

TOWN OF STANFORD  
PLANNING BOARD  
MEETING OF 07-29-2015

PRESENT:

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

Mr. Butts called the meeting to order at 7:32pm.

**PUBLIC HEARINGS:**

**KASOFSKY SPECIAL PERMIT/ GUEST COTTAGE AND FARM EMPLOYEE HOUSING-**  
Public hearing on the application for Guest Cottage and Farm Employee Housing at 163 Decker Rd, Tax ID: 6570-00-994028. Mr. Magurno presented a letter of authorization from the owner along with an affidavit of publication of the hearing notice in the Poughkeepsie Journal on July 19, 2015 and certified mail receipts for mailed notices. With no comments from the public, Mr. Angell moved and Mr. Royall seconded to close the public hearing. All in favor: Mr. Butts, Mr. Royall, Mr. Cale, Mr. Lovett, Mr. Fouts, Mr. Angell. Motion carried

**MARKMAN/COOK-ROSEBROOK LOT LINE ALTERATION-**

Public hearing on the application for lot line alteration to move 0.784 acres from a 209.292 acre parcel owned by Cook Rosebrook 2012 Trust on the north side of Hunns Lake Road, tax ID: 135200-6869-00-010098, to the adjoining 16.005 acre parcel owned by Wendie Markman at 93 Oland Road, tax ID: 135200-6869-00-145190. Mr. Horton presented an affidavit of publication of the hearing notice in the Poughkeepsie Journal on July 17, 2015. Ms. Van Tuyl from the audience asked to see the location of the project. Mr. Horton pointed to the location on the map. With no further comments from the public, Mr. Angell moved and Mr. Royall seconded to close the public hearing. All in favor: Mr. Angell, Mr. Butts, Mr. Royall, Mr. Cale, Mr. Fouts. Abstained: Mr. Lovett. Motion carried.

**BUSINESS:**

**KASOFSKY SPECIAL PERMIT/ GUEST COTTAGE AND FARM EMPLOYEE HOUSING-**  
Continued review of application. Mr. Magurno presented documents from the Health Department that had been filed under the wrong tax ID number. Mr. Fouts informed the Board that he has reviewed the documents which give evidence that a four bedroom system was installed. Mr. Angell noted that the Board reviewed the documents at the special meeting on July 14, and moved that the Board approve the special use permit application for guest cottage and farm employee housing. Mr. Fouts seconded. All in favor: Mr. Butts, Mr. Cale, Mr. Angell, Mr. Lovett, Mr. Fouts, Mr. Royall. Motion carried.

\* *Mr. Fernandez arrived*

**MARKMAN/COOK-ROSEBROOK LOT LINE ALTERATION-**

Continued review of application. Mr. Butts noted that there had been a question regarding setbacks that was discussed at the meeting on June 24. He explained that at that meeting he had misread definitions in the code book and had determined that the setback for a pool must be 50 ft. Following that meeting, Mr. Horton looked further into the issue and found that as an accessory structure, a pool requires a 20 ft. setback, to which Mr. Butts agreed.

Mr. Horton explained that the proposed property line is now angled to allow for a 20 ft. setback for the pool pump, but that the acreage remains the same as previously proposed. Mr. Angell moved and Mr. Royall seconded to approve the application for lot line alteration. All in favor: Mr. Angell, Mr. Butts, Mr. Cale, Mr. Fouts, Mr. Fernandez, Mr. Royall. Abstained: Mr. Lovett. Motion carried. Mr. Butts signed the Mylar and asked that Mr. Horton forward copies of the map when all signatures have been obtained.

**WEBER/ WHEELER LOT LINE ALTERATION –**

New application for lot line alteration taking 2 acres from the land of Wheeler at 46 Haight Hollow Way, Tax ID: 6769-00-544500, to the land of Weber at 276 Stissing Road, Tax ID: 6769-00-492500. With the applicant not in attendance, Mr. Butts deferred the matter.

**BIXBY & MYERS/JOHNSON LOT LINE ALTERATION –**

New application for lot line alteration conveying 0.39 acres from the land of Johnson at 1209 Duell Road, Tax ID: 6768-03-468254 to the 2.68 acre parcel of Bixby & Myers at 1219 Duell Road, Tax ID: 6768-03-485328. Mr. Houston was present to represent the owners. Mr. Fouts inquired whether there is an easement for the culvert, to which Mr. Houston replied there is not. Mr. Houston indicated the location of the septic for Johnson.

