

RESOLUTION No. 17 of 2020

Enacting Local Law Amending Chapter 230 of the Village Code Creating a New Overlay Zoning District and Amending the Zoning District Map

At a meeting of the Village Board of Trustees of the Village of Millbrook (“Village Board”), held at the Village of Millbrook Village Hall on the 13th day of October, 2020, at 6:30 p.m., Village Mayor, Michael Herzog called the meeting to order, and Mayor Herzog, seconded by Trustee Rochfort moved the following resolution, to enact the following proposed local law, to be known as Local Law No. 7 of 2020, entitled “A Local Law Amending Chapter 230 of the Village of Millbrook Village Code to Add a New Section 230-13.1 Creating the ‘Thorne Center Overlay District’ and to Amend the Village Zoning Map.”

WHEREAS, the following Local Law was introduced as Proposed Local Law No. 7 of 2020, by Resolution No. 16 of 2020, adopted at a regular meeting of the Village Board held on September 8, 2020; and

WHEREAS, the proposed Local Law, with Part 1 of the Short EAF, was referred to the Dutchess County Department of Planning and Development for an advisory opinion pursuant to New York General Municipal Law §239-m; and

WHEREAS, the Dutchess County Department of Planning and Development response to the referral was the proposed Local Law was a matter of “Local Concern with Comments”; and

WHEREAS, the “Comments” from the Dutchess County Department of Planning and Development included several recommended changes to the Local Law; and

WHEREAS, the Village Board reviewed the Comments made by the Dutchess County Department of Planning and Development and considered the recommended changes and for the

reasons articulated in a separate Resolution has determined to enact the Local Law as originally drafted without the recommended changes; and

WHEREAS, a properly noticed public hearing was held before the Village Board during the meeting on October 13, 2020, on Local Law No. 7 of 2020; and

WHEREAS, the Village Board determined the enactment of this Local Law will have no adverse environmental impacts and issued a Negative Declaration pursuant to the New York State Environmental Quality Review Act; and

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Millbrook as follows:

Section 1. Legislative intent: The intent of this Local Law is to amend the Village of Millbrook Zoning Law (“Zoning Law”), consistent with § 230-2 of the Zoning law and the Comprehensive Plan of the Village referred to in said section, and with § 230-3 of said Zoning Law. This amendment will establish certain allowed uses of land and improvements in a new Overlay Zoning District, to be known as the “Thorne Center Overlay District”, which will allow the use of land and adaptive re-use of a former educational structure on the parcel of land designated by tax parcel number 6765-19-548131, and to, in part, allow uses to potentially generate the revenue to support the structure as a community asset. Such uses shall include a community center for the benefit of the Village of Millbrook and uses which offer arts, sciences and educational opportunities to the community, attract people into the Village and enhance the overall quality of life in Millbrook.

This Local Law shall also amend the Zoning Map of the Village contained in “Attachment 3” of the Zoning Law to include the new “Thorne Center Overlay District”, and to change the Zoning Districts of the following four (4) parcels located in the Village to include them in the General Business (GB) Zoning District.

6765-18-402046- 16 Washington Ave- Change from Residential Multi-Family (RMF) to General Business (GB).

6765-18-412037- 18 Washington Ave- Change from Residential Multi-Family (RMF) to General Business (GB).

6765-18-483093- 3306 Franklin Ave- Change from Residential (R) to General Business (GB).

6765-18-479085- 3304 Franklin Ave- Change from Residential (R) to General Business (GB).

Section 2. Chapter 230 “Zoning” of the Village Code of the Village of Millbrook, Article III “Establishment of Districts”, Section 230-6 “Enumeration of Districts”, is hereby amended to add a new Overlay District to be designated “TCOD Thorne Center Overlay District” to the list of Zoning Districts set forth in Section 230-6 of the Village Code. The other Zoning Districts enumerated in Section 230-6 of the Village Code shall remain unchanged.

Section 3. The existing Chapter 230 “Zoning” of the Village Code of the Village of Millbrook, Article IV “District Regulations” is hereby amended to add a new Section 230-13.1 containing the following language.

“§ 230-13.1 Thorne Center Overlay District.

A. Title.

This Section of the Village of Millbrook Zoning Law shall be known as the Thorne Center Overlay District, and sets forth the permitted uses therein (the “TCOD”).

B. Intent.

The intent of this Section is to adopt a zoning amendment, consistent with § 230-2 of the Village of Millbrook Zoning law and the Comprehensive Plan referred to in said section, and in § 230-3 of said Zoning Law. This amendment will establish certain allowed uses of land and improvements in the TCOD, which will allow the use of land and adaptive re-use of a former educational structure located within the TCOD, and to, in part, allow uses to potentially generate the revenue to support the structure as a community asset.

C. Purposes.

The improvements in the TCOD have existed since well before the adoption of the Village of Millbrook Zoning Law, and were undoubtedly considered upon the adoption of said law. The “purposes” referred to in § 230-3 of the Village of Millbrook Zoning law are incorporated herein by this reference, and those purposes are also advanced by the adoption of this Section.

