

**Village of Millbrook  
Planning Board Meeting  
Minutes**

**May 17, 2016**

**Call to Order:** Meeting was called to order at 7:30PM by Chairman Morse.

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

**Pledge of Allegiance:** Led by Mr. Still.

**Review of Minutes:** A motion was made by Mr. Still and seconded by Mrs. LaVarnway to approve the March 15, 2015 Planning Board Minutes as presented. All were in favor.

**Old Business:** N/A

**New Business:**

- **Attorney Joshua Mackey meeting to discuss the fact that an additional attorney – not part of his firm – is leasing or renting space in his building located at 3208 Franklin Avenue. His 2014 Special Permit conditioned that this office is for single practitioner use only. Attorney Robert Butts represented Mr. Mackey at this meeting. Mr. Butts explained that Mr(s) Mackey, Butts and David Wise formed a new law practice: Mackey, Butts & Wise, LLP – now in it’s second week of operation. They replaced Mackey’s and Butts existing free-standing, hanging signs with one sign for the new practice. A discussion about the new sign’s lighting, landscaping, position and dimensions ensued. It was determined that the replacement sign is within Code regulations, is not offensive, and was not moved. Mr. Butts mentioned that the new sign’s lighting is not working because the electricity was cut when their new internet connection was installed. This should be fixed very soon. Mr. Butts will check to see if the lights are on a timer – but he assured the Board that the bulbs are very low wattage. The discussion moved to Mr. Mackey’s existing Site Plan, approved on 1/21/14. A copy of that Plan is attached to these minutes. The new firm has 3 partners and 4 employees (3 paralegals and 1 associate) and does not have any offices other than this one. Mr. Butts explained that there were no structural changes to the building but they did “gravel grade” more space in the rear of the building to accommodate additional parking. He also**

explained that the handicap spot needs to be re-stripped. There are currently 7 parking spots with 7 people working in the building. Mr. Clouser noted that he could find room for another 5 parking spaces on the Plan. There was a discussion regarding possible future expansion of the firm – Mr. Butts said that 1 additional partner and staff person would be the absolute maximum in this location. Mrs. LaVarnway expressed concern about the increased level of activity with the new firm. The original abutters were notified that this would be a single practitioner’s office. The Board noted that prior to Mr. Mackey’s sole practitioner office, the building housed a very busy chiropractic office. The original approvals were given for an office staff of 6 people, the new office staff will be 7. Mr. Still and Frisina did not think that an increase of one person constituted a substantial increase in intensity, particularly since the prior Chiropractic office was much busier. Mr. Clouser explained that an amended Site Plan will not be required. The Board did stipulate that parking cannot be allowed in front of this building or in their driveway. Mr. Still moved and Mr. Frisina seconded a motion to approve the replacement sign and not require an amended Site Plan for the new firm. Chairman Morse, Mr. Still and Mr. Frisina were in favor. Mrs. LaVarnway voted against the decision not to amend the Site Plan due to the increased and more intense use at this location. She noted that any change to a non-conforming use should be the same as or less intense than the use immediately preceding – not more intense.

- Preliminary Meeting with Millbrook Diner and Canoe Hill Restaurant to discuss an amended Site Plan review for Salty Foods, LLC.

Mr. Athanasios Theodoropoulos (Millbrook Diner) attended this meeting. Mr. DelGrosso (Canoe Hill – Salty Foods LLC) did not attend.

Chairman Morse explained that tonight’s meeting would involve discussion only – not a decision – since both parties are not present.

Chairman Morse outlined the background related to this issue:

- The 7 ½ ft fence erected by Canoe Hill between The Diner and Canoe Hill is higher than the 6 ft allowed by Village Code;
- Mr. Theodoropoulos, although invited, did not attend Canoe Hill’s September 2015 Public Hearing;
- Canoe Hill’s Site Plan, as submitted, did not show the 2 easements granted on The Diner’s property in 1998.

