TOWN OF STANFORD TOWN BOARD  
TOWN BOARD MINUTES

JULY 11th, 2024

The Town of Stanford Town Board met for their monthly meeting on Thursday, July 11th, 2024, at the Town Hall. Supervisor Burton called the meeting to order at 7:00 PM with the Pledge of Allegiance.

This meeting was dedicated to the Climate Smart Community Task Force, a “quiet” group that is working to have the Town be more energy efficient and to take care of our little piece of the planet.

Roll call: Wendy Burton – present

Julia Descoteaux – present

Eric Haims - present

Nathan Lavertue – present

Theodore Secor - present

Also in attendance was Town Attorney Robert Butts.

MOTION TO APPROVE AGENDA: Wendy Burton made a motion to accept the agenda, with the addition of the Climate Smart Task Force’s presentation and an additional resolution #7E. Councilman Secor seconded the motion, with all voting in favor. Motion carried.

LIAISON REPORTS: Councilman Secor said that the Climate Smart Community Task Force will be giving a presentation tonight on their Greenhouse Gas Inventory, and will be at Community Day as well. The Haunted Fortress started working two weeks ago and will continue working every other Sunday through July and August, then every Sunday in September, and is hoping volunteers will go and help. Their advertising for the October weekend s will start in August. From the ZBA regarding the Court remand, the public hearing for the Charwill Drive / Rathjen application was left open for another three weeks. Comments and concerns only on the matter of the nursery business as an allowable accessory use will be allowed. Another public hearing will be held next month on another application who’s notices did not go out in time.

Councilman Haims reported that the Planning Board did not have a formal meeting but they met informally to discuss a future matter. He had attended the Rec. Commission meeting (for Councilman Lavertue) and a=sated that Richard Bell would be resigning from the Commission as he and his family will be moving out of town. The Rec. Commission will also be at Community Day with some old-fashioned games, and will meet again on August 29th.

Councilman Lavertue had a meeting on June 21st with the NYS DOT Regional Deputy Director and the head engineer for Region 8. Chris Drago also attended this meeting where they had a good conversation regarding the poor condition of Route 82. The DOT’s budget has been flat the last few years as the cost of materials has increased. They said that Rt. 82 will be repaired with a “side box” as the pavement had been extended on the sides years ago and that is where the seam is cracking, and hopefully done this year. The Board will still continue to look into this matter but resident can also contact their State representatives. He added that people can contact him as well to let them know of any particular areas that are in bad shape from Rt. 44 to Rt. 199 and he will update his map.

Supervisor Burton discussed the recent Fire Commissioners meeting where they had to take all of the ambulances out of service but they can still have a “fly car” that will be somewhat equipped for EMTs will be able to go out to accidents. She did not have a bank reconciliation ready but there were no major budget modifications needed, just a few minor ones, and that it was all in good shape.

Councilwoman Descoteaux reported that the CAC was reviewing the Natural Resources Inventory that was completed by the Cary Institute to give their comments. They are looking for photos, draft prose and reviewers for the document as well. The County has a webmaking \*\*\*\*\*\* The CAC’s next meeting will be on July 17th when they will be discussing the Iroquois Pipeline.

PRIVILEGE OF THE FLOOR:

Claudia BeDellis, 265 Charwill Drive – spoke of an issue with the Taconic Parkway exit at Nine Partners; the Town should contact the State as the 45 degree turn is very dangerous.

Renee Perpetua, 241 Market Lane – the speed monitor on Market made a difference for a few weeks. She had spoken with Carl Merritt and the Town should maybe buy more speed monitors. She also questioned how often the Town is being re-assessed? She believes it to be very often. Attorney Butts replied that a new assessment roll is updated every year and assessments can very well change. She was advised to speak with Assessor Gotovich.

Tom Byrnes, 186 Charwill Drive – spoke about the prior evening’s ZBA meeting regarding the Article 78 and the Judge’s order for the ZBA to determine if a nursery could be an accessory use to a residence. He added that the new leadership at the ZBA was great and felt that he was listened to for the first time with Mr. Dennehy saying that he was new and was learning things, and he was trying to work with the citizens. Mr. Byrnes was concerned that the role of the ZBA was to evaluate all cases individually.

Betty Cosgrove, 186 Charwill Drive – was also at the ZBA meeting last night and said that this matter has been going on for four years: 2 desist orders, an Article 78, three of the ZBA members are voting and one is new. Is concerned that the threatening and bullying may not look any different than it has been.

PUBLIC HEARING:

PROPOSED LOCAL LAW #7 OF 2024:

AUTHORIZING THE TOWN OF STANFORD TOWN BOARD TO OVERRIDE THE REAL PROPERTY TAX LEVY LIMIT FOR THE 2025 FISCAL YEAR TOWN BUDGET

Motion to open the Public Hearing on Proposed Local Law #7 made by Wendy Burton, seconded by Nathan Lavertue. Motion carried with all in favor.

Supervisor Burton explained that this was due to the Fire Company being unable to manage the Ambulance District in their budget and was told by their attorney that having the Ambulance District as a separate line on tax bills would allow it to carry its own tax cap. However, she since found out that this wasn’t correct so in order to do this properly according to the State Comptroller’s Office, they must pass this local law.