More specifically, the purpose of this law is to create a framework that integrates the land and buildings in the TCOD into the community and allows these to be used as a community center,

for the general benefit of the Village of Millbrook. The proper use of this property will assist the business community in Millbrook, offer arts, sciences and educational opportunities, attract people into Millbrook to enjoy this asset, and enhance the overall quality of life in Millbrook.

D. Definitions.

The following definitions shall be used in the interpretation and construction of this Section. These definitions shall prevail over any contrary definition contained in the Village of Millbrook Zoning Law:

1. **Child Care Services.** The use of any part of a building or grounds which is used for the care of children and maintains the required licensing and permitting required by County and State law.
2. **Concession Area.** A place of business in a building where coffee and other beverages are sold. No food or any other item may be sold, except for light snacks (which shall not include lunch or other meals). There may be more than one (1) concession area in the building.
3. **Community Center.** The use of all or any part of the building or grounds for educational or recreational activities which shall include, but not be limited to, gaming room, theater (for movies, recordings, or live theater or music), art studio and displays, educational classes, seminars and displays, concerts, music recording and practice, senior citizen activities, municipal offices, not-for-profit offices and other uses consistent with community gatherings and centers.
4. **Co-Working Space.** An area of a building where individuals may work independently or collaboratively in a single shared office space. In this Zoning District, there may never be greater than one (1) such space.
5. **Demonstration and Catering/Cooking Kitchen.** A part of a building where foods and dishes, prepared off-site, are brought into that part of the building in order to warm and/or finish the foods or dishes for service to guests, or for complete use in demonstrations or classes on-site, to instruct persons in cooking and the culinary arts, or for complete use by individuals who make a product for sale in this kitchen, from start to finish, for sale on or off-site.
6. **Wedding/Event Venue.** A building or part thereof, used for weddings or other celebrations, which may include use of the grounds for all or part of the function. All activities which occur out of doors, including clean up, shall fully conclude by 9 p.m. EST. In addition, no more than twelve (12) weddings per calendar year, which use part of the grounds outside a building for the wedding, are permitted.

Only those uses defined above in this article are permitted in the TCOD. All other uses are precluded.

E. As of Right Uses.

The following uses shall not require a special permit: Concession Area, Community Center, Demonstration and Catering Kitchen, Co-Working Space and Wedding/Event Venue; provided however, in the case of a wedding proposing to use part of the grounds outside a building for the function, the person holding the wedding must obtain a permit from the Village zoning enforcement officer, to ensure that no more than twelve (12) weddings per calendar year occur.

F. Use Requiring a Special Permit.

The following uses are permitted upon issuance of a special use permit by the Village Planning Board, to be applied for under the Village of Millbrook Zoning law, § 230-43, and any other provision of said law which relate to special use permits: Child Care Services.

G. Mixed Uses.

All or any of the uses described in this Section may occur concurrently, or at the same time. It is understood that the improvements in the TCOD are large, and may house all or some of the allowed uses at the same time. No use allowed herein shall be considered the principal use, or an accessory use. This paragraph shall prevail over all provisions in the Village of Millbrook Zoning Law, including § 230-11 B, which states that there may be only one principal use per lot. That section, and any like it in said law, shall not apply in the TCOD.

H. Service of Alcoholic Beverages.

Provided a permit required by the New York State Alcohol Beverage and Control Law and the regulations thereunder is duly obtained, service of alcoholic beverages is allowed in any as of right or specially permitted use, and all terms of the permit must be observed.

I. Administration and Enforcement.

The applicable provisions of the Village of Millbrook Zoning Law shall apply to the administration and enforcement of this law.”

Section 4. The Zoning Map contained in Attachment 3 of Chapter 230 “Zoning” of the Village Code, and referred to in Section 230-7 of the Village Code is hereby amended to reflect the parcel of land designated by tax parcel number 6765-18-402046, located at 16 Washington Ave, previously in the Residential Multi-Family (RMF) Zoning District shall be in the General Business (GB) Zoning District, that the parcel of land designated by tax parcel number 6765-18-412037, located at 18 Washington Ave, previously in the Residential Multi-Family (RMF) Zoning District shall be in the General Business (GB) Zoning District, that the parcel of land

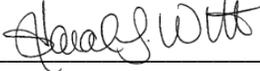
designated by tax parcel number 6765-18-483093, located at 3306 Franklin Ave, previously in the Residential (R) Zoning District shall be in the General Business (GB) Zoning District and that the parcel of land designated by tax parcel no. 6765-18-479085, located at 3304 Franklin Ave, previously in the Residential (R) Zoning District shall be in the General Business (GB) Zoning District. The amended Zoning Map to be annexed to Chapter 230 of the Village Code as “Attachment 3”, and to accompany and be a part of Section 230-7 of the Village Code is annexed hereto.

Section 5. This local law shall take effect as of the date of filing with the New York Secretary of State.

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

Mayor Herzog	Aye
Trustee Rochfort	Aye
Trustee Collopy	Aye
Trustee McGrane	Absent
Trustee Contino	Aye

DATED: Millbrook, New York
October 13, 2020



 SARAH J. WITT, VILLAGE CLERK
 Village of Millbrook