

**Village of Millbrook
Zoning Board of Appeals
Meeting Minutes
January 29, 2018**

Call to Order: Meeting was called to order at 6:02PM by Chairman Andrew Doro.

In Attendance: Chairman Andrew Doro, Earl Meyers and John Hay, Timothy Capowski, Village Attorney, Rebecca Valk.

Pledge of Allegiance: Led by Chairman Doro.

Review of Minutes: Minutes from the August 29, 2017 Zoning Board of Appeals meeting were reviewed. Motion was made by Mr. Hay and seconded by Mr. Meyers to accept the minutes as written. All were in favor.

New Business:

Public Hearing for: 01-18-01 AREA VARIANCE: SPIRE ARCHITECTURE & DESIGN REPRESENTING HUNTER RENTAL PROPERTIES LLC, 7-15 MERRITT AVENUE, VILLAGE OF MILLBROOK. GRID NO. 66765-18-416146 §230-16 of the Zoning Code titled "Off-Street Parking & Loading" sets forth standards for off street parking. §230-16J prescribes the number of required parking spaces for each use, based on square footage of the building allocated to its use. The applicant is requesting to reduce the number of required parking spaces to 15.

Ms. Valk stated that she had a discussion with Mr. Colby of Spire Architecture, and would like to advise Mr. Rappleyea, the attorney for the applicant; the issue of SEQRA needs to be addressed as this is an unlisted action. Ms. Valk advised the board that they have the option of doing an uncoordinated review with the Planning Board or the option to ask for a lead agency to be declared. The applicant has been struggling with the Planning Board, as there is not a "functioning planning board" at this time as there are only 3 members on the board at this time and 1 member has recused himself, which means there are not enough members to vote on this application at this time. Ms. Valk advised the Zoning Board that they have the right to do an uncoordinated review should they choose.

Ms. Valk advised the board that Dutchess County Planning has replied to the application and advised that it is a matter of local concern.

Mr. Doro opened the public hearing.

Mr. Colby of Spire Architecture, the architect was present to represent the applicant. Mr. Colby presented the plans that were submitted. The variance requested is for 16 parking spaces. The building is a multi-use structure, it has offices and residences. The proposed laundromat is in the basement. The site plan shows the spots that they can get on the site.

The board reviewed the plans.

Mr. Doro asked Mr. Colby for clarification of the location of the parking spaces. The garbage area was also pointed out on the plans.

Ms. Valk stated that there was a petition received by the board that was signed by a number of residents (attachment 1) a comment memo from resident Joseph Still (attachment 2), email from resident Larry Ham (attachment 3), a comment memo from resident Edvard Jorgensen (attachment 4), comment memo from Michael Flanigan of Reardon Briggs Co. Inc. (attachment 5), questions from one of the chairman regarding the application (attachment 6).

Joseph Still, part owner of the backlot behind the shop addressed the board. Mr. Still asked that the ZBA not act on the request for the parking variance based on the following reasons: See attachment number 2.

Linda Winter, resident asked for clarification of the number of parking spaces. It was then explained to Ms. Winter by Ms. Valk, that the Code requires 31 parking spaces and the applicant can provide 15 spaces, so they need a variance of 16 spaces, this was determined by the Zoning Administrator.

Mr. Doro responded to Ms. Winter stating that regardless of the history, there are only 15 parking spaces available for that site. No matter what moves in or out of the building, there are only 15 spaces available.

An additional memo was submitted to the board for review from resident Lee McEnroe (attachment 7).

Ms. Valk stated clarification in the process involved regarding the laundromat. This business is permitted in the zoning district. The Planning Board is reviewing the proposed site plan for the business. They determine whether or not the layout is appropriate. The code requires a certain number of parking spaces, which is why the applicant is appearing before the Zoning Board of Appeals, as they have the authority to wave those requirements. The Zoning Board does not have full authority. It has authority over the parking. The applicant will have to go back to the Planning Board for review of their site plan.

Mike Flannigan, Co-owner of Reardon Briggs addressed the board. There are no businesses in the town that have 31 spaces, with the exception of possibly the bank. Mr.

Flannigan feels that this is a bad ordinance, a bad law. Mr. Flannigan feels that this should be changed.

Attorney Rappleyea addressed the board. No one meets parking in the village. It has been suggested numerous times that the Village Board needs to change the law. Mr. Rappleyea stated that the site plan concerns will be addressed with the Planning Board.

