Village of Millbrook
35 Merritt Avenue Millbrook NY 12545
Village Hall – Board of Trustees
October 13, 2020

- *Open Meeting Laws have been suspended- Executive Order No. 202.1*
- *The public can comment/question via email villageofmillbrook@gmail.com. The responses to the email will be done during the following week by the trustee that is most applicable.*

1. **Roll Call:** Mayor Herzog, Deputy Mayor Collopy, Trustee Rochfort, Trustee Contino, Robert Collocola Public Works Supervisor (PWS), Ted Bownas (Fire Department Chief), Matt Rochfort (FD President), Officer in Charge (OIC) Witt, Scott Osborn (VRI), Attorney Mackey and Attorney MacDonald, Building Inspector/ ZEO Ken McLaughlin, and Clerk Witt
   Absent: Trustee McGrane
2. **Open meeting – 6:30 PM with Pledge of Allegiance.** The Board had a Moment of Silence for Oakleigh Thorne who recently passed away. Deputy Mayor Collopy announced the importance of wearing masks in public and said that everyone that attends meetings must wear masks during the whole meeting. *Motion* made by Mayor Herzog that everyone wear masks during meetings, seconded by Deputy Mayor Collopy and all were in favor.
3. **Minutes Approval:** *Motion* made by Mayor Herzog to accept the minutes of 9/08/2020, seconded by Deputy Mayor Collopy and all were in favor.
4. **Voucher Approval:** *Motion* made by Trustee Rochfort to accept the fund totals as presented, seconded by Deputy Mayor Collopy and all were in favor.

October 13, 2020 Voucher Totals

Vouchers 20151-20258

A - GENERAL FUND	97,851.67
F - WATER FUND	9,856.74
G - SEWER FUND	29,964.42
H - CAPITAL PROJECTS	230,017.00
	367,689.83

5. **Appointments:** Mayor Herzog appointed David Gruning to the Planning Board. Clerk Witt gave the Oath of Office to Mr. Gruning his term goes until 12/31/2023. *Motion* for the appointment made by Mayor Herzog, seconded by Deputy Mayor Collopy and all were in favor.
6. **Departmental Reports:**
   Fire Department: Chief Bownas read from the attached monthly reports.
   Police Department: OIC Witt read from attached September reports. Ongoing work includes his work with the Mayor on the NYS mandated Police Reform.
   Public Works: PWS Collocola read from attached Public Works report. *Motion* made by Deputy Mayor Collopy to approve the planting of three trees (one on Merritt and one on Church St), seconded by Trustee Contino and all were in favor. Mayor Herzog said a third tree will be planted on Elm for Arbor Day.

Water and Sewer: Scott Osborn (VRI) read from attached September report. Deputy Mayor Collopy requested that meter readers wear discernable clothing saying they are from VRI as he received complaints about it.

7. **Treasurer/ Building Department:** Clerk Witt read from attached September Treasurer and Building Department reports.
8. **Old Business: Local Law (LL) 7-** The Board along with Attorneys Mackey and MacDonald and ZEO McLaughlin reviewed the letter from DC Planning containing comments about the Thorne Building Overlay and updated Zoning Map (attached at the end of these minutes). After discussion ZEO McLaughlin explained the purchasers of the Thorne Building would still be subject to all of the permit processes and requirements before approval would be granted. The Board opted to move forward with Resolution 017 of 2020 (attached at the end of these minutes) noting the comments of DC Planning. DC Planning left it as a matter of local concern in their letter. *Motion* by Trustee Rochfort to open the public hearing on LL 7, seconded by Deputy Mayor Collopy and all were in favor. No comments by the public were made. *Motion* by Trustee Rochfort to close the public hearing on LL 7, seconded by Deputy Mayor Collopy and all were in favor. The Board reviewed the SEQR forms and Resolution 018 of 2020 (attached at the end of these minutes). Clerk Witt to file for LL 7 of 2020 with New York State.
9. **New Business:**

   Eagle Scout Project: *Motion* made by Mayor Herzog to allow the Eagle Scouts to build shelves for the boxes of records in the basement, seconded by Deputy Mayor Collopy and all were in favor.

   Tennis Court Reserve- Resolution 020-2020 Establishing the Tennis Courts Capital Reserve Fund: *Motion* to accept this Capital Reserve Fund made by Deputy Mayor Collopy, seconded by Trustee Contino and all were in favor.

