

PLANNING BOARD
MINUTES
APRIL 27, 2016

Vice Chairman Hipps called the Meeting to Order at 7:00 P. M. with the following members present: Ms. MaryLou Fitzgerald, Ms. Cynthia Fairbanks, Mr. Ken White and Mr. Dwight Anson. Excused, Chairman Maron, Mr. Reckahn. Also in attendance, Mr. George Hainer, Building Codes/Zoning Officer. Guests in attendance: Joelle Nesbitt, Diane LaMountain Keith and Debbie Hoffnagle, Steve Fleury, Richard M. Sherman and Juliann Sherman.

Chairman Hipps: We have six (6) items on the Agenda. We have a quorum with Cynthia and MaryLou, and Ken White and myself and George Hainer for all of those who may not know him is our Code Officer. It is customary for us to go around the room and just ask people to introduce themselves, and if you have an affiliation that's related to one of these Agenda items, just let us know. So may we start please.

(The attendees are listed above, if they mentioned an affiliation, the Secretary will note. Debbie Hoffnagle – we're here regarding the deck, as were Keith Hoffnagle, Joelle Nesbitt, Steve Fleury, Diane LaMountain, Juliann and Dick Sherman.

We've been called to Order and introduced, so I will move to the Minutes.

MINUTES: The Minutes of February 24, 2016, as the Meeting of March 23, was cancelled. Those came to us from Barbara earlier, is there a Motion.

Ms. Fitzgerald – I, so move.

Mr. Anson – Second.

(From this point on, for these Minutes, Vice Chairman Hipps will be referred to as "Chairman").

Chairman Hipps – We have a Motion and a Second, is there any discussion, if none, all in favor, no opposition, carried.

Item 3 (three) on the Agenda is **Robert McGee – Tax Map No. 66.2-2-24.120 & 200** – Bobby was to appear at the Planning Board meeting with some further information of his plantings and screenings and so forth. He's not here tonight, so we will pass over that and come back to it if he appears, if not, we'll put it on the next Agenda?

Mr. Hainer – Yes.

Chairman Hipps – Item 4 (four) is **Keith Hoffnagle –Tax Map No. 66.6-28.000** – Special Permit Application (This classification is in error, Secretary's) to expand seating capacity for outside dining. – That will require us to review Section 29 of Off Street Parking. We're glad you're here, do you have comments, I know you have an application.

Mr. Hoffnagle – The comments are right now we are at full capacity of people going into the store, people seem to like to sit outside during the nice weather. So the deck, we would like to extend it out, put some more tables, make it more a three-season deck.

Chairman Hipps – That's an area that's owned by you, as I understand it. Maybe it's associated with your adjacent building, but still it's an area that you own.

Mr. Hoffnagle – Correct.

Mr. Hainer – I guess maybe, we need to clarify, how many tables are you looking at?

Mr. Hoffnagle – We're looking at maybe, right now we have maybe three tables out there with two chairs, so maybe, four more tables.

Mr. Hainer – For sixteen people, four times four.

Mr. Hoffnagle – Two chairs per table, possibly three. We're not quite sure the size of the table.

Mr. Hainer – Right, so you're looking at 12, another 12, 12 people or –

Mr. Hoffnagle – Yes.

Mr. Hainer – You said three seasons, so is it going to be a tent-like structure over each table or umbrella, because that's important as far as far as the building and fire codes go as far as an open deck and now you're going to enclose it with something.

Mr. Hoffnagle – It will be like a tent type right now. We would like to go and have a permanent structure at some point.

Ms. Hoffnagle – A roof over it.

Mr. Hainer – Yes.

Mr. Hoffnagle -- So, if it rains.

Mr. Hainer – Right. As you get more into that, then that Special Overlay District, is going to get involved, as far as what it looks like and the Planning Board has review over it. That's a Special Overlay District for architecturally blending in with that section –

Mr. Hoffnagle – Right.

Mr. Hainer – so, that may have to be a future thing if you decide to do something permanent as far as a roof area –

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Mr. Hoffnagle -- Like a permanent roof --

Mr. Hainer -- Like a permanent roof, exactly what it's going to look like, right.

Mr. Hoffnagle -- so, we have to come to a different meeting if we want to put a permanent roof on.

Mr. Hainer -- Right, you would have to, it's a little more involved, because you would have to have some drawings as to what it would look like.

Ms. Hoffnagle -- architectural drawings.

Mr. Hainer -- sure, and that would be a public hearing, to have to do with our Section on an Overlay District, the Village Center. Any new construction.

Mr. Hoffnagle -- The deck would be built to withstand any whatever weight, to the extreme, so as not to tip, redo the footing, it will be built for the future.

Mr. Hainer -- Right.

Chairman Hipps -- But, that's not really what you're asking for tonight, though.