Mr. Still stated that by granting a parking variance at this point, wouldn't it be assumed that the applicant would start to move forward with the project. Mr. Rappleyea responded that site work would not be done because a building permit will not be issued. This applicant will be sent back to the Planning Board after this meeting. Mr. Still asked the board if they are to approve the variance, would his addendum be attached. Clarification was made, that the addendum would be put in as part of the record, not as conditions.

Mr. Still stated additional concerns with the entrance. Mayor Brown stated that this will be addressed with the Planning Board.

Ms. Valk asked the board what their preference was as far as SEQRA review. The board chose the uncoordinated review. Ms. Valk and the board completed the Short EAF form Part 2 — Impact Assessment. See attachment 8.

During the form review Mr. Still stated laundromats have an exhaust that emits CO₂, dryer sheets, soap scents. Mr. Still's daughter lives very close and will not be able to open her windows, as it is an airlocked area between the buildings. It is a quality of life issue for her as she cannot open her windows in the summer due to the dryer vents. Ms. Valk stated that this concern applies to question 11 of the form. The applicant responded to the concern; there will be venting at the roof level, not at ground level. Mr. Still stated that this is a known carcinogen and is an issue. The applicant replied that they would like to see proof of this concern. Mr. Still asked that at minimum the vent be moved to the west side of the building, where there are less close structures. Ms. Valk replied that without significant data to back up the statements made, there is not enough sufficient proof to address the concern.

Ms. Valk addressed the record of findings:

Character of the neighborhood and Detriment to Nearby Properties

Given the availability of on street parking, it is consistent with the business aspect of the neighborhood. No detriments to nearby properties.

Alternative Methods for Achieving Benefit Sought by Applicant

The parking is based on square footage of the building, leaving no other option

Substantiality of Variance Requested

Substantial as it is in excess of 50%

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

There is no evidence of impact

Self-Creation of Difficulty

Not self-created, existing building

Other Consideration

N/A

Mr. Hay made a motion to close the public hearing, Mr. Meyers seconded, and the motion carried. PUBLIC HEARING CLOSED.

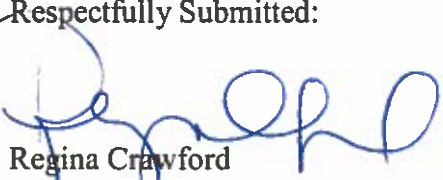
A motion was made by Mr. Hay to adopt the Negative Declaration, Mr. Meyers seconded, all were in favor.

Chairman Doro offered the resolution which was seconded by Mr. Hay to grant the variance for the reduction in parking to 15 spaces conditioned upon the laundromat use as currently proposed, should the Planning Board not issue a decision, the variance does not survive. A copy of the decision for this request is attached.

There were no additional comments or questions.

Adjournment: Mr. Hay moved, and Mr. Meyers seconded a motion to adjourn the meeting at 6:43PM. All were in favor.

Respectfully Submitted:


Regina Crawford
Secretary

Petition

~~20~~
~~21~~
~~22~~

To Whom It May Concern;

244

Would you please approve
the laundry mat at the new
location on Merritt Avenue. There
are alot of people that use
it, and need it. I would appreciate
if you did it.

Thank you for your support.

~~Richard~~

Joseph R. Barry

Janet Berry

CTW

Kelly Osborn - Onighe

~~John~~

~~Mike~~

Michael

John Dilato

John Oster

Ar Craig

Earl D. Smith

Wm. K. Kay - May

~~RCX~~

Jana Smith

Samuel R. Kline

Paula L. Smith

Cecilia Rogers

Patricia Higgins

Sam Land

Kimberly Hatzar

Whitney Hatzar

Pauline Jewell

Roger Sowell

Johnathan Alexander

Robert Fjore

Gonna Schupp

Mary Ruthick

Mike Lynn

Constance Hise

James Clayborne

James Green

• Robin Cuevas

• Loredana Rizzi

Arlene Loney

~~Mr. III~~

Viraj Patel

Tom M. Davis

Karen Armstrong

Mike Tanora

Gary Miller

Joni Wright

~~Don L.~~

Jane Byrne

Amanda Miller (Amanda Williams)

