

Village of Millbrook Board of Trustees
Meeting Minutes

May 23, 2017

I. Call to order

Mayor Brown called the meeting to order at 6:30 PM and led the Pledge of allegiance then had a moment of silence for the victims of the Manchester bombing.

Roll Call: Mayor Brown, Trustee Hicks, Deputy Mayor Rochfort, Building Inspector/ Code Enforcement Officer McLaughlin and Clerk Witt.

Absent: Trustee Herzog

II. Administrative Business:

Mayor Brown informed the Board that the transfers for the Fire Truck reserves have been made as per the May 4th meeting.

Old Business:

A. Bennett College – Mayor Brown read the attached letter he had sent to the current owners of Bennett College. Deputy Mayor Rochfort then read the attached response letter from Mr. Thorne and Mr. Whalen.

Additional Comments: Mr. Thorne attended the meeting to talk about the future of the Bennett College grounds. He explained the intention of buying the property was to develop something for the public good. He informed the Board there are many challenges including confused property lines, underground water and sewer infrastructure and negotiations with Bennett Commons. He told the Board that he hopes negotiations with Bennett Commons will be resolved at the Bennett Commons next Board meeting scheduled for June, but in the event it is not resolved with Bennett Commons, they will move forward with other plans.

Public Questions: Ms. Rona Boyer asked Mr. Thorne what of the asbestos at Bennett College. Mr. Thorne stated that they may encounter asbestos and they will take the proper precautions to have it removed. Mr. Audia asked Mr. Thorne if during the planning phase he could be on the committee. Mr. Throne said he plans to hire a consultant that will conduct research in the community and as of now, he hadn't planned on having a committee. Mr. Collopy asked Mr. Thorne if he thought it would be too much to take on being involved in the Thorne Building and Bennett College projects. Mayor Brown said Mr. Thorne is involved with the Thorne Building project to make sure they don't duplicate ideas and have two of one service in the Village or not have and idea go through thinking the other project will have it. Mayor Brown then thanked Mr. Thorne for his time.

B. Dam- Maser Engineering proposal- Mayor Brown tabled the discussion on this proposal until all Board members are present.

III. New Business:

A. Millbrook Golf and Tennis fireworks- Mayor Brown read from the Millbrook Golf and Tennis letter tabled the discussion on this topic until June 13th 2017.

Public Comment:

Ms. Arbogast, Village resident, submitted the attached email to Mayor Brown. Mayor Brown asked Ms. Arbogast to read her email and discussion ensued. Ms. Arbogast also provided pictures for the Board about the garbage cans along Franklin (attached). Mayor Brown asked Building Inspector and Zoning Enforcement Officer Ken McLaughlin to talk about the signs in the Village. Mr. McLaughlin read from

the section of the Village Code regarding signs (attached). Mayor Brown asked Mr. McLaughlin how difficult it would be to change the code, if the Board decided to go that route. Mr. McLaughlin informed the Board they, as the legislative authority, would have to amend the code and repeal the section on signs which would require a local law. Mr. McLaughlin told the Board they can let the Zoning Board of Appeals that there will be a moratorium on that particular section to allow for signs until the code is officially changed.

IV. Adjournment: Deputy Mayor Rochfort made a motion to adjourn the Village Board meeting at 8:07 P.M. seconded by Trustee Hicks, all were in favor.

Respectfully Submitted by:

Sarah J. Witt
Village Clerk/Treasurer

Village of Millbrook
Village Hall – Board of Trustees
May 23, 2017 6:30pm

1. **Administrative Business :**
 - a. Acceptance of minutes
 - b. Approval of Budget Modifications
 2. **Old Business :**
 - a. Bennett College
 - b. Dam – Maser Engineering proposal
 3. **New Business :**
 - a. Millbrook Golf and Tennis fireworks
 - b. Sandwich Signs, other signage, sidewalk setups
 4. **Department Reports :** (first meeting of month only)
 5. **Public Comment :** (number of speakers will determine amount of time given to each speaker)
 6. **Board Member Updates**
 7. **Executive Session** (if needed)
 8. **Adjournment**
 9. **Auditing of Bills**
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May 11, 2017

Dear George and Oakleigh,

As mayor of the Village, I offered to send a letter to the representatives of the Bennett College property to inquire as to what were the ongoing and perspective plans with regard to the Bennett College property. This was a request by a resident at a Board of Trustees meeting held on 4/25/2017.