Chairman Morse outlined the steps leading up to tonight’s meeting:

- Mr. Theodoropoulos and Mr. DelGrosso met – only after the fence was installed. Mr. Theodoropoulos explained that access for his delivery drivers was prevented by the fence.
- Mr. Theodoropoulos removed the fence.
- Mr. DelGrosso called the local police for this offense.
- Mr. Theodoropoulos reconstructed the fence. Mr. DelGrosso claimed that the fence was

**damaged when reconstructed.**

**- Mr. DelGrosso installed a video camera to capture the delivery issues noted by Mr. Theodoropoulos. A 12 minute video, sent to Chairman Morse by Mr. DelGrosso, clearly shows deliveries being made to The Diner cellar entryway without issue.**

**- Mr. Richard Cantor, Mr. Theodoropoulos attorney at the time, sent a letter to Mr. DelGrosso, and his attorney Mr. Rapplyea, and the Planning Board saying that the fence matter was resolved. Mr. Theodoropoulos did not approve this letter and has since severed his relationship with Attorney Cantor.**

**Mr. Theodoropoulos explained that no settlement has been reached; the 7 ½ ft fence does not allow adequate passage for his deliveries. He stated that the original fence (prior to Canoe Hill) was a picket fence of varying heights that did not impede his deliveries.**

**Mr. Theodoropoulos stressed that both of the easements on his property must be shown on Canoe Hill's Site Plan and the fence must be lowered. Mr. Theodoropoulos submitted a 7-page document outlining his position (copy attached to these minutes) along with a copy of the 1998 deed for this property outlining the easements (copy attached to these minutes).**

**A discussion regarding the fence commenced: Mrs. LaVarnway questioned whether this should be a Code Enforcement Officer (CEO) responsibility. Chairman Morse said he met with the CEO this week and was told that the Planning Board has flexibility regarding fence height. The Planning Board indicated its interest in keeping the fence at or below what is allowed by Code Mr. Still mentioned that the current fence boards are horizontal and could easily be lowered to a 6ft height. Mr. Frisina asked if a gate near his bilko doors would be acceptable. Mr. Theodoropoulos said that he does not want a fence.. he suggests a vest pocket park (see his attachment for details). Mrs. LaVarnway recommended that the Board attorney, Jeffrey Battistoni, be consulted before these issues can be resolved since the Board, unbeknownst to it, was given incomplete information when they initially reviewed/approved Canoe Hill's Site Plan. Mr. Clouser affirmed that an amended Site Plan with a Public Hearing must be completed. The 1998 easements must be shown. Chairman Morse and one other Board member will consult with the Board's attorney along with Mayor Hurley for advice before proceeding with these matters.**

#### **Other Business/Administrative Items:**

##### **1. Update re ZBA referrals:**

**Millbrook Gas – It was noted that Millbrook Gas has a new lighted sign in place. They did not comply with the Board's directive to go before the ZBA for their non-conforming sign. Chairman Morse and Mr. Still have attempted to contact Mr. Hampton without success. Chairman Morse will continue his attempts to contact Mr. Hampton.**

**Millbrook Audiology – Secretary Gould reported that Ms. Thayer has not yet complied with the Board’s directive to go before the ZBA for her non-conforming sign. Chairman Morse will attempt to contact Ms. Thayer.**

- 2. Chairman Morse read and presented a letter to Dave Clouser, currently with Barton and Loguidice, thanking him for his long-standing consulting service to the Board with hopes for a continued relationship. Mr. Clouser confirmed that his rates to our Board will not change.**
- 3. Mrs. LaVarnway reminded the Board about the upcoming Dutchess County Planning Federation training on 6/14/16 at the Farm & Home Center: “Case Law Update & How to Read a Site Plan”. Chairman Morse and Mr. Still plan to attend.**

**Adjournment: Chairman Morse moved and Mrs. LaVarnway seconded a motion to adjourn the meeting at 9:23PM. All were in favor.**

Office of the Planning Board  
Village of Millbrook,  
Dutchess County, N.Y.  
Stanley Morse, Chairman

May 16, 2016

## **Millbrook Diner Easement for Cellar and West Doorway**

We oppose any changes to the easement as written (\*); we'll leave it as originally written and incorporated into maps and deeds filed with the Village of Millbrook.

We expect the adjoining property owner and any of their tenants to honor the easements that came with the purchase or rental of their property. We want the Board to support us in any situation where this easement- an easement created under Village auspices- is being violated, and remedy any violation.

Several levels of admitted ignorance and/ or oversight of our easements have led to ugly fencing (see photos attached) blocking the Diner's ability to come and go to our west entrances directly to Franklin Ave. We have no intention of agreeing to modify or map our easement that guarantees this free access. This would only serve to condone and justify the already built violations.

