

**Village of Millbrook
Planning Board Meeting
Minutes**

July 19, 2016

Call to Order: Meeting was called to order at 7:29PM by Chairman Morse.

In Attendance: Chairman Stanley Morse, Joseph Still, Charles Frisina, Joseph Forte, Heather LaVarnway, David Clouser (Barton and Loguidice) and Attorney Jeffrey S. Battistoni (Van deWater & Van deWater).

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 June 21, 2016 Planning Board meeting minutes. All were in favor.

Old Business:

1. **Public Hearing to review Michael DelGrosso's amended Site Plan for Salty Foods LLC (Canoe Hill Restaurant) located at 3264 Franklin Avenue.** Mr. DelGrosso, Lauren Lancaster and their attorney Lorenzo Angelino were present at this meeting. Zach Hampton and Howard Shulman also attended.

Mr. Still moved and Mrs. LaVarnway seconded a motion to open the Public Hearing portion of this meeting. All were in favor.

Chairman Morse gave a brief history of this project dating back to August 2015. He also noted that the Dutchess County Dept of Planning and Development reviewed the amended Site Plan and determined that it is a "Matter of Local Concern".

He then asked about their hanging sign – the Board is requesting a rendering of the sign. The Sign Application was submitted with the original documents but lacks the rendering.

Chairman Morse went on to explain that the required easements from 2003 and 1998 are now on the amended Site Plan as requested at the June 21, 2016 meeting. He explained that a meeting between Mr. DelGrosso, Mr. Theodoropoulos (Millbrook Diner) and Attorney Allan Rappleyea (Corbally, Gartland and Rappleyea, LLP) was held in June resulting in a proposed diagonal fence to replace the east/west fence. Both parties apparently agreed to the concept but not the start-

stop points of the new fence. The Planning Board, after much consideration and with legal and engineering consultation and with both easements shown on the amended Site Plan determined that the stop/start points of the fence are not the Board's responsibility. The Board determined that it is the responsibility of both parties involved (Canoe Hill and the Millbrook Diner) to resolve this issue. Chairman Morse called for comments from the attending public. There were none. Mr. Forte moved and Mr. Still seconded a motion to close the Public Hearing portion of this meeting. All were in favor. Mr. Still explained that the Village Code Enforcement Officer would be responsible to monitor any changes in the fence. If the shape of the fence changes, the Board requests a written/hand-drawn description be sent to the Board for its files. Mr. Del Grosso agreed. Mr. Clouser noted that the Board assumed Lead Agency status under this SEQRA Type 2 Action and submitted his "Amendment of the Previously Approved Special Use Permit and Conditioned Site Plan Approval". A copy of this document is attached to these minutes.

2. Public Hearing to review Nunzio Incorvaia's request for a Special Use Permit and Site Plan Approval for a new restaurant (Maura's Kitchen) to be located at 16-18 Alden Place.

Mr. and Mrs. Incorvaia, Attorney Richard Cantor and Architect Chris Colby attended this meeting along with Maura Mackey, Tom Mackey and Kelly Letizia. Also in attendance were Tim Collopy, Andy Ciferri, Fanny Manzi and Irene Wing.

Chairman Morse congratulated Mr. and Mrs. Incorvaia on their recent marriage. Mr. Still moved and Mr. Frisina seconded a motion to open the Public Hearing portion of this meeting. All were in favor.

Chairman Morse reviewed the history of this project to date. He also noted that, although this project was submitted to the Dutchess County Dept. of Planning and Development for review, it was returned without comment as "No Jurisdiction".

Mr. Clouser reviewed and completed Part 2 of the Short Environmental Assessment Form. Part 1 was completed and reviewed at the June 21, 2016 Board meeting.

Mr. Frisina moved and Mr. Still seconded a motion concluding that this is an unlisted (negative) action for its SEQRA environmental review. All were in favor.

Mr. Collopy asked and Chairman Morse explained that this property is in the RMF district which allows for a special use permit for restaurants.

Mr. Ciferri mentioned that the former restaurant has been closed for more than 3 years. He recollected that it would therefore revert to residential use only. Neither Chairman Morse nor Mr. Clouser had any knowledge of this provision. Mr. Ciferri went on to explain that the former restaurant dumpster attracted rodents and had a

terrible stench. He also mentioned that the gas line is too close to the property. He asked the Board to vote “no” on this request.

Attorney Cantor said that the dumpster would be enclosed and the lid would be locked. Mr. Incorvaia agreed.

Attorney Cantor noted that the Village Code was updated 2 years ago to allow special use permits for restaurants within the RMF District. He also noted that subject to public health and county regulations, the Board cannot vote “no” in anticipation of poor operation.

Attorney Battistoni noted that since this was a prior restaurant it was not a non-conforming use.

Mrs. Mackey was asked about her proposed hours of operation for “Maura’s Kitchen”. After much discussion, it was decided that: Sunday through Thursday would be 11AM to 11PM. Friday and Saturday would be 11AM to midnight. Mr. Ciferri said that these hours are too long in a residential neighborhood.

A discussion regarding the outdoor seating ensued – would it be for seating only – or seating with food service. A final decision was not determined. Mr. Still noted that if outdoor seating is to be used, it would be considered an “extension of use” and their current Site Plan must be amended to include the outdoor seating. Mr. Ciferri mentioned that the Village has a noise ordinance after 9PM.

Mr. Frisina asked about the fence and lighting between this property and their western neighbor. Mr. Incorvaia said that he is working with that new neighbor regarding a safety fence (due to the steep drop between the properties). Mr. Incorvaia agreed that an appropriate stockade type privacy fence would be installed on the higher grade of his property for safety and lighting privacy for the neighbors. Mr. Clouser will advise Attorney Cantor of the appropriate type of fencing required. He also explained that lighting is no longer an issue because the lights are focused “down”. Also, Architect Colby said new lighting would be required since the existing light posts do not have illumination photometric information.

Mr. Frisina asked about ADA compliance. Mr. Clouser noted that the parking spaces must be shown on the Plan (per ADA).

Mr. Frisina asked about the safety issues with the current pavement. Mr. Incorvaia stated that he plans to cut out and re-surface any unsafe pavement areas.

Mr. Clouser asked about the lighting fixtures. Architect Colby explained that they will be similar to the originals (submitted with the plans) because he is unable to replicate the originals. He will show the actual fixtures on the amended Plans.

Chairman Morse asked for any additional public comments. There were none.

Mr. Still moved and Mr. Frisina seconded a motion to close the Public Hearing portion of this meeting. All were in favor.

Mr. Clouser reviewed his submitted “draft” SEQRA Determination and Special Use

Permit and Conditioned Site Plan Approval” for the Board. Mr. Still moved and Mr. Frisina seconded a motion to approve this determination. All were in favor. Mr. Clouser will submit his final document, to be attached to these minutes, with the additional conditions.

Other Business/Administrative Items:

- 1. Secretary Gould informed the Board that the Zoning Board of Appeals Public Hearing to review Millbrook Audiology’s request for a sign variance is scheduled for July 25, 2016. She will report the results after that meeting.**

Adjournment: Mr. Forte moved and Mr. Frisina seconded a motion to adjourn the meeting at 9:11PM. All were in favor.