With no comments heard, a motion to close the Public Hearing and go back into the regular meeting was made by Wendy Burton, seconded by Nathan Lavertue. Motion carried

NEW BUSINESS:

CLIMATE SMART COMMUNITY TASK FORCE PRESENTATION: \*\*\*\*\*\*

4. APPOINT GREG STARZYK AS COMMISSIONER FOR THE AMBULANCE DISTRICT: Motion made by Wendy Burton, seconded by Nathan Lavertue, to appoint Greg Starzyk to

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replace Dennis Buchal on the Ambulance District Board of Commissioners. Motion carried with all present voting in favor.

5. TAX CAP OVERRIDE LAW, #7 OF 2024:

**RESOLUTION No. 6E of 2024**

**To Introduce Proposed Local Law No. 7 of 2024**

**Authorizing the Town Board to Override the Real Property Tax Levy Limit for the 2025 Fiscal Year Town Budget**

At a meeting of the Town Board of the Town of Stanford (“Town Board”), on the 13th day of June, 2024, at 7:00 p.m., Town Supervisor, Wendy Burton, called the meeting to order. A

motion was made by Nathan Lavertue, seconded by Wendy Burton, moved the following resolutions:

**WHEREAS,** a proposed Local Law has been prepared to override the limit on the amount of real property taxes that may be levied by the Town of Stanford pursuant to General Municipal Law § 3-c, and to allow the Town of Stanford to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c, in order to enable the Town to include the budget of the Special Ambulance District within the Town’s overall real property tax levy; and

**WHEREAS,** the enactment of such a local law is an Unlisted Action under the New York State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS,** there are no other involved agencies for the SEQRA review; and

**WHEREAS,** the Town Board prepared a Short Environmental Assessment Form (“EAF”); and

**WHEREAS,** the Town Board has considered the proposed action as defined in Sections 617.2(b) and 617.3(g) of the New York Department of Environmental Conservation (“DEC”) Regulations; and

**WHEREAS,** the Town Board has reviewed the EAF and the criteria contained in Section 617.7(c) of the DEC Regulations and has thoroughly analyzed the identified relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment; and

**WHEREAS**, the proposed action will not require permits and approvals from any other local, regional and State agencies, other than the Town Board prior to adoption of the proposed Local Law and therefore a coordinated SEQRA review is not required;

**NOW, THEREFORE, BE IT RESOLVED,** that the following proposed Local Law is hereby introduced, to be known as Local Law No. 7 of 2024, entitled “A Local Law Authorizing the Town Board to Override the Real Property Tax Levy Limit for the Fiscal Year 2025 Budget,” to read as follows:

**BE IT ENACTED** by the Town Board of the Town of Stanford as follows:

**Section 1.** Declaration of intent. It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Stanford pursuant to General Municipal Law § 3-c, and to allow the Town of Stanford to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c, in order to enable the Town to include the budget of the Special Ambulance District within the Town’s overall real property tax levy.

**Section 2**. Authority. This Local Law is adopted pursuant to subdivision 5 of Section 3-c of the New York General Municipal Law, which expressly authorizes the Town Board to override the New York Property Tax Cap for the coming fiscal year by the adoption of a local law approved by a vote of at least sixty percent (60%) of the Town Board.

**Section 3**. The Town Board of the Town of Stanford is hereby authorized to adopt a budget for Fiscal Year 2025 that requires a real property Tax Levy which is greater than the amount otherwise prescribed in Section 3-c of the New York General Municipal Law.

**Section 4.** This Local Law shall take effect immediately upon filing with the New York State Department of State.

**AND BE IT FURTHER RESOLVED**, that the Town Board hereby declares itself lead agency for this action under SEQRA; and

**BE IT FURTHER RESOLVED**, that following its review and analysis, the Town Board determines that the proposed action will have no adverse environmental impacts, and hereby adopts a negative declaration for the reasons articulated in the EAF; and

**BE IT FURTHER RESOLVED**, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing

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parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall on July 11th, 2024, at 7 o’clock P.M., and that notice of said meeting shall be published in the

official newspaper of general circulation in the Town of Stanford by the Town Clerk, at least five (5) days before such hearing.

DATED: Stanfordville, New York

June 13, 2024

The foregoing resolution was voted upon with all Board members voting as follows:

Wendy Burton, Supervisor Yes

Julia Descoteaux, Councilwoman Yes

Eric Haims, Councilman Absent

Nathan Lavertue, Councilman Yes

Theodore Secor, Councilman Yes

DATED: Stanfordville, New York

Certified this 13th day of June 2024 by the affirmative votes of the Town of Stanford Town Board members present. *Ritamary Bell, Town Clerk*

6. ZONING AMENDMENT FOR DUPLEXES AND A.D.U.s: Town Attorney Butts explained that a full environmental assessment form is needed to enable this proposition to have all Auxiliary Dwelling Units (ADUs) be as of right in the Town, to include apartments, duplexes and guest cottages, as long as they have proper well and septic according to the D. C. Health Department. This proposed law will not involve the doubling of acreage as well as a few other minor changes. The process begins now with the introduction of the Local Law, scheduling a Public Hearing, then go through the SEQRA process tonight, and will be referred to the Town Planning Board and the County Planning Department according to section 239-M of General Municipal Law. The proposed text was read as the introduction and Part 1 of the Environmental Assessment Form, which was mostly blank as this is not a development project. Motion made by Nathyan Lavertue, seconded by Wendy Burton to introduce Proposed Local Law #8 as follows: **TOWN OF STANFORD**