Mr. Hoffnagle -- Right, just to extend the deck, right now we have a canopy out there, we'll put another one at the other end.

Chairman Hipps -- I think you have steps going down to the lower level, right now.

Mr. Hoffnagle -- Yes.

Chairman Hipps -- Is there a requirement to keep those? Do you intend to have steps go down there.

Mr. Hoffnagle -- We probably will have some steps, but they're not required.

Chairman Hipps -- I was just wondering about if you were in back and there was a fire in the front,

Mr. Hoffnagle -- There was a building there years ago.

Chairman Hipps -- Ok.

Mr. Hainer -- That will be the next determination when the design professional gets involved in and looks at the Code.

Chairman Hipps -- Now if they do a deck without steps --

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Mr. Hainer – As long as there's a barrier there – is it going the full length of the building?

Mr. Hoffnagle – Yes.

Mr. Hainer – all the way to the back?

Mr. Hoffnagle – Yes,

Mr. Hainer – You said it's 33 feet.

Mr. Hoffnagle – Yes.

Mr. Hainer – but, only an additional 12 people, which under our parking is only four additional parking spaces, one per three people, would be an additional four spaces.

Ms. Fitzgerald – Let me be clear, now these tables are going to go where in relation to the front door at the moment.

Mr. Hoffnagle – Around the side.

Ms. Fitzgerald – South side.

Mr. Hoffnagle – Right. If I put another table, I don't want to be restricted, I need to know how many chairs or people we could put there.

Chairman Hipps – Right.

Mr. Hainer – That's contingent upon the parking spaces and the Code is only going to allow you to have so many for the space and everything. It may be a maximum of 25 or 30 may be maximum. That's why I'm asking how many so we can calculate the parking spaces and see where we go from there.

Chairman Hipps – Ok. In Section 29 what are the things we are to review and consider tonight?

Mr. Hainer – Section 29 specifically talks about restaurants (Section 29.031, e.), attached, page 4A, "one space for every three seats".

Chairman Hipps – Ok.

Mr. Hainer – The patrons, there would be an additional 10 parking spaces.

Chairman Hipps – So, if I could sum up what you're saying then, the number of tables and the number of chairs is going to be driven by the Building Code, because you have to have exit widths to get people out of there in case there is a problem.

- b. Industrial/warehouse uses: One space per 1,000 square feet of enclosed floor space.
- c. Office uses: Three spaces per 1,000 square feet of floor space.
- d. Transient Accommodation: One space for each bedroom plus one space for each non-resident employee and one space for every 200 square feet of floor space for meetings and functions.
- * e. Restaurants, theaters, and other places of public assembly: One space for every three seats.
- f. Uses not listed above: As appropriate to the circumstances.

29.032 Criteria for Applying Provisional Standards

In applying or modifying the provisional parking standards for any proposed use, the Planning Board shall consider:

- a. The nature of the previous use of the same property. If the proposed use has no greater parking demand than the previous use, it shall be deemed to require no additional parking spaces. If the new use requires more parking than the previous use, it shall be obligated to provide only the number of spaces by which its parking demand exceeds the demand of the previous use. For example, if a restaurant requiring 10 spaces replaces a retail store that required only 5 spaces, the restaurant would be responsible for either supplying 5 additional spaces or showing that such spaces are not needed or already exist within the Village parking supply.
- b. The maximum number of vehicles that actually be parked at the use at times of peak usage Parking shall be sufficient to satisfy 85 % of the anticipated peak demand. The likelihood of people walking, bicycling, or carpooling to the proposed use shall be taken into consideration. The likelihood that people would park in one place in the Village and visit the proposed use as one of several destinations shall also be taken into account
- c. The size of the structure(s) and the property.
- d. The environmental, scenic, or historic sensitivity of the site. In cases where sufficient area for parking cannot be created on the site without disturbance to these resource values, the Planning Board may require a reduction in the size of the structure so that the available parking will be sufficient
- e. The availability of safely usable on-street parking in front of the use.
- f. The availability of off-site off-street public parking lots within 1,000 feet, where such parking lots generally have spaces available.
- g. The availability of off-site off-street parking within 1,000 feet that is owned, leased, or controlled by the applicant or available on shared-use basis, provided that the applicant either dedicates such off-site land for public parking or demonstrates a legal right to its use.
- h. The requirements for parking for the disabled as prescribed by the Americans with Disabilities Act.

* 29.033 Fee in Lieu of Parking Space *refer to page 6 of minutes*

Where the required spaces cannot be provided on-site, on the street, or in existing public or private parking lots, the applicant shall pay a fee in lieu of providing one or more required spaces, in an amount established by the Town Board sufficient to cover the estimated cost of providing additional public parking spaces. Such fee shall be kept in a dedicated fund for municipal parking purpose and shall be used for such purpose within three years or returned to the applicant (or the applicant's successor).