For close to 90 years the Millbrook Diner has always had direct access from Franklin Ave. to the western cellar entrance and side doorway for a variety of necessary reasons. This was never thought about for a minute while the property was undivided, but since the fairly recent subdivision of the property, with the new property lines very close to the west and south walls, this access had to be spelled out in an easement. This easement's intent was to continue access from Franklin Ave. as has been done historically. Notes on the 2007 map succinctly state this:

" Notes:

1. Access easement from Franklin Avenue for maintenance and repair to improvements on contiguous lands (Millbrook Diner) and access to cellar entrance and stairway as per Liber 2012, page 41.
2. Easement for continued existance (sic) of cellar entrance and stairway as per Liber 2012, Page 41. ...."

It is plainly obvious that preventing the Diner's direct access from Franklin Ave. to the cellar entrance and kitchen doorway by fencing off this direct access is contrary to the spirit and letter of the easement, which grants the Diner that right. This goes against many decades of continuous practice by all parties up till now, and constitutes a fire hazard, among other real-world problems.

We believe that ignorance of the easement actually boxed in the designers, leading to the present unsatisfactory outcome. We urge a redesign by the architect, adding the easement's conditions to the design program. He should wear his creative/ artistic hat and view the total area between the 2 buildings through new eyes. Please direct him to go back to the drawing board and come up with a wonderful, plant-based, "softer" solution. We believe a beautiful "vest-pocket park" can blossom here that will include all, and not exclude any by fencing. This park should benefit our Diner, the new restaurant, all patrons, and the Village of Millbrook. We envision NO fences of any type, inviting pedestrian-friendly use of the total site, low perennial bushes, a seating bench, flowers, public art (sculpture/ mosaics/ murals), sensitive signage and lighting, easy maintenance, etc. Lets have something great! ))

We appreciate the issue raised over the use of "or" in the written easement (\*). The creators of the easement could have delineated it on a map as they did the easement along the southern wall of the diner, but they opted for a written description, and we concur with their wording. As the easement runs with the land in perpetuity, so does all its language. "Or" is the word of *choice* that the easement guarantees. Franklin Ave. **OR** southern parking area. The perpetual choice belongs to the Millbrook Diner. No one, especially owners or lessees of the land on which the easement sits, has the right to alter the language through any means, physical or otherwise. Removing that choice, by walling off one option, effectively removes the "or" from the wording of the easement. The minute-to-minute choice of "or" should always be guaranteed to the Diner in perpetuity. New restaurant lifespan: <5 yrs.