**LOCAL LAW NO. 8 FOR THE YEAR 2024**

**A LOCAL LAW ALLOWING**

**ACCESSORY DWELLING UNITS IN ALL ZONING DISTRICTS**

At a meeting of the Town Board of the Town of Stanford (“Town Board”), held at the Town of Stanford Town Hall on the 13th day of June, 2024, at 7:00 PM, Town Supervisor Wendy Burton called the meeting to order, and a motion was made by Councilperson Nathan Lavertue, seconded by Supervisor Wendy Burton, as follows:

WHEREAS, the Town’s Zoning Commission made recommendations to the Town Board that the Town amend its Zoning Code in regard to accessory dwelling units, and

WHEREAS, a proposed Local Law has been prepared to amend the Town’s Zoning Code and Subdivision Code to provide for accessory dwelling units in all districts, for introduction pursuant to New York State Municipal Home Rule Law section 20 and eventual adoption pursuant to Chapter 164, Article XI of the Town Code and Sections 264 and 265 of the New York State Town Law; and

WHEREAS, adoption of the proposed Local Law is a Type I action, pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and 6 NYCRR Part 617.4, and

WHEREAS, the proposed action will not require permits and approvals from any other local, regional and State agencies, other than the Town Board prior to adoption of the proposed Local Law and therefore a coordinated SEQRA review is not required; and

WHEREAS, the Dutchess County Department of Planning & Development is required to review the proposed zoning amendment pursuant to GML §239-m and this review is considered an advisory opinion under SEQRA and therefore the Dutchess County Department of Planning & Development is not an Involved Agency under SEQRA and therefore not eligible to serve as Lead Agency in this action; and

WHEREAS, pursuant to section 164-56 of the Town Code the proposed Local Law must be submitted to the Town Planning Board for a report and recommendation thereon, and this review is considered an advisory opinion under SEQRA and therefore the Planning Board is not an Involved Agency under SEQRA and therefore not eligible to serve as Lead Agency in this action;

NOW, THEREFORE, BE IT RESOLVED, that following proposed Local Law is hereby introduced, to be known as Proposed Local Law No. 7 of 2024, entitled “A Local Law Amending Chapter 164 of the Town Code to Allow Accessory Dwelling Units in All Zoning Districts,” to read as follows:

BE IT ENACTED by the Town Board of the Town of Stanford as follows:

Section 1. Legislative Intent. Chapter 164 of the Town of Stanford Town Code contains the Town’s regulations with respect to Zoning. The Town Board has determined that it is in the best interest of Town to allow one (1) Accessory Dwelling Unit per lot in all zoning districts and in compliance with certain requirements which are the subject of this local law, as well as streamline the Town Code to consider Duplexes, Guest Cottages, and other Accessory Dwellings as Accessory Dwelling Units as defined in this

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local law. The Town Board now wishes to update the Chapter of the Town Code entitled “Zoning” accordingly.

Section 2. Supplementary Use Regulations for Accessory Dwelling Units. A new section "§164-19.5 - Accessory dwelling units (ADU)", shall be added to the Zoning Law as follows:

§164-19.5 Accessory Dwelling Units (ADU).

Purpose. It is the intent of this section to allow one (1) Accessory Dwelling Unit per lot, only in compliance with this Section 164-19.5 and issuance of an Accessory Dwelling Unit permit from the Building Inspector. Accessory Dwelling Units may provide the following benefits:

Increase the supply of rental housing in the Town;

Encourage the creation of alternative long-term housing that may meet the needs of persons seeking a smaller dwelling unit; and

Encourage a more efficient use of existing housing stock.

Zoning districts. An Accessory Dwelling Unit, as defined in §164-59, is permitted in all zoning districts in conformance with this section and all other applicable sections of the Zoning Law.

Eligibility; attached or detached Accessory Dwelling Unit.

An Accessory Dwelling Unit may be a new structure or constructed by addition to the single-family dwelling or by conversion of an existing structure or building located on the same lot as the principal dwelling.

No detached Accessory Dwelling Units shall be allowed in the absence of a separate, principal single-family detached dwelling, which shall be deemed to be the primary use of the premises. A detached Accessory Dwelling Unit shall be required to meet the same minimum dimensional standards as a single-family detached dwelling applicable to the zoning district in which it is located, regardless of whether the Accessory Dwelling Unit has been located in an accessory detached garage or other building.

Once created, the Accessory Dwelling Unit may not be subdivided from the principal dwelling.

Standards. The following standards shall apply:

DOH approval. The principal dwelling and Accessory Dwelling Unit shall be in full compliance with the standards of the Dutchess County Department of Health. An applicant seeking an Accessory

Dwelling Unit permit shall obtain approval of all sanitary sewer or septic systems and water systems from the Dutchess County Department of Health. Lack of an approval from the Dutchess County Department of Health shall constitute a basis for disapproval of an Accessory Dwelling Unit. The Building Inspector may require the Town Engineer to review the application to ensure that the septic and well are able to serve the dwellings adequately.

Well. A water quality test shall be performed by an independent individual or entity, qualified to conduct such tests and submitted to the Building Inspector to determine that the water supply is safe for domestic use and of adequate quantity to supply both the principal and accessory dwellings with potable water. The well test shall include an analysis for potability. In the event that such test determines that the water supply is not safe for domestic use or potable, any procedures necessary to make the supply safe shall be completed and a new, independent test provided prior to the issuance of the Building Permit.

Building Code. Accessory Dwelling Units shall meet all applicable building codes, including the New York State Uniform Fire Prevention and Building Code.

