

UNION VALE ZONING BOARD OF APPEALS
Minutes of the Regular Meeting
7:30 pm

June 1, 2021

Members Present: Chairperson Jane Smith and Board members Dennis Dunning, Michael McPartland, Ilana Nilsen, and John Hughes

Non-Members: Town Engineer, Thomas Harvey; Town Attorney, James Nelson

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Jane Smith determined that there was a quorum for the Zoning Board of Appeals (“the Board”) to conduct business and called the meeting to order.

BUSINESS SESSION

Agenda reviewed for June 1, 2021 meeting.

Board unanimously approved minutes from May 18, 2021 meeting.

Correspondence: all items relating to Millbrook Inn are attached: 1) email from Mark Olson, engineer, dated May 30, 2021, subject “Millbrook Inn -Site Plan Revisions” with attached letter dated May 24, 2021, from Arborist and Forester Brent Feldweg, addressed to Yvette Fromer; 2) May 30, 2021 email from Eric Karpeles inquiring about outdoor lighting and signage; 3) May 30, 2021 report from Arborist Angelo Schembari to Zoning Board.

In connection with inquiry from Mr. Karpeles, Applicant Yvette Fromer explained that the lighting plans are set forth in the April 10, 2021 plans, and that there were no plans for new signage; plan is to continue to use the existing sign.

PUBLIC HEARING (CONTINUED FROM 5/18/2021) Meeting -3

Millbrook Inn, Owner Yvette Fromer, Applicant Jess Nahon, 3 Gifford Road, Millbrook, NY

In order to make improvements to an existing inn in the RD-10 district: Applicant applying for area variances for a proposed parking lot, including area variances from the setback requirements set forth in the District Schedule of Area and Bulk Regulations, and Code Sections 210-56.E.8.h., 210-25.B.3; bundled within applications for variances under section 210-25.B.3 are requests for variances from the 25’ landscaped buffer requirement set forth in code section 210.37.C.2b. Applicant also applying for an area variance from the 85% minimum open space requirement set forth in the District Schedule of Area and Bulk Regulations.

Prior to hearing from Mark Olson, the engineer representing the applicant, Chairperson Smith noted that the number of parking places and the sizes of the variances initially requested have been reduced as per the revised site plan modifications dated May 30, 2021. She outlined areas for Mr. Olson to address in connection with the revised site plan:

1. With respect to the number of parking spaces, explain the basis for the new number;
2. Need to be more specific as to the new distances from the front and side yard property lines;
3. Need to clarify the percentage of open space;
4. Need to explain why the parking lot cannot be moved any farther from Gifford Rd.;
5. Need to address landscaping and tree protection issues raised by the two arborists.

Mr. Olson explained that the number of spaces decreased because originally the applicant planned to have 50 diners and then agreed to limit the number of diners to 30; given this limit on diners, the Code Enforcement Officer used the number of diners in the restaurant + the number of guest rooms in the Inn to calculate the required number of spaces rather than basing it on the square footage of the indoor and outdoor dining areas, and they arrived at 23 spaces. Following a discussion of various scenarios where there could be more people and the need for off-site parking with a special permit, the owner Ms. Fromer explained that she had signed an agreement with the Fountains that she would not let customers park on Gifford Rd.; she assured that she would have to return to the ZBA to increase parking on site.

Mr. Olson described the various iterations for the parking lot that had been considered and the challenges to maneuvering in a smaller parking lot and the limitations posed by the existence of a transformer. He explained that, with a reduced number of spaces, they changed the lot to a through lot, rather than having separate ingress and egress and this reduced the size. This configuration also reduced the amount of impervious surface; if the lot were pushed back away from Gifford Road, this would not only interfere with the septic and sloping issues, but also it would require a longer driveway thereby increasing the impervious surface and the size of the required open space variance.

Mr. Olson clarified that the applicant was asking for a 1% variance from the 85% open space requirement (to allow for 84% open space); a variance to allow the lot to be constructed 61.9' from the front property line; and a side yard variance of 90'.