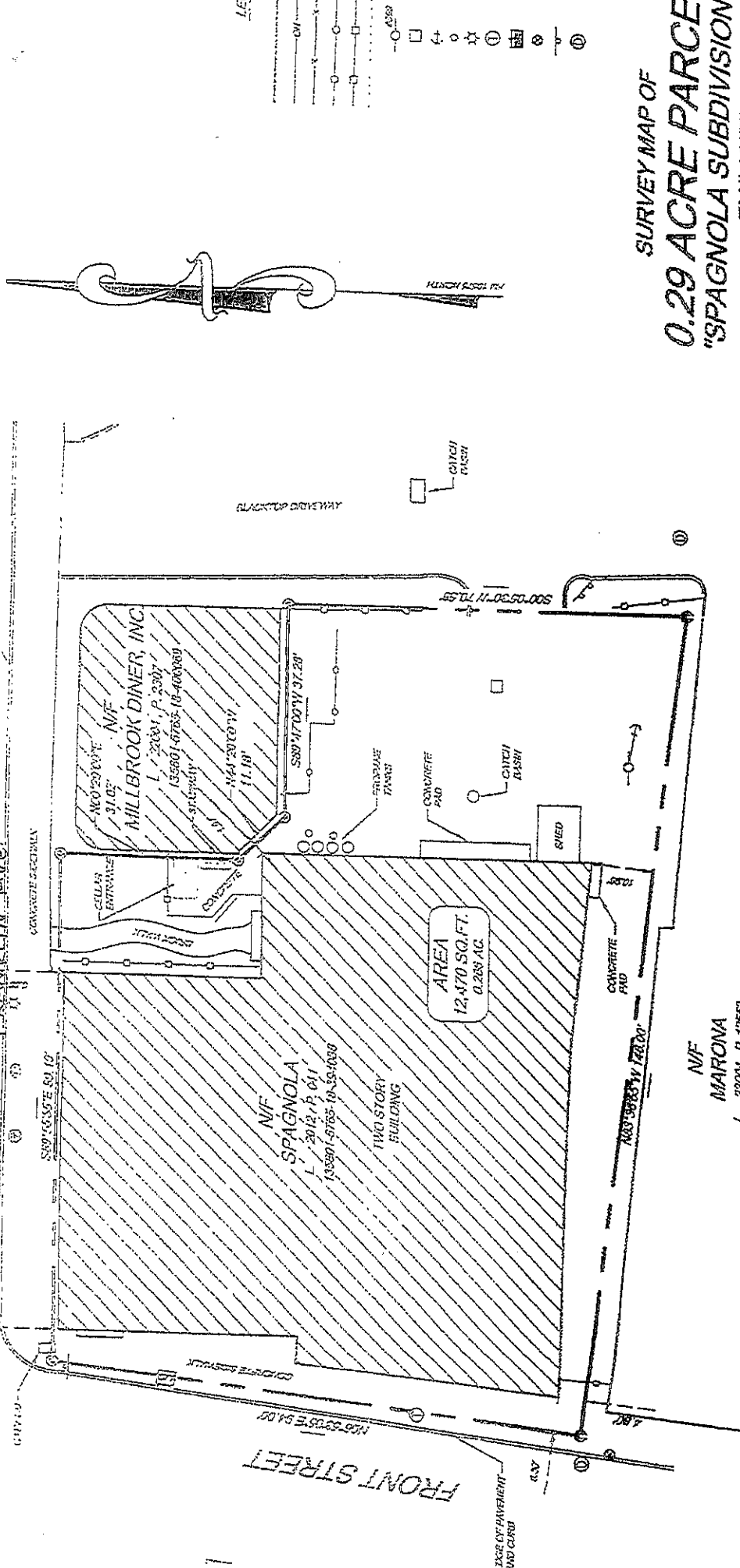
In the meantime, as overall redesign takes place, please direct the removal of the wooden poor man's "Noah's Ark" fencing now blocking our access to Franklin Ave.

Thank you,

Athanasios Theodoropoulos  
Owner/ proprietor, The Millbrook Diner

**\* Liber 2012, Page 41, Easements:**

- "1. An easement permitting the grantor, his lessees, heirs, successors and assigns, the right of ingress and egress from Franklin Avenue or along the southerly boundary of the lands retained by grantor for the purposes of performing maintenance and repair to any improvement located on the contiguous lands retained by grantor, and for access to the cellar entrance and stairway of the improvement located on said lands retained by grantor;
2. An easement permitting the continued existence of the cellar entrance and stairway as identified on said Map for the improvements on the said lands retained by grantor, provided however that such entrance and stairway may not be expanded or enlarged, but may be improved or repaired, and
- 3..." (Other easements do not concern the western cellar-way or doorway)



LEG.

**SURVEY MAP OF  
0.29 ACRE PARCEL  
"SPAGNOLA SUBDIVISION  
FMM# 10575**

**VILLAGE OF MILLBROOK  
JUNE 20, 2007  
DUTC.**

- NOTES:**
1. ACCESS EASEMENT FROM FRANKLIN AVENUE FOR MAINTENANCE AND REPAIR TO IMPROVEMENTS ON ADJACENT LANDS (MILLBROOK DINER) AND ACCESS TO CELLAR ENTRANCE AND STAIRWAY AS PER LIBER 2012, PAGE 41.
  2. EASEMENT FOR CONTINUED EXISTENCE OF CELLAR ENTRANCE AND STAIRWAY AS PER LIBER 2012, PAGE 41.
  3. LICENSE TO USE THE EASTERLY MOST PARKING SPACE AS PER LIBER 2012, PAGE 41.
  4. EASEMENT FOR USE AND MAINTENANCE OF STORMWATER DRAINAGE SYSTEM TO THE VILLAGE OF MILLBROOK AS PER LIBER 1182, PAGE 564.

