use was considered non-conforming with regards to Village zoning criteria, and

Whereas, the application for special use permit and site plan approval proposes to renovate an existing building space of approximately 1,150 square feet of gross floor area and provide a finished seating capacity for both the restaurant and bar use at approximately 40 seats, which is a reduction in customer floor area and seating compared to the former restaurant and bar use of the premises, 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 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 Kimberly Ryan, RA, dated last revised August 31, 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 less than the former use due to the addition of a restroom screening partition and a small office space as a result of the proposed interior renovation, and

Whereas, the Planning Board considered the proximity of the commercial district businesses that would be affected by the operation of the business, including the noise and potential nuisance of patrons' use of the property outside of the building, and

Whereas, a 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 September 15, 2015, and

Whereas, the Planning Board opened a public hearing on the subject application for site plan approval on September 15, 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 new entrance vestibule, a new entrance walkway, a walk in cooler addition at the rear of the building and other minor exterior appurtenances) 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 September 15, 2015 and that a 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 thereafter conclude that the proposed Action is classified as a SEQRA Type 2 action since it is non-residential structure or facility having

less than 4,000 square feet of floor area and not having a change in zoning or a use variance and consistent with local land use controls (i.e., conforms with 6 NYCRR Part 617, § 617.5 (c) (7)), and

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 is classified as a Type 2 action under SEQRA regulations and accordingly no further environmental review is required.

Be It Further Resolved, that the Planning Board grants a special use permit and site plan approval of the Canoe Hill Restaurant and renovation 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 Kimberly Ryan, RA, dated last revised August 31, 2015. Continuing compliance with the above referenced plans, including exterior appurtenances 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 require an increase in seating capacity as a result of an increase of use of the premises (i.e., future outside seating area expansion, increased hours of

operation, etc.) and/or other activity causing a more intensive use on the property.

3. Weekday hours of operation (Sunday through Thursday) shall be 11AM to 10PM. Weekend hours of operation (Friday and Saturday) shall be from 11AM to 11PM without exception.
4. To operate the business in a manner that prohibits any nuisance condition that would adversely affect the character of the community.
5. _____
6. _____
7. _____
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 Charles Frisina seconded by Member Joseph Still and the affirmative vote of all 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: September 15, 2015

Suzanne P Gould 
Secretary of the Planning Board