Discussion turned to the two arborist reports and the landscaping within the setbacks. Both arborists recommended the removal of certain dying trees and protecting the critical root zones of those remaining. Again, Mr. Olson explained that the ability to move the parking lot farther away from the property lines in order to increase the buffer was limited because of the transformer, septic system, and landscaping and proposed pathways between the lot and the proposed pool area. He explained that there was a proposed stone wall around the transformer to improve the look.

Board Member Mike McPartland stressed the importance of having mature plantings in the buffer to cut down on the glare of car lights leaving the parking area. He also urged that there be planting around the circle. Mr. Olson noted that the landscaping was not incorporated in the most recent plan but it will be part of the Planning Board Special Use Permit process and assured that the applicant wants the property to be beautiful.

Town Engineer Tom Harvey added that lighting is also part of the site plan review process to insure no light levels beyond the property line. He also explained that permeable pavers were not advised because they don't last and the plan envisioned water drainage around the perimeter of the parking lot.

Public comments were received that were generally positive and expressed support for the planning improvement of the property. The applicant also assured that she had been in constant contact with The Fountains and that they support the project as well.

The public hearing was closed and the Board members deliberated. They noted the history of the parcel and appreciated that the setbacks were designed for a 10-acre parcel not a 3-acre parcel. At the same time, they noted that the Code has 5 different ways of protecting the buffers, thereby informing the Board's interest in pressing the applicant to reconfigure the lot to increase the distance from Gifford Road and to demonstrate why the requested variances could not be any smaller.

After deliberation, the Board voted unanimously to grant the requested variances with conditions. The Resolutions reflecting these decisions are attached and incorporated by reference.

ADJOURNMENT

As there was no further business, a motion was made by the Chairperson Smith, seconded by Board member Ilana Nilsen, and unanimously accepted by the Board, to adjourn the meeting at 10:35 p.m.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday, July 6, 2021, at 7:30 PM.**

The agenda will close on **June 23, 2021, at 12:00 Noon.** Items for consideration at the **July** meeting must be received by that date.

From: [Jane Simkin Smith](#)
To: [Dennis Dunning](#); [ilana nilsen](#); [John Hughes](#); [Mike McPartland](#); [PBZBA ZBA](#)
Subject: Fwd: Millbrook Inn - Site Plan Revisions
Date: Monday, May 31, 2021 7:44:17 AM
Attachments: [image002.png](#)

Begin forwarded message:

From: "Mark Olson, RA" <Mark@olsonpartners.archi>
Subject: Millbrook Inn - Site Plan Revisions
Date: May 30, 2021 at 3:57:49 PM EDT
To: Jane Simkin Smith <jssmith1@optonline.net>, pat <pat@aaacarting.com>, Thomas Harvey <THarvey@CPLteam.com>, James Nelson <JNelson@VanDeWaterLaw.com>
Cc: Yvette Fromer <yfromer@gmail.com>, "psmpece@gmail.com" <psmpece@gmail.com>, Betsy Maas <supervisor@unionvaleny.us>, Jess Nahon <jess@sugarhousearchitecture.com>

All

Hope everyone is having a peaceful albeit cool Memorial Day weekend.

We apologize for the delay in submission. We were hoping to release this on Friday.

We have used the time to put a lot of thought into this new design with hopes to reduce the needed variances. We have reached out to our Arborist who has offered their opinion on the trees along Gifford in front of the proposed parking lot and have attached same to this email. We have also attached a photograph of the existing conditions along with a rendering of the previously proposed parking lot. Note that our newly proposed parking lot is smaller and narrower pulling the parking area further away from view (line of sight) on Camby Road. Additionally this parking lot is drawn further away from Gifford Road requiring a lesser variance for the front yard setback.

