

Town of Washington  
Planning Board Minutes

The monthly meeting and public hearing of the Town of Washington Planning Board was held on October 5, 2010 at the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Josh Mackey, Donald Hanson, Ted Jorgensen, James Shequine, consultant Neil Wilson. Absent: Matthew Rochfort.

Chairman, Mackey opened the meeting at 7:38 P.M. with the Pledge of Allegiance, read a letter dated October 5, 2010 from former Chairman, Thomas G. Beaumont into the record, "Dear Planning Board Members: As all of you are no doubt aware, I have resigned as a Planning Board member and as Co-Chairman of the Comprehensive Plan Update Committee. Recently I was informed that I had served on the Planning Board for a total of thirty-two years. This was surprising to me. I wish to thank each and every member that I have had the pleasure to work with over the years. I am particularly grateful to those members who helped and supported me when I took over the chairmanship at the passing of Michelle West. It was a job I did not want. I always had confidence that the Planning Board was moving in the right direction with the members' participation and advice. Our advisor, Neil Wilson, was invaluable as a resource and was always there for me. I also want to thank Mary Alex and Irene Wing who helped with the various needs of the Planning Board. I also cannot fail to mention Nikki Caul, who did and does an outstanding job of keeping things organized and providing excellent minutes of our meetings. A special thanks to Frank Genova, C.A.C. member, for his perspective on matters before the Planning Board. I am proud to have worked with all of you. Thank you for that privilege." Chairman, Mackey on behalf of the board, also thanked him as well for his years of service, "it was a privilege to know and work with him on the short time that I have been on the board." Chairman, Mackey next read the meeting's agenda.

**A motion to approve the September 7, 2010 meeting minutes as submitted was made by board member Jorgensen, and seconded by board member Shequine. 4 ayes, 1 absent.**

The application request of RDR Millbrook Properties, LLC- Ron Romeo, 407-429 Verbank Road, Lot #1 of Bancroft Farm Subdivision, is for special permit approval to rebuild the barn, construct a three (3) bedroom apartment on the upper floor and storage on the lower level.

Tim Race, L.S. Chazen Engineering, appeared before the board.

**A motion to open the RDR Millbrook Properties LLC- Romeo-Bancroft Farm Subdivision Lot #1 public hearing was made by board member Shequine, and seconded by board member Jorgensen. 4 ayes, 1 absent.**

Tim Race gave a brief overview of the proposal. Said, as discussed at the last meeting, Mr. Romeo has an existing barn on his property that he would like to convert into a three bedroom apartment on the upper floor of the barn, storage below. Mr. Romeo wants to demo the existing cottage at the north end of the property. The barn meets all requirements for a special use permit

accessory structure. The same footprint will be used as a single accessory residential structure. Board member Hanson questioned about the well and septic, if it will be separate or connected from what is existing? Mr. Race said this will be determined and approved by the Board of Health. Chairman, Mackey questioned the intended use of the facility? Mr. Race said the upper floor of the barn will be a caretaker's residence. Mr. Romeo plans to live in the farmhouse, the caretaker would live in the apartment. Chairman, Mackey questioned if this would be as a single family residence? The response was affirmative.

Robert Perkins, Pondview Farm Road, adjoining neighbor, addressed the board. Questioned about the plan/intent for the existing main house? Mr. Race expressed that Mr. Romeo will probably renovate the main house, however, this has no bearing on this special use permit. Mr. Perkins referred to the three bedroom apartment for the caretaker as being a large apartment for a caretaker's family, questioned if this will take up the entire upper floor? Mr. Race said, it will be a portion of the upper floor; the apartment is still in the design stages with the architect, the concept is a three bedroom apartment. Mr. Perkins asked if this is what the application says, a three bedroom apartment? Mr. Race's response was affirmative. Mr. Perkins asked for confirmation that the entire structure will be on the existing footprint of the barn. Mr. Race confirmed affirmatively. Mr. Perkins commented that it has been hard as an adjoining neighbor to follow the sequence of this subdivision, construction, intent, changes, is trying to understand.