29.040 Design of Parking Areas

29.041 Location and Screening

All off-street parking shall be located behind or to the side of the principal building. Parking spaces located in a side yard shall, if possible, be screened from public view. Adjoining parking areas shall be connected directly to one another or to service road or alley wherever feasible to reduce turning movements onto roads.

29.042 Landscaping

Parking lots shall be designed and landscaped to avoid long, uninterrupted rows of vehicles by breaking them onto separate parking areas divided by tree lines, alleys, pedestrian areas, or buildings. At least one 3-inch minimum caliper shade tree shall be provided per eight spaces.

29.043 Lighting

Lighting within parking lots shall be on low poles of 12 feet to 15 feet maximum height, with color-corrected lamps and cut-off luminaries designed to minimize glare and light pollution. Design of poles and luminaries shall be compatible with the style of the architecture and adjoining streetscape treatment.

29.050 Parking Lot as Accessory Use to Residential Dwelling

Mr. Hainer – Right.

Chairman Hoffnagle – So, that number of seats is going to guide how many parking spaces you have.

Mr. Hainer – Right.

Chairman Hipps – Ok.

Mr. White – Does that mean additional parking spaces as to what is there already?

Chairman Hipps – I think we have it as a guideline, but I think there is – the parking study that was done 15, 20 years ago, identified a lot of parking.

Mr. White -- -----total number of spaces on Main Street?

Mr. Hainer – If you saw that parking study (copy of study, attached at the end of these Minutes) from 1997, that was 20 years ago, and they wanted and Section 29 is based on this parking study, that's how it was implemented, when this went into effect, they said they wanted to take each building and grandfather in the number of spaces that Section 29 allowed, so that the Deli is about 1,000 square feet, so it would automatically have four spaces assigned to it, but yet, it doesn't have four spaces, but yet, they assigned it, the minimum.

Chairman Hipps – Ok.

Mr. Hainer – Your building, next door, if you base it on Section 29, restaurants, retail or service business, four spaces per 1, 000 square feet. The Bessboro Shop is approximately 2,000 square feet or more, -- it has to be bigger than –

Mrs. Hoffnagle – that includes up and down in the square footage?

Mr. Hainer – Yes. So that would be equivalent to eight and then there's an apartment upstairs, so there's an additional two, so there would be ten spaces. Do you use ten spaces, Juliann? Could not hear response.

Mr. Hainer – So, if you look at the two, the ten and the four, is 14 and the new requirement, that he would be looking at and if you went with the full maximum with the table layout, might be 14, and then on the other hand what Juliann would actually need –

Mr. White – George, I guess what I'm actually getting at is, if we take all these buildings, all the shops and apartments, and just for sake of argument, let's just say we need 25 parking spaces – 25 parking spaces, where? Just on the two sides of Main Street, 25 spaces down to Heritage House –

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Mr. Hainer – I think walking is something that should be done, there's all sorts of parking if you look at this map here, it shows all sorts of parking and all the way down to the bridge, by the Church, I mean when the Church has an event, there's all sorts of parking that people park all the way past the bridge –

Chairman Hipps – Are we being asked to assign more spaces to this deck?

Mr. Hainer – I think, yes, I think what you're looking to do is to look at the reality of what's going on in this Town, that there is not anything going on and we had more businesses in 1997, we even had more in the 80's and if you say there's a parking problem, people had to walk, but, there's no way you're going to solve a parking problem unless you take Lee Park and there's no way you can physically do it, you can't.

Chairman Hipps – It's been brought up because it's part of what we're supposed to do.

Mr. Hainer – It's part of Section 29 –

Ms. Fitzgerald – Do we have to base our decision about letting them put more tables on whether or not there's going to be enough parking because more people –

Mr. Hainer -- How's it going to upset what's happening there now.

Ms. Fitzgerald – At the same time we some flexibility as a Planning Board to allow such things –

Ms. Fairbanks – common sense.

Mr. White -- Are we able to say right now, “that's not going to be a problem”, let's move on.

Chairman Hipps – Do we do that, I haven't read Section 29 since this was written. Do we all have it?

Mr. Hainer – There's a section in there that says, Section 29.033, attached on 4A, “Fee in Lieu of Parking Space”, that if all else fails, you can't provide parking spaces, you can pay a dollar amount, which I don't know if we've ever assigned one, I think somewhere along the line it was like \$200, that you could put in an escrow account, and the Town if they had a place where they could develop parking, they would take that money and develop parking. If they didn't do it in three years, they would give it back to the applicant. I don't see where there's a need for that extreme, because there's all sorts of parking.

Mr. White – Yes.

Ms. Fitzgerald – There's a time when you go down over a weekend or any given time there's no one in Town.

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Mr. Hainer – Now, maybe during lunch time, there would be a little crunch but you would just park a little further away.