Parking. An applicant seeking an Accessory Dwelling Unit permit must demonstrate that there is area available in which to provide adequate off-street parking for the Accessory Dwelling Unit. A minimum of one (1) additional space per bedroom shall be provided for the Accessory Dwelling Unit, and parking shall be allowed in a location on the lot as required by the Zoning Law.

Number of units. Not more than one (1) Accessory Dwelling Unit shall be permitted anywhere on the parcel.

Accessory Dwelling Unit size. In ascertaining which dwelling is the principal dwelling and which dwelling is an Accessory Dwelling Unit, the larger dwelling unit as measured by total floor area shall be deemed to be the principal dwelling.

Access. Separate direct access to the exterior shall be provided from the Accessory Dwelling Unit. Access between the principal dwelling and the Accessory Dwelling Unit is permissible provided any doors providing such access must be "lockable" from both sides.

Exterior alterations. In the case of a residential structure of historic significance, where that building is listed or eligible for listing on the National or State Historic Registers, no exterior modifications that would alter the historic integrity and appearance of the building are permitted.

Habitable space. The Accessory Dwelling Unit shall not be located in a basement or an attic, except where said space is deemed habitable space as per the New York State Uniform Fire Prevention and Building Code.

Facilities separate from principal dwelling. The Accessory Dwelling Unit shall have a separate kitchen, bathroom, and living or sleeping facilities from the principal dwelling. The kitchen shall be appropriately sized and consist of at least a sink, cook top, and refrigerator. The Accessory Dwelling Unit shall have a fully enclosed separate bathroom consisting of at least a toilet, sink and shower or bath.

Cluster development. An Accessory Dwelling Unit is permitted in a dwelling located in a cluster subdivision, but shall not be allowed within a detached accessory structure.

Short-term rental. Nothing herein shall be construed to allow a Short-Term Rental in accordance with these provisions, which use shall be otherwise regulated elsewhere in this Zoning Law.

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Submission. The following shall be submitted to the building department in order to determine whether the proposed Accessory Dwelling Unit meets the requirements set forth herein:

A floor plan to scale of the principal dwelling and the Accessory Dwelling Unit, and the location of the proposed Accessory Dwelling Unit shown thereon. Dimensions shall be provided of the entire dwelling and Accessory Dwelling Unit to determine compliance with the standards set forth herein.

Supporting documents, showing the location and size of the existing and proposed septic system and well, and the structures on the lot, both as they exist and as they would appear with the Accessory Dwelling Unit(s). Parking locations shall be shown.

Application procedure and decision.

Application. An applicant shall submit a building permit application to the Building Inspector with a checklist attachment and other submissions establishing compliance with all the requirements for an ADU.

Fees. Fees shall be paid and include the standard Building Permit Fee and any other reasonable fee as set forth, from time to time, in the fee schedule established and annually reviewed by the Town Board.

Building permits and certificates of occupancy. An Accessory Dwelling Unit shall comply with the provisions of §§ 96-8 through 96-23 of the Zoning Law, which require issuance of a Building Permit for construction and a Certificate of Occupancy for occupancy.

NYS Building Code. Nothing in this Section is intended to supersede any of the provisions of the New York State Uniform Fire Prevention and Building Code, as may be amended from time to time. If any of the provisions herein conflict with the New York State Uniform Fire Prevention and Building Code, the New York State Uniform Fire Prevention and Building Code shall control. Habitable living space shall not be approved or occupied except in compliance with all applicable federal, state and local laws, codes, rules and regulations and the Building Department shall have the right to periodically inspect the premises, upon reasonable notice to the owner, to ensure that all applicable laws and codes are being followed.

Section 3. District Schedule of Use Regulations. Under §164-8 – District Schedule of Use Regulations, Subsection (E), the use "Accessory Dwelling Unit in accordance with §164-19.5" shall replace “Accessory apartment on residential premises” and “P” shall replace “SP” under the following categories: “CR”, “AR”, “RR”, “RC”, and “LR.” Further, the categories “Guest cottage on residential premises” and “Duplex, 2-Family” shall be deleted in their entirety on the District Schedule of Use Regulations contained in §164-8.

Section 4. Definitions.

§164-59[6] shall be modified to read as follows: “Apartment - A dwelling unit contained within a ~~two-family or~~ multifamily dwelling.”

§164-59[52] shall be modified to read as follows: “Duplex - A structure or building containing or constituting two attached, detached or semidetached single-family dwelling units on a single lot or plot of land. A duplex shall also be referred to as a ‘two-family dwelling.’ A duplex shall be considered to consist of a principal residence or dwelling and an Accessory Dwelling Unit under §164-19.5 of this chapter.”

§164-59[54] shall be modified to read as follows: “Dwelling, Accessory – A self-contained dwelling unit, having its own exterior or interior entrance and which is subordinate to the principal residence or dwelling, shares no kitchen, bath, living or sleeping facilities with the principal residence or dwelling and is located on the same lot as the principal residence or dwelling; also known as an Accessory Dwelling Unit or ADU. Duplexes, two-family dwellings, and guest cottages shall be considered the Accessory Dwelling Unit under §164-19.5 of this chapter. The smaller of the dwellings by total floor area shall be considered the Accessory Dwelling Unit under §164-19.5 of this chapter, while the larger of the dwellings by total floor area shall be considered the principal dwelling.”

