

**Village of Millbrook  
Zoning Board of Appeals  
Meeting Minutes  
July 12, 2017**

**Call to Order:** Meeting was called to order at 7:05PM by Acting Chairman Andrew Doro.

**In Attendance:** Acting Chairman Andrew Doro, Earl Meyers, John Hay and Timothy Capowski.

**Pledge of Allegiance:** Led by Acting Chairman Doro.

**Review of Minutes:** Minutes from the December 15, 2016 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.

**Old Business:** N/A

**New Business:**

1. **Public Hearing for Kirshon & Company, P.C.** – 3 Elm Drive – Stephen and Tammy Kirshon attended this meeting. Request for an area variance for an over-sized, freestanding sign to be placed on the corner of the lawn in front of their new office at this location. This is a negative referral from the Planning Board.  
Mr. Hay moved and Mr. Meyers seconded a motion to open the Public Hearing portion of the meeting. All were in favor.  
Abutters: Ms. Candy Rheder, Michael Lang and Skip Ciferri also attended this meeting. Acting Chairman Doro explained that the requested sign is double sided for a total of 6-square feet. He noted that the Village Code – Section 230.20.B.(2)(f) states that a freestanding sign cannot exceed 2-square feet in area.  
Acting Chairman Doro noted that the Dutchess County Department of Planning and Development submitted their response to this referral stating that it is a matter of local concern but offered their recommendation that the ZBA not grant this request. A copy of their comments is attached to these minutes.  
Acting Chairman Doro asked for public comments:  
Ms. Rheder expressed concerns about the many signs and parking concerns in the Village. She is opposed to this over-sized sign.  
Mr. Ciferri offered full support for this sign. He noted that there are at least 20 signs within the Village that exceed the Village Code sign restrictions. Mr. Capowski asked Mr. Ciferri if all 20 signs were approved. Mr. Ciferri was not certain. Mr. Ciferri suggested that the Village Code is out of date and needs revisions especially regarding sign restrictions and parking. Mr. Ciferri did not think that parking for the Kirshon office will be a problem.  
Mr. Lang offered no objection to this sign. He feels that there are more pressing issues that need to be addressed by the Village Board.  
There were no additional comments.  
Mr. Meyers moved and Mr. Hay seconded a motion to close the Public Hearing portion of this meeting. All were in favor.

Acting Chairman Doro suggested that he did not see any safety issues or obstructed view concerns especially regarding the school buses that travel through this intersection. The Board agreed.

Mr. Hay moved and Mr. Capowski seconded a motion to grant the requested 4-square foot area variance to Kirshon & Company, P.C. All were in favor.

**Other:**

**1. Mr. and Mrs. Jonathan Heunis – 2 Hillside Avenue.**

Mr. and Mrs. Heunis appeared at tonight's meeting without the ZBA's prior knowledge. They explained that approximately two or three weeks prior to tonight's meeting Mayor Brown and Zone Enforcement Officer (ZEO) McLaughlin told them to attend this meeting. They were told to come before tonight's ZBA meeting for their area variance request to erect a garage on the side yard of their property. The ZEO issued a building permit denial on 11/7/16 for their original request because their plans did not meet required setbacks. The ZEO determined that their side yard would require 25 feet and their plans proposed 22 feet. The rear yard would require 30 feet and their plans proposed 23 feet.

The Heunis's submitted an Area Variance Application request to the ZBA on 1/30/17. The ZBA scheduled a meeting to review this request on 2/9/17. This meeting was cancelled due to a snow storm. A second ZBA meeting was scheduled for 2/16/17. This meeting was cancelled due a death in the Heunis family. When the Heunis family was back in town, the former ZBA chairman suggested that the Heunis's meet with the Planning Board for an informal discussion about their request prior to coming before the ZBA. The Planning Board (PB) held an informal meeting with the Heunis's on 3/21/17. At that time, Mr. Clouser – engineering consultant to the PB – reviewed the Heunis' plans and noted that Village Code – Section 230-23. A (1.2.3.4.) applied to their request. He re-sketches the Heunis' plans and found that with a slight movement of the garage placement to the southwest toward their rear lot line a variance would not be required and there would be no encroachment onto the Village's Drainage Easement that traverses their lot in a northeasterly and southwesterly direction. Mr. Clouser suggested that their requested variance would not be required. The PB agreed with Mr. Clouser's suggestion that no further action was needed.

Mr. and Mrs. Heunis explained that the Mayor and ZEO told them they should not have come before the PB and that a variance was still required.

The ZBA explained that no action could be taken regarding the Heunis request at tonight's meeting. A public hearing needs to be scheduled. They were very understanding. Secretary Gould will schedule the meeting in the coming weeks.

**Adjournment:** Mr. Hay moved and Mr. Meyers seconded a motion to adjourn the ZBA meeting at 7:50PM. All were in favor.

Respectfully Submitted:  
Suzanne P. Gould  
Secretary  
Zoning Board of Appeals