Any information would be helpful. Our next 'open' meeting is going to be 5/23/2017 at 6:30 pm and Bennett College will be an agenda item where I plan on reading this letter and your response. As always we welcome any and all to attend the Board of Trustees meetings.

Thank you,

Rod Brown
Mayor - Village of Millbrook

Thorndale Farm, LLC

63 Front Street • PO Box 258 • Millbrook, NY 12545

May 19th, 2017

Dear Mayor Brown -

We are in receipt of your letter of May 11, 2017, requesting information with regard to what the ongoing and prospective plans are for the former Bennett College site.

As you know, The Tribute Garden acquired 12 acres of the former Bennett College site west of Bennett Common in May of 2014. This acreage encompasses 27 tax lots.

At the same time, the Thorndale Trust, (a trust benefitting the Thorne family) acquired 15.8 acres of the former Bennett College east of Bennett Common. That acreage encompasses 5 tax lots.

While some people have criticized the Thornes and the Tribute Garden for not demolishing the current structures and rehabilitating these sites earlier, we think it is important to a) remember the circumstances around the purchase of the properties, b) recall the process we laid out for rehabilitating the properties at the time of the acquisition, and c) acknowledge the progress to date and still to come.

Circumstances of Purchase

In April of 2014, we learned that there were 2 years of unpaid real estate taxes on the above properties. If these taxes were not paid by May 31st, the County of Dutchess would have taken ownership of them and in October of 2014, they would be put up for public auction.

In May of 2014, in order to avoid paying taxes, but to still reap whatever cash they could out of the properties, the then-owners put the most attractive lots up for sale.

This raised the specter of the property being chopped up ("Balkanized") in a manner very detrimental to the Village of Millbrook.

- a) The attractive lots would be sold, leaving only lots containing many decrepit structures for auction by the county. It was doubtful that these lots would sell at auction, and they would then have reverted to the Village and/or County, which ultimately would have born the cost of demolition.
- b) Furthermore, with Carroll Hall alone consisting of 25 lots, there was significant risk that a single buyer could buy a very small lot, and hold up any redevelopment of the larger property.

As a result of these concerns, we stepped in where no other buyers would; we bought the property, paid more than \$500,000 in back taxes, and continue to pay taxes.

If we had not stepped in, the Village of Millbrook could very well be facing the cost of securing and demolishing the buildings on its own today.

Rehabilitation Process

It should be noted that we had to act very quickly in order to prevent the property from being Balkanized, and had no time for developing any sort of "master plan" for what we were going to do with the property once purchased.

After the purchase, we set out the following stages for rehabilitating the site:

1. Securing the property,
2. Developing a master plan to rehabilitate the Tribute Garden side (and perhaps parts of the Thorne side) as a public space,
3. Developing and executing a demolition plan for structures not to be included in the master plan, and
4. Implementing the renovation work called for in the master plan.

Progress to Date and Progress to Go

After purchase, we moved very quickly on Stage 1 to secure the property. Underbrush in which trespassers could hide was removed, chain-link fences were installed, broken windows were boarded over with plywood, no trespassing signage was installed, regular patrols by a security consultant were initiated and regular consultation with local law enforcement commenced.

Though there are still incidents of trespassing and breaking and entering, those incidents are far fewer than before we owned the property. It should also be noted that, prior to our taking over the property, the Village was spending money on fencing and security patrols, and if we had not taken over the property the Village very likely would still be doing so.

As we moved to Stage 2, developing a master plan, two issues came to light:

- 1) There were many encroachments on the property that would likely impede our ability to rehabilitate the property, including sewage lines, water lines and parking areas that were often undocumented and not accounted for on the chain of title, and
- 2) That an optimal public space would include a large open green from Franklin Ave. along Rt. 343 to Bennett Commons, and that much of that space is currently occupied by a swimming pool and tennis court belonging to the Halcyon Master Association, Inc. (Bennett Commons).

We have been actively engaged in negotiations with Bennett Commons for the past two years to clean up many of the property encroachments described above, and to swap some of our land with Bennett Commons for the area now occupied by the pool and tennis court.

We have made great progress in these discussions and hope that at their annual meeting in June the Bennett Commons home owners will approve an agreement that will accomplish both party's goals.

If that agreement is not approved, the Tribute Garden will have to abandon the open green idea, and move on with a plan that incorporates the swimming pool and tennis court where they now stand.

