

**RESOLUTION**

Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_,  
introduced the following proposed local law, to be known as Local Law No. \_\_\_\_ of 2010,  
entitled A LOCAL LAW OF THE VILLAGE OF MILLBROOK, DUTCHESS COUNTY, NEW  
YORK TO CREATE A NEW §230-42.2 "MIXED USE BUILDINGS WITHIN THE GB  
ZONE.

BE IT ENACTED by the Board of Trustees of the Village of Millbrook that the Village  
Code is amended to read as follows:

Section 1. A new section 230-42.2 "Mixed Use Buildings within the GB Zone" is  
proposed to read in its entirety as follows:

**230.42.2. Mixed Use Buildings within the GB Zone**

A. Intent. A special permit may be granted by the Planning Board to permit mixed residential and nonresidential uses within multistory buildings within the GB Zoning District as part of a unified development on a single lot. It is the specific purpose and intent of this provision to provide the opportunity for the development of small, rental dwelling units designed, in particular, to meet the special housing needs of single persons and couples of low- and moderate income, both young and old. Furthermore, it is the purpose and intent of this section to allow the more efficient use of the Village's buildings and to provide additional economic support to small business owners within the Village.

B. To help achieve these goals and promote the objectives of the Village, a special permit is required to establish a mixed use building within the GB District, subject to the following provisions:

1. The floor area of any residential unit shall be greater than 500 square feet.
2. No residential unit shall be located on the first floor of any mixed use building.
3. Residential units shall contain between zero (studio apartment) and two (2) bedrooms

Section 2. The following definition is added to section 230-5:

**Mixed Use Building:** A multistory building containing a mix of residential and nonresidential uses. A mixed use building shall not be considered a "multifamily dwelling."

Section 3. The definition of "Multifamily dwelling" within section 230-5 is amended as follows:

Multifamily dwelling: A dwelling containing more than two dwelling units, but excluding "mixed use buildings."

Section 4. This local law shall take effect immediately upon filing with this state's Secretary of State.

Trustee \_\_\_\_\_ advised the Board of Trustees that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this local law. Trustee \_\_\_\_\_ offered the following resolution which was seconded by Trustee \_\_\_\_\_, who moved its adoption:

WHEREAS, on \_\_\_\_\_, Trustee \_\_\_\_\_ has introduced this local law for the Village of Millbrook, to be known as "Village of Millbrook Local Law No. \_\_\_ of the Year 2010, a local law of the Village of Millbrook, Dutchess County, New York, to create a new §230-42.2 "Mixed Use Buildings within the GB zone.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Village Hall, 35 Merritt Avenue, Millbrook, New York, on \_\_\_\_\_, 2010 at \_\_\_\_\_ o'clock, \_\_.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Village of Millbrook, by the Village Clerk, at least five (5) days before such hearing and that such notice shall be in substantially the following form:

**NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Board of Trustees of the Village of Millbrook will hold a public hearing at the Village Hall, 35 Merritt Avenue, Millbrook, New York on **July 27, 2010** at 7:00 o'clock, p.m., on Local Law No. \_\_\_ of the Year 2010, to create a new §230-42.2 "Mixed Use Buildings within the GB zone.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Village of Millbrook, at the Village Hall, 35 Merritt Avenue, Millbrook, New York between the hours of 8:00 a.m. to 12:00 p.m. and then between 1:00 p.m. to 3:00 p.m.. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all person interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED:        Millbrook, New York  
                  June 23, 2010

\_\_\_\_\_  
LINDA WILTSE, VILLAGE CLERK

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

Mayor Hurley	_____
Trustee Morse	_____
Trustee Whalen	_____
Trustee Cox	_____
Trustee _____	_____

DATED: Millbrook, New York  
June 23, 2010

\_\_\_\_\_  
LINDA WILTSE, Village Clerk  
Village of Millbrook