

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

March 12, 2018

7:00 p.m.

Approved Minutes

- CALL TO ORDER: Mayor John Fox Sullivan called the Town Council meeting to order at 7:04 p.m. Council members Mary Ann Kuhn, Jerry Goebel, Fred Catlin, Patrick O'Connell, Katharine Leggett, and Brad Schneider were present. Town Attorney John Bennett and Town Clerk Laura Dodd were present.
- MINUTES: November 13, 2017: Ms. Kuhn made a motion to approve the November 13, 2017 minutes and Mayor Sullivan seconded and the motion passed 7-0.
- REPORTS: Treasury Report: Treasurer Goebel reviewed the attached Bank Summary Report, the Bills-To-Be-Paid list and the Additional Bills to Be Paid List. Ms. Leggett made a motion to approve the Treasurer's report and Mr. O'Connell seconded and the motion passed 7-0.

Planning Commission: No Report.

Architectural Review Board: Mayor Sullivan reported that the ARB would be meeting on Wednesday. He discussed that Beverly Sullivan had resigned from the ARB and that there was now a vacancy and if anyone was interested in being appointed they should submit a letter of interest by April 16, 2018.

Mayor Sullivan thanked Mr. Goebel for keeping the emergency generator at the Water plant up and running during the recent power outage.

- TOWN ATTORNEY: Mr. Bennett had no report.
- PUBLIC HEARING: Consideration of adoption of an ordinance to grant a modification to the existing Foster Harris House Special Use Permit #16-11-14 to allow up to two seatings of 10 persons each where one seating of 10 is now authorized, a change to serving hours from 6:30 to 11 p.m. to 6 to 11 p.m. and a change to the name of the applicant/owner to Peters Hospitality Management LLC: Mayor Sullivan opened the public hearing.

Klaus Peters discussed his application and that he wished to expand his seatings to two to provide excellent and personalized service to more local people at a reasonable price to be able to maintain his business.

Gail Swift, town resident, spoke in favor.

Jean Goodine, town resident, asked in one seating would be more expensive than the other.

Mr. Peters discussed that the more expensive, gourmet, meals would be offered on the weekends and the less expensive meals would be offered to locals during the week.

Audrey Regnery, county resident, spoke in favor.

John Devermont, county resident, spoke in favor.

Ray Gooch, town resident, spoke against approval, discussing that the Foster Harris House was in a residential zone and that there needed to be a zoning amendment as the definition of a B&B and the Zoning Ordinance were not consistent.

Caroline Anstey, town resident, discussed that the Special Use Permit granting the serving of meals to non-guests had already opened the door to allowing two seatings.

Mr. Gooch discussed that the definition only allowed the number of guests to equal the number of rooms times two which for Foster Harris House was ten guests.

Gary Aichele, county resident, discussed that the language of the definition might need to be changed to accommodate the additional seating. He discussed that he felt that the Town needed more commercial business.

Thom Pellikaan asked if it would be walk-in or reservations only.

Mr. Peters discussed during the week it would be walk-in and reservations and on the weekend it would be reservations only.

Ms. Leggett asked about walk-ins during the week.

Mr. Peters discussed that he would take walk-ins if he had space.

Mayor Sullivan asked if it would be a fixed menu.

Mr. Peters said "yes".

Mr. Bennett reviewed the Zoning Ordinance and discussed that he felt the extra seating would be allowed by a specific and distinct Special Use Permit under Article 6-1-2(h) 6. He discussed that the definition did not specify the number of seatings and it would allow two seatings of ten.

Mr. Gooch disagreed and discussed that it said that meals were limited to one seating.

Mr. Bennett discussed that the Ordinance had been amended to take out the one seating and Mr. Gooch must have the wrong version.

Ms. Kuhn asked about the seatings being limited to one meal and could there be two seatings at breakfast, lunch, and dinner.

Mr. Bennett indicated that the seatings could be for breakfast, lunch, or dinner.

Mr. Aichele discussed that he did not recall, when he was on Council, language allowing more than one seating and that the minutes for last Special Use Permit should be checked.

Mr. Bennett discussed that the adopted Ordinance was the controlling document.

Mr. Al Regnery, county resident, discussed that none of the discussion was substantially against the second seating because of a negative impact on the community and that as long as there was legislative history to support it what was written ruled.

Mr. Aichele discussed if there was any doubt on the wording of the Ordinance than Council should postpone their decision.

Mr. Bennett discussed that the Ordinance did not limit the number of seatings and that the language of the Zoning Ordinance allowed additional seating with the adoption of a Special Use Permit with additional standards.

