

**Planning Board Meeting
Minutes
January 17, 2017**

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

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

Pledge of Allegiance: Led by Mr. Forte.

Review of Minutes: A motion was made by Mr. Frisina and seconded by Mr. Forte to approve the November 15, 2016 Planning Board meeting minutes. All were in favor.

Old Business: Public Hearing for 3311 Franklin Avenue – Site Plan/Special Use Permit Application for a detached accessory apartment to be located on the second floor of the existing detached garage. Ms. Buffy Arbogast, Ms. Beth Daidone and attorney Cara Whalen represented this application along with Architect Edmond Loedy.

Mr. Frisina moved and Mrs. LaVarnway seconded a motion to open the Public Hearing portion of this meeting. All were in favor.

Chairman Morse reminded the applicants that if this application is approved construction must begin with one year and must be completed within two years. He noted that if these schedules cannot be met, the applicants are welcome to come back before the Planning Board and request an extension.

Mr. Forte moved and Mr. Frisina seconded a motion declaring that the Planning Board be designated as the Lead Agency for this review since it is an Unlisted Action and a coordinated review is not required. All were in favor.

Chairman Morse noted that a Site Plan application is the highest level of authority for the Planning Board.

Mr. Clouser read, reviewed and completed the Short Environmental Assessment Form (EAF) – Parts 1 and 2. Mr. Frisina moved and Mr. Forte seconded a motion to approve it as a negative declaration. All were in favor. A copy of the EAF is attached to these minutes.

Mr. Clouser then read and reviewed the SEQRA Determination of No Significant Impact and Conditioned Site Plan and Special Use Permit Approval document. After much discussion, it was decided to delete Condition #1 (“The special use permit is subject to owner occupation of the principal residence. The special use permit and the certificate of occupancy for the accessory apartment shall become null and void should there be a change in ownership or a change in residence of the owner.”). A copy of the revised Determination is attached to these minutes. A discussion ensued regarding showing the location of the utilities on the Site Plan. Architect Loedy explained that he was not completely certain of the exact location and suggests that it not be

noted on the Plan. Once a dig line is completed, a more accurate notation can be marked. Once the exact location is determined, the Board is requesting an information copy for our files. The Board stressed that it does not have to be done by a surveyor.

Chairman Morse asked if the Board members had any comments:

Mr. Forte had no comment.

Mrs. LaVarnway asked if the apartment would be a one-bedroom or studio. Architect Loedy responded that it will be a one-bedroom. The layout specifics will be submitted with the building permit application.

Mr. Frisina explained his former concerns regarding the bulk requirements for this project. After discussion with the Zoning Board of Appeals chairman, Joel Diamond, Mr. Frisina was assured that Village Code Section 230.27A usurps 230.27D – so he is comfortable with this application as presented.

Mr. Frank Redl attended the meeting in support of this project with praise for the applicant's hard work and great property care.

Attorney Whalen provided a letter, signed by many of the neighboring property owners, in support of this application.

Mr. Frisina moved and Mrs. LaVarnway seconded a motion to close the Public Hearing portion of the meeting. All were in favor.

Mr. Forte moved and Mrs. LaVarnway seconded a motion to approve the Conditioned Site Plan and Special Use Permit as revised (removing the original Condition #1 – noted above). All were in favor.

New Business: N/A

Other Business/Administrative Items:

1. Limone – 11/16/16 ZBA Public Hearing. Variance granted. Wall sign approved.
2. Merritt Books – 12/15/16 ZBA Public Hearing. Variance granted. Freestanding sign approved.
3. Maura's Kitchen – 12/15/16 ZBA Public Hearing. Variance granted. Freestanding sign approved.
4. Chairman Morse explained that we must adhere to the Dutchess County Dept of Planning & Development's 30-day submittal requirement for all necessary applications. This requires all applicant documentation to be received no later than 30 days in advance of a scheduled public hearing.
5. Chairman Morse reported that he submitted a multi-page document to Mayor Brown outlining the Planning Board activities along with a Code Committee update.
6. Chairman Morse noted that our fee schedule must be reviewed and increased.
7. Chairman Morse mentioned that both he and Charles Frisina will be away for the February and March meetings. Mr. Frisina will also be away for the April meeting. Mr. Frisina moved and Mrs. LaVarnway seconded a motion to cancel the February Planning Board meeting. All were in favor. Chairman Morse will ask Mr. Still to chair the March 2017 meeting.

- 8. Mr. Forte mentioned that one of his neighbors appears to have 2 illegal accessory apartments in their home. Chairman Morse asked him to contact the Building Inspector/Code Enforcement officer to report this.**
- 9. Mrs. LaVarnway showed a cell phone picture of a Franklin Avenue business with inappropriate Valentine holiday lights shining on the front of business. Chairman Morse will contact the Building Inspector/Code Enforcement Officer regarding this issue.**
- 10. Secretary Gould will meet with Howard Schuman to research the possibility of electronic/digital applicant submittals and report back to the Board.**

Adjournment: Mrs. LaVarnway moved and Mr. Frisina seconded a motion to adjourn the meeting at 8:53PM. All were in favor.

