PLANNING BOARD May 20, 2019

A regular meeting of the Village of Millbrook Planning Board was held on Monday, May 20, 2019 at the Village Hall, 35 Merritt Avenue at 7:00 p.m. Acting Chairman Joseph Still called the meeting to order. Board members, Ian Schwandt, Joseph Forte, and Kay Ulrich were in attendance. Also in attendance – Mayor, Rod Brown and Building Inspector, Kenneth McLaughlin.

The Pledge of Allegiance was led by Mr. Still.

Mayor Brown addressed the members of the Board. Mayor Brown advised the members of the board that the meetings will now be televised live on local television. Mayor Brown also announced to the members that at the next Board of Trustees meeting on May 28, 2019, Kay Ulrich will be appointed as the new Chairperson for the Planning Board.

New Business

Samantha Martin - preliminary discussion – 3416-3242 Franklin Avenue, proposal to open an Ice Cream Parlor.

Samantha Marin, the applicant was present to represent the application Ms. Martin presented the members of the Board with a proposal packet with photos and additional details.

Andre Meyrey, husband to Ms. Martin advised the Board that the proposal includes a small ice cream shop, an arts and crafts room upstairs and a candy camper outside. They would like to be able to host children's parties at the location. The initial reason for the Planning Board review was to seek a change of use. The applicant ran into an issue with the septic that they were not expecting, and the Department of Health would require a bathroom.

A discussion followed regarding the upgrade to the septic system, which would cost around $50,000 and the landlord of the property is not willing to do this.

Ms. Martin has been working with Sloan Architects for guidance.

Ms. Martin stated that she hoped that she could get approval for a pop-up shop at the location, just for the summer to allow her time to find a permanent space.

Mr. Still asked the applicant what type of work has already been performed at the location. Ms. Martin advised that she installed a new staircase, made it ADA; handicap accessible, and a deck in front of the store.

Ms. Martin reviewed the packet with the Board members, walking them through her proposal.

The concept page shows the upgrade with the new deck, previously there was only mud. Ms. Martin cleaned up all the plumbing and installed a new electric box.

The camper was gutted and re-done to have a small inventory of candy.

The upstairs of the barn was full of office furniture. They removed it, painted and added new furniture. The arts and crafts would be done in this space.

The hours of operation requested are 12-8 Monday through Friday and 10:30 – 5 on the weekends. The staff would consist of just a few employees.

The ice cream shop would have 12 flavors of local ice cream. Products they would be using are all disposable so they wouldn't have anything that would have to be washed. The only item would be a single ice cream scoop, so they installed a sink.

Mr. Still asked the applicant if the ceiling upstairs was low. Ms. Martin advised that it is at least 8' high.

Ms. Martin included recommendation letters and letters of support from members of the community.

Additional discussion followed.

There were friends of the applicant present to speak on behalf of her proposal and offer their support.

Building Inspector, Kenneth McLaughlin addressed the Board and the applicant. Mr. McLaughlin advised that the location is in the Residential district. Per the code, the use is not permitted. The nursery that is there is considered legal non-conforming. Mr. McLaughlin has previously denied this application. The application would need to be referred to the Zoning Board of Appeals to seek a Use Variance.

A discussion followed.

Mr. McLaughlin advised that he chose not the have the Town Engineer perform a review on this application as it would not be fair to the applicant to spend additional money on this project.

A discussion followed.

The applicant asked Mr. McLaughlin if she found a space that she could use just for an ice cream shop, would it be easier to get approval. Mr. McLaughlin advised that the biggest obstacle is finding an open space within the Village to suit their needs.

Ms. Martin stated that they had a conversation with the Health Department that morning. The Health Department advised the applicant that if the engineer could prove that it was acceptable for grey water, they would come out and re-evaluate the set-up.

Mr. McLaughlin asked the applicant if they had spoken to the neighboring home and how they felt about the shop. Ms. Martin stated that she did speak to them and they were in favor of her proposal and wrote a letter of recommendation. Mr. McLaughlin advised that the parking would be a major concern.

Joe Forte stated that he would recommend that the applicant go to the Village Board to see if they could get approval for seasonal use, while applying for a peddler's license.

Mr. McLaughlin advised the applicant that appearing before the Zoning Board of Appeals for a Use Variance down the lie, would be very difficult.

Ms. Martin advised that she has no intention of staying at this location as the landlord has no intention of assisting with the septic.

A discussion followed.

The applicant will work on finding a new location and may be back in front of the Board next month.

There being no further applications, Mr. Forte made a motion to close the meeting, Mr. Schwandt seconded, all were in favor. Meeting closed at 7:43 p.m.

Respectfully Submitted,

Regina Crawford, Secretary