Once this property issue is resolved, we intend to proceed with Stage 2 development of a master plan roughly as follows:

- 1) Reach out to the community (with the help of a consultant) to learn what the best use of open public space might be,
- 2) Coordinate with the Mayor's initiative to rehabilitate the Thorne Building so as not to duplicate facilities and to optimize both locations (indoor versus outdoor) to create the greatest good for the Village,
- 3) Hire a design firm specializing in public spaces, as well as a construction manager, to work on a master plan that incorporates solutions to the needs identified above, including a timeline and costs,
- 4) Present the master plan to the Village.

Once Stage 2 is complete, we will know which structures will remain (if any) and can commence work on stage 3, the demolition plan. It is anticipated that this will involve extensive permitting processes and will take some time to execute. At this date we have no detailed plan for how demolition will proceed or how long it will take.

After demolition, we will proceed with Stage 4, construction of the new public space facility.

We have spent considerable time and money on this project thus far, and will invest far more time and money in the future, all in an effort to create a valuable public good...we have no other motive. We apologize if our project is taking longer than people would like, however, Bennett was allowed to fall apart for almost 40 years, and turning it around is not going to happen overnight.

Oakleigh Thorne
President, Millbrook Tribute Garden
Co-Trustee, Thorndale Trust

And

George T. Whalen, III
Trustee, Millbrook Tribute Garden
Co-Trustee, Millbrook Tribute Garden

Sarah Witt

From: RBMayor <RBMayor@villageofmillbrookny.com>
Sent: Friday, May 26, 2017 10:49 AM
To: Sarah Witt
Subject: FW: Buffy Arbogast - Questions for Mayor Rod Brown

-----Original Message-----

From: RBMayor [mailto:RBMayor@villageofmillbrookny.com]
Sent: Thursday, April 20, 2017 4:36 PM
To: Rod Brown - Mayor
Subject: FW: Buffy Arbogast - Questions for Mayor Rod Brown

-----Original Message-----

From: Buffy Lee Arbogast [mailto:buffy@babetteskitchen.com]
Sent: Thursday, April 20, 2017 4:32 PM
To: rbmayor@villageofmillbrookny.com
Subject: Buffy Arbogast - Questions for Mayor Rod Brown

Dear Mayor Brown,

I have a few questions/concerns I would like you address. If this is not the correct format please advise how one should submit questions.

1. At the meeting on March 28th Joe Rochfort mentioned "sidewalk/sandwich boards". What is wrong with allowing businesses to put them out? It makes the village look open, lively and attracts customers into businesses. No matter what anyone says small business survival is not easy so why not help local businesses by allowing sandwich boards?

2. I think illuminating Franklin and Church Street would be an asset to businesses. We are willing to leave lights during the evening and maybe someone on the MBA should encourage others to do the same.

I also like the idea of tree lights or cascading lights through the streets. This would make evenings in Millbrook brighter, safer and more cheerful and would help with foot traffic in the evenings.

3. Garbage (Litter vs. Illegally Dumping Garbage) – The trash cans the village provides are inadequate and difficult to maintain. Millbrook has a bit of cache and we should show it with a little more thoughtfulness starting with the trash cans. During the spring, summer and fall the trash cans are full and brimming over by Saturday evening.

May I suggest investing in new trash cans that have two bins, one for recycling and the other for trash? Rhinebeck has solar powered ones that compact the trash. They are also closed units so residents can't throw their household trash in them. Call me crazy but little details like a nice trash can sets can set our community apart from others. Also, is there a village law or ordinance that states landlords who have tenants business or residents have to provide a trash receptacle for the tenants? If not I think one should be implemented so residents stop throwing trash in community street trash bins and other business dumpsters where they are not tenants. If the landlord does not provide one where are tenants to put their house hold trash?

I know you have a lot going on that is more important than the questions above so please feel free to answer at your leisure. I may not be able to attend the next meeting because I sit on the town planning board and we might have a meeting the same evening.

