

Town of Stanford Planning Board Meeting

June 29, 2022

7:30 PM held at Town Hall

PRESENT: Thomas Angell (Chairman), Chris Flynn, William Moriarty, Ryan Weitz (Planning Board Engineer)

ABSENT: Brad Rolston, Patrick Hancock

Meeting begins at 7:32 PM

PUBLIC HEARINGS:

BUILDING ENVELOPE AMENDMENT: GAGLIARDI: Mark Graminski
9490 Rocky Top Way, Stanfordville, NY 12581

The public hearing was still open from the previous meeting on May 25. Mr. Angell explained since the last public hearing the Board had received some written submissions from neighboring properties and would like to give anyone that did not speak at the last meeting a chance to speak now. Mr. Dwan, 32 Scenic Hills Drive, Poughkeepsie, NY spoke. Mr. Dwan explained that he is a representative from Corbally, Gartland and Rappleyea, LLP. Mr. Dwan's clients have filed legal action against Ms. Gagliardi as any modifications to the property outside of the building envelope are restricted based on the covenant unless there is written consent from all entities that qualify as owners, and they do not plan to consent. Mr. Dwan represented Mr. Kearins, Ms. Kearins, Mr. Mills, and Ms. Eastman Mills. The owners are from 79 Rocky Top Way, 120 Rocky Top Way, Lot 8, and Lot A. Mr. Kearins, 79 Rocky Top Way, made additional comments. Mr. Kearins referred to minutes from an April 27, 2022 Planning Board meeting. He asked if "Mr. Gagliardi" is supposed to be "Mr. Matero." in the minutes, Ms. Knickerbocker confirmed that he is correct, there was a mistake. Mr. Kearins stated that the minutes claim that Mr. Matero had said that the new site will only raise the site by 20 feet, but Mr. Kearins believed it would be much more than that if it was seen in person. Mr. Kearins provided an aerial map showing the property and he said it shows the clearing is much more than stated and the top of the hill has been leveled. Mr. Mills provided the map for the Board to view. Mr. Kearins furthered noted that the minutes from April had Mr. Matero explaining that the original building envelope is almost in the neighbor's backyard, the Armstrong's property, and that is why he wanted to change the envelope slightly. In the minutes, Mr. Matero had said that the Armstrongs would be pleased to have the envelope moved and he does not think other neighbors would have an issue with it either. Mr. Kearins explained that Mr. Armstrong is not part of the development or the subdivision. Mr. Kearins said that the minutes reflected that Mr. Matero had discussed plans with other neighbors, but Mr. Kearins said they had not given him any kind of okay to move forward with it, but they did meet once. Mr. Kearins also referred to the minutes when Mr. Matero said they would not clear more than the new building envelope, but Mr. Kearins said he already has done more based on the aerial views. Ms. Eastman Mills from 120 Rocky Top Way spoke and she said that they were never consulted or asked about this project. No further

comments were made from the public. Mr. Flynn motioned to close the public hearing, Mr. Moriarty seconded. All in favor, Mr. Angell, Mr. Flynn, Mr. Moriarty. Motion carried.

LOT LINE ALTERATION: COUGHLIN: Brian Houston
179 & 215 Bowen Road, Stanfordville, NY 12581

Mr. Houston had provided the affidavit of publication to the Poughkeepsie Journal to Ms. Knickerbocker. No members of the public were present to request presentation. Mr. Moriarty motioned to close the public hearing; Mr. Flynn seconded. All in favor, Mr. Angell, Mr. Flynn, Mr. Moriarty. Motion carried.

BUSINESS:

BUILDING ENVELOPE AMENDMENT: GAGLIARDI: Mark Graminski
9490 Rocky Top Way, Stanfordville, NY 12581

