

**Village of Millbrook
Zoning Board of Appeals
Meeting Minutes
July 25, 2016**

- Call to Order:** Meeting was called to order at 7:02PM by Chairman Joel Diemond.
- In Attendance:** Chairman Joel Diemond, Robert Knapp, Earl Meyers, John Hay and Andrew Doro.
- Review of Minutes:** Minutes from the December 16, 2015 Zoning Board of Appeals meeting were reviewed. Motion was made by Mr. Doro and seconded by Mr. Meyers to accept the minutes as written. All were in favor.
- Old Business:** N/A
- New Business:** Motion was made by Mr. Hay and seconded by Mr. Meyers to open the Public Hearing portion of the meeting regarding the following:
Millbrook Audiology's request for two Area Variances for a Wall Sign and a Hanging Blade Sign to be placed on their building located at 45 Front Street in the Village of Millbrook. All were in favor.
Ms. Noel Thayer represented Millbrook Audiology at this meeting. Mr. Glen Dares and Mr. Tim Acrec also attended this meeting.
Chairman Diemond explained that the Village Code contains contradictory signage regulations regarding these requests so the ZBA must rule in favor of the applicant in this case.
Ms. Thayer explained the reason for her requests: the business faces the parking lot side of the building and cannot be seen from Front Street. Many of their customers call from the corner of the building to ask where they are located.
Chairman Diemond noted that the wall sign must be less than 8 square feet and the suspended sign (hanging blade sign) must be less than 6 square feet. Ms. Thayer assured the Board that they would be. She intends the suspended sign to be the same size as that currently used by Village Wine & Spirits (also located at 45 Front Street).
Mr. Meyers moved and Mr. Hay seconded a motion to adopt a Resolution approving these Area Variance requests. All were in favor. A copy of the Resolution is attached to these minutes.
A motion was made by Mr. Knapp and seconded by Mr. Doro to close the Public Hearing portion of this meeting. All were in favor.
- Adjournment:** Mr. Meyers moved and Mr. Hay seconded a motion to adjourn the ZBA meeting at 7:08PM. All were in favor.

Respectfully Submitted:

Suzanne P. Gould

Secretary
Zoning Board of Appeals



VILLAGE OF MILLBROOK

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

LAURA M. HURLEY
MAYOR

SARAH J. WITT
VILLAGE CLERK

THE ZONING BOARD OF APPEALS NO. 2016-1

DECISION ON THE APPLICATION OF Millbrook Audiology

In the matter of the appeal of Millbrook Audiology's request for an area variance for a wall sign to be placed on their building located at 45 Front Street in the Village of Millbrook. This area variance request is for a second sign where only one is permitted on this building.

From a denial by the building inspector of a building permit to N/A

Which will be

Than is permitted in GB zoning district.

FACTS

1. Millbrook Audiology (TENANT) hereinafter "applicant") IS THE TENANT OF A .58 Acre parcel located 45 Front Street in the Village of Millbrook, NY. Grid No 135801-6765-18-380117-0000

The property is improved by a Hanging Blade Sign and a Wall Sign

The applicant proposes to Put a Wall Sign on the Building along with a hanging blade sign.

2. Sections 230-20.B (2) (d) (e), (3) (b), C. (2) of the Village of Millbrook Zoning Law (hereafter, "the Zoning Law")

3. Notice of public hearing published in Poughkeepsie Journal on July 22, 2016

4. A public hearing on the above referenced application was held on July 25, 2016 at which time the hearing having been duly closed.

5. A site visit was conducted on 7/25/16 regarding this application

6. The application was Not Required to be 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 _____ that _____

7. The application is considered a Type II action and exempt from SEQRA review.



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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 Millbrook Audiology

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 weigh the following statutory criteria:

Character of the Neighborhood and Detriment to Nearby Properties: N/A

Alternative Methods for Achieving Benefit Sought by Applicant: N/A

Substantiality of Variance Requested: Not Substantial = N/A

Effect or Impact on Physical or Environmental Conditions in the Neighborhood: N/A

Self-Creation of Difficulty: N/A

Other Consideration: No Considerations or Requirements were imposed



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DECISION OF THE ZONING BOARD OF APPEALS

Mr. Meyers offered the following resolution which was seconded by **Mr. Hay**, who moved its adoption:

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

Millbrook Audiology's request for Area Variances for a wall sign to be placed on the front of their building along with a hanging blade sign.

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:

The two requested area variances be approved without condition.

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

	AYE	NAY	ABSTAIN	ABSENT
Joel Diamond	<u>X</u>	_____	_____	_____
Andrew Doro	<u>X</u>	_____	_____	_____
Robert Knapp	<u>X</u>	_____	_____	_____
John Hay	<u>X</u>	_____	_____	_____
Earl Meyers	<u>X</u>	_____	_____	_____

Date of Decision: **July 25, 2016**

Secretary: **Suzanne Gould**

Seal

Village Clerk: **Sarah Witt**

FILED THIS DATE _____ IN THE OFFICE OF THE VILLAGE CLERK