Sincerely,

Buffy Arbogast

Buffy L. Arbogast/Owner

Babette's Kitchen, LLC

PO Box 756

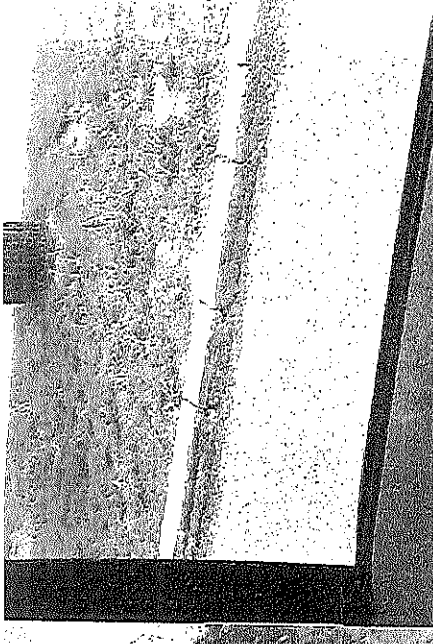
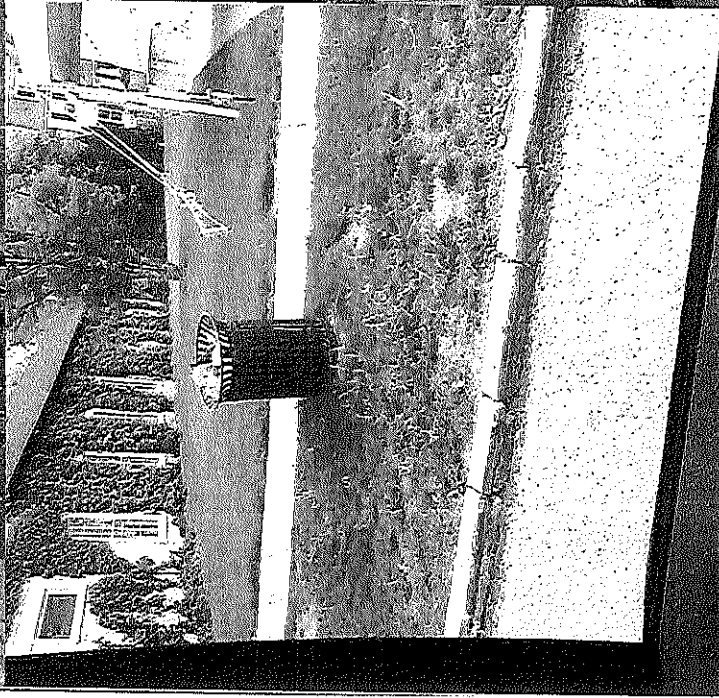
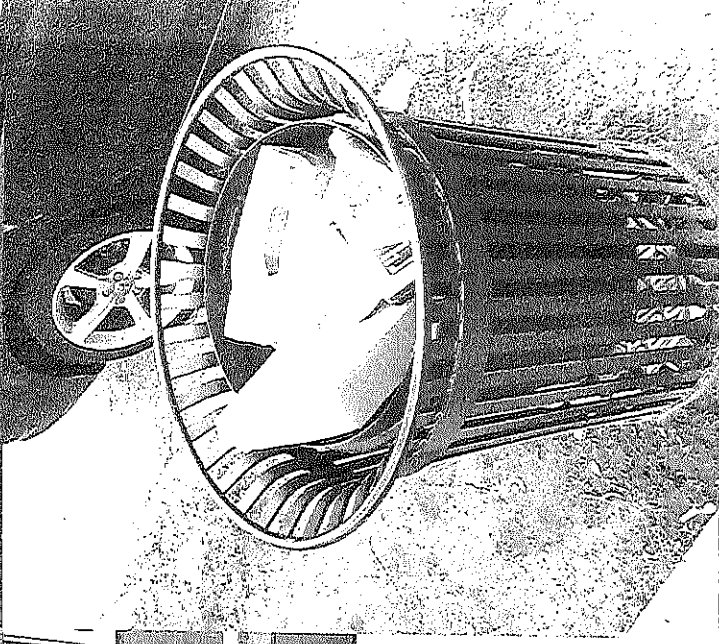
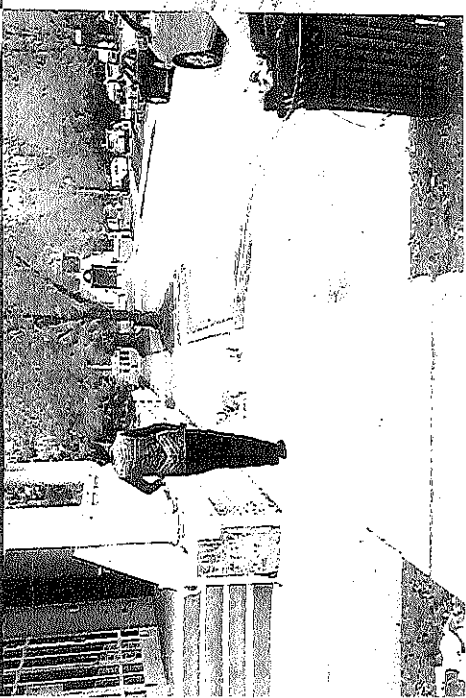
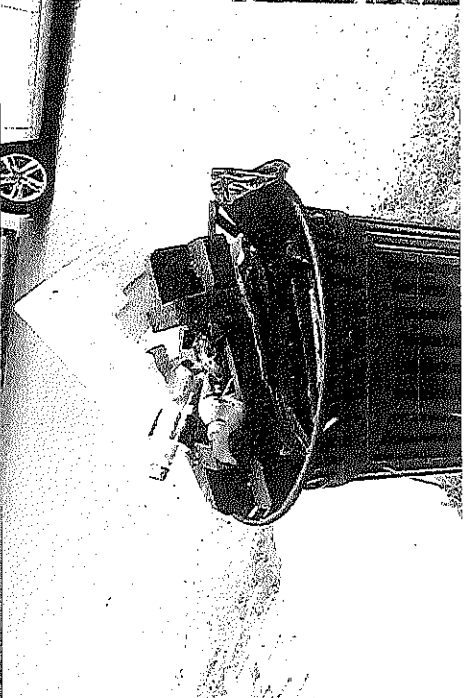
3293 Franklin Ave