Anthony Williams

Helen Island

Jody Howe

Maureen Marcel

Marie Schuler

Barbara Smith

Ronald Desmuni

Stephen

Leonard Anderson

Lila Anderson

Alice Still

~~James~~
~~Michael~~

Deborah Fale

Stella Shook

Bonnie Johnson

Ignacio Cardenas

Kelly Garcia

Kamini Oppenheim

Mark Oppenheim

~~David Fale~~

~~Barbara Hall~~

Carol Kolencan

Teresa Esten

Kathleen Gray

~~Use D.N.~~

Karen Williams

Anthony Williams

~~Michael Moore~~

Susie Gomez

Marcelino Juarez

Jennifer Mills

Art Mills

~~Debra~~

~~Bob Cunningham~~

~~Donna~~ ~~Debra~~ ~~Debra~~

John Duncan

Karen M. McLaughlin

mei fuy

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Thank you for your support.

Christopher P. Storea — Keep the Mat Here

Manly Momo

Maia Dhuang

Sean Payne (845) 625-3008

Francine Adams

Jo O'Leary

Carli B. B. B.

Mario Perez

Brianna Taylor

Monica Taylor

Maria Amato

Joseph D. Davenport

~~William B. B.~~

Roberto Cruise

Janet Jorgensen

Stano Kohn

Nicole Raggio

Cassie Smith

677-6546 Elizabeth M. E.

Marcie Rose

Paula Ramos

Joulynn K. K.

Kathy B. B.

Josephine D. D.

Paula B. B.

Robert M. M.

Ellen B. B.

Sandra C. C.

TRACI CARELL

Paula C. C.

To Whom It may Concern

Would you please approve
the Laundry mat at the new
location on Meritt Avenue.

There are alot of people that
use it, and need it. I would
appreciate it you did it.

Thank you for your Support

Barbara Ann Ryes
Brian Cooper

Mandy
BARBARA GREEN

Melanie Farrington

Missie Roy

Arlene de Foss
Jeffrey de Martin

Guy FARRINGTON
MELANIE FARRINGTON

Barbara A. Greer

Isidore

Henry H. H. H.

Stephen Smith

Charles Smith

Paul Pollock

Jan Wright

Janet Smith

June Connell

John Andrews

John Vondra

Eric Johnson

Walter H. H.

Carolyn M. H.

Marilyn Butts

Linda Butts

Candace C. H.

Chris Fay

Boine

Boine

Mike Keene

Melissa Dabner

John Smith

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~~Don Dahlgren~~
Marcell Rosa
Joe Hoff

Chris Johnson

Valerie Hardiso 12 North Ave

Aracida Min

Mike C. Dawson

Roland W. Smith

Bill Fike

Alex Shackley

Bill Skuff

Christian A. Flinders

Carla Rogers

Maria Monroy

Monette Edwards

Laura Gray

Will Hutchins

Pamela Berman

Valerie Brown

Daniel Hutchins

Ina Mursenden

Malinda

Abbie Castro

Mary Ryan

Rocio

Ron Jackson

12.8.17

Kateann O'Dell

Wesley

Monica Sanchez

Jeann Brown

Polym J. J.

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Rosy Sicure

Christy Faria

Carly Pharies

Lillian Varela Cerrone

Dominick Cerrone

Richie Varela

Ed Cerrone

Peter Fisher

Leith Pardee

Chris Steiner

Faith White

Trinity Steiner

William Case

Thomas Robertson

Fred [unclear]

Caitlin DEGHAN

Dr. [unclear]

Wendy [unclear]

Chr. [unclear]

Wendy [unclear]

Christie [unclear]

Shirley [unclear]

Rebecca [unclear]

God [unclear]

Shirley [unclear]

James [unclear]

ANNE-MARIE DEGHAN

James J. DEGHAN JR.

MATTHEW DEGHAN

Coccolin DEGHAN

Meredith DEGHAN

MEGAN DEGHAN

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Thank you for your support.

• Grace Rhuscik
• Paul Rhuscik
Chuck Sinek

William Hurst

Courtney Brandt

Tom Church

Alexandra Wilson

Johnathan T.

Johnathan T.

Johnathan T.

Johnathan T.

Johnathan T.

Johnathan T.

Johnathan T.

Johnathan T.

Johnathan T.

Johnathan T.

Johnathan T.