Mr. Graminski presented. Mr. Angell explained to Mr. Graminski since the previous meeting an attorney representing the neighbors have sent the Board a letter stating that they have filed a legal action against Ms. Gagliardi for violation of covenants and restrictions. Mr. Angell said he would like to give Mr. Graminski and his client time to respond to the matter and review the documents. Mr. Graminski said he had pulled the deed and it makes no mention of the covenants or restrictions. Mr. Angell asked if it would be on the map. Mr. Graminski showed a map with an aerial view so the Board can see the neighbors' property and where clearing may have been done. Mr. Graminski also showed the original subdivision map that says that any clearing outside the building envelope must be approved by the Town of Stanford Planning Board, with the exception of periodic removal of dead, diseased, or damaged vegetation or trees to ensure safety. Mr. Angell asked where the covenants that the neighbors are referring to could be found. Mr. Graminski said that the covenant was filed separately and at this time he suggested to Ms. Gagliardi that she take counsel and review the deed and information they just received. Mr. Angell suggested the Board continue to discuss this application at the next meeting. Mr. Angell also said that he personally does not think that the Board is bound to deed covenants, but he is very concerned about the impact the Board's actions will have on others that rely on these decisions. Mr. Angell noted that a lawsuit is on going and that a Supreme Court judge will make a decision about what the covenants say, and that the Board is not here to enforce covenants. Mr. Angell continued to explain that he is concerned with the impact the Board's decisions have on the people that rely on the Board's actions. Mr. Graminski decided to adjourn the business for this meeting and wait until the client has received counsel on the matter and will present again at the next meeting in July.

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Mr. Angell stated that the application is a Type II action and does not require SEQR. Mr. Moriarty motioned to approve the lot line alteration; Mr. Flynn seconded. All in favor, Mr. Angell, Mr. Moriarty, Mr. Flynn. Motion carried.

SITE PLAN AND SPECIAL USE PERMIT: MILLBROOK SCHOOL FACULTY HOUSING:
Ken Casamento
131 Millbrook School, Millbrook, NY 12545

Mr. Casamento and Ms. Patane presented. Mr. Casamento explained that in the original Master Plan from 2020 there was faculty housing and that there will be 4 houses part of the site plan. Mr. Casamento said after discussion with the architect, the houses will be moved down closer to the roadway but is within the previously approved Master Plan. Mr. Casamento explained that around 2019-2020 the existing houses were put on the campus water supply system, and each has their own septic system, but they are looking to consolidate that into a more community-based system for maintenance purposes rather than individual septic tanks. Mr. Casamento said the project will have 2 duplexes and 2 single family homes, there will be more dwelling units, but a smaller number of buildings. Mr. Casamento said it would be about 4 acres of disturbance. Mr. Casamento said there are wetlands on both sides of the street, and Mr. Weitz had made comments on the wetlands noting that it would need to be flagged for the DEC. Mr. Casamento said they will go through that process with the DEC, but it is about 135-140 feet to the septic field, so even if they move it a couple of feet it should not compromise the design of the project. Mr. Angell asked what the field is being used for where the proposed septic will be going, and Mr. Casamento said it is just an open meadow and it is not used for agricultural purposes. Mr. Casamento said the comment on bog turtles was addressed with a staff member of the Millbrook Zoo because historically there have not been any sightings, but he was away and could not help with turtle findings prior to this meeting. Mr. Casamento said Millbrook School is very sensitive to protecting the wildlife and would adjust if needed. Mr. Angell asked how this design differs from the original Master Plan. Mr. Allee, the architect, presented. Mr. Allee showed plans for the single-family homes, they will have 4 bedrooms. Mr. Casamento explained the major difference between these homes and the new faculty housing is that the old housing was side by side duplexes that did not allow for much privacy. Mr. Casamento said that Mr. Allee changed the location of the front doors to the sides of the buildings. Mr. Angell asked what kind of barrier would separate the buildings. Mr. Allee said they have two options, either a double wall or concrete block. Mr. Angell asked how many stories these buildings would be, Mr. Allee said they will be 2 stories. Mr. Casamento said the water and sewer have been submitted to County Health and is under review. Mr. Moriarty asked if the wall separating will be fire-rated, Mr. Allee said it will be. Mr. Weitz had received the application and reviewed it prior to this meeting. Mr. Casamento said there are details within the EAF that may need changes and he is looking into addressing the issues with the DEC but does not believe the Army Corps will need to be involved. Mr. Weitz clarified his comments for the application. Mr. Weitz explained that the wetlands are surrounding the project on three sides and are part of the Millbrook meadow environmental area. Mr. Weitz said that the wetlands are close to the 100 foot buffer on the backsides of the houses and they need to DEC approval on the lines. Mr. Casamento was concerned about the time it would take for the DEC to come make their approval. Mr. Casamento would like to have a second wetland biologist consultant come do a report and wanted to know if that would suffice to keep the project moving. Mr. Weitz said having the delineation report would be helpful to start, but DEC and Army Corps are not taking people's word as much anymore and are getting out to the sites quicker. Mr. Weitz said having the delineation report will help the Board make a determination when they complete the SEQR. Mr. Weitz said the project will require a 239M referral. Mr. Angell asked Mr. Casamento what the timeline of this project would be. Mr. Casamento said County Health needs to sign off on their plans first to get final approval from the Planning Board, but he plans to move through the wetland issue in the next 30 days and would like to be able to schedule the public hearing at the next meeting in September. Mr. Smith said it is a projected 12-month construction project and