Ms. Sharone Proper asked about the hours being from 6:30 to 11:00 p.m. and discussed that there would be plenty of time for two seatings.

Bill Walton, county resident, suggested that the Town Council should make sure that the existing zoning language fit the application.

Mr. Bennett discussed that that had been considered before the application was filed and that the language fit the application.

Mayor Sullivan discussed that Mr. Bennett, as the Town's Zoning Administrator, had decided that the application was acceptable.

Mr. Bennett discussed that in his view as Zoning Administrator the application was acceptable.

Ms. Kuhn asked if he had made a recommendation for approval or not as Mr. McCarthy had done with Special Use Permits in the past.

Mr. Bennett discussed that he had not been asked to make a recommendation but anyone could make a request for one especially if it was someone who was a resident or someone affected by the application. He discussed that he had not made a recommendation as he felt that the merits of a legislative action came under the purview of the people who were elected.

Mr. Gooch withdrew his opinion and concern regarding the application based on his having the wrong version of the Zoning Ordinance. He discussed that he felt that the Planning Commission should re-address the issue of B&Bs being able to act like a restaurant with multiple seatings at breakfast, lunch, and dinner.

Mayor Sullivan discussed that Mr. Gooch had provoked a good discussion. He discussed that he strongly believed that the town needed more people, more activity, and more energy and he thought that providing products and services that brought more people into the town and county was fundamentally a good idea. He discussed that the goal of the town wasn't just to generate more Meals and Lodging Taxes, but to allow people who live here with the opportunity to have the kind of environment and services that they wanted. He discussed that the Foster Harris House provided a service that people wanted and as long as it didn't cause significant problems he thought the application was a good idea and good for the town. He discussed that there might be some confusion with the wording but it was Counsel's view that the Council had the right to support the Special Use Permit and he made a motion to approve the Special Use Permit.

Mr. Catlin discussed that perhaps if the Council supported the Special Use Permit and found that it was substantially beneficial to the town then Council could vote to support pending a review by Mr. Bennett and if necessary the Council could re-vote in April.

Mr. Bennett discussed that the Council could not do that.

Ms. Leggett asked about conditions and if there could be review or could they expire.

Mr. Bennett discussed that the Council had a history of requiring a one year review and if no problems were reported during the year the Special Use Permit continued under the existing conditions without further review unless there were problems.

Mr. Schneider expressed his concern that Council kept allowing things that affected residential zoning and he discussed that here needed to be better clarity on what was a restaurant.

Mr. Bennett discussed that the only zone that allowed restaurants was Village Services, which was a very limited area in town, and that only with a Special Use Permit. He discussed that there was a distinct difference between what was being proposed that night and a restaurant and that if you served food then to be considered a restaurant you had to receive more than 50% of your receipts from serving food so the definition was clear and enforceable.

Sara Walton, county resident, discussed that she had not heard any neighbors speak against the application.

Bill Walton discussed that since Mr. Bennett had discussed that the application was allowable that Council should be discussing the merits of the application and the question of restaurant versus a B&B was a separate discussion.

Mr. Pellikaan expressed his concern that given the number of high end restaurants in the area Mr. Klaus might not have as many clients as he thought he might have.

Chuck Akre, a town resident, discussed that he was an immediate neighbor of Mr. Klaus and spoke in favor of the application and discussed that the increased commercial activity versus residential activity did not belong in the discussion.

Mayor Sullivan closed the public hearing.

Mayor Sullivan discussed that he had made a motion to approve the Special Use Permit, which had been advertised and subjected to a public hearing. Mr. Goebel seconded the motion.

Mr. Bennett reviewed the General Standards under Article 6-1-1:

a. Will not be hazardous or injurious to, or in conflict with, the predominant character of the neighborhood considering the size and location of the use, the nature and intensity of the operation involved, the site layout and access roads.

Mr. Schneider voted "yes"	Mr. Goebel voted "yes"
Mr. O'Connell voted "yes"	Ms. Leggett voted "yes"
Ms. Kuhn voted "yes"	Mr. Catlin voted "yes"
Mayor Sullivan voted "yes"	

b. Will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use.

Mr. Schneider voted "yes"	Mr. Goebel voted "yes"
Mr. O'Connell voted "yes"	Ms. Leggett voted "yes"
Ms. Kuhn voted "yes"	Mr. Catlin voted "yes"
Mayor Sullivan voted "yes"	

c. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, or to the quiet enjoyment of property or improvements in the neighborhood.