Mr. Angell moved and Mr. Fernandez seconded to classify the application as a minor subdivision/ lot line alteration. All in favor: Unanimous. Motion carried. The Board reviewed part 2 of the short form EAF. Mr. Lovett moved and Mr. Fernandez seconded to declare that the proposed project will not have a significant adverse environmental impact. All in favor: Unanimous. Motion carried. Mr. Angell moved and Mr. Fernandez seconded to schedule a public hearing for September 30, 2015. All in favor: Unanimous. Motion carried.

**MILLBROOK SCHOOL MILL SITE PLAN & SPECIAL USE PERMIT –**

New application for site plan and special use permit for renovation and conversion of the existing Mill building into a welcome center at 10-48 West Road, Tax ID: 135200-6967-00-385632. Mr. Casamento explained that the Mill building is located by the zoo parking, just off the road. He noted that the school currently has only a kiosk at the zoo entrance, and they would like to repurpose the Mill building to serve as an entrance to the zoo. He presented project renderings, explaining that the exterior stairs will be removed and the entrance to the building will be changed but no new employees will be added. He added that he has spoken to the Health Department regarding use of a holding tank and that the project will have an impact on .1 acres.

Mr. Angell inquired as to the history of the building. The project architect, Mr. Allee, responded that it is the oldest building on campus though he is unsure of the age. He noted that it has been

used as a classroom and as storage space. Mr. Casamento noted that they have been in contact with OPRHP.

Mr. Casamento presented plans. Mr. Allee noted that the stone foundation will be reinforced, center posts will be added to the building, and at some point posts on the second floor will be replaced with older timber. Mr. Angell moved to classify the application as an amendment to an existing special use permit and site plan. Mr. Fernandez seconded. All in favor: Unanimous. Motion carried. Mr. Angell move to declare the Planning Board as lead agency and to circulate to the Department of Health and Town of Washington for consent. Mr. Fernandez seconded. All in favor: Unanimous. Motion carried. Mr. Fouts asked what material would be used for siding. Mr. Allee responded that vertical pine or hemlock boards would be used.

#### MANGASSARIAN PREAPPLICATION CONFERENCE –

Ms. Van Tuyl, Mr. Palmer and Mr. Tachdjian were present to represent Mr. Mangassarian. They explained that Mr. Mangassarian is in contract to purchase a 209.2 acre parcel which has a conservation easement drafted by the seller and Dutchess Land Conservancy, but is not yet signed. The easement allows for four single family houses, four guest houses and four accessory houses. Ms. Van Tuyl explained that the main issue is that Mr. Mangassarian is interested in a family compound, rather than a subdivision, which will require variances. She asked if this is something the Planning Board would support under acceptable conditions.

Mr. Angell questioned whether the ZBA has the authority to grant that type of variance, noting that the Planning Board has never seen this type of application. Ms. Van Tuyl explained that only other way would be to subdivide. Mr. Angell asked if there would be an agreement to no further subdivision. Ms. Van Tuyl responded that the Board can approach this in a number of ways; no further subdivision or design the houses so that subdivision is possible.

Mr. Butts commented that he welcomes the idea of low density development, but is not sure what the reason is for not subdividing. Ms. Van Tuyl responded that taxes are higher as there will need to be primary residences on each lot. She noted that they can look into it, but would prefer to keep one large lot. Mr. Palmer noted that a portion of the lot is being farmed. Mr. Butts asked if the applicant would consider asking the Town Board to amend the guest cottage law. He stated that he is leery of taking the first step toward setting precedent. He noted that the Planning Board has been reviewing guest cottage law as they have become uncomfortable with every guest cottage application being sent to the ZBA for a variance. Ms. Van Tuyl stated that if a variance is required, each applicant must make their case, but if the law is changed to allow for an open number of houses, that would apply to everyone.

Mr. Angell asked Mr. Butts if this is a subject of area variance. Ms. Van Tuyl cited research that indicated it to be so. Mr. Fernandez suggested subdivision that would follow the code. Mr. Lovett commented that keeping the 209 acre lot whole with a conservation easement is the best possible scenario. Mr. Royall commented that rather than no further subdivision, the issue would be no further development.