   IMA with Dutchess County Planning: *Motion* by Deputy Mayor Collopy to allow Mayor Herzog to sign the IMA with Dutchess County, seconded by Trustee Rochfort and all were in favor.

   BAN – Water Treatment Plant Upgrade: Attorney MacDonald will confirm, but he believes we can take out another BAN under the original BOND Resolution. *Motion* by Mayor Herzog to allow Clerk Witt to solicit bank bids for the BAN, seconded by Deputy Mayor Collopy and all were in favor.

   Records Retention Resolution 019-2020: Attached to these minutes.
10. **Trustee Updates:**

    Deputy Mayor Collopy: Continuing working on the Village Code Update and has six more chapters to be amended. He will be working with members of the Board on the updates and will be working with Attorney Mackey on the corresponding resolutions.

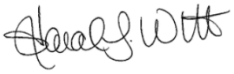
    Trustee Rochfort: Continuing working on Code Update with Deputy Mayor Collopy.

    Trustee Contino: Continuing working on Code Update with Deputy Mayor Collopy.

    Trustee McGrane: Absent.
11. **Mayor Update:** Made general Dutchess County announcements. Said the Village of Millbrook will not be cancelling Trick or Treating but leaving it at the discretion of the residents to participate. Announced there will be a ZOOM meeting concerning Ruge's parking lot in November. Reminded everyone to not forget to Vote.
12. **Next Scheduled Meeting:** November 10, 2020 at 6:30 PM.

13. Adjournment: *Motion* made by Deputy Mayor Collopy to adjourn the meeting at 9:04 PM, seconded by Trustee Contino and all were in favor.

Respectfully submitted by:



Sarah J. Witt
Village Clerk

MARCUS J. MOLINARO
COUNTY EXECUTIVE

EOIN WRAFTER, AICP
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

October 9, 2020

To: Board of Trustees, Village of Millbrook
Re: Referral ZR20-245, LL Creating 'Thorne Center Overlay District' and amending Village Zoning Map
Parcel: 6765-18-479085, 483093, 412037, 402046 (four parcels to be rezoned) and 6765-19-548131 (parcel proposed to be the new Thorne Center Overlay District)

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

ACTION

The Village is proposing to amend the Village Zoning Code to rezone four parcels to the General Business (GB) zoning district – two of which would be rezoned from the Residential (R) zoning district and the other two would be rezoned from the Multifamily Residential (RMF) zoning district. The Village is also proposing to add a new overlay district (§230-13.1) to the zoning code, which would regulate the adaptive re-use of the Thorne building, a former education site in the Village.

COMMENTS

We find the GB amendments to the Village Zoning Map to be a matter of local concern.

Regarding the new code section governing the proposed Thorne Center Overlay District, we offer the following comments. Please note that we have had discussions with the attorney working with the Village on this proposal and that has helped to inform our review.

- It is our understanding that the Village anticipates transferring the Thorne Building property to a non-profit entity for the development of a community center. However, it is possible that at some point in the future a different property owner could buy this parcel, desiring another use for the property. When crafting these regulations, we encourage the Village to bear in mind that this zoning amendment will run with the land, apply in perpetuity, and is non-specific to a particular landowner.

- It is our understanding that the Thorne building/property has remained vacant for a number of years, with any pre-existing non-conforming uses on-site expiring as a result. Based on the Village Code's nonconforming uses code section (§230-42), which states "If such nonconforming use of land or any portion thereof ceases for any reason for any continuous period of more than one year or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of this section,"

any use proposed for the property now into the future would have to be compliant with zoning and would not be subject to §230-42.

- While the intent of the overlay is sound, we strongly recommend the Village ensure that it retains proper oversight of any proposals for the district. This can be accomplished by changing all proposed uses in this district from as-of-right to requiring a special use permit. As a function of the special use permit, site plan approval would also be required for each use in the district, affording the Planning Board an opportunity to review various site considerations. This is especially important as the permitted uses in the proposed overlay district include some potentially land-intensive uses, such as weddings and event venues.

- In addition to simply defining the permitted uses in the overlay district, some of the proposed definitions within §230-13.19(D) include regulations. As it is best practice not to include regulations within definitions, below are suggested modifications to the definitions, with the regulations moved to a proposed set of supplemental regulations (see next main bullet). We have also suggested a change to the "wedding/event venue" definition which aims to enhance the distinction between "community center" (owner/non-profit) uses and "wedding/event venue," (likely rental/for-profit) uses.