§164-59[56] shall be modified to read as follows: “Dwelling, Two-Family – A detached or semidetached building containing two dwelling units only; semidetached may also be known as a ‘duplex.’ A two-family dwelling shall be considered to consist of a principal residence or dwelling and an Accessory Dwelling Unit under §164-19.5 of this chapter.”

§164-59[75] shall be modified to read as follows: “Guest Cottage - An accessory building on the same lot as a principal dwelling, used for occupancy for either short term guests of the owners or tenants of the principal dwelling or for occupancy by their domestic employees, including caretakers. A guest cottage shall be considered an Accessory Dwelling Unit under §164-19.5 of this chapter. ~~A "guest cottage" must have a special use permit granted by the Planning Board and meet the additional standards for certain uses as is required by § 164-22K of this chapter. A "guest cottage" must meet all applicable setback~~

~~requirements and have twice the minimum lot area for such residential lots in the applicable zoning district and have suitable water supply and sewage drainage disposal facilities as required by this chapter. No exchange of money or rental fee shall be permitted for the use of a guest cottage.~~”

Section 5. Conservation Density Subdivision. The regulations set forth in §140-25 - Conservation density subdivision, Subsection (B) shall be modified as follows:

B. Minimum lot area. A conservation density subdivision shall require a minimum lot area of five acres and a minimum average lot area of 25 acres. All lots created within a conservation density subdivision

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shall be permanently restricted by a conservation easement from further subdivision and shall, by virtue of the expressed language of said easement, be restricted to the development of one principal single-

family dwelling unit and permitted accessory buildings and structures per approved lot, including an Accessory Dwelling Unit ~~guest cottage~~, except as may be otherwise authorized on active farm parcels.

Section 6. Minimum Lot Area per Principal Dwelling Unit. The regulations set forth in §164-11 - Minimum lot area per principal dwelling unit, Subsection (B) is hereby deleted and each subsection shall be replaced with the word "Reserved" as follows:

B. RESERVED. ~~Notwithstanding the foregoing, a duplex or two-family dwelling, as defined, shall require two times the minimum lot area of a single-family lot size on a single plot. A duplex or two-family dwelling shall conform to all other minimum bulk standards. Any conversion or rehabilitation of a single-family residence to a duplex or two-family dwelling, as defined, shall meet the requirements of this section as to two times the minimum lot area of a single-family home, regardless of the date of the creation or construction of the original structure.~~

Section 7. Off-Street Parking and Loading. The use category entitled “Two-Family dwelling” in the table contained in §164-16 – Off-street parking and loading, Subsection (A)(1) shall be deleted in its entirety.

Section 8. Additional Standards for Certain Uses. The regulations set forth in §164-22 - Additional standards for certain uses, subsections (A), (B) and (K), are hereby deleted and each subsection shall be replaced with the word "Reserved" as follows:

A. RESERVED. ~~Accessory apartment within a single-family dwelling located on a legally-established lot of not less than 1.5 acres in area to provide the opportunity for senior citizens and other persons with special housing needs to remain in the community either in residences owned by them or as occupants of accessory apartments.~~

~~(1) Only one accessory apartment for a total of two dwelling units shall be permitted in the residential structure.~~

~~(2) The owners of the single-family dwelling unit shall occupy at least one of the dwelling units.~~

~~(3) The number of bedrooms in the accessory apartment shall be limited to one, and the number of residents in the apartment shall be limited to two persons.~~

~~(4) The accessory apartment shall occupy a maximum of 35% of the existing habitable floor space of the residential structure in which it is contained and shall provide not less than 400 nor more than 600 square feet of habitable space.~~

~~(5) All building code or other requirements under local law or ordinance and other applicable laws and regulations shall be complied with, and both a building permit and a certificate of occupancy shall be obtained before occupancy.~~

~~(6) As a general standard, no addition greater than 100 square feet in floor area beyond the present exterior walls of an existing residential structure shall be permitted to accommodate an accessory apartment. In the more restricted case of a proposed accessory apartment within an existing residential structure on a nonconforming lot, no addition to the existing residential structure shall be permitted to accommodate the accessory apartment.~~

~~(7) The applicant shall certify that the water supply is potable by certification through the Dutchess County Health Department and shall further certify that water-conserving fixtures have been installed for the accessory unit in accordance with Environment Conservation Law § 15-0314.~~

~~(8) The applicant shall certify that the sewage disposal system is adequate for the two dwelling units. Certification may be obtained by a licensed professional engineer or the Town Sanitarian.~~

~~(9) Any new exterior entrance created to accommodate the accessory apartment shall be located at the side or the rear of the structure. Stairways leading to any floor or story above the first floor shall be located within the walls of the building wherever practicable. In no instance shall a stairway or fire escape be located on any wall fronting on a street.~~

~~(10) Off-street parking satisfying the requirements of § 164-16 of this chapter shall be located on the parcel on which the accessory apartment is located. Parking, where practicable, will be located behind the dwelling units.~~

B. RESERVED.  ~~Accessory apartment in a detached structure existing at the time of adoption of this chapter on the premises of a single-family dwelling unit located on a legally established lot of not less than 1.5 acres in area to provide the opportunity for senior citizens and other persons with special housing needs to remain in the community either on residential premises owned by them or as occupants of accessory apartments.~~

~~(1) Only one accessory apartment for a total of two dwelling units shall be permitted on the residential premises.~~

~~(2) The owners of the residential premises shall occupy at least one of the dwelling units.~~

~~(3) The number of bedrooms in the accessory apartment shall be limited to one, and the number of residents in the apartment shall be limited to two persons.~~

