

**Village of Millbrook
Planning Board Meeting
Minutes**

October 18, 2016

Call to Order: Meeting was called to order at 7:29PM by Chairman Morse.

In Attendance: Chairman Stanley Morse, Joseph Still, Charles Frisina, Heather LaVarnway and David Clouser (Barton & Loguidice). **Absent:** Joseph Forte.

Pledge of Allegiance: Led by Mr. Clouser.

Review of Minutes: A motion was made by Mr. Still and seconded by Mr. Frisina to approve the September 20, 2016 Planning Board meeting minutes. All were in favor.

Old Business:

1. **Limone** – 3275 Franklin Avenue. Referral back from the Zoning Board of Appeals (ZBA) for their request for additional sign approval. Mr. Al DeBonis represented Limone at this meeting. Chairman Morse explained that the ZBA referred Limone’s request for a wall sign on the side of their building back to the Planning Board for the following reasons (taken from the 9/22/16 ZBA meeting minutes):

“ZBA Chairman Diemond noted that three sections of the Village Code apply to this request: 230-20 B.(2)(d); 230-20 B.(3)(b); and 230-20 C.(2) – and all are contradictory. Section 230-20 B(2)(d) limits wall signs to 8 sq ft per building; B(3)(b) limits wall signs to 30 sq ft per building; and C (2) limits total sign area per lot to 70 sq ft or one sq ft per lineal foot of building façade. The first two provisions are flatly contradictory and the third refers to lots and buildings. Chairman Diemond suggested that there was only one way to interpret these provisions in order to have them make sense together. We should assume that the intent of the 8 sq ft limit must be per business and only the 30 sq ft limit is per building. These limits are for wall signs only so that the last provision refers to total signage, not just wall signs, per building not per lot. Chairman Diemond pointed to a similar contradiction concerning flags. Section 230-20 B(1)(e) limits flags to one per lot while B. (2)(i) limits flags to no more than one for each 25 linear feet of frontage per lot. Since Mr. DeBonis’ building has more than 25 lineal feet of frontage, he has a right to two flags.

The Board agreed that this interpretation made sense and that read this way, Mr. DeBonis should be able to attach his wall sign and his flags as a matter of right not requiring a variance. The Board also noted that Limone had a unique entrance off the front of the building and that in this case the wall sign proposed made sense in the GB district.

The ZBA requests that the Planning Board re-visit Limone's request for wall sign approval due to the contradictory Code sign ordinance sections (mentioned above) and the ZBA's interpretation that these sections be considered as per "business" not per building. Mr. Hay moved and Mr. Meyers seconded a motion referring Limone's wall sign approval request back to the Planning Board. All were in favor."

Chairman Morse outlined the facts and explained that the Planning Board members do not see the conflicts noted by the ZBA – because:

Code Section 230-20 B. (2) (d) ... Wall signs are not to exceed 8 sq ft in area and no more than one wall sign is permitted per building.

Code Section 230-20 B. 3. Refers to the PB acting on Site Plan approval: The PB, in the process of reviewing applications for site plan approval, may grant approval for the erection of the following types of signs, provided that all other requirements of this section are met.

Code Section 230-20 B.3. (b) Wall signs of up to 30 sq ft in area in the GB District. No more than one wall sign per building shall be permitted.

Code Section 230-20 C. (2) The maximum total permitted sign area per lot in the GB District shall be 70 feet or one sq ft of sign area per lineal ft of building facade length, whichever is greater.

Chairman Morse and the Board do not feel that the two sections of 230-20 B are in conflict because 230-20 C (2) uses facade length as the basis for decision. 230-20 B Sections do not.

Chairman Morse expressed regret that Mr. DeBonis has had to endure repeated meetings with both the PB and the ZBA because of a conflict in Code interpretation between the PB and ZBA.

Chairman Morse asked the PB members for their comments:

Mr. Still has no problem with a wall sign on the side of the building. He also said that each business and building has a different need.

Mr. Frisina has a problem with the Code. Since the Code does not allow more than one wall sign per lot, he suggested that Limone mount a hanging sign on the side of the building. This would be acceptable since the proposed sign meets the size criteria and complies with the Code section for a "suspended sign" (Section 230-20 B. 2.(c)).

Mrs. LaVarnway has a problem with the Code but feels that the Code is flexible offering many options. She disagrees with the ZBA regarding the number of flags in front of Limone's building. She thinks that the Code limits Limone to one flag – not two. She also suggested that projecting signs are more visible than a wall sign.

Mr. DeBonis explained that he wants both flags and a side wall sign. There is no room for any other signs on the front of his building.

Chairman Morse explained that Limone can have several different types of signs: canopy; wall; window & hanging.