    - ~~o~~ *Concession Area. A place of business in a building where coffee and other beverages are sold. ~~No food or any other item may be sold, except for light snacks (which shall not include lunch or other meals). There may be more than one (1) concession area in the building.~~*
    - *Co-Working Space. An area of a building where individuals may work independently or collaboratively in a single shared office space. ~~In this Zoning District, there may never be greater than one (1) such space.~~*
    - ~~o~~ *Wedding/Event Venue. A building or part thereof, <u>rented to outside entities not associated with the non-profit community center,</u> and used for weddings or other celebrations, which may include use of the grounds for all or part of the function. ~~All activities which occur out of doors, including clean up, shall fully conclude by 9 p.m. EST. In addition, no more than twelve (12) weddings per calendar year, which use part of the grounds outside a building for the wedding, are permitted.~~*

- We have drafted a sample supplemental regulations section below, which includes the drafted regulatory items noted in the original definitions, as well as a few others the Village might want to consider including in the proposed overlay district. These items relate to additional site considerations that the Board would likely want to keep in mind as part of the special use permit and site plan approval processes for proposed uses in the district, all of which would aim to protect and uphold the unique character of the Thorne site, while also permitting uses that are not in conflict with the surrounding residential area. In some instances, where applicable, we have suggested the Village apply other sections of code to the overlay district.

    - *Thorne Center Overlay District Supplementary Regulations (sample)*
        [1] In concession areas, no food or other items may be sold, except for light snacks (which shall not include lunch or other meals). There may be more than one (1) concession area in the building.

[2] There may never be greater than one (1) co-working space in the building.

[3] For wedding/event venue events, all activities which occur out of doors must be in compliance with the Village's noise ordinance. In addition, no more than twelve (12) events which use part of the grounds outside a building for the event are permitted per calendar year.

[4] Off-street parking and loading. The standards for review found in §230-16 apply within the Thorne Center Overlay District, except that §230-16(J)(3) is replaced with subsection (a) below, which requires shared parking within the district.

a. Shared parking. When determining parking requirements, a shared parking strategy shall be employed to reduce the number of parking spaces required, as determined by the Planning Board, for two or more principal uses or buildings either on the same or adjacent lots, where it is clearly demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the requirements for both lots/uses, due to variation in the time of peak demand.

[5] Architectural modifications to the building. Any alterations or additions to the building within the Thorne Center Overlay District are subject to the standards found in §240-5.

Please note in item [3] above, we modified the language to reflect the limitation of no more than 12 *outdoor events* per calendar year (versus weddings alone), as we thought the Village might desire to be more permissive of solely indoor events.

As always, we are available to discuss our comments with representatives from the Village Board.

RECOMMENDATION

The department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP, Commissioner

By



Shelby Frangk, Planner

Cc: Village of Millbrook Mayor, Michael Herzog (via email)
Village of Millbrook Attorney, Mackey, Butts, and Wise LLP (via email)

Dutchess County Department of Planning and Development

Fax Info Only		
	To	Date #pgs
	Co./Dept.	From
	Fax #	Phone #

239 Planning/Zoning Referral - Exemption Communities

Please Fill in this section

Municipality: **Village of Millbrook**

Referring Agency: **Municipal Board**

Tax Parcel Numbers(s): **5481310000, 4020460000, 4120370000, 4830930000, 4790850000**

Project Name: **Local Law creating 'Thorne Center Overlay District' and amending Village Zoning Map**

Applicant: **Village Board**

Address of Property: **3323 Franklin Ave, V. Millbrook, NY 125450000**

**Exempt Actions:*
239 Review is NOT Required**

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☑ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☑ Rezonings involving all map changes
- ☐ Architectural Review
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses
- ☐ Other (Describe):

Parcels within 500 feet of:

- ☑ State Road: **US 44A**
- ☐ County Road:
- ☐ State Property (with recreation area or public building)
- ☐ County Property (with recreation area or public building)
- ☑ Municipal Boundary
- ☑ Farm operation in an Agricultural District

Date Response Requested: **9/30/2020**

Entered By: **Frangk, Shelby**

These actions are only exempt in municipalities that signed an intermunicipal agreemment with Dutchess County to that effect.