would like to have the faculty in their homes before school starts next fall, so August 2023 would be better than September 2023. Mr. Casamento said that they are 90% done with the full SWPP so they can submit that too and hope that everything can be addressed by the end of July and could potentially schedule a special meeting in early September.

BUILDING ENVELOPE AMENDMENT AND SPECIAL USE PERMIT: YOUNG: John Andrews

186 Hobbs Ln, Clinton Corners, NY 12514

Mr. Andrews presented. Mr. Andrews said that Mr. Gary Young owns property that is about 45 acres and part of a subdivision, filed map 12154, that has a building envelope. Mr. Young constructed a garage with a 2-bedroom apartment upstairs and had approval for well and septic. Mr. Andrews said Mr. Young has a long-term goal to build a primary residence in an additional building envelope and designate the garage/apartment as a guest cottage with a special use permit. Mr. Andrews explained the Board had asked Mr. Young to keep the fields as open as possible and to avoid the ridgeline. Mr. Andrews said that they have had wetlands delineated by the DEC. Mr. Andrews said the house would be tucked back on the property, not on a high point, and is relatively screened. Mr. Andrews explained that the driveway needed to be rerouted, stabilized, and may need DEC approval. Mr. Andrews said the driveway needed to avoid an odd feature that the DEC did not claim as wetlands, but it wet most of the year. Mr. Andrews said he is proposing an amendment to a filed map for the second building envelope and to convert the garage to a guest cottage with a special use permit. Mr. Angell asked Mr. Andrews if Mr. Young has contacted neighbors to get their thoughts on the project. Mr. Andrews explained that there are no restrictions on the map or deed, but Mr. Angell suggested they reach out to neighbors prior to a public hearing to give them a heads up. Mr. Andrews does not believe the project will change the traffic and the driveway entrance will stay the same, but he agreed that talking to the neighbors would be beneficial. Mr. Angell asked Mr. Weitz about a portion of the driveway that appears to be close the wetlands and neighboring property. Mr. Weitz explained that they are within the 100-foot buffer, so they would need the same permission as if they were disturbing the wetlands, but how they review it would be different. Mr. Weitz said the Board may want an issued permit from the DEC and Department of Health approvals as conditions for the Board's approval for an additional envelope and special use permit. Mr. Andrews said the total disturbance would be under an acre and Mr. Weitz clarified that if disturbance were over an acre it would trigger SWPP and erosion plans. Mr. Angell asked if the Board needs to see a driveway profile and Mr. Weitz said if the max grade is less than 10 percent that would cause less concerns. Mr. Weitz suggested the fire chief take a look at the profile because it is a long driveway, and the curvature of the driveway may need to be adjusted to be more manageable. Mr. Flynn motioned to classify the application as a special use permit and an amendment to a subdivision for an additional 200x250 foot building envelope, Mr. Moriarty seconded. All in favor, Mr. Angell, Mr. Flynn, Mr. Moriarty. Motion carried. Mr. Flynn motioned to schedule a public hearing for July 27, 2022, Mr. Moriarty seconded. All in favor, Mr. Angell, Mr. Flynn, Mr. Moriarty. Motion carried. Mr. Angell explained that Mr. Andrews will need to speak with the fire chief, start health department approvals, and start DEC permits.

OTHER:

APPROVAL OF MAY 25, 2022 MINUTES

Mr. Moriarty motioned to approve the May 25, 2022 meeting minutes with amendments to

changing the meeting from “Zoom” to in-person, and adding no significant adverse environmental impacts to both Ms. Silano’s and Mr. Isaac Angell’s special use permit approvals. Mr. Flynn seconded. All in favor, Mr. Angell, Mr. Flynn, Mr. Moriarty. Motion carried.

Mr. Moriarty motioned to adjourn the meeting. Mr. Flynn seconded. All in favor, Mr. Angell, Mr. Flynn, Mr. Moriarty. Motion carried. Meeting adjourned at 8:34 PM

The next meeting will be July 27, 2022