David

Matt Lyder

Tia Abrecht

Tom Abrecht

Donna Kaplan

Chun-Lan (Mama) Sun

Marilyn Marshall

Tom Pado

Tom Pado

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~~John R. Bay~~

Janet Berrug

CTW

Kelly Osborn - Christie

~~Val~~

~~Michelle~~

John Dilato

Leah Foster

Ay Craig

Earl D. Smith

Ann Kiny - May

Jana Smith

Barry R. Kline

Paula L. Smith

Cecilia Rogers

Patricia Harris

Ann Campbell

Xenovia Hatzas

Ashley Taylor

Pauline Towell

Roger Powell

John H. Alexander

Robert Fiole

Gina Schupp

Marcy Rubick

Mike Lynn

Constance

Janice Clayborne

Janet Green

Robin Cuevas

Loredana Rizzi

Aylene Looney

~~Mike III~~

Viraj Patel

Tom M. Stach

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Mike Tanora

Gary Miller

Joni Wright

~~Ben Lm~~

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Marie Schaefer

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Ronald Desmuni

Catphanh

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Alice Still

~~John~~

~~Michael~~

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Stella Shook

Bonnie Johnson

Ignacio Cardenas

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Kamini Oppenheim

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Use D. N.

Kara J. Martin

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~~Michael~~

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Manly Momo

Seamus Kelly

Maria Dhuany

Nicole Regina

Sean Papineau (845) 625-3008

Cassie Smalls

Francine Adams

677-6546

Elizabeth Kane

~~Joe Adams~~

Marcie Rose

Carlie Bittor

Paula Ramos

Mario Perez

Gonzalez Ruffin

Brianne Foster

Kelly Butler

Monica Foster

Stephanie DUBella

~~Stephanie DUBella~~

Maria Antonia

Patricia

Steph D. Deventer

Robert N. Ford

~~William D. Ford~~

Robert N. Ford

Ellen Bica

Orlando Cruise

Cassandra Carella

Janet Jorgensen

TRACI CARELL

David Quinn

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Michelle Roy

Gloria de Jesus
Luffy de Martin

Guy FARRINGTON
MELANIE FARRINGTON

Ismael

Barbara A. Gussie

Stephen Smith
Charles Smith

Walter Smith

Paul Robinson
Tom Wright

Jane Connell

Janice de Jesus

Sean Andrews

Bing

Walter Vintcent

Eric Johnson

Angela

Alison Harris

Carrie Melton

John F. Teece

Marilyn Butts

Melissa Dasher

Ronda Butts

Candice Litcher

John Connell

Chris Fay

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~~Don Doherty~~
~~Morrell Rose~~
~~Joe Hart~~

~~Chris. [unclear]~~

~~Lucas Mardiso~~ 12 North Ave

~~Aracida [unclear]~~

~~Mike C. Downey~~

~~Roland W. Smith~~

~~Bill Felt~~

~~Alex Shackley~~

~~Bill Shultz~~

~~Christian A. Flinders~~ [unclear]

~~Cecilia [unclear]~~

~~Maria Monroy~~

~~Monette Edwards~~

~~Laura Gray~~
~~Will H. [unclear]~~

~~Pamela [unclear]~~

~~Valerie [unclear]~~

~~Daniel H. [unclear]~~

~~Ana Mussen~~

~~Chad [unclear]~~

~~Abbie Castro~~

~~Mary Ryan~~

~~Rocio~~

~~Ron Jackson~~

12.8.17

~~Kate [unclear]~~

~~Wesley~~

~~Monica [unclear]~~

~~John [unclear]~~

~~Edmund [unclear]~~

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~~Joseph Scurro~~

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Lillian Varela Cerrone

Dominick Cerrone

Richie Varela

Ed Cerrone

Peter Fisher

Leith Pardee

Chris Steiner

Faith White

Trinity Steiner

William Case

~~Thomas Robert~~

~~Thomas Robert~~

CAITLIN DEBHAM

~~Joseph Scurro~~

~~Joseph Scurro~~

~~Joseph Scurro~~

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William Hurst

Robert Brandt

Tim Brandt

Alexandra (Mama)

EVAN BULLER

Johnathan T.

Joseph D.

Thomas Christie

Elizabeth Whiting

Robert D.