For County Office Use Only

Response From Dutchess County Department of Planning and Development

No Comments:

- ☐ Matter of Local Concern
- ☐ No Jurisdiction
- ☐ No Authority
- ☐ Withdrawn
- ☐ Incomplete - municipality must resubmit to County
- ☐ Exempt from 239 Review
- ☐ None

Comments Attached:

- ☑ Local Concern with Comments
- ☐ Conditional
- ☐ Denial
- ☐ Incomplete with Comments- municipality must resubmit to County
- ☐ Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: **9/11/2020**	Notes: **Response emailed to community and uploaded to RAMP.**	☐ Major Project
Date Received: **9/11/2020**		Referral #: **ZR20-245**
Date Requested: **9/30/2020**		
Date Required: **10/9/2020**	☐ Also mailed hard copy	Reviewer: Shelly Frangk
Date Transmitted: **10/9/2020**		

Date Printed: 10/9/2020

RESOLUTION No. 17 of 2020

Enacting Local Law Amending Chapter 230 of the Village Code Creating a New Overlay Zoning District and Amending the Zoning District Map

At a meeting of the Village Board of Trustees of the Village of Millbrook ("Village Board"), held at the Village of Millbrook Village Hall on the 13th day of October, 2020, at 6:30 p.m., Village Mayor, Michael Herzog called the meeting to order, and Mayor Herzog, seconded by Trustee Rochfort moved the following resolution, to enact the following proposed local law, to be known as Local Law No. 7 of 2020, entitled "A Local Law Amending Chapter 230 of the Village of Millbrook Village Code to Add a New Section 230-13.1 Creating the 'Thorne Center Overlay District' and to Amend the Village Zoning Map."

WHEREAS, the following Local Law was introduced as Proposed Local Law No. 7 of 2020, by Resolution No. 16 of 2020, adopted at a regular meeting of the Village Board held on September 8, 2020; and

WHEREAS, the proposed Local Law, with Part 1 of the Short EAF, was referred to the Dutchess County Department of Planning and Development for an advisory opinion pursuant to New York General Municipal Law §239-m; and

WHEREAS, the Dutchess County Department of Planning and Development response to the referral was the proposed Local Law was a matter of "Local Concern with Comments"; and

WHEREAS, the "Comments" from the Dutchess County Department of Planning and Development included several recommended changes to the Local Law; and

WHEREAS, the Village Board reviewed the Comments made by the Dutchess County Department of Planning and Development and considered the recommended changes and for the

reasons articulated in a separate Resolution has determined to enact the Local Law as originally drafted without the recommended changes; and

WHEREAS, a properly noticed public hearing was held before the Village Board during the meeting on October 13, 2020, on Local Law No. 7 of 2020; and

WHEREAS, the Village Board determined the enactment of this Local Law will have no adverse environmental impacts and issued a Negative Declaration pursuant to the New York State Environmental Quality Review Act; and

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Millbrook as follows:

Section 1. Legislative intent: The intent of this Local Law is to amend the Village of Millbrook Zoning Law ("Zoning Law"), consistent with § 230-2 of the Zoning law and the Comprehensive Plan of the Village referred to in said section, and with § 230-3 of said Zoning Law. This amendment will establish certain allowed uses of land and improvements in a new Overlay Zoning District, to be known as the "Thorne Center Overlay District", which will allow the use of land and adaptive re-use of a former educational structure on the parcel of land designated by tax parcel number 6765-19-548131, and to, in part, allow uses to potentially generate the revenue to support the structure as a community asset. Such uses shall include a community center for the benefit of the Village of Millbrook and uses which offer arts, sciences and educational opportunities to the community, attract people into the Village and enhance the overall quality of life in Millbrook.

This Local Law shall also amend the Zoning Map of the Village contained in "Attachment 3" of the Zoning Law to include the new "Thorne Center Overlay District", and to change the Zoning Districts of the following four (4) parcels located in the Village to include them in the General Business (GB) Zoning District.

6765-18-402046- 16 Washington Ave- Change from Residential Multi-Family (RMF) to General Business (GB).

6765-18-412037- 18 Washington Ave- Change from Residential Multi-Family (RMF) to General Business (GB).

6765-18-483093- 3306 Franklin Ave- Change from Residential (R) to General Business (GB).

6765-18-479085- 3304 Franklin Ave- Change from Residential (R) to General Business (GB).