Mr. Tachdjian presented a sketch plan illustrating building envelopes in accordance with the DLC easement which compose approximately 40 acres. He explained the main home is approximately 4,500 sf with an approximately 2,000 sf outbuilding and pool. He noted the cottage is proposed to be 1,500 sf. Mr. Royall asked about farming on the site. Mr. Tachdjian replied that cornfields are farmed, and explained the existing topography and land use.

Mr. Butts asked if the Board had any further questions on what is proposed, to which no questions were posed. He asked each member to state their thoughts on the matter. Mr. Angell explained that he likes the concept and would be in favor if not for his concern that it is a major change to the existing guest cottage codes and is not sure it is a Town Board decision or Planning Board or ZBA. Mr. Cale commented that he likes the family compound concept keeping it rural and is in favor of its use.

Mr. Lovett explained that he is in favor of the use and would be in favor of supporting either a Town Board or ZBA decision. Mr. Fouts remarked that the parcel was once proposed for 55 flag lots, and that he is in favor of the current proposal, stating that it is less dense than it could be. Mr. Fernandez explained that the general idea of gaining the larger entity appeals to him, stating the larger the piece, the better we are. He stated with no further subdivision, he is in favor. Mr. Royall stated that the Board likes the idea they have here, but how do we get there from here? He stated it seems a subdivision with all lots in common ownership would work, and that the tax issue could be addressed to the tax assessor. He added that he questions whether it is easier for the Town to change the regulations to fit the project or to change the project to fit the regulations of the Town.

Mr. Butts remarked that it seems clear that the Board would like to see a development of this manner, feels confident there is a way to do this and he is certain that the Board will work with the applicant on this. He stated that he can't say whether he would support a variance without first speaking to the Town Board. He stated that he is not sure if the tax impact would be material, and suggested the project could be accomplished by a two-lot subdivision with two guest cottages. Ms. Van Tuyl stated that they will explore all options, explaining that they don't want to affect the Town and feel a variance would minimize the impact.

Mr. Butts referred the applicant to the Master Plan Committee website and to Hudsonia maps. Mr. Angell suggested they work with Dave Clouser. Mr. Butts explained that the escrow account will need to be funded appropriately, and agreed to speak to Mr. Clouser.

#### HILLIARD PREAPPLICATION CONFERENCE –

Ms. Hilliard explained that she lives on Cold Spring Road and owns the adjoining property, both non-conforming lots. She explained that an easement runs across the property next door, quite close to the house. She would like to move the property line along the line of the easement. Mr. Butts stated that the Board has had situations such as this in the past. He explained that Ms. Hilliard will need to apply for a lot line adjustment and that the Planning Board would then refer the application to the ZBA for variances, noting that the ZBA is generally very receptive. He explained that once variances are approved, the application comes back to the Planning Board

for approval. He reviewed the schedule of meetings with the applicant and noted that she will need to have a survey done first.

**OTHER:**

**DISCUSSION –**

Mr. Angell inquired whether Ms. Van Tuyl is the attorney for the Planning Board, and asked if her appearance on behalf of an applicant is a conflict of interest. The Board discussed whether Ms. Van Tuyl had been hired as legal consultant to the Planning Board, or if the firm Cuddy & Feder had been hired. Mr. Butts noted that in recent years the Board had worked with John Furst from Cuddy & Feder, and he has since moved to another firm. He suggested the Board could continue working with Mr. Furst, or could put the position out to bid.

Mr. Fernandez moved to authorize Mr. Clouser to consult with applicants after the Board sends them, to the limit of escrow funds on deposit. Mr. Angell seconded. All in favor: Unanimous.

**APPROVAL OF MINUTES –**

An amendment was made. Mr. Fouts moved and Mr. Angell seconded to approve the minutes from June 24, 2015 as amended. All in favor: Mr. Angell, Mr. Butts, Mr. Cale, Mr. Fouts, Mr. Lovett, Mr. Royall. Abstained: Mr. Fernandez. Motion carried.

**GUEST COTTAGE CODES COMPARISON –**

Mr. Butts asked the Board if they wished to discuss the guest cottage codes. Mr. Angell suggested the Board meet with the Town Board and ZBA. Mr. Butts noted that he will meet with Supervisor Norton on the Mangassarian application and will report back.

**ADJOURNMENT-**

Mr. Angell moved and Mr. Fernandez seconded to adjourn at 9:29 PM. All in favor: Unanimous. Motion carried.

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

Michelle Turck, Secretary

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

Robert Butts, Chair