Board member Jorgensen questioned the square footage of the existing barn? Mr. Race said he doesn't have that information with him. Mr. Perkins questioned the dimensions of the barn? Mr. Race said he doesn't have that information. Karen Crain, 393 Verbank Road, adjoining neighbor, remarked that the barn is falling down, how can Mr. Romeo afford to renovate it? Mr. Race expressed that the barn will be torn down and rebuilt. Chairman, Mackey questioned if any piece of the existing barn will remain in the new structure? Mr. Race said, probably the foundation will remain. Mr. Perkins questioned the dimensions of the apartment? Mr. Race said he doesn't have this information. Mr. Perkins said, "he wants to be clear about the application, the application is for a three bedroom apartment on the top floor of the barn, a garage and shop below, is this correct?" Chairman, Mackey expressed this is how the application reads. Mr. Perkins remarked that the actual structure is not a concern to the planning board as long as the footprint is the same. Board member Hanson said the building inspector will oversee, the construction. Chairman, Mackey questioned Mr. Perkins if his concern is about the aesthetics?" Mr. Perkins said, "no it is more about the size, use, of the structure." Board member Jorgensen remarked that Mr. Perkins raises a reasonable point, a 20x40 three bay barn is 800 sq. ft., questioned what footprint is accommodating three bedrooms? Mr. Perkins said he is surprised that Mr. Race doesn't have the dimensions. Mr. Race explained that it is not shown on the plan, does not have the exact dimensions of the barn without scaling it off of the plan. Said, Mr. Romeo's intent is not to build anything larger than the existing barn. Chairman, Mackey expressed that the planning board doesn't actually know that size. Board member Jorgensen

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questioned if the planning board is being asked to issue a special permit use for only a single family? Chairman, Mackey said it has been stated tonight that the use is for a single family. Board member Jorgensen remarked that it is for a caretaker and his children, not for three different families of help. Chairman, Mackey questioned Mr. Race if the caretaker has been identified? Mr. Race expressed that Mr. Romeo has not planned anything, is not going to do anything unless

he is granted the special use permit. Chairman, Mackey questioned consultant Wilson if the planning board has any ability over the size of that unit other than to say that it must be consistent with the existing footprint? Consultant Wilson said, "not really", one is talking about size in terms of numbers of bedrooms, there are height limitations, the application states the barn is being built within the existing footprint. The overall height is going to be driven by whatever the limitations are for the district, there is a limit as to how high he can go, two stories and a roof. The height limitation is 35 ft.

Mr. Perkins remarked that "for those of us who live around there the sequence of events is difficult to follow. The logical question is why not tear down the existing house and built that, then apply for this accessory building?" Mr. Perkins said he doesn't understand the logic from a construction standpoint process. Mr. Race said he is unable to answer this question. Karen Crain questioned if Mr. Romeo still plans to move the driveway? Mr. Race said at this point he is unable to answer the question, he doesn't have that knowledge, the purpose of this application is for a special use permit. Chairman, Mackey asked Mr. Race to check on the dimensions of the barn so the board has them on file. Chairman, Mackey questioned Mr. Perkins if his concern is that it is consistent with what is there now? Mr. Perkins said he is not objecting, he is trying to understand that a three bedroom apartment, space for cars and shop, is a sizeable building. It strikes him as very odd that he is applying to build that now without the demolition or renovation of the existing house. "We have no idea what it is going to look like. We have seen this plan evolve over three years, a lot of changes have been made, we are just trying to understand"

Frank Genova addressed the board, said he is familiar with the barn, thinks it would be very easily to put four bedrooms on the second floor, it is not a cramped space. Board member Hanson expressed that Tim's comment was that it is not going to take the whole floor.

Mr. Perkins said the reason for even asking this question is the question of intent. He was here at the beginning when the application was for an eight lot subdivision. The intent has moved around considerably, it is now a four lot approved subdivision. Said, he is just curious about the changes of the ultimate use of the property. This is what prompted the question.

**A motion to close the RDR Millbrook Properties LLC-Romeo-Bancroft Farm Subdivision Lot #1 public hearing was made by board member Hanson, and seconded by board member Shequine. 4 ayes, 1 absent.**

**A motion to issue a Negative Declaration Notice of Determination of No Significance was made by board member Shequine, and seconded by board member Hanson. 4 ayes, 1 absent.**

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**A motion to grant Ron Romeo- RDR Millbrook Properties LLC Special Permit Approval was made by board member Hanson, and seconded by board member Shequine. 4 ayes, 1 absent.**

Fee Status: \$400 escrow fee outstanding

Lee Fisher- Pink Coat, 3717 Route 44, Mabbettsville appeared before the board for a pre-application discussion on her business that requires either a special use permit or is within the category of a home occupation.