Section 2. Chapter 230 "Zoning" of the Village Code of the Village of Millbrook, Article III "Establishment of Districts", Section 230-6 "Enumeration of Districts", is hereby amended to add a new Overlay District to be designated "TCOD Thorne Center Overlay District" to the list of Zoning Districts set forth in Section 230-6 of the Village Code. The other Zoning Districts enumerated in Section 230-6 of the Village Code shall remain unchanged.

Section 3. The existing Chapter 230 "Zoning" of the Village Code of the Village of Millbrook, Article IV "District Regulations" is hereby amended to add a new Section 230-13.1 containing the following language.

"§ 230-13.1 **Thorne Center Overlay District.**

A. Title.

This Section of the Village of Millbrook Zoning Law shall be known as the Thorne Center Overlay District, and sets forth the permitted uses therein (the "TCOD").

B. Intent.

The intent of this Section is to adopt a zoning amendment, consistent with § 230-2 of the Village of Millbrook Zoning law and the Comprehensive Plan referred to in said section, and in § 230-3 of said Zoning Law. This amendment will establish certain allowed uses of land and improvements in the TCOD, which will allow the use of land and adaptive re-use of a former educational structure located within the TCOD, and to, in part, allow uses to potentially generate the revenue to support the structure as a community asset.

C. Purposes.

The improvements in the TCOD have existed since well before the adoption of the Village of Millbrook Zoning Law, and were undoubtedly considered upon the adoption of said law. The "purposes" referred to in § 230-3 of the Village of Millbrook Zoning law are incorporated herein by this reference, and those purposes are also advanced by the adoption of this Section.

More specifically, the purpose of this law is to create a framework that integrates the land and buildings in the TCOD into the community and allows these to be used as a community center,

for the general benefit of the Village of Millbrook. The proper use of this property will assist the business community in Millbrook, offer arts, sciences and educational opportunities, attract people into Millbrook to enjoy this asset, and enhance the overall quality of life in Millbrook.

D. Definitions.

The following definitions shall be used in the interpretation and construction of this Section. These definitions shall prevail over any contrary definition contained in the Village of Millbrook Zoning Law:

1. Child Care Services. The use of any part of a building or grounds which is used for the care of children and maintains the required licensing and permitting required by County and State law.

2. Concession Area. A place of business in a building where coffee and other beverages are sold. No food or any other item may be sold, except for light snacks (which shall not include lunch or other meals). There may be more than one (1) concession area in the building.

3. Community Center. The use of all or any part of the building or grounds for educational or recreational activities which shall include, but not be limited to, gaming room, theater (for movies, recordings, or live theater or music), art studio and displays, educational classes, seminars and displays, concerts, music recording and practice, senior citizen activities, municipal offices, not-for-profit offices and other uses consistent with community gatherings and centers.

4. Co-Working Space. An area of a building where individuals may work independently or collaboratively in a single shared office space. In this Zoning District, there may never be greater than one (1) such space.

5. Demonstration and Catering/Cooking Kitchen. A part of a building where foods and dishes, prepared off-site, are brought into that part of the building in order to warm and/or finish the foods or dishes for service to guests, or for complete use in demonstrations or classes on-site, to instruct persons in cooking and the culinary arts, or for complete use by individuals who make a product for sale in this kitchen, from start to finish, for sale on or off-site.

6. Wedding/Event Venue. A building or part thereof, used for weddings or other celebrations, which may include use of the grounds for all or part of the function. All activities which occur out of doors, including clean up, shall fully conclude by 9 p.m. EST. In addition, no more than twelve (12) weddings per calendar year, which use part of the grounds outside a building for the wedding, are permitted.

Only those uses defined above in this article are permitted in the TCOD. All other uses are precluded.

E. As of Right Uses.

The following uses shall not require a special permit: Concession Area, Community Center, Demonstration and Catering Kitchen, Co-Working Space and Wedding/Event Venue; provided however, in the case of a wedding proposing to use part of the grounds outside a building for the function, the person holding the wedding must obtain a permit from the Village zoning enforcement officer, to ensure that no more than twelve (12) weddings per calendar year occur.

F. Use Requiring a Special Permit.

The following uses are permitted upon issuance of a special use permit by the Village Planning Board, to be applied for under the Village of Millbrook Zoning law, § 230-43, and any other provision of said law which relate to special use permits: Child Care Services.