Mr. Fleury – Two thirds of the year there's nobody here.

Mr. Hainer – Right.

Ms. Fairbanks – People who are passing through, stop for lunch, are going to stroll around any way.

Mr. Hainer – You have area by the Library, Washington Street. I couldn't do this on my own.

Chairman Hipps – Right.

Mr. White – Do you need a Motion from us –

Mr. Hainer – I need you to approve this as far as looking at it, from a site-plan review and making some findings that based on, I gave you a copy of the '97 report, here's the map based on what is here.

Chairman Hipps – Before you make a Motion, George has highlighted this on his own copy, 29.030, Provisional Parking Standards, I suppose it is that waiver that we're talking about, now based on the flow of our conversation.

Ms. Fitzgerald – And considering our Town, the businesses that we need, this will attract more people, this will bring more people to other businesses.

Chairman Hipps – True.

Ms. Fitzgerald – and, as people pass through, they could say, "something is going on in Westport".

Chairman Hipps – Yes.

Mr. Hoffnagle – This last week we had three customers come in who live in Poughkeepsie and three customers that came in that happened to go through Town, one of them turned around and came back, thought he saw the K & D sign, so these people came back, people do know we're here. That was a positive thing.

Mr. Fleury – Westport, almost closes up during the winter, the only place you can buy a loaf of bread in Westport lately, in the winter is at the Deli. I just as soon go to the Deli for a gallon of milk, as to go to Elizabethtown. It's been a real boon to us, and I think it's kind of neat for coming through, you have a different kind of flow coming through Town. Couple of years ago there was no one coming through here. There's people now, using

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the trails, etc., it's a lot busier than it has been. Let us borrow some spaces from the diner that isn't open.

Mr. Hainer – That's been a consideration, too. The Montgomery Ward store used to be there, there was so much more going on.

Mr. White – Mr. Chairman, if it pleases the Board, I would move that we waive the requirement for additional parking.

Chairman Hipps – Is there a Second? It looks like a unanimous Second, all in Favor, Carried.

To Mr. Hainer – Do we need to do more, by way of the, I think the rest of this is Building Code, right.

Mr. Hainer -- Yes.

Chairman Hipps – Which isn't our purview?

Ms. Fitzgerald asked if the microphone was on this evening and it is. The audience left at this time.

Chairman Hipps – The next Item 5 – **Kurt Rubendunst – Tax Map No. 65.2-1-1.112 Town of Westport Parcel – Tax Map No. 65.2-4-6.000 Town of Elizabethtown Parcel** –

Mr. Hainer – This started out as being a two-lot subdivision and the property was in one deed located in Elizabethtown and Westport. It's right next to the Animal Horse Rescue Farm and then it turned into a three-lot subdivision. It's on both sides of the River. The two lots are going to be created on the E'town side, the one lot, which is a lot of wetlands, on this side, next to the Horse Rescue.

Chairman Hipps – It was sent to us by e-mail these plans, I saw them on my screen, I remember, the one here in Westport doesn't have a building right, there were building rights on the E'town side, and this is a Class A, right?

Mr. Hainer – Yes, and it happens to be one deed and they want our input, which I don't know what input we could give, except it's allowed by our Law, it's a separate parcel on our tax map.

Ms. Fitzgerald – As far as we're concerned, there's no building allowed.

Mr. Hainer – As far as we're concerned it's not even

Ms. Fitzgerald – It's not going to be, as far as we know.

Chairman Hipps – Right.

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Ms. Fitzgerald – It's entirely E'town.

Chairman Hipps & Mr. Hainer – Yes.

Chairman Hipps – They would have to do another application, send it back to us if it was going to have a building right

Mr. Hainer – I don't think it really could because, I think there's too many wetlands there, also it's Class A with the wetlands. We need to send a comment letter to the APA.

Chairman Hipps – You just want our comments as you are receiving them now or do you need a resolution?

Mr. Hainer – No, we just need a comment letter, something to the effect that it complies with our Law, we don't have a problem with the subdivision.

Chairman Hipps – Is that something that we prepare, does the Chairman sign it.

Mr. Hainer – Right, Barbara would type it and send it off, sign your name –

Chairman Hipps – Ok.

Item 6 – Not addressed at this time, not in attendance.

Discussion followed on the Solar Power article that was in the "Towns & Topics" Mar/Apr Issue of 2016. Where can they be and where should they be.

There was no "Other" Business.

Ms. Fairbanks wanted to inform the Board that Supervisor Tyler is speaking at the Wadhams Library, Wednesday, May, 4, 2016, 7:00 P. M. regarding the Vision for the Future of Westport.

Mr. White – I move we adjourn.

Ms. Fairbanks – Second.

Chairman Hipps – All in favor, carried. Meeting adjourned 7:37 P. M.

Respectfully submitted,

Barbara A. Breyette
Secretary