CERTIFIED TO:  
FRANKLIN AVENUE REAL ESTATE, LLC  
BANK OF MILLBROOK, its successors and its assigns  
FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK  
THOMAS J. TICE

THIS SURVEY MAP WAS PREPARED BY THE SURVEYOR IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYING ACT AND THE REGULATIONS THEREUNDER. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNRECORDED INTERESTS IN THE LAND. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL LAND SURVEYING ACT AND THE REGULATIONS THEREUNDER. THE SURVEYOR DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF ANY INFORMATION CONTAINED HEREIN THAT IS NOT A RESULT OF HIS PROFESSIONAL SERVICES. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL LAND SURVEYING ACT AND THE REGULATIONS THEREUNDER.

**N/F  
MARONA  
L. 22004, P. 12552**

**MORRIS ASSOCIATES, P.L.L.C.**  
400 WEST 10TH STREET  
DULLES, VA 20146  
703-441-1234



**JAMES A. BARTLES, L.S. #18040**

105.51/101.17/17.64

L1001

11

9  
15  
25  
1860  
1914

BARGAIN AND SALE DEED WITH COVENANTS AGAINST GRADUATORS ACTS

DEED

THIS INDENTURE, made the 19<sup>th</sup> day of June, 1998, BETWEEN

JOSEPH J. SPAGNOLA JR., residing at P.O. Box 30, Elm Drive, Millbrook, New York 12545, as party of the first part, and

TIMOTHY J. TICE, residing at 130 Towne Terrace #3, Los Gatos, California 95032, as party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN DOLLARS and other good and valuable consideration paid by the party of the second part, the receipt and adequacy of which is hereby acknowledged, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece, or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of Millbrook, Town of Washington, County of Dutchess, and State of New York, more particularly bounded and described as is set forth on Schedule "A" annexed hereto, subject to exceptions and reservations of record, and those set forth on Schedule "A" annexed hereto.

TOGETHER WITH all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER WITH the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first, in compliance with Section 13 of Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it reads "parties" whenever the sense of the indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN THE PRESENCE OF:

Joseph J. Spagnola Jr.  
Joseph J. Spagnola Jr.



SCHEDULE A

BEGINNING at a point at the easterly side of Front Street, said point being the southwesterly corner of the herein described parcel and the northwesterly corner of lands of C. John Marona described in Liber 918 of Deeds at page 58 and Liber 1516 of Deeds at page 183; thence along the easterly side of Front Street, N 06 deg 53' 05" E 94.00 feet to the northwesterly corner of the herein described parcel; thence along the southerly side of Franklin Avenue, S 89 deg 55' 55" E 89.10 feet to the northeasterly corner of the herein described parcel; thence along the Diner Lot on lines of no physical bounds, S 00 deg 29' 00" W 31.02 feet, S 44 deg 20' 00" E 11.18 feet and N 89 deg 47' 00" E 37.28 feet to a point; thence along a public alleyway, S 09 deg 05' 30" W 70.99 feet to the southeasterly corner of the herein described parcel; thence along lands of Marona, N 83 deg 36' 55" W 146.00 feet to the point or place of beginning.

BEING and intended to be all of that certain tract or parcel of land designated as 0.29 acre on map entitled "Map Showing Spagnola Subdivision" recorded at the Dutchess County Clerk's Office on April 5, 1998 as Filed Map # 10575.

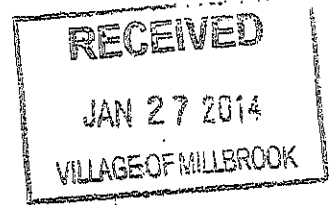
BEING and intended to be a portion of lands described in a conveyance from Joseph J. Spagnola and Nancy de Coppet Spagnola to Joseph J. Spagnola, Jr. by Deed dated December 30, 1991 and recorded at the Dutchess County Clerk's Office in Liber 1905 of Deeds at page 177.

CONTAINING 0.29 ACRE OF LAND

EXCEPTING AND RESERVING to the grantor, his lessees, heirs, successors and assigns, the following interests in the premises conveyed hereunder for the benefit of the contiguous lands retained by grantor as shown on the said Filed Map #10575 and lying easterly of the premises conveyed hereunder and depicted on said Map as 0.04 acres containing a 1 story metal diner structure:

1. An easement permitting the grantor, his lessees, heirs, successors and assigns, the right of ingress and egress from Franklin Avenue or along the southerly boundary of the lands retained by grantor for the purposes of performing maintenance and repair to any improvement located on the contiguous lands retained by grantor, and for access to the cellar entrance and stairway of the improvement located on said lands retained by grantor;
2. An easement permitting the continued existence of the cellar entrance and stairway as identified on said Map for the improvements on the said lands retained by grantor, provided however, that such entrance and stairway may not be expanded or enlarged, but may be improved or repaired; and
3. An irrevocable license to use one (1) parking space located on the premises conveyed hereunder for the benefit of the said contiguous lands