Village of Millbrook Planning Board

SEQRA Determination of No Significant Impact and Conditioned Site Plan and Special Use Permit Approval

Arbogast and Daidone 3311 Franklin Avenue Detached Accessory Apartment

Applicant: Buffy Arbogast and Beth Daidone
3311 Franklin Avenue
Millbrook, New York 12545

Whereas, the Village of Millbrook Planning Board has received an application from the Buffy Arbogast and Beth Daidone, as Owners, for Site Plan and Special Use Permit approval for a detached accessory apartment to be located in the existing second floor of a detached garage building at 3311 Franklin Avenue. The Owners propose to make improvements to the existing second floor of the existing garage building to accommodate the intended use as an accessory one bedroom apartment (totaling 875 square feet) as a rental dwelling unit.

Whereas, the subject property is comprised of approximately 0.22 acres and is located in the Village's R- Residential zoning district. The garage building was granted site plan approval and area variances with regards to dimensional and area requirements of §230-23, Accessory Structures of the Village Zoning Code, prior to its construction in 2005 as a replacement of an existing garage structure, and

Whereas, the present use of the existing accessory building is a residential garage on the first floor and unimproved storage space on the second floor. A public water and sewer supply already exist in this building, and,

Whereas, a *Site Plan* was prepared by Edmond G. Loedy, Architect P.C., dated December 2, 2016, including a floor plan of the proposed apartment and site plan indicating the location of improvements on the property, a Site Plan / Special Use Application, a narrative explanation of the items in the Application's Technical Checklist with Exhibits and Photographs, and a Short Form EAF were submitted in support of the site plan and special use permit 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 detached accessory apartment site with regards to owner occupancy of the principal dwelling,

accessory apartment floor area requirements, adequate and safe access, adequate parking, site lighting and landscaping, as well as its compatibility with neighboring properties, and

Whereas, since no land disturbance is being proposed, no topography is required and water, sewer and power exist at the garage building as noted on the submitted site plan, and

Whereas, the Planning Board determined that the requested site plan and special use permit 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 17, 2017, 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, the nature and intensity of the additional residential use of the detached accessory apartment and that the well maintained existing landscaping on the property is adequate to meet the requirements of §230-17, Landscaping, with regards to the requirements of §230-43 F., Standards for special permit approval, 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 January 3, 2017 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 and Part 2, 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 Arbogast and Daidone proposed detached accessory apartment 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 detached accessory apartment will be compatible with the existing neighborhood and

community character and will not be a threat to public health or property values, and that there will be adequate parking for the use per the requirements of the Village Zoning Code, and

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 and special use permit approval of the Buffy Arbogast and Beth Daidone detached one bedroom accessory apartment to be located on the second floor of the existing residential garage building on their property at 3311 Franklin Avenue in the Village of Millbrook in accordance with §230-27, §230-43 and §230-44 of the Village Zoning Code, with the following condition(s):

1. Continued use and maintenance of the site shall strictly comply with the design, details and notes indicated on the approved Site Plan document, prepared by Edmond G. Loedy, Architect P.C., dated December 2, 2016 with regards to apartment floor area, apartment access, parking, landscaping, and site lighting.
2. Final Site Plan will be revised to include dimensions on the Studio Apartment Floor Plan prior to signature of final site plan approval by the Chairman of the Planning Board.
3. Final Site Plan will be revised to include the locations of water, sewer and electrical service connections to the accessory garage building on the Site Plan prior to signature of final site plan approval by the Chairman of the Planning Board.
4. _____

5. Submission of 2 mylar reproducibles and 3 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 Joseph Forte seconded by Member Heather LaVarnway and the affirmative vote of 4 members, the negative vote of 0 members, and 1 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 17, 2017


Secretary of the Planning Board

Short Environmental Assessment Form

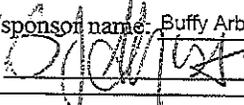
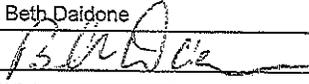
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Arbogast & Daidone - Site Plan/Special Use Permit for Accessory Apartment			
Project Location (describe, and attach a location map): 3311 Franklin Avenue, Millbrook, New York			
Brief Description of Proposed Action: For a detached accessory apartment to be located on the second floor of the existing detached garage at 3311 Franklin Avenue.			
Name of Applicant or Sponsor: Buffy Arbogast & Beth Daidone		Telephone: 845-677-8602	
		E-Mail: buffy@babetteskitchen.com	
Address: 3311 Franklin Avenue			
City/PO: Millbrook		State: NY	Zip Code: 12525
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ .21 acres			
b. Total acreage to be physically disturbed? _____ 0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .21 acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	NO	YES
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: Buffy Arbogast & Beth Daidone</p>	<p>Date: November 3, 2016</p>	
<p>Signature:  </p>		

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Project: _____
 Date: _____

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Village of Millbrook Planning Board
 Name of Lead Agency

November ~~2016~~ January 17, 2017
 Date

Stan Morse
 Print or Type Name of Responsible Officer in Lead Agency

Chairman
 Title of Responsible Officer

[Signature]
 Signature of Responsible Officer in Lead Agency

[Signature]
 Signature of Preparer (if different from Responsible Officer)

PRINT FORM