

**Village of Millbrook
Zoning Board of Appeals
Meeting Minutes
September 6, 2012**

- Call to Order:** Meeting was called to order at 7:04PM by Chairman Joel Diemond.
- In Attendance:** Chairman Joel Diemond, Andrew Doro, Robert Knapp, Earl Meyers and John Hay
- Review of Minutes:** Minutes from the July 31, 2012 Zoning Board of Appeals meeting were reviewed. Mr. Doro made one correction. Motion was made by Mr. Meyers and seconded by Mr. Knapp to accept the amended minutes.
- Old Business:** N/A
- New Business:** **Cardinal Hayes Home for Children – Request for area variance to bring a non-conforming lot into compliance by adding a covered main entry with an ADA mandated handicap accessible ramp on their property located at 12 Exmoore Lane.** Mr. Frenzel and Mr. Apers along with Mr. Loedy and Mr. Lichwick (Edmond G. Loedy, Architect, P.C.) represented Cardinal Hayes. Chairman Diemond asked if Cardinal Hayes Home for Children was requesting a 16 foot variance. They replied “yes”. The variance is requested to allow Cardinal Hayes to install a covered main entry and ADA mandated handicap accessible ramp on their main building. Mr. Loedy requested assurance that Cardinal Hayes non-conforming lot would be covered by the variance request. Chairman Diemond recognized that this situation was in existence when Cardinal Hayes purchased the property – and pre-dates the current Village Zoning regulations. Mr. Loedy provided a new map for the Board members and pointed out the changes requested at the July 31, 2012 Zoning Board of Appeals meeting. All were in agreement with the new map. Chairman Diemond asked the Board members if they wanted to add any conditions to the variance request before the Area Variance Checklist was reviewed. There were none.
- Village of Millbrook Zoning Law Section 230.68 (b) (2) Area Variances: In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:
- (a) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of an area variance? The Board unanimously said “NO”. The request will be an improvement to the campus and make the area more attractive.

- (b) Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance? The Board unanimously said “NO”.
- (c) Is the requested area variance substantial? The Board unanimously said “NO”. The 16 foot requested variance is not considered substantial for this property.
- (d) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? The Board unanimously said “NO”. There is clearly no impact or adverse effect.
- (e) Was the alleged difficulty self created, which consideration shall be relevant to the decision of the Board of Appeals, but not necessarily preclude the granting of the area variance? This request was not self-created. The ADA mandates a handicap accessible ramp on this property.

A motion was made by Mr. Knapp and seconded by Mr. Doro to approve Cardinal Hayes Home for Children’s request for a 16 foot area variance at their 12 Exmoore Lane property. The motion also recognizes that their non-conforming lot pre-dates the current Zoning Laws and will be grandfathered in. This approval is conditioned on the Dutchess County Department of Planning and Development finding that this is a matter of local concern. All were in favor.

Other Business: N/A

Motion to Adjourn: Motion was made by Mr. Hay and seconded by Mr. Meyers to adjourn. All were in favor. The meeting was adjourned at 7:16PM.

Respectfully Submitted:

Suzanne Gould
Secretary
Zoning Board of Appeals