Mr. Schneider voted "yes"	Mr. Goebel voted "yes"
Mr. O'Connell voted "yes"	Ms. Leggett voted "yes"
Ms. Kuhn voted "yes"	Mr. Catlin voted "yes"
Mayor Sullivan voted "yes"	

d. Will be in accord with the provisions of the ordinance and the plan of use and development embodied therein, as well as in accord with such comprehensive plans or parts thereof from time to time adopted by the governing body.

Mr. Schneider voted "yes"	Mr. Goebel voted "yes"
Mr. O'Connell voted "yes"	Ms. Leggett voted "yes"
Ms. Kuhn voted "yes"	Mr. Catlin voted "yes"
Mayor Sullivan voted "yes"	

Mr. Bennett discussed that under Article 6-1.2.h.g the application modified the original Special Use Permit hours of operation to 6:00 p.m. to 11:00 p.m.

After a short discussion Mr. Bennett discussed that there was adequate parking.

Mayor Sullivan amended his motion to approve the Special Use Permit to modify the owner, hours of meals service and to provide two seatings of 10 guests per seating with the additional condition of a one year review and Mr. Goebel seconded the amendment.

Vote on the additional condition of a one year review:

Mr. Schneider voted "yes"	Mr. Goebel voted "yes"
Mr. O'Connell voted "yes"	Ms. Leggett voted "yes"
Ms. Kuhn voted "yes"	Mr. Catlin voted "yes"
Mayor Sullivan voted "yes"	

Vote on the motion to approve the modified Special Use Permit with the additional condition of a one year review:

Mr. Schneider voted “yes”	Mr. Goebel voted “yes”
Mr. O’Connell voted “yes”	Ms. Leggett voted “yes”
Ms. Kuhn voted “yes”	Mr. Catlin voted “yes”
Mayor Sullivan voted “yes”	

And the modified Special Use Permit was approved 7-0.

- OLD BUSINESS: a). Draft Ordinance to Address P to P (Nee Air BnB’s): Update and possible authorization of public hearing: Mr. Catlin discussed that Mr. Bennett would be meeting with the Planning Commission on March 27, 2018 to work on the draft ordinance with the intention of the Planning Commission presenting it to the Council in April.

b). Task Force Update: Mr. Catlin discussed that he had created a list of proposed tasks for each task force and a list of task force assignments, attached. He discussed that each task force would need a temporary chair to call the first meeting where a Chair and Secretary could be selected. There was a discussion of whether minutes needed to be taken at the task force meetings and Mr. Bennett discussed that if three or more Town officials were present minutes needed to be taken. Mr. Catlin discussed it would be good practice for minutes to be taken.

c). Council will consider possible expenditures and also manners of support, to promote Town interests in connection with planned Innstock celebration: Council agreed by consensus to table this item upon Mayor Sullivan’s recommendation. Mayor Sullivan discussed that for the record he had been asked as Mayor by Mr. O’Connell to be on the Inn at Little Washington’s 40th Anniversary Committee in an advisory position but he would not be making any decisions.

- OLD BUSINESS: a). Schedule a FY 2018-2019 Budget Work Session: By consensus the Council agreed to hold a budget worksession on March 27, 2018 at 12:30 p.m.

b). ARB Vacancy Announcement: This agenda item was covered under the ARB report.

c). Proposal for Safety Canopy for UV Lights at the Wastewater Treatment Plant: Mayor Sullivan discussed that the Town needed for safety reasons to cover the ultra-violet lights at the Wastewater Plant and that Mr. Schneider had gotten a proposal from VersaTube for a canopy.

Mr. Schneider made a motion to approve up to \$2,200 for the canopy and its installation and Mr. Goebel seconded and a roll call vote was taken:

Mr. Schneider voted “yes”	Mr. Goebel voted “yes”
Mr. O’Connell voted “yes”	Ms. Leggett voted “yes”
Ms. Kuhn voted “yes”	Mr. Catlin voted “yes”
Mayor Sullivan voted “yes”	

And the motion passed 7-0.

- PUBLIC FORUM: Mayor Sullivan opened the Public Forum.

Mayor Sullivan closed the Public Forum.

- CLOSED SESSION: There was no closed session.
- ADJOURNMENT: At 9:06 p.m. Ms. Kuhn moved to adjourn and Mr. Catlin seconded and the motion passed 7-0.

NEXT REGULARLY SCHEDULED COUNCIL MEETING ON APRIL 9, 2018

Respectfully submitted,

Laura Dodd

Attachments:

Treasurer's report

Additional Bills to be Paid

Bills to be Paid

Foster Harris House SUP modification request Ordinance

Task Force Tasks and Assignments Lists

Versatube Canopy proposal.