

**Town of Washington Planning Board  
Feb. 10, 2015**

The monthly meeting of the Town of Washington Planning Board was held on February 10, 2015 at the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Laura Briggs, Donald Hanson, Edvard Jorgensen, Paul Schwartz, also, planner/consultant Neil Wilson, David Greenwood, Conservation Advisory Commission, chairman.

In the absence of secretary Caul the meeting minutes are taken from meeting notes by board member Laura Briggs, Howard Schuman audio, personal notes from Rich Renna, Renna Design, PLLC. The meeting was held in the CAC room due to inaccessibility of the court room.

In the absence of Chairman Mackey, Acting Chairman Donald Hanson opened the meeting at 7:30 P.M., spoke to the meeting agenda.

Joan LaCasse, 38 Route 343, appeared before the board for a pre-application discussion on the purchase of the bed & breakfast formerly known as The Cat In Your Lap which has been not been in operation for approximately one and one half years.

Ms. LaCasse said she has lived here for eleven years, is interested in purchasing the property and resume as a bed and breakfast, originally wanted to change her house into a bed and breakfast, has been passionate about operating a bed and breakfast. Renovations need to be made on the house, there is a separate building on the property, a carriage house, that would be used to house one tenant. Said, she would reside in the B&B house. Ms. LaCasse indicated that she would also like to operate a retail shop to sell antiques from her collection. Consultant Wilson advised that she would need a separate application for this use, suggested she check with Building Inspector, Zoning Administrator Jack Neubauer about advertisement, a sign.

Ms. LaCasse spoke to known concerns about a bed and breakfast, the parking, the septic system. Said, there is plenty of parking space, parking would not be a problem. There is a 1,000 gallon tank on the property. Ms. LaCasse presented a septic report of the property reviewed by the board. Said, before she purchases the property wants to know if she can operate the house as a bed and breakfast, if there is any stipulations, "red tape" involved. Ms. LaCasse said she knows that the Cat In Your Lap was granted and operated the business under a special permit. Questioned if she needs an additional special permit to establish the business. Ms. LaCasse questioned about the time line involved, she would like to close on the sale by March 19th.

Consultant Wilson and board members suggested that Ms. LaCasse contact the Board of Health for any updates on the operation of a bed and breakfast. As discussed, a bed and breakfast is

not a by right business, as long as the standards for a B&B are met she would be able to operate the business, because of the Cat In Your Lap vacancy, not being in continuous operation, she needs to apply for a special permit to operate the bed and breakfast. The application, special permit, process was outlined, an evacuation plan would need to be made, presented to the BOH, a public hearing would be scheduled, a Board of Health sign off would be required. The suggestion was made that Ms. LaCasse review Section 348 of the Zoning Law. Ms. LaCasse was advised to contact secretary Caul for completion of this application.

The application request of Mabbettsville Market Site Plan, Special Permit and Wetlands Permit, 3809 Route 44, Mabbettsville is for site plan, special permit, wetlands permit, to operate a mixed facility to serve as a local food market with thirty (30) seats for on premise consumption of prepared food, also, to have the ability to provide off-site catering for small parties. The property is zoned HM.

Richard J. Renna, Jr., P.E., Renna Engineering Design, PLLC and attorney Allan Rappleyea appeared to update the board on changes that have been made to the site plan. Changes that have been made are, the addition of an enhanced treatment unit for waste (a Bio-Microbics MicroFast 1.5 treatment unit, 1,500 GPD capacity, 960 is proposed) this would reduce the BOD by 90%, reduce nitrogen by 50%, reduce Coliform and Pathogen by natural bacteria, this would be aerobic treatment, a fixed medic for bacteria growth and simple mechanics having less parts to break down) a revised parking layout of twenty-six parking spaces total, twenty-five conforming spaces and one which will be a compact employee only space and two (2) carry out only spaces. Mr. Renna said he has submitted a variance request application to the Zoning Board of Appeals and will appear before that board on February 17<sup>th</sup>. The kitchen exhaust hood will have a carbon filter module to control odors. Mr. Renna indicated that he would like to limit, have a plan, for outdoor cooking.

Board member Paul Schwartz read a letter he received from Chris Tewell, 37 Crescent Road, dated February 6, 2015 addressed to the Town of Washington Planning Board opposing the market. The letter is to become part of the meeting minutes, a copy was given to consultant Neil Wilson. The letter reads as follows:

RE: Mabbettsville Market- Special Permit Application

I am out of town and not able to attend the meeting on February 10, 2015 but wanted to make my thoughts known to the board. Please have my note read at the meeting and placed in the minutes.

Issues:

**Wetlands Ordinance Compliance** - Any operation of the site as a food market is at odds with the goals of the ordinance. The recommendations of the Conservation Advisory Commission in their report of January 29, 2015 are clear about this and I ask that the board follow their three

recommendations: Page  
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- The Planning Board use its powers under the Wetlands Law to reject this special application.
- The Planning Board advise the applicant to submit a new application outlining an alternative and/or less intense use for this parcel than presently requested.
- The Planing Board require the applicant to demonstrate why there is no other suitable alternative and/or less intense use for this parcel than the one proposed in the present application.

The current proposal is a very intense use of the site and should be rejected and a new proposal requested. Below I have listed issues that need to be addressed in any new proposal.

- **Water Quality:** Any septic system needs to protect water quality of the nearby stream. The septic failures at this site in 1982, 2001 and 2006 highlight this:

- Any system needs an alarm to signal any failure, not just monthly inspection.
- A bond needs to be posted to pay for any future failures.
- testing needs to be done to make sure there is no MBTE contamination remaining from the spill in the 90's.
- all users of town water should be made aware of the potential for pollution from this site.

- **Ventilation** - Our concern is the potential noise and smell from cooking. Any system installed needs to minimize both so that they do not affect neighbors. It should be noted that cooking smells from Charlotte's can sometimes be detected on Deep Hollow Rd.

- **Hours of Operation:** The proposed hours of operation are totally inconsistent with a local food market. Ten hours a day, six days a week should be an absolute maximum.

- **Catering-** Catering would make the site more industrial and require hours of operation well beyond anything acceptable to the neighbors. This should be prohibited.

- **Lighting:** Lighting needs to be of a type that does not produce light pollution.

- **Signage:** Needs to be appropriate but not too obtrusive.

I request that this planning be held open until all the above issues are addressed fully.

Sincerely,  
Chris Tewell

37 Crescent Rd.  
Millbrook, NY 12545

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Howard Schuman, CAC representative, spoke and addressed several concerns of the CAC. Requested letters signed off by the Board of Health and the DEC. Mr. Rennie answered the CAC concerns, said he will comply with the request.

Attorney Allan Rappleyea addressed the board, spoke to time lines, once the planning board signs off on the Mabbettville Market a tenant must be in place within six months. Questioned if an application would need to be resubmitted, at this time they do not have a tenant? Also, questioned if there is a way to postpone the application approval signature until a tenant is found? The board noted this request and will help avoid resubmission of the application.

There being no further comments, discussion, a motion to adjourn the meeting was made by board member Jorgensen, seconded by board member Briggs. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,

Nikki Caul, secretary