G. Mixed Uses.

All or any of the uses described in this Section may occur concurrently, or at the same time. It is understood that the improvements in the TCOD are large, and may house all or some of the allowed uses at the same time. No use allowed herein shall be considered the principal use, or an accessory use. This paragraph shall prevail over all provisions in the Village of Millbrook Zoning Law, including § 230-11 B, which states that there may be only one principal use per lot. That section, and any like it in said law, shall not apply in the TCOD.

H. Service of Alcoholic Beverages.

Provided a permit required by the New York State Alcohol Beverage and Control Law and the regulations thereunder is duly obtained, service of alcoholic beverages is allowed in any as of right or specially permitted use, and all terms of the permit must be observed.

I. Administration and Enforcement.

The applicable provisions of the Village of Millbrook Zoning Law shall apply to the administration and enforcement of this law."

Section 4. The Zoning Map contained in Attachment 3 of Chapter 230 "Zoning" of the Village Code, and referred to in Section 230-7 of the Village Code is hereby amended to reflect the parcel of land designated by tax parcel number 6765-18-402046, located at16 Washington Ave, previously in the Residential Multi-Family (RMF) Zoning District shall be in the General Business (GB) Zoning District, that the parcel of land designated by tax parcel number 6765-18-412037, located at 18 Washington Ave, previously in the Residential Multi-Family (RMF) Zoning District shall be in the General Business (GB) Zoning District, that the parcel of land

designated by tax parcel number 6765-18-483093, located at 3306 Franklin Ave, previously in the Residential (R) Zoning District shall be in the General Business (GB) Zoning District and that the parcel of land designated by tax parcel no. 6765-18-479085, located at 3304 Franklin Ave, previously in the Residential (R) Zoning District shall be in the General Business (GB) Zoning District. The amended Zoning Map to be annexed to Chapter 230 of the Village Code as "Attachment 3", and to accompany and be a part of Section 230-7 of the Village Code is annexed hereto.

Section 5. This local law shall take effect as of the date of filing with the New York Secretary of State.

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

Mayor Herzog	Aye
Trustee Rochfort	Aye
Trustee Collopy	Aye
Trustee McGrane	Absent
Trustee Contino	Aye

DATED: Millbrook, New York
October 13, 2020

SARAH J. WITT, VILLAGE CLERK
Village of Millbrook

RESOLUTION NO. 018 OF 2020

RESOLUTION OF SEQR DETERMINATION
FOR LOCAL LAW NO. 7 OF 2020

At a meeting of the Village Board of Trustees of the Village of Millbrook ("Village Board"), held at the Village of Millbrook Village Hall on the 13th day of October, 2020, at 6:30 p.m., Village Mayor, Michael Herzog called the meeting to order, and Mayor Herzog, seconded by Trustee Rochfort, moved the following resolution, containing the findings and determination under the New York State Environmental Quality Review Act ("SEQRA").

WHEREAS, the Village of Millbrook Village Board ("Village Board") has introduced and is considering the enactment of a Local Law which would amend the Village of Millbrook Zoning Law to create a new Overlay Zoning District and amend the Zoning Map annexed to the Village Zoning Law to change the Zoning District designation of four (4) parcels of land in the Village and include the new Overlay District; and

WHEREAS, the Village Board has prepared Part 1 of a Short Environmental Assessment Form ("EAF"), pursuant to the requirements of 6 NYCRR Part 617; and

WHEREAS, the enactment of a Local Law amending the Village Zoning Law, which changes the allowable uses of less than twenty-five (25) acres of land, is an Unlisted Action under the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the proposed Local Law applies to far less than twenty-five (25) acres of land in the Village; and

WHEREAS, the proposed Local Law, with Part 1 of the Short EAF, has been referred to the Dutchess County Department of Planning and Development for an advisory opinion pursuant to New York General Municipal Law §239-m; and

WHEREAS, the Village Board has thoroughly reviewed and considered the Local Law; and

WHEREAS, the Village Board duly advertised, held and closed the public hearing on the Local Law during its meeting on October 13, 2020; and

WHEREAS, the Village Board, after the close of the public hearing during the meeting on October 13, 2020, conducted its SEQRA review by (1) considering the criteria contained in

subdivision (c) of 6 NYCRR §617.7 to identify any relevant areas of environmental concern, (2) thoroughly analyzing the identified relevant areas of environmental concern to determine if the action may have a significant adverse environmental impact and (3) completing Part 2 of the EAF and adopting Part 3 of the EAF, which included a narrative articulating the reasons supporting the Village Board's SEQRA determination; and