Laying in the Transformer has controlled the positioning of the parking lot, adhering to the requirements of Central Hudson as it pertains to clearances around the transformer. This has pushed the current layout to within 10'-0 of the side yard setback. Understanding that this is an additional 5'-0 of variance needed for the side yard, it was evident at the last meeting that it was of little concern on the side of the Fountains due to there being little to no utilization of this portion of the Fountains property and their apparent support of the project. In consideration of the remaining tree along Gifford we have developed an arching drive to keep out of the Critical Root Zone (CRZ) as determined by our arborist.

In response to previous submissions the applicant submitted the attached Site Plan

dated 11/04/2020. This plan illustrates the parking lot within 11'-0" from the front lot line and 5'-0" from the side. This iteration would undoubtedly require more severe variances to enable the applicant to develop. This illustrated 37 parking spaces to enable the applicant to add diners to its occupancy to increase the profitability of the Inn.


The January 2021 submission to the Planning Board dated 11/13/2020 illustrated a zero lot line setback to the side and 11'-0" to the front with 31 spaces. This again would accommodate the additional 50 diners. This would again require more severe variances.

The February 2021 submission included 44 spaces, 36 in the lot and an additional 8 in the circle. This iteration included a 15'-0" side yard setback and a 20'-0" front yard setback. This iteration illustrated an area in excess of the allowable threshold and would require the development of a full SWPPP post development which would be prohibitive on this size lot with the current program.

In April of 2021 we proposed the attached design dated 04/06/2021. This iteration illustrated 24 spaces plus two accessible spaces. Setbacks proposed were 15'-0" side yard and 20'-0" front. This is what was proposed to the ZBA for the requested variances. This proposal omitted the additional diners from the program reducing the applicants projections of revenue.

The newest design illustrates the parking lot with a single ingress/egress. It is illustrated with perpendicular parking in the requisite configuration with 9'x19' foot spaces and a 26'-0" aisle. The setback from the front property line to the first accessible space is 41'-0" and to the first regular space 38'-3". This requires there be a 36'-9" front yard variance. Admittedly the side becomes more severe requiring a 40'-0" variance though from a seldom utilized portion of the Fountains property (when utilized it is by maintenance only). Through revisions in walkways and this smaller paved lot we have reduce the requested open space variance from 4% to 1%. We would reiterate that the requisite parking for the facility is one space per each of 10 guest rooms and one space for every 3 guests dining. With the number of diners capped at 30 this would equate to 10 for diners and 10 for guestrooms or 20 spaces. Adding one for the Innkeeper and the accessible space (one accessible required under 25) we end up with 21. The current iteration illustrates 23. The lot is screened with a low stone wall and will be further landscaped in the PB submission. The only space that will be without screening will be the one accessible space which is so for logistical reasons and safe passage to the facility. It is this office's opinion that this positioning will be far less intrusive than the existing parking which places the vehicles in plain sight elevated to nearly the second story of the Inn.

Please do not hesitate to contact me with any questions and/or concerns prior to Tuesday evening's meeting. We would be happy to address. The following is the link to the materials:

 https://olsonpartners-my.sharepoint.com/:f:/g/personal/mark_olsonpartners_onmicrosoft_com/Eib9I_w6VXJOq6X6UU4BJJ8Bdszrlpk34IM6OEDUjgfAHQ?e=XXEzOo

Mark Olson AIA, LEED-AP, PMP

Principal

31 Oswego Road
Pleasant Valley, NY 12569

Cell: 914.755.0955
olsonpartners.archi

olson+partners



Reduce, Reuse, Recycle, Respect - Please think before you print.

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FOREST ALL

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Brent E. Feldweg: Forester/Arborist (845) 227-1449 (845) 802-4469
8 Hellman Court, Wappingers Falls, NY 12590

E-mail: BEFELDWEG@AOL.COM www.forestallconsulting.com

May 24, 2021

The Millbrook Inn
Attn.: Yvette Fromer
3 Gifford Rd.
Millbrook, NY 12545

Dear Ms Fromer,

