

Gallatin Planning Board  
667 Route 7, Gallatin NY  
Meeting Minutes

ACCEPTED

December 17, 2012

Attending: Acting Chairman Phil Peeples, Bruce Humphries, Ira Levy,

Absent: Chairman Terry Porter, Brian Arico

Acting Chairman Phil Peeples called the December 2012 Gallatin Planning Board to order at 7:05 pm. An e-mail from Chairman Porter from Chris Cioffi of Mariner Towers was discussed. Chris Cioffi called last week to let us know that the Brody cell tower on Near Road and Taconic State Parkway is up. There are no transmitters on it yet, but the tower is there. Take a look if you're over that way.

The Board reviewed the Resolution approving the Special Permit and Site Plan application of Mariner Tower for the approved Communications Facility at 23 Wilmer Hill Road which was thereupon declared duly adopted on November 19, 2012 and sent to the Gallatin Town Clerk , Lisa DeLeeuw, where a copy is on file.

The Board discussed the FCID at 365 West Pond Lily Rd., and County Rte. 8 (copy of FCID on file with Gallatin Town Clerk) and the recommendations from the GPB sent to the Town Board before December 13, 2012 (GPB letter attached)

**TOWN OF GALLATIN PLANNING BOARD**

c/o Terry Porter, Chairman  
572 Route 7  
Pine Plains, NY 12567

**CHAIRMAN**

Terry Porter

**BOARD MEMBERS**

Brian Arico  
Bruce Humphries  
Ira Levy  
Phil Peeples

December 9, 2012

Thomas Garrick, Town Supervisor  
Town Board, Town of Gallatin  
P.O. Box 67

Ancram, NY 12502

Re: Application by Pond Lily, Inc. for a Floating Commercial/Industry District ("FCID")

Dear Supervisor Garrick and Members of the Town Board:

At the November 19, 2012, meeting of the Gallatin Planning Board, Jason L. Shaw of Whiteman Osterman & Hanna, LLP, presented an application for a proposed FCID on the property owned by Pond Lily, Inc., on West Pond Lily Road in the Town of Gallatin. It is the Planning Board's understanding that this application was presented to the Town Board at a special meeting on November 8, 2012, and that the application has been referred to the Planning Board pursuant to Section 3.2(B) of the Zoning Law by the Town Board for review by the Planning Board. This Board is required to consider the application's consistency with standards set forth in Article V, Supplementary Regulations of the Zoning Law.

The Planning Board finds that the proposed accessory use as an event barn for weddings, corporate retreats and other single purpose gatherings will be compatible with, and will not adversely impact abutting properties and the surrounding community. The proposed use constitutes an accessory use not specified in the listing of accessory uses contained in the District Schedule of Use Regulations of the Zoning Law. Because this accessory use is not specified, the Supplementary Regulations of Article V do not specifically address this accessory use. The Supplementary Regulations do generally state that all bulk regulations shall be met. (5.1(B)). This Board finds that the Application demonstrates that all bulk regulations have been met. Section 5.24 governs off-street parking and loading. Because the Zoning Law does not identify an event barn as a use, there is no associated minimum number of parking spaces. Pond Lily, Inc., proposes 150 parking spaces. Considering that for several uses described in § 5.24 which involve public assembly, the requirement is for one space for each three occupants of a structure, 150 allotted spaces is more than adequate for the proposed 225 person capacity of the barn. With respect to off-street loading and unloading facilities, this Board finds that since the event barn is offset from the street on a large parcel of land, adequate space exists for the parking of vehicles while loading and unloading and that further, no loading or unloading will occur on a street or public alley.

Section 3.2(B)(3) of the Zoning Law requires this Board to make inquiry and provide recommendation concerning the matters specifically set forth in Section 6.10(B) of the Zoning Law. Those matters are:

1. The creation of the FCID is consistent with the intent and objectives of the Zoning Law including the objectives contained in Section 1.5 of the Zoning Law. The ~246 acre parcel of which the proposed ~5 acre FCID would be a part is zoned RA 2. The creation of an FCID to allow the proposed accessory use with no additional proposed structures and no other material change to the property will not increase the density of the existing lot nor will it alter the residential quality of the property. Further, the Zoning Law, in providing for the creation of an FCID acknowledges that "it may be desirable to allow certain commercial and light industrial uses that would be more intensive than those presently allowed ... provided that such uses will be compatible with, and will not adversely affect abutting properties and the surrounding community." The economic opportunity created by the FCID will be consistent with the primary rural, residential character of the Town. Given that the proposed FCID will affect approximately 2% of the size of the existing parcel, that no additional structures or other material changes are proposed, that adequate parking will be provided, that the nearest structure on an abutting property is located close to one half mile away and that the proposed accessory use would consist of intermittent, seasonal events, the proposed FCID is compatible with and will not adversely affect abutting properties or the surrounding community.
2. Given the small area that will be affected by the proposed FCID, the isolated nature of the property, the intermittent use of the proposed accessory use and the provision of adequate parking, it is not anticipated that any area or establishment will be affected by the creation of the FCID.

3. The Applicant is not proposing development of its parcel nor is it anticipated that the creation of the FCID will result in any additional development either on the Applicant's parcel or any other area of the Town.
4. It is not anticipated that any other regulations would be affected by the creation of the FCID.
5. The creation of the FCID is consistent with the goals established by the Town's Comprehensive Plan. Specifically, the FCID with its proposed accessory use is an enterprise appropriate to the rural landscape which maintains and highlights Gallatin's rural character and scenic beauty while orienting commercial development toward a small, low impact business.

The Planning Board recommends approval of the FCID with the following suggested conditions or considerations:

1. No additional permanent structures are to be erected in relation to the creation of the FCID.
2. Parking for at least 150 cars will be provided according the proposed site plan in a grassy field with no paving to be provided.
3. Compliance with the requirements for outdoor storage or parking of recreational or commercial vehicles of Section 5.25 of the Zoning Law must be provided;
4. Any proposed signage must comply with Section 5.29 of the Zoning Law;
5. Adequate temporary, portable and self-contained sanitation units for each event will be provided as per the site plan;
6. A clear, drivable surface at least 15 feet wide for access by emergency vehicles consistent with the proposal contained in the Application must be provided.
7. Provide a dry hydrant in the adjacent pond for fire department use.
8. And while it is out of the Planning Board's jurisdiction, it was noted that the structure must be inspected by our Code Enforcement Officer to ensure that the floor loading capacity of the structure is adequate for the number of occupants proposed and that adequate means of egress can be provided according to the New York State Building Code.

Yours truly,

Terry Porter, Chair  
Gallatin Planning Board

Draft minutes from the November 2012 meeting were read. Phil mad a motion to accept. Bruce 2<sup>nd</sup>. All were in favor.

With no other business to discuss, Ira made a motion to adjourn at 7:45pm. Phil 2<sup>nd</sup>

Respectfully submitted,

Anne Fecci