**Village of Millbrook Planning Board**

**SEQRA Determination of No Significant Impact  
and  
Conditioned Site Plan Approval**

---

**Manchester Road Co., LLC  
3208 Franklin Avenue Professional Law Office and Improvements**

---

**Applicant:** Manchester Road Co., LLC  
c/o Joshua Mackey, Esq.  
2649 South Road  
Poughkeepsie, New York 12601

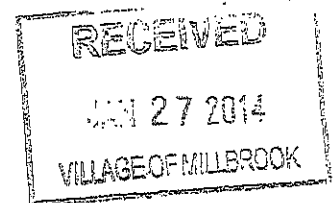
**Whereas,** the Village of Millbrook Planning Board has received an application from the Manchester Road Co., LLC for site plan approval for a law office to be located in the existing building at 3208 Franklin Avenue, as well as other various improvements related to the building rehabilitation. The Manchester Road Co., LLC proposes to change the use of the existing building from a single physician medical office which was previously granted a special use permit, and which is now classified as a pre-existing non-conforming use, and to a professional law office. The Manchester Road Co., LLC property is comprised of approximately 0.54 acres and is located in the Village's RT, Residential Transitional zoning district and is classified as a pre-existing non-conforming building, lot and use with regards to Village zoning criteria, and

**Whereas,** the prior use was approved as a single physician medical practice with a special use permit, which subsequent to prior changes in zoning qualifies this prior use to be classified as a pre-existing non-conforming use, and

**Whereas,** the former medical practice use of the premises is known to have been terminated less than two years prior to this present application, which proposes to change the use on the property, and

**Whereas,** the Village Building Inspector denied issuance of a building permit on the basis that a special use permit for the premises could not be transferred and therefore the prior use could not be continued, which determination was appealed as allowed by the Village Zoning Code to the Zoning Board of Appeals, and

**Whereas,** the Zoning Board of Appeals reviewed documentation presented by the Applicant and determined that the proposed law office use would be less intensive than the previously approved single physician medical practice following the closing of a public hearing of the matter on November 22, 2013, and



Whereas, the Zoning Board of Appeals thereafter referred the site plan to the Planning Board for review and approval of the proposed non-conforming use, and

Whereas, the Planning Board referred the documentation provided by the Applicant regarding the prior use of the premises to its Attorney for review, who concluded that the site plan review of the application by the Planning Board would be required to authorize the intended change of use, and

Whereas, a *Site Plan* was prepared by Race Land Surveying, dated last revised December 30, 2013, floor plans were prepared and submitted by the Applicant, Site Plan application and Short Form EAF and were submitted in support of the site plan application, in compliance with the requirements of Chapter 230, "Zoning" of the Village Code, and

Whereas, the Planning Board considered the proposed use of the site with regards to the intended staffing, adequate parking, site lighting and landscaping, as well as operational details of the proposed law office and its compatibility with neighboring properties, and

Whereas, written waiver request for site plan requirements that were not pertinent to the application were submitted to the Planning Board by the Applicant and these waivers were reviewed and granted by the Planning Board on January 7, 2014, and

Whereas, the Planning Board determined that the requested site plan approval to be an Unlisted Action in accordance with the requirements of 6 NYCRR Part 617, the State Environmental Quality Review Act (SEQRA), and determined that a coordinated review is not required, and

Whereas, the Planning Board opened a public hearing on the subject application for site plan approval on January 21, 2014, which was closed on that date after receiving no comments from the public, and

Whereas, the Planning Board reviewed and discussed the building's aesthetic qualities and architectural style with regards to neighborhood compatibility and has referred the building elevations and design of the proposed building renovations to the Village's Architectural Advisory Commission in accordance to Village Code § 240, and

Whereas, the premises is located within 500 feet of an active agricultural use and therefore an Agricultural Data Statement was submitted by the Applicant and distributed by the Planning Board Secretary in conformance with Village Law Article 7, §7 – 739 and in accordance with Article 25 – a of the New York State Agricultural and Markets Law §305 – a, and