Ms. Fisher said that she was referred to the planning board by building inspector, Jack Neubauer. Chairman, Mackey referred to building inspector, Neubauer's site visit on the items that are displayed on the lawn in front of the house where she resides. Chairman, Mackey requested Ms. Fisher to describe her business, hours of operation, future intent. Ms. Fisher said she does a lot of decorating, the business began as a display room for her pieces. She has a lot of clients so she opened her doors to the public, this is the reason for the outdoor display and sign. Said, people do shop in the store, but the majority of her income is probably from decorating.

Chairman, Mackey questioned Ms. Fisher what she has displayed in the yard? Ms. Fisher questioned if people have objected to that? Chairman, Mackey remarked that it is felt to be a continuous yard sale. Ms. Fisher remarked that the yard display is important because she has such little visibility. Even with the displays out front that she attempts to make very high end with pieces that people would never consider a yard sale piece, it is very difficult to get people to know that she is back there.

Board member Shequine questioned Ms. Fisher if she has a building in the back and is where the display is? Response was affirmative. Board member Shequine questioned if she bought the property or is leasing it? Ms. Fisher said she has not purchased the property yet, it is a long process. Said, Bob Eggleston is the owner who had a similar business there. Board member Shequine remarked that his business was furniture repair. Ms. Fisher said she has not heard of any negative input, was not aware that it was an issue until presently.

Chairman, Mackey questioned consultant Wilson if this requires a special use permit or falls within the category of a home occupation? Board member Jorgensen expressed that this business sounds like a retail application rather than a home occupation. There is a question of parking, the flow of traffic in and out, the display on the lawn, he doesn't think these are home occupation criteria. Consultant Wilson said that the outdoor display and storage takes it out of the home occupation standards. Ms. Fisher commented that with winter approaching the operation will probably move in the home.

Chairman, Mackey questioned if this is an application for a retail operation? Consultant Wilson said that is what it would be, it is more than a simple home occupation. Questioned Ms.

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Fisher if she has any employees? Ms. Fisher said she has no employees. Consultant Wilson questioned how much of the home is devoted to business use? Ms. Fisher said presently two rooms, in the coming months probably the entire first floor. Consultant Wilson stated that no more than thirty percent (30%) of the floor area of the dwelling unit may be used in connection with a home occupation. Chairman, Mackey spoke to Ms. Fisher submitting an application for a special use permit. Board member Shequine questioned the amount of property acreage? Ms. Fisher said four acres plus, there is a pond in the back.

The board determined that the current business does not qualify as a home occupation. Ms. Fisher was given an application to complete. Chairman, Mackey reviewed the application process with Ms. Fisher, that once the application has been submitted, it will be reviewed, discussed at the workshop meeting, an appearance is required at the regularly scheduled monthly meeting, then a public hearing will be scheduled.

Board member Jorgensen requested the code section that deals with retail use. Consultant Wilson referred to Appendix A Schedule of District Use Regulations that begins on page 136, Hamlet District Section, Special Uses Which May Be Allowed by Special Permit and Subject to Site Plan Approval column.

Chairman, Mackey remarked that the board is not empowered to ask Ms. Fisher to remove everything that is displayed on her front yard, suggested that it would probably help her whole situation if she did until she actually has a special permit, and is discussed at the public hearing. Consultant Wilson interjected that for retail use the board can authorize exterior displays, as long as it is shown, located, on the plot plan, where the materials are that are going to be put on display. Ms. Fisher questioned if it is okay to leave the sandwich board up? Board members considered this to be the same as a sign and is not permitted. Board member Jorgensen questioned if the sign is for her decorating business? Ms. Fisher said, "Pink Coat" which is decorating as well. Board member Jorgensen commented that it advertises for drive by traffic. The board suggested Ms. Fisher discuss signage with building inspector, Neubauer. Chairman, Mackey remarked that the board's advice is to remove the items off the front lawn.

Board member Shequine related that the board will have questions regarding Ms. Fisher's business, about the layout, etc. Ms. Fisher said it depends on how easily the barn can be heated. If she can manage to monitor the temperature she would like to be primarily in the barn, but doesn't think that is realistic.

There being no further business a motion to adjourn the meeting was made by board member Hanson and seconded by board member Jorgensen. The meeting was adjourned at 8:25 P.M.

Respectfully submitted,

Nikki Caul, secretary

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