Edwina J. Crowder

Barbara Valley - Azar Wellness Spa

David

Matt Lyder

Tia Abrecht

Tom Abrecht

Donna Kaplan

Chuck Lee (Mama) Sue

Marilyn Darnell

Tom Darnell

Tom Pado

1/29/18

Memo To: Zoning Board of Appeals

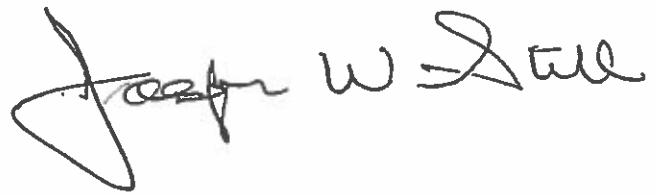
From: Joseph Still, co-owner of driveway and parking lot

I am asking that the ZBA not act on the request for a parking variance at 5-17 Merritt Avenue based on the following reasons:

- 1.) The plan does not show safe access of egress for pedestrian customers. They now must use the driveway, which would constitute a safety hazard due to the fact that it is virtually one lane, on an incline, and blind to vehicles coming or leaving the parking lot
- 2.) They must respect my liability by clearly marking parking spaces, both on the site plan and on the blacktop, with white paint for parking areas and yellow striping for non parking on my property at their expense.
- 3.) Rear parking lot is already full and gridlocked on DMV days and adding additional traffic will only exacerbate the problem. The dumpsters are currently on my property. These were put there without my permission and would need to be moved to their parking area, leaving even fewer parking spaces available.
- 4.) I am also requesting a hold harmless agreement be put in place. This should absolve me from any liability, claims or injuries sustained to the laundromat or DMV customers.

Conclusion:

The current proposal is full of issues which render it is not a good plan. Therefore, I am requesting that the applicants meet with the planning board for workshops to address these issues before any variances be granted.



P.S. I am requesting that this Addendum be attached to any approval of variance for parking, and I believe it is my right as co-owner of the back lot, to protect my liability

JWS 1-29-18

Subject: Comments for ZBA Meeting Jan 29, 2018

From: Larry Ham <larryham22@gmail.com>

Date: Mon, Jan 29, 2018 10:31 am

To: pbazbasec@villageofmillbrookny.com

Hello,

I'm unable to attend the meeting this evening, and wish to comment on the Area Variance requested by Hunter Rental Properties, LLC at 7-15 Merritt Avenue. As a neighboring property owner, at 3 Elm Drive, also listed as 19 Merritt Ave, I believe that granting this variance would be very disruptive to the neighborhood.

Regardless of how the owner intends his current parking spaces to be allocated (to building residents or to laundromat customers?) the net result will be that some residents of the building and some customers of his proposed laundromat will have to park some distance away from the building. They will then be carrying their belongings and/or their laundry baskets through the neighborhood..

This would be a real safety concern, especially in bad weather. It would significantly impact the quality of life and the right to quiet enjoyment of their property by neighbors. It would also greatly reduce the availability of street parking in the area for other legitimate uses.

For these reasons I ask that this request be denied.

Respectfully,

Lawrence C. Ham

3 Elm Drive, LLC

917.406.4572 mobile

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Seahorse Financial Advisers Inc.
Investment Counsel

Edvard Jorgensen
President
(845) 677-6865
ejorgensen@seahorseadvisers.com

Millbrook NY
Remsenburg NY
Fax: (845) 677-0317
www.seahorseadvisers.com

25 January 2018

Mr. Andrew Coro
Chairman Zoning Board of Appeals
P.O. Box 349
Millbrook, NY 12545

Dear Mr. Coro,

I have no objection to the parking spaces.

Thank you.

Sincerely,



Edvard Jorgensen
52 Front St. LLC

Attachment 4

359 Shunpike
Millbrook NY 12545

15 Seatuck Lane
Remsenburg NY 11960

REARDON BRIGGS CO., INC.

P.O. Box A

MILLBROOK, NY 12545

Hardware - Housewares - Paint
Franklin Avenue
(914) 677-8201
(914) 677-5853 (office)



Lawnmower Sales & Service
Route 44 Washington Hollow
(914) 677-3100
(914) 677-6877 (Fax)

October 1, 2014

Stan Morse, Chairman

Ad Hoc Committee For Reviewing Village Code

Dear Stan

I understand you are taking on the task of reviewing the existing zoning regulations for the Village of Millbrook. Thank you for doing this. I have a comment I would like to make regarding these regulations.

It seems that for the entire 29 years I have been operating Reardon Briggs Hardware that every time someone proposes opening a new business in our village the first obstacle that person will face is "where are you going to have the necessary parking spaces?" As a business owner I welcome the opportunities that come to all of us from having a vibrant and diverse mix of businesses. I feel that our zoning regulations should be designed to say "How can we help you join us" while staying within the overall framework of what we all want Millbrook to be.