~~(4) The accessory apartment shall provide not less than 400 square feet of habitable floor area.~~

~~(5) The accessory apartment shall occupy a maximum of 600 square feet or a maximum of 35% of the existing habitable floor space of the principal residential structure on the premises, whichever is the more restrictive.~~

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~~(6) All Building Code or other requirements under local law or ordinance and other applicable laws and regulations shall be complied with, and a building permit and a certificate of occupancy shall be obtained before occupancy.~~

~~(7) No addition greater than 100 square feet in floor area beyond the present exterior walls of the existing detached structure shall be permitted to accommodate the accessory apartment.~~

~~(8) Water supply and sewage disposal facilities shall be provided and approved in accordance with the standards and requirements of the Dutchess County Health Department and the further requirements of Environmental Conservation Law § 15-0314 regarding the use of water-conserving fixtures.~~

~~(9) Off-street parking satisfying the requirement of § 164-16 of this chapter shall be located on the lot on which the accessory apartment is located. Parking, where practicable, will be located behind the dwelling units.~~

K. RESERVED. ~~Guest cottage.~~

~~(1) The maximum gross floor area devoted to the guest cottage shall be 2,500 square .~~

~~(3) The guest cottage shall be supported by water supply and sewage disposal facilities deemed suitable by the Dutchess County Health Department, which facilities may be shared with the principal dwelling unit on the premises.~~

~~(4) The guest cottage shall be in compliance with all provisions of the New York State Uniform Fire Prevention and Building Code. All other applicable laws, ordinances and regulations shall be complied with, and both a building permit and a certificate of occupancy shall be obtained before occupancy.~~

~~(5) The guest cottage shall satisfy all setback requirements set forth in § 164-9 of this chapter for a principal structure and shall be located on a lot which meets twice the minimum lot area requirements for the zoning district as set forth in said chapter. The lot may not be a legally nonconforming existing lot of record of less than the minimum prescribed lot area for guest cottages as provided for herein.~~

~~(6) A guest cottage shall be permitted to have kitchen facilities necessary for the occupants or guests residing in the guest cottage.~~

~~(7) There shall be no exchange of money or rental of a guest cottage.~~

Section 9. Site Plan Review and Approval. The regulations set forth in §164-30 – Applicability; general procedure shall be modified as follows:

In accordance with Article III, § 164-8, District Schedule of Use Regulations, prior to the issuance of a building permit or certificate of occupancy for a change of use in any district, except for a one- ~~or two-~~family dwelling and related accessory uses, including Accessory Dwelling Units, permitted home occupations or agricultural and conservation uses permitted by right, the Building Inspector shall require the preparation and approval of a site plan. The Building Inspector shall refer the applicant to the Planning Board for site plan review and approval in accordance with § 274-a of the Town Law and the more specific design standards and review procedures set forth in this article.

Section 10. Numbering for Codification. It is the intention of the Town of Stanford Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Stanford; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 11. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 12. Effective Date. This Local Law shall take effect as of the date of filing with the New York Secretary of State.

AND BE IT FURTHER RESOLVED, pursuant to the applicable standards of the SEQRA regulations contained in 6 NYCRR Part 617, the Town Board hereby declares itself Lead Agency for purposes of SEQRA for this Type 1 action; and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts and authorizes circulation of a copy of Part I of the Full EAF, a copy of which is annexed hereto, pursuant to the requirements set forth in 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to refer the proposed Local Law to the Stanford Planning board for its report and recommendation pursuant to section 164-56 of the Town Code; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to refer the proposed Local Law to the Dutchess County Department of Planning & Development pursuant to New York General Municipal Law § 239-m; and

BE IT FURTHER RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall on August 8, 2024, at 7 o’clock P.M., and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Stanford by the Town Clerk, at least five (5) days before such hearing.

The foregoing Local Law introduction was voted upon with all Board members voting as follows:

Wendy Burton, Supervisor Yes

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Nathan Lavertue, Councilperson Yes

Julia Descoteaux, Councilperson Yes

Eric Haims, Councilperson Absent

Theodore Secor, Councilperson Yes

Dated: June 13, 2024 and certified this 13th day of June, 2024, Stanfordville, New York

*Ritamary Bell, Town Clerk*

7. TOWN HALL CLEANING PERSON / JANITOR NEEDED: An ad in the Northern Dutchess News has been placed for this position.

8. 3 BROTHERS’ PIZZA ALCOHOLIC BEVERAGE APPLICATION: An application had been received from 3 Brothers’ Pizza on Route 82 for an Alcoholic Beverage License. A letter will be sent to their attorney stating that the Town Board has no objection to this application.

9. HIGHWAY FUND BUDGET RESOLUTION: A Resolution was approved on a motion made by Wendy Burton, seconded by Nathan Lavertue, to approve the following Budget modification:

**Budget Modification Resolution # 6A 2024**

**Whereas** the Town of Stanford has expenditures for the adopted 2024 Highway Fund budget lines will exceed the amount of fund available in these certain budget lines, and

**Whereas**, the Highway has funds available in other lines and needs to transfer such funds to provide for expenditures,

**Now therefore be it resolved** that the Town of Stanford Town Board hereby amends and transfers from and to budget lines listed below for FY 2024:

ACCOUNT DESCRIPTION INCREASE DECREASE

01-04-5130-41 Tools +$5,000.00

01-04-5142-42 Salt -$5,000.00

01-04-5130-47 Supplies +$10,000.00

01-04-5142-42 Salt -$10,000.00

**TOTAL +$15,000.00 -$15,000.00**

Roll call vote as follows: Wendy Burton – yes; Julia Descoteaux - yes; Eric Haims - absent; Nathan Lavertue - yes; and Theodore Secor - yes.