Millbrook, NY 12545

845-677-8602

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"Simply Good Food"



Village of Millbrook, NY
Wednesday, May 24, 2017

Chapter 230. ZONING

Article V. Supplementary Regulations

§ 230-20. Signs.

- A. Purpose. The purpose of these sign regulations is:
- (1) To encourage the effective use of signs as a means of communication in the Village.
 - (2) To maintain and enhance the aesthetic environment and the Village's ability to attract businesses and residents.
 - (3) To improve traffic safety by insuring that signs do not present dangerous distractions or obstructions.
 - (4) To minimize the effect of signs on nearby public and private property.
- B. Permitted signs.
- (1) The following types of signs are permitted in all districts as follows:
 - (a) Nameplates and identification signs: not to exceed two square feet in area.
 - (b) Sale or rental signs: not to exceed four square feet in area.
 - (c) Institutional signs: not to exceed 20 square feet in area.
 - (d) Temporary development signs during construction repairs or alterations not to exceed two signs, each not to exceed four square feet in area.
 - (e) Flags, as defined in this chapter but limited to one per usage per lot.
 - (f) Building markers: not to exceed one square foot in area. No more than one building marker per lot shall be permitted.
 - (2) The following types of signs are permitted in the GB District:
 - (a) Canopy signs: no more than one canopy sign per building, the area of which shall not exceed 25% of the vertical surface of the canopy.
 - (b) Projecting signs: not to exceed six square feet in area. No more than one projecting sign shall be permitted for each business on the premises.
 - (c) Suspended signs: not to exceed six square feet in area. No more than one suspended sign shall be permitted for each business on the premises.
 - (d) Wall signs: not to exceed eight square feet in area. No more than one wall sign per building shall be permitted.

- (e) Window signs: not to exceed 20% of the total area of the window in which they are located.
 - (f) Freestanding signs: not to exceed two square feet in area. No more than one freestanding sign per lot shall be permitted.
 - (g) Accessory signs: two accessory signs either temporary or permanent, with a combined area of not more than five square feet for each business on the premises.
 - (h) In a retail establishment selling food stuffs or groceries, including perishable items, which sales constitutes 75% or more of its retail business: temporary window signs posted within the window area of said premises advertising products of the establishment, provided that the same do not cover more than 75% of the window area.
 - (i) Decorative banners or flags, provided that the same do not contain any advertising message except the word "open" and do not advertise a product or represent a symbol of a produce, such as a flag in the shape or form of a beer can or other product, and further provided that the same does not interfere or obstruct the public way, and further provided that there shall be no more than one flag or banner for each 25 feet of linear street frontage on any such lot or parcel. Any such banner or flag shall not exceed the dimensions of three feet by five feet.
- (3) The Village Planning Board, 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.
- (a) Signs described in Subsection **B(2)** above in residential and rural districts: No more than one such sign per lot shall be permitted.
 - (b) Wall signs of up to 30 square feet in area in the GB District. No more than one wall sign per building shall be permitted.
 - (c) Freestanding signs shared by three or more businesses on the premises and not to exceed six square feet in area. No more than one freestanding sign per lot shall be permitted.
 - (d) Marquee signs: No more than one per building shall be permitted.
 - (e) Temporary banners no greater than 30 square feet in area, to be displayed for no more than a specified thirty-day time period. No more than one temporary banner per lot shall be permitted.
- C. General regulations.
- (1) The maximum total permitted sign area per lot in the residential districts and in the rural district shall be eight square feet for residential and commercial lots and 20 square feet for institutional lots.
 - (2) The maximum total permitted sign area per lot in the general business district shall be 70 square feet or one square foot of sign area per lineal foot of building facade length, whichever is greater.
 - (3) Computations. The following principles shall control the computation of sign area:
 - (a) Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself.