Providing municipal parking, in my opinion, is the responsibility of the municipality, not of the business owners. Our village has only so much space and unless we intend to build parking garages or start tearing down structures we have nowhere to go. In the face of this reality I feel that the number of parking spaces required of a business should be zero! If customers or clients cannot park conveniently and do not patronize a business it will fail. That will be the result of a business decision made by the person making the investment.

As a store owner I wish we had more of a parking problem. Our lot, which we happily allow anyone to use, provides parking for my employees, customers, tenants and patrons of Slammin Salmon. Our lot is seldom without empty spaces. However, I believe my parking lot does not have enough spaces to conform to the existing regulations.

Finally, I would like to refer you to the Recommendations for the Improvement of the Millbrook Business District, which were issued by the Downtown Improvement Task Force of the MBA. This matter was addressed in that report. It was issued August 1, 1990. We have been discussing this for over 24 years.

I appreciate that your committee is taking on a difficult but necessary task. Thank you for doing so.

Michael J. Flanigan

Issues with Proposed Laundromat

Exhibit A

TRAFFIC: Merritt Avenue is gridlocked on DMV-days due to parking issues, number of intersections, school traffic and proximity to Post Office traffic.

Exhibit B

PARKING: Limited to backyard, which is inadequate even without the laundromat existing here

Exhibit C

BUILDING: The structure is 150-200 years old with wood frame. 6 Apartments, 1 retail, 1 DMV, 2 adjacent apartments in building west (very close proximity).

Exhibit D

PARKING AREA: Not visible from any direction. Driveway is one lane and is impassible for two vehicles. This lot is also shared with Still property, which needs to be exempt from parking and trespass issues.

Exhibit E

LAUNDRY AREA: Ceiling height is less than 8 feet. Not adequate for fire suppression system, or people over 6 feet tall.

Exhibit F

FIRE RISK: A fire, such as a gas explosion, would render fire suppression useless, and engulf the entire building in a very short time because of it's wooden nature. Neighboring buildings are in close proximity, which would put them at risk also should a fire occur.

Exhibit G

VENTING: Venting is planned for driveway or east side of building in a naturally air trapped area with neighbor in close proximity. Emissions such as CO2, burn gas and dryer sheet odor permeating the air in such a close area is unacceptable and should vent to the west side of the building. *can This be moved?*

Exhibit H

WATER AND SEWER: Not sure if water and sewer main are proper size for the proposed uses.

General:

This proposal will exacerbate existing hardships, not to mention safety in an area that is mixed business and residential and is already feeling the stress of congestion. This is not in keeping with the tradition of or master plan for our village.

The existing use of this property is at 100% currently. The proposal would have it at 125%.

It is a hardship also for the residents who don't have laundry or a car. However, there are much better choices for the location so as not to make one person's hardship someone else's hardship.

driveway — pedestrian area — any issues ??

security / lighting / cameras

Lee McEnroe
33 Anson Avenue
Millbrook, NY 12545

December 1, 2017

Mr. Rod Brown
Mayor for the Village of Millbrook
PO Box 349
Millbrook, NY 12545

Dear Mr. Brown,

I am writing to request that you and the Board take into consideration all aspects when deciding if the Laundromat can be relocated to Merritt Avenue. It is a vital part of the Village and I personally have used it several times throughout my nine years of living in Millbrook, although I am equipped with a washer and dryer within my home. My heart aches for the less fortunate people that do not have laundry facilities within their homes. Some of these people don't have transportation to get to another facility which is approximately 10 miles away.

As a real estate broker and appraiser, I also feel that if there is not a Laundromat within the Village of Millbrook it could have a negative impact on the rental market and create vacancies forcing people to move out of the area in order to be closer to a Laundromat. Haven't enough changes taken place in the Village of Millbrook, forcing the middle to lower class population to go elsewhere for their everyday needs?

I have heard all the pros and cons of why it should or should not be allowed on Merritt Avenue. My personal opinion is that there is enough parking and easy access for ingress and egress. I think about the local Restaurant located on Alden Place. It has limited "space" to park and you have to back out of it. I find it very dangerous.

I hope you will thoroughly think this proposition through and make the right decision that will benefit the local community.

