

TOWN OF STANFORD  
PLANNING BOARD  
MEETING OF 04-29-2015

PRESENT:  
Robert R. Butts, Chair  
John Royall  
Jim Fouts  
Thomas Angell  
Scott Cale  
Gary Lovett  
Gerry Fernandez

Mr. Butts called the meeting to order at 7:35pm.

**PUBLIC HEARINGS:**

**DUNAGAN SPECIAL USE PERMIT/ GUEST COTTAGE-**

Mr. Conrad was present to represent the applicant in their application for the renovation of a second floor of an existing horse barn into a 1,475 SF guest cottage at 1106 Duell Road, tax map no. 135200-6768-00-662145. Mr. Conrad presented an affidavit of publication of the hearing notice in the Poughkeepsie Journal on April 3, 2015. Mr. Butts noted that the legal notice referred to the application for area variance in connection with the special use permit application. The Board agreed that the notice was substantially in compliance with requirements. Receipts for certified mailings were submitted. No public was in attendance. Mr. Angell moved and Mr. Fouts seconded to close the public hearing. All in favor: Unanimous. Motion carried.

*\*Mr. Fernandez arrived.*

**BUSINESS:**

**DUNAGAN SPECIAL USE PERMIT/ GUEST COTTAGE-**

Mr. Angell asked if an engineering report had been submitted. Ms. Turck did not have a report on file. Mr. Conrad explained that there is an existing 1,000 gallon septic tank, but that his office was unable to find any record of its existence at the County Health Department or otherwise. Mr. Butts read a portion of the January 28, 2015 minutes of the Planning Board that showed the Board had requested an engineering report. The Board agreed that the applicant will need to obtain approval from the Dutchess County Department of Health, which can be made a condition of final approval. Mr. Angell moved and Mr. Fernandez seconded to approve the application for Special Use Permit/ Guest Cottage with the condition that the applicant obtains approval from the Dutchess County Department of Health. All in favor: Unanimous. Motion carried. Mr. Butts reviewed the code and found that conditional approvals do not have an expiration date.

Mr. Conrad noted that the applicant is considering renovation of the existing residence that is within the 100ft setback of a federal wetland and asked the Board if they will need a variance to do so. Mr. Butts responded that he doesn't believe there is any requirement, but directed him to check with the Building Inspector.

**OTHER:**

#### GUEST COTTAGE CODES COMPARISON –

The Board reviewed a spreadsheet of guest cottage/accessory apartment code provisions for Amenia, Milan, Dover, Clinton and Red Hook. Mr. Angell asked what the Board's policy concerns are. Mr. Fouts noted visual impact. Mr. Royall added that the possibility of subdivision in the future is a consideration for site plan review. Mr. Angell noted that if the code were changed so that the acreage requirement was the same as zoning district, then subdivision would not be allowed by code. He asked in that case if the owner could go to the ZBA to obtain an area variance and thereby subdivide. Mr. Butts noted that he doesn't think there is anything keeping people from making that application, but no such applications have been made. Mr. Butts noted that the Town also has accessory apartment codes, but they are more restrictive, with a limit of one bedroom and the use by a senior or disabled person.

Mr. Angell noted that the Draft Master Plan Review Committee has been discussing providing for more housing flexibility, and it seems this is an area where restrictions could be loosened. He added that Mr. Butts had mentioned that the Planning Board has been referring many guest cottage applications to the ZBA for variances, with the ZBA granting each of them. Revising the code could address both situations.

Mr. Fouts suggested the code could be revised so that the parcel must either have double the acreage of the district or it will be restricted from further subdivision. Mr. Royall noted that the Board also needs to protect the neighbors. Mr. Butts commented that the Board does have some informal site plan review of applications. The Board discussed whether the ZBA has the right to override a no further subdivision restriction. Mr. Royall suggested that if a restriction is placed on a parcel, the Board could require the applicant to file the restriction. Mr. Butts added that the Board could require a restrictive covenant to be made a part of the deed. Mr. Royall noted that the ZBA would not have power to alter those restrictions.

Mr. Lovett stated that the Board seems to have two goals; to relieve ZBA from review, and to free up more options for diversity of housing. Mr. Butts stated that his initial thought was limited just to square footage requirements as he feels if applicants are applying for variances constantly, it probably means the code is out of date. Mr. Angell stated that it seems the other municipalities we've reviewed are more egalitarian in terms of acreage requirements, which appeals to him.

Mr. Royall questioned if it would be possible to have an informal discussion with the ZBA regarding whether they should or should not grant these variances. Mr. Lovett commented that the Board should talk to the Town Board to ask if they would be receptive to a change in code as a way to reduce bureaucracy for applicants. The Board agreed to continue their discussion at the next meeting. Ms. Turck agreed to research the Town of Washington guest cottage provisions, model code language provided by Pace Land Use Law Center and to provide the Board with copies of all municipal code sections.

#### ADJOURNMENT-

Mr. Angell moved and Mr. Cale seconded to adjourn at 9:05 PM. All in favor: Unanimous. Motion carried.

Submitted By: \_\_\_\_\_

Michelle Turck, Secretary

Approved By: \_\_\_\_\_

Robert Butts, Chair

APPROVED