Resolution #6A of 2024 adopted by the affirmative votes of the Town of Stanford Town Board members present and certified this 13th day of June 2024. *Ritamary Bell, Town Clerk*

10. TAX CERTIORARI – RESOLUTION #6B OF 2024: The following consent judgement and resolution to authorize Attorney Shane Egan to sign as the Attorney for the Town was approved on a motion made by Wendy Burton, seconded by Teddy Secor:

|  |  |
| --- | --- |
|  | At an IAS Term of the Supreme Court of the State of New York, held for the County of Dutchess, at 10 Market Street, Poughkeepsie, New York on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024 |
| PRESENT: Hon. James V. Brands, J.S.C.    SUPREME COURT OF THE STATE OF NEW YORK  COUNTY OF DUTCHESS  ----------------------------------------------------------------------X  In the Matter of the Application of  JOSEPH C. KOHLS and CHRISTIN  CHAPMAN-KOHLS,  Petitioners,  - against -  TOWN OF STANFORD, a Municipal Corporation, its  ASSESSOR, and its BOARD OF ASSESSMENT REVIEW,  Respondents.  Town Board Minutes  6/13/24, page 10  To Review Real Property Assessments Pursuant to Article 7 of the Real Property Tax Law. | CONSENT JUDGMENT  Index No. 2023-52560 |
|  |  |

Petitioner having heretofore served and filed the Notice of Petition and Petition to review assessments made by the Town of Stanford for the assessment year 2023 upon certain real property located in the Town Stanford, New York, and designated as Tax Grid No. 135200-6768-00-702300-0000 on the tax map and assessment rolls of the Town of Stanford; and

The issues of these proceedings having duly come before an IAS Term of this Court, and the Petitioners having appeared by Kyle W. Barnett, Esq., of Van DeWater & Van DeWater, LLP, and the Respondents having appeared by Shane J. Egan, Esq., of Cappillino, Rothschild & Egan, LLP., for the Town of Stanford, and the Attorney for the Pine Plains Central School District, Ira S. Levy, Esq. of Shaw, Perelson, May & Lambert, LLP, and the parties having agreed to a settlement of these proceedings, it is

ORDERED, ADJUDGED and DETERMINED that the petition challenging the assessment are hereby withdrawn by Petitioner and the assessment on the property designated as 135200-6768-00-702300-0000 on the tax map and assessment rolls of the Town of Stanford for the assessment year 2023 are hereby reduced, corrected and fixed for the assessment rolls as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Year of Assessment Roll** | **Original Assessment** | **Reduced Assessment** | **Amount of Reduction** |
| 2023 | $3,476,700 | $2,825,000 | $651,700 |

and, it is further  
ORDERED, ADJUDGED AND DECREED, that the officer or officers having custody of the aforesaid assessment rolls and the tax rolls of the Town of Amenia shall make or cause to be made upon the proper books and records of said Town the entries, changes and corrections necessary to conform said assessments to such corrected and reduced valuations; and it is further  
ORDERED, ADJUDGED and DETERMINED that there shall be audited, allowed and paid to the Petitioners by the Town of Stanford or the County of Dutchess Commissioner of Finance, the amounts, if any, paid as Town Special District taxes and any other ad valorem taxes, against the original assessment in excess of what said taxes would have been if the said assessment had been made as determined herein together with interest as provided by the respective laws of the State of New York provided, however, if said refund is paid by the Town of Stanford within sixty (60) days of service upon the Town of Stanford, a copy of this Order together with a Demand for Payment said refund shall be paid without interest; and it is further   
ORDERED, ADJUDGED and DETERMINED, that there shall be audited, allowed and paid to the petitioners by the County of Dutchess the amounts, if any, paid as County and County Special District taxes against the original assessment in excess of what said taxes would have been if said assessment had been made as determined herein together with interest as provided by the respective laws of the State of New York, provided, however, if said refund is paid by the County of Dutchess within sixty (60) days of service upon the County of a copy of this Order together with a Demand for Payment said refund shall be paid without interest; and it is further  
ORDERED, ADJUDGED and DETERMINED that there shall be audited, allowed and paid to the Petitioners by the Pine Plains Central School District the amounts, if any, paid as School District taxes against the original assessment in excess of what said taxes would have been if said assessment had been made as determined herein together with interest as provided by the respective laws of the State of New York, provided, however, if said refund is paid by the Pine Plains Central School District within sixty (60) days of service upon the School District of a copy of this Order together with a Demand for Payment said refund shall be paid without interest; and it is further  
ORDERED, ADJUDGED and DETERMINED that the refunds hereinabove directed to be paid shall by paid by check payable to the order of VanDeWater & VanDeWater, LLP, as attorneys for Petitioners, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorneys' lien, pursuant to Judiciary Law §475, and it is further   
ORDERED, ADJUDGED and DETERMINED that to the extent any taxes or assessments are unpaid and have already been billed for the City, School, County and special districts in

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accordance with the original assessed valuations, the officer or officers having custody of the assessment rolls and/or the tax rolls shall forward to the petitioners a new bill or bills, taxing said petitioners on the basis of the final total assessed valuation as stipulated herein, and it is further  
ORDERED, ADJUDGED and DETERMINED that this Order and Judgment hereby constitutes and represents full settlement of the tax review proceedings herein, and that there are no costs or disbursements awarded to, by, or against any party and that upon compliance with the terms of this Order and Judgment, the above proceedings shall be, and the same hereby are, settled and discontinued with prejudice.   
Dated: Poughkeepsie, New York

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024

ENTER  
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
HON. JAMES V. BRANDS, A.J.S.C.  
Signing and Entry of the within Order is hereby   
Consented to:   
VAN DEWATER & VAN DEWATER, LLP CAPPILLINO, ROTHSCHILD & EGAN, LLP

BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

KYLE W. BARNETT, ESQ. SHANE J. EGAN, ESQ.