Respectfully submitted,



Lee McEnroe

Project: Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:		
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Project: Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☒	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Village of Millbrook ZBA</u>	<u>1/29/18</u>
Name of Lead Agency	Date
<u>Andrew Sorro</u>	<u>Chair</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>Andrew Sorro</u>	<u>Rebecca Kelt</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



VILLAGE OF MILLBROOK

35 MERRITT AVENUE PO BOX 349 MILLBROOK NY 12545 TEL: 845-677-3939 FAX: 845-677-3972

RODNEY BROWN
MAYOR

SARAH J. WITT
CLERK/TREASURER

NICOLE ZEKO
DEPUTY CLERK

THE ZONING BOARD OF APPEALS NO. 01-18-01

DECISION ON THE APPLICATION OF Spire Architecture & Design

In the matter of the appeal of Hunter Rental Properties, LLC, of 7-15 Merritt Ave, Millbrook, NY 12545

From a denial by the building inspector of a building permit to convert an existing occupied storage area into a laundromat in a GB district which will require a reduction in the parking requirements from 31 spaces to 15 for the entire building.

FACTS

1. Hunter Rental Properties hereinafter "applicant") IS THE OWNER OF A .36 Acre parcel located 7-15 Merritt Avenue Grid No. 6765-18-416146
The property is improved by a multi-story mixed use building.
The applicant proposes to reduce the required parking from 31- to 15 spaces
2. §230-16J of the Village of Millbrook Zoning Law (hereafter, "the Zoning Law") prescribes the number of required parking spaces for each use, based on square footage of the building allocated to its use.
3. Notice of public hearing published in Poughkeepsie Journal on January 22, 2018.
4. A public hearing on the above referenced application was held on January 29, 2018 at which time the hearing having been duly closed.
5. A site visit was conducted regarding this application
6. The application was referred to Dutchess County Department of Planning and Development pursuant to General Municipal Law, Article 12(B), Section 239(1) and (M). The Dutchess County Department of Planning and Development responded by correspondence dated January 29, 2018 that this was a matter of local concern.
7. The application is considered a Type II action and exempt from SEQRA review.



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RODNEY BROWN
MAYOR

SARAH J. WITT
CLERK/TREASURER

NICOLE ZEKO
DEPUTY CLERK

RECORD OF FINDINGS

The matter having come to be heard before a duly convened meeting of the Zoning Board of Appeals, and the facts, matters and evidence produced by the applicant, the Building Department and interested parties having been duly heard, received and considered and due deliberation having been had, the following is the record of findings:

The application was presented by **CHRIS COLBY OF SPIRE ARCHITECTURE**

In making its determination on an area variance application, this board must take into consideration the benefits to the applicant(s) 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 doing so, this board must weight the following statutory criteria:

Character of the Neighborhood and Detriment to Nearby Properties

Consistent with the business aspect of the neighborhood

Alternative Methods for Achieving Benefit Sought by Applicant

There are no alternatives

Substantiality of Variance Requested

Substantial, as it is in excess of 50%

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

There is no evidence of impact

Self-Creation of Difficulty

Not self-created, existing building

Other Consideration

N/A



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MAYOR

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CLERK/TREASURER

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DEPUTY CLERK

DECISION OF THE ZONING BOARD OF APPEALS NO. 01-18-01

Chairman Doro offered the following resolution which was seconded by Mr. Hay who moved its adoption;

WHEREAS, the applicant applied for the following variance(s)

Relief of 16 parking spaces from the requirements of §206-16J which prescribes the number of required parking spaces for each use, based on square footage of the building allocated to its use

WHEREAS, the board considered the facts of the case and the matters and evidence produced by the applicant, Building Department, and any interested parties, having been duly heard, received and considered and due deliberation having been had in consideration of the record of findings

WHEREAS, The Zoning Board of Appeals has taken into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such a grant

NOW THEREFORE BE IT RESOLVED that the attached Record of Findings be issued and the Zoning Board of Appeals finds:

Spire Architecture and Hunter Rental Properties be granted the variance for the reduction in parking to 15 spaces conditioned upon the laundromat use as currently proposed; should the Planning Board not issue a decision, the variance does not survive.

The foregoing resolution was duly put to a vote which resulted as follows:

	AYE	NAY	ABSTAIN	ABSENT
Andrew Doro	x	_____	_____	_____
Timothy Capowski	x	_____	_____	_____
John Hay	x	_____	_____	_____
Earl Meyers	x	_____	_____	_____

Date of Decision: January 29, 2018

Secretary: 

Village Clerk: _____

Seal

FILED THIS DATE _____ IN THE OFFICE OF THE VILLAGE CLERK