Whereas, the Planning Board referred the application, plans and Short EAF to the Dutchess County Planning Department as required by General Municipal Law 239- m on

RECEIVED

JAN 27 2014

VILLAGE OF MILLBROOK

October 13, 2013 and that a favorable response was received by the Planning Board indicating no regional planning impact is anticipated to occur as a result of the proposed project, and

**Whereas**, the Planning Board has reviewed the submitted Short Environmental Assessment Form, Part 1, has reviewed the submitted plans, and related submitted information by the Applicant, and did not identify any significant and important potential environmental impacts that might result from the Manchester Road Co., LLC proposed professional law office, building renovation, and change of use of the existing building at this location, and

**Whereas**, the Planning Board has reviewed the submitted plans, reports and related submitted information by the Applicant and considered the criteria for the determination of significance of the proposed action on the environment in accordance with 6 NYCRR Part 617, § 617.7 (c), including whether the action may cause long-term, short-term, direct, indirect and cumulative impacts, and the Planning Board assessed whether the identified project impacts might be material, substantial, large or important.

**Whereas**, the Planning Board has specifically considered the standards for site plan approval in Zoning Code § 230-44 (E) including, but not limited to, considerations of the location and size of the use, access, landscaping, site lighting, that the proposed renovation and planned use will be compatible with the existing neighborhood and community character and will not be a threat to public health or property values, and there will be adequate parking for the use.

**Therefore Be It Resolved**, the Planning Board hereby assumes its designation as Lead Agency status for the project's environmental review pursuant to §617.6 of 6NYCRR Part 617.

**Be It Further Resolved**, that the Planning Board has considered the proposed action, as described in the site plan application, the Short Environmental Assessment Form, Site Plans and Floor Plans, and other documents prepared by the Applicant and its consultants which were reviewed by the Planning Board and the Board's Engineering Consultant, and that the Planning Board finds and determines that the subject project's site plan proposal and proposed use is not likely to have a significant adverse impact upon the environment and that a negative declaration should be issued with respect to the proposed action in accordance with the process and requirements of the State Environmental Quality Review Act.

**Be It Further Resolved**, that the Planning Board grants site plan approval of the Manchester Road Company, LLC building and site renovations plans and proposed intended change of use for professional law offices in the Village of Millbrook in accordance with § 230-44 of the Village Code, with the following condition(s):

1. Development, continued use and maintenance of the site shall strictly comply with the design, details and notes indicated on the approved Site Plan

RECEIVED  
JAN 27 2014  
VILLAGE OF MILLBROOK

documents, prepared by Race Land Surveying, dated last revised December 30, 2013 and Floor Plans indicating the proposed building renovations prepared by Joshua Mackey, Esq. (undated), all of which specifically includes proposed renovations to parking, landscaping, site lighting and building elevation architectural style and materials.

2. Agreement by the Applicant to apply for review and approval of the Village Planning Board for an amended site plan due to improvements that would be required as a result of an increase of use of the premises and/or increased staffing or other activity causing a more intensive use on the property.
3. Evidence of approval of the Village Architectural Advisory Commission regarding architectural style anethetics associated with the proposed building addition and building renovations.
4. The existing apartment within the premises will be removed as a part of the proposed building renovation.
5. Occupancy of the building shall be limited to one single law practice with a total staff of not more than six (6) persons.
6. Rental office space or other use of the premises that were not specifically described or proposed in this site plan application and site plan review are specifically excluded in this site plan approval, and if proposed, the proposal shall be subject to the additional future review and approval of an amended site plan by the Village Planning Board.
7. Submission of 1 mylar reproducible and 4 print copies of the revised site plan and payment of all fees, including site plan review and approval fees in accordance with the Village Code requirements.

Said determination was adopted upon a motion of Member Charles Colomello, seconded by Member Joseph Forte and the affirmative vote of 3 members, the negative vote of 0 members, and 2 member(s) absent;

The Planning Board hereby directs the ~~Secretary of the Planning Board~~ to file a copy of this decision in the office of the Village Clerk and mail a copy of the decision to the Applicant.

Dated: January 21, 2014

Village Clerk  
↓  
Deputy  
  
Linda T. Lietz  
Secretary of the Planning Board  
Village Clerk

\\lg-nas\dca\_data\Data\PROJECTS\40000 (Millbrook)\40031 Mackey Site Plan\Planning Board FNL RES 20140121.doc