Attorneys for Petitioner Attorneys for Respondent

85 Civic Center Plaza, Suite 101 Seven Broad Street

Poughkeepsie, New York 12601 P.O. Box 390

Phone: (845) 452-5900 Pawling, New York 12564

Phone: (845) 855-5444

SHAW, PERELSON, MAY & LAMBERT, LLP  
By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
IRA S. LEVY, ESQ.   
Attorneys for Pine Plains Central School District  
115 Stevens Avenue  
Valhalla, New York 10595  
Phone: (914) 741-9870

A motion to authorize the Town Supervisor, on behalf of the Town Board, to engage Shane Egan as attorney in a tax certiorari matter for Joseph and Christin Kohls, due to conflict of interest on behalf of Mackey Butts & Whalen.

Roll call vote as follows: Wendy Burton – yes; Julia Descoteaux - yes; Eric Haims - absent; Nathan Lavertue - yes; and Theodore Secor - yes.

Resolution #6B of 2024 adopted by the affirmative votes of the Town of Stanford Town Board members present and certified this 13th day of June 2024. *Ritamary Bell, Town Clerk*

10 B. RESOLUTION #6C – TRANSFER FUNDS FROM NY CLASS ACCOUNT TO GENERAL FUND: The following resolution was approved on a motion made by Wendy Burton, seconded by Nathan Lavertue, as follows:

**RESOLUTION #6C of 2024**

**TO TRANSFER FUNDS FROM AMERICAN RESCUE FUNDS ACCOUNT NY CLASS NY 01-0010-0009 AND MOVE THE FUNDS TO THE GENERAL FUND #3900018**

**Whereas the Town of Stanford** will be investing American Rescue Plan funds to pay for the purchase of 4 signs for the Transfer Station Swap Shed, and

**Whereas** the NY Class Account 01-0010-0009 American Rescue Fund Account contains funds for this purpose, and

**Now therefore be it resolved**, the Supervisor is authorized to complete the following budget modifications and transfer the funds from the American Rescue Funds Account to the General Fund.

00-510 Estimated Revenue +$736.84

00-4089 Federal Aid ARPA +$736.84

00-960 Appropriations +$736.84

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00-07-8160-20 Transfer Station signs +$736.84

00-200 Cash +$736.84

00-209 Cash- ARPA -$736.84

Roll call vote as follows: Wendy Burton – yes; Julia Descoteaux - yes; Eric Haims - absent; Nathan Lavertue - yes; and Theodore Secor - yes.

Resolution #6C of 2024 adopted by the affirmative votes of the Town of Stanford Town Board members present and certified this 13th day of June 2024. *Ritamary Bell, Town Clerk*

11. APPROVAL OF MINUTES: The Minutes of the May 9th, 2024 regular meeting were approved as written on a motion made by Wendy Burton, seconded by Nathan Lavertue. Motion carried with all present voting in favor.

12. AMEND ABSTRACT #6 FOR JUNE 2024: A motion was made by Wendy Burton, seconded by Nathan Lavertue, to amend the June Abstract to include a check for $500 for the opening of the Recreation Park season. Motion carried.

13. APPROVAL OF JUNE ABSTRACTS #6 FOR ’24: A motion was made by Wendy Burton, seconded by Nathan Lavertue, to approve the payments of the June Abstracts, as follows:

General Fund - $ 55,881.65 + $500.00  
Highway - $ 73,029.57

Bangall Lights - $ 891.00

Ambulance - $ 62,500.00   
SPARC Park - $ 24,963.49

HVAC - $ 750.00

Motion carried with all present voting in favor.

PRIVILEGE OF THE FLOOR:

Jim Griffin, Charwill Drive – as public servants, the ZBA ended their meeting in an Executive Session, and many wondered what they did. They did not act in good faith and the meeting was not run well. The Rathjen matter has cost the Town over $30,000. I have no confidence in the ZBA leadership and asked for a change.

EXECUTIVE SESSION: A motion was made by Wendy Burton, seconded by Teddy Secor, to close the regular meeting at 9:08 PM and go into an Executive Session regarding personnel and litigation. Motion carried.

The Town Board exited their Executive Session at 10:02 PM on a motion made by Wendy Burton, seconded by Nathan Lavertue and went back into their regular session. Motion carried.

A motion was made by Wendy Burton, seconded by Teddy Secor, to un-appoint Kathy Zeyher as Zoning Board of Appeals Chair, and appoint Neil Dennehy as the chair, conditional on this acceptance. Motion carried with all present voting in favor.

With no other matters to be discussed, a motion to adjourn was made at 10:04 PM by Nathan Lavertue, seconded by Theodore Secor. Motion carried with all voting in favor.

Respectfully submitted,

Ritamary Bell

Town Clerk