The PB again suggested that Limone consider temporarily hanging a suspended sign under the eaves on the side of his building until the wall sign issue can be resolved by the ZBA. Mr. DeBonis was receptive to this suggestion and asked for the PB's permission for a temporary suspended sign to be hung with wire from eye hooks from the overhang on the side of the building.

Mr. Still moved and Mr. Frisina seconded a motion to approve the temporary suspended sign. Mr. Still, Mr. Frisina and Chairman Morse were in favor. Mrs. LaVarnway was opposed. The motion was approved.

The Board proposed the following actions on this matter:

- The PB does not see a conflict with the Code.
- The PB will not approve the wall sign.
- The PB will re-refer the matter back to the ZBA for an area variance.
- The PB strongly recommends that the ZBA grant the required variance.
- The PB will notify the Code Update Committee about this issue.
- Chairman Morse will notify the Village Board about this issue.

Mr. Frisina moved and Mr. Still seconded a motion to re-refer Limone's request for a wall sign back to the ZBA without additional fees. All were in favor.

Chairman Morse will contact ZBA Chairman Joel Diamond to discuss the re-referral.

New Business:

1. Preliminary Meeting to Review the Site Plan/Special Use Permit Application for a Detached Accessory Apartment located at 3311 Franklin Avenue.

Attorney Cara Whalen (Mackey, Butts & Wise), Buffy Arbogast and Beth Daidone attended this evening's meeting for the project.

Chairman Morse explained that they want to convert their 2005 garage to a detached accessory apartment. He toured the property with Ms. Daidone on 10/17/16. It was noted that they hope to complete this project within one year.

He also noted that the interior square footage for the accessory apartment shown on the submitted documents is incorrect – it should be 875 sq ft.

Mr. Clouser confirmed that this will be a SEQR project – not Type II. A short form will be required.

Attorney Whalen explained that the apartment will be used for family members – for a maximum of 1 or 2 people.

Mr. Clouser referenced Code Section 230.27 B. noting that a Special Permit is required for Accessory Apartments. He confirmed that this property is located in the "R" District; there will not be any new construction; no exterior changes will be made; there are public sewer & water

hook-ups (the hook-ups are there – but not tied in) and the parking is sufficient.

Mr. Clouser complimented Attorney Whalen on the well-put-together packet she submitted for this project.

He explained that a Site Plan is required with the interior and exterior building dimensions detailed. He also asked that they show the parking on Exhibit A. Also – the interior second floor area needs to be corrected to 875 square ft. Exterior lighting (where and what type) needs to be shown on the Plan and also in photographs. He suggested that shielded lights are better than flood lights.

Mr. Clouser also referenced Code Section 230.44 C. (2) that allows the PB to waive certain requirements.

Chairman Morse gave the applicants a copy of the Code requirements.

Mr. Still commented that the interior stairs to the second floor must be fireproofed. He also commented on the parking – noting that the two spaces on the property must be free from garaged car impediments.

Ms. Daidone noted that a fire-code approved door will be installed at the bottom of the stairs – and will be shown on the Plans.

Mr. Frisina suggested that they address this as a “rentable apartment”. He also referenced Code section 230-27. D. (4) regarding bulk requirements and asked Mr. Clouser if this building meets the Code definition of a “dwelling”. By Code, a second detached “dwelling” is not allowed in this zone unless the minimum zoning lot size is doubled. Mr. Clouser noted that this is not a new structure and it will not be a problem because it is permitted in the “R” District. Mr. Frisina does not agree with Mr. Clouser’s interpretation of this section. A Special Use variance is required and an Area Variance is already in place.

Chairman Morse explained that the next step will be a Public Hearing – after all required documents are received, reviewed and submitted to the Dutchess County Department of Planning and Development for their review and approval. Everything must be received no later than 3 weeks prior to an expected Public Hearing date. It is anticipated that this could be held in December.

Other Business/Administrative Items: Chairman Morse presented the following items for discussion:

1. Chairman Morse noted that he has no new information regarding the Bennett Property at this time.
2. Update on ZBA referrals:
 - a. Millbrook Gas LLC’s request for 3 area variances, for their sign, was reviewed and approved by the ZBA on September 22, 2016.

3. **Chairman Morse, also chair of the Code Update Committee, explained that he hopes to have this project completed by Thanksgiving. He asked the PB members if they have an interest in a workshop in early November to review the proposed Code updates that relate to Planning issues. There was a discussion related to the 10 topics being reviewed by the Committee along with a suggestion that definitions should be part of the revisions. It was noted that definitions would require attorney review.**
4. **Chairman Morse discussed the possibility of November and December PB meetings. It appears that these meetings will be necessary based on current and potential upcoming projects.**
5. **Chairman Morse noted that he received an email from Grace Church saying that they plan to come before the PB for a greenhouse approval. Documentation has not yet been received.**

Adjournment: Mr. Still moved and Mr. Frisina seconded a motion to adjourn the meeting at 9:08PM. All were in favor.