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby determines that the enactment of Local Law No. 7 of 2020 is an Unlisted Action under SEQRA; and

BE IT FURTHER RESOLVED, that the Village Board shall serve as Lead Agency; and

BE IT FURTHER RESOLVED, that for the reasons set forth in Part 3 of the EAF the enactment of the Local Law will result in no significant adverse impacts on the environment and, therefore, that an Environmental Impact Statement need not be prepared and a Negative Declaration therefore be issued.

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

Mayor Herzog	Aye
Trustee Rochfort	Aye
Trustee Collopy	Aye
Trustee McGrane	Absent
Trustee Contino	Aye

The resolution was thereupon duly adopted on October 13, 2020.

DATED: Millbrook, New York
October 13, 2020

SARAH J. WITT, VILLAGE CLERK
Village of Millbrook

NARRATIVE TO BE ATTACHED TO EAF FOR LOCAL LAW AMENDING CHAPTER 230 OF THE VILLAGE OF MILLBROOK VILLAGE CODE TO ADD A NEW SECTION 230-13.1 CREATING THE 'THORNE CENTER OVERLAY DISTRICT' AND TO AMEND THE VILLAGE ZONING MAP.

The intent of this Local Law is to amend the Village of Millbrook Zoning Law ("Zoning Law"), consistent with § 230-2 of the Zoning law and the Comprehensive Plan of the Village referred to in said section, and with § 230-3 of said Zoning Law. This amendment will establish certain allowed uses of land and improvements in a new Overlay Zoning District, to be known as the "Thorne Center Overlay District", which will allow the use of land and adaptive re-use of a former educational structure on the parcel of land designated by tax parcel number 6765-19-548131, and to, in part, allow uses to potentially generate the revenue to support the structure as a community asset. Such uses shall include a community center for the benefit of the Village of Millbrook and uses which offer arts, sciences and educational opportunities to the community, attract people into the Village and enhance the overall quality of life in Millbrook.

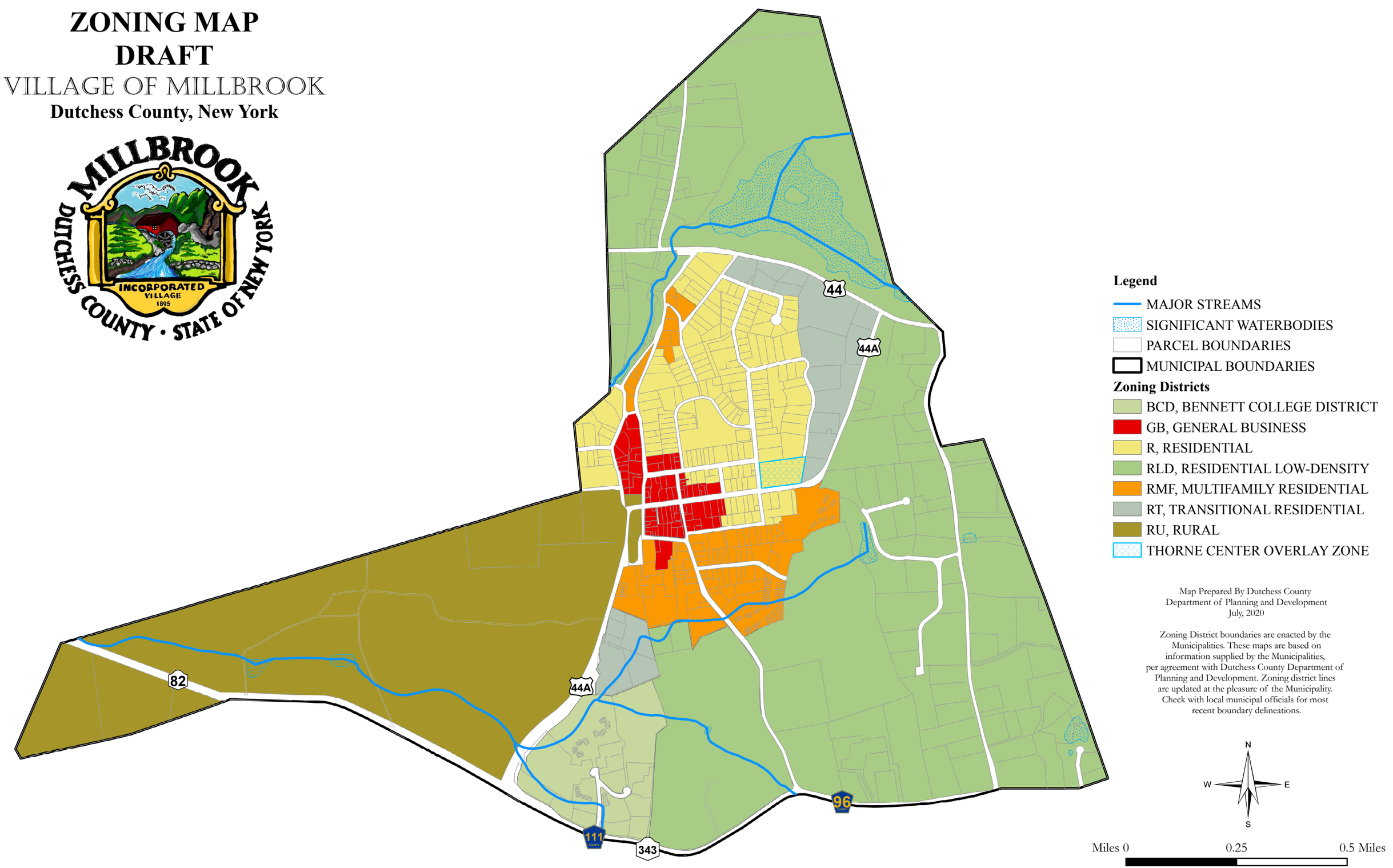
This Local Law shall also amend the Zoning Map of the Village contained in "Attachment 3" of the Zoning Law to include the new "Thorne Center Overlay District", and to change the Zoning Districts of the following four (4) parcels located in the Village to include them in the General Business (GB) Zoning District.

This local law is not expected to have any adverse impact on the environmental resources of the Village

ZONING MAP
DRAFT

VILLAGE OF MILLBROOK

Dutchess County, New York



Legend

- MAJOR STREAMS
- SIGNIFICANT WATERBODIES
- PARCEL BOUNDARIES
- MUNICIPAL BOUNDARIES

Zoning Districts

- BCD, BENNETT COLLEGE DISTRICT
- GB, GENERAL BUSINESS
- R, RESIDENTIAL
- RLD, RESIDENTIAL LOW-DENSITY
- RMF, MULTIFAMILY RESIDENTIAL
- RT, TRANSITIONAL RESIDENTIAL
- RU, RURAL
- THORNE CENTER OVERLAY ZONE

Map Prepared By Dutchess County
Department of Planning and Development
July, 2020

Zoning District boundaries are enacted by the Municipalities. These maps are based on information supplied by the Municipalities, per agreement with Dutchess County Department of Planning and Development. Zoning district lines are updated at the pleasure of the Municipality. Check with local municipal officials for most recent boundary delineations.

N
W E
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Miles 0 0.25 0.5 Miles

Establishing the Tennis Courts Capital Reserve Fund
Resolution 020-2020

RESOLVED, that pursuant to Section 6-c [6-g for fire districts] of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Tennis Courts Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of capital improvement. The type of capital improvement to be financed from the Reserve Fund is the acquisition of donations and/or budgeted expenditures.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Clerk/Treasurer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Village of Millbrook. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c [6-g] of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c [subdivision 7 of Section 6-g]

Motion to accept this Capital Reserve Fund for the Tennis Courts made by Deputy Mayor Collopy, seconded by Trustee Contino and all were in favor.

Dated: October 13, 2020

SARAH J. WITT, VILLAGE CLERK
Village of Millbrook

Records Retention Resolution
Resolution 019- 2020

RESOLVED, By the Board of Trustees of the Village of Millbrook that *Retention and Disposition Schedule for New York Local Government Records (LGS-1),* issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1),* after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

Mayor Herzog	Aye
Trustee Rochfort	Aye
Trustee Collopy	Aye
Trustee McGrane	Absent
Trustee Contino	Aye

DATED: Millbrook, New York
October 13, 2020

SARAH J. WITT, VILLAGE CLERK
Village of Millbrook