- (b) Computation of the area of multifaced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- (4) No sign shall create a hazard for vehicles or pedestrians, and all signs must be constructed so that drivers' lines of vision are not obstructed in any way.
- (5) Illumination. Light for all illuminated signs shall be of constant intensity and shall not direct significant glare onto any adjacent lot or towards motorists.
- (6) Design, construction and maintenance.
 - (a) Signs shall be designed in such a way as to conform to and be in harmony with the characteristics of the surrounding neighborhood. Signs shall be designed so that they do not compete for attention with other signs or land uses. The Planning Board shall have the authority, during site plan and/or subdivision review, to suggest alterations in design that would implement the intentions of this subsection.
 - (b) All signs shall comply with the New York State Uniform Fire Prevention and Building Code.
 - (c) Except for banners, flags and temporary signs and window signs conforming in all respects with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached by direct attachment to a rigid wall, frame or structure.
 - (d) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this chapter at all times.
- (7) Signs in the public right-of-way. No signs shall be allowed in the public right-of-way, except for the following:
 - (a) Permanent signs.
 - [1] Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
 - [2] Bus stop signs erected by a public transit company.
 - [3] Informational signs of a public utility regarding its poles, lines, pipes or facilities.
 - [4] Business directory signs erected with the approval of the Village Planning Board.
 - (b) Emergency signs. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.
 - (c) Other signs. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Village shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
- (8) Signs exempt from regulations. The following signs shall be exempt from regulations under this chapter:
 - (a) Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance.

- (b) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot of parcel on which such sign is located.
 - (c) Works or art that do not include a commercial message.
 - (d) Holiday lights and decorations with no commercial message, but only between November 16 and January 15.
 - (e) Traffic control signs on private property, such as "Stop" or "Yield" and similar signs which contain no commercial message of any sort.
- (9) Nonconforming signs. Nonconforming signs and sign structure may remain except as qualified below:
- (a) Other than sign maintenance, no nonconforming sign shall be reconstructed, remodeled, relocated, altered or changed in size, height, setback or content to show a new trade name, different words, letters or numbers, new design different colors or different logo, unless such action will make the sign conforming in all respects. Where applicable, a sign that is to be changed so that it will be conforming in all respects requires a sign permit.
 - (b) Nothing in this chapter shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting and replacement of broken or deteriorated parts of the sign itself. Supporting structures for nonconforming signs shall not be replaced, unless such replacement will make the sign and sign structure conforming in all respects.
 - (c) A nonconforming sign or sign structure which is destroyed or significantly damaged may not be replaced except with a conforming sign. Where applicable a sign permit is required for any replacement sign.
- (10) Removal of certain signs. Any sign which no longer advertises an existing business conducted or product sold on the premises, shall be removed by the owner of the premises upon which the sign is located.
- D. Prohibited signs. All signs not expressly permitted under this chapter or specifically exempt from regulation are prohibited in the Village. Such signs include, but are not limited to:
- (1) Banners.
 - (2) Animated signs.
 - (3) Portable signs, including A-frame signs.
 - (4) Beacons.
 - (5) Inflatable signs and tethered balloons.
 - (6) Internally illuminated exterior signs, either temporary or permanent.
 - (7) Neon-type signs.
 - (8) Rooftop signs.
 - (9) Strings of lights, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices, whether they are used a part of a sign or to attract attention to a sign.
 - (10) Signs using day-glow-type paints.
- E. Master signage plan. No building permit may be issued for any reason for any lot unless the application for building permit is accompanied by a master signage plan which incorporates the

following information:

- (1) An accurate plot plan of the lot, drawn to scale.
- (2) The location of buildings, parking lots, driveways and landscaped areas on such lot.
- (3) A description of the location, type and sign area of each present and future sign.
- (4) A list of nonconforming signs.
- (5) Computation of present total sign area.
- (6) Computation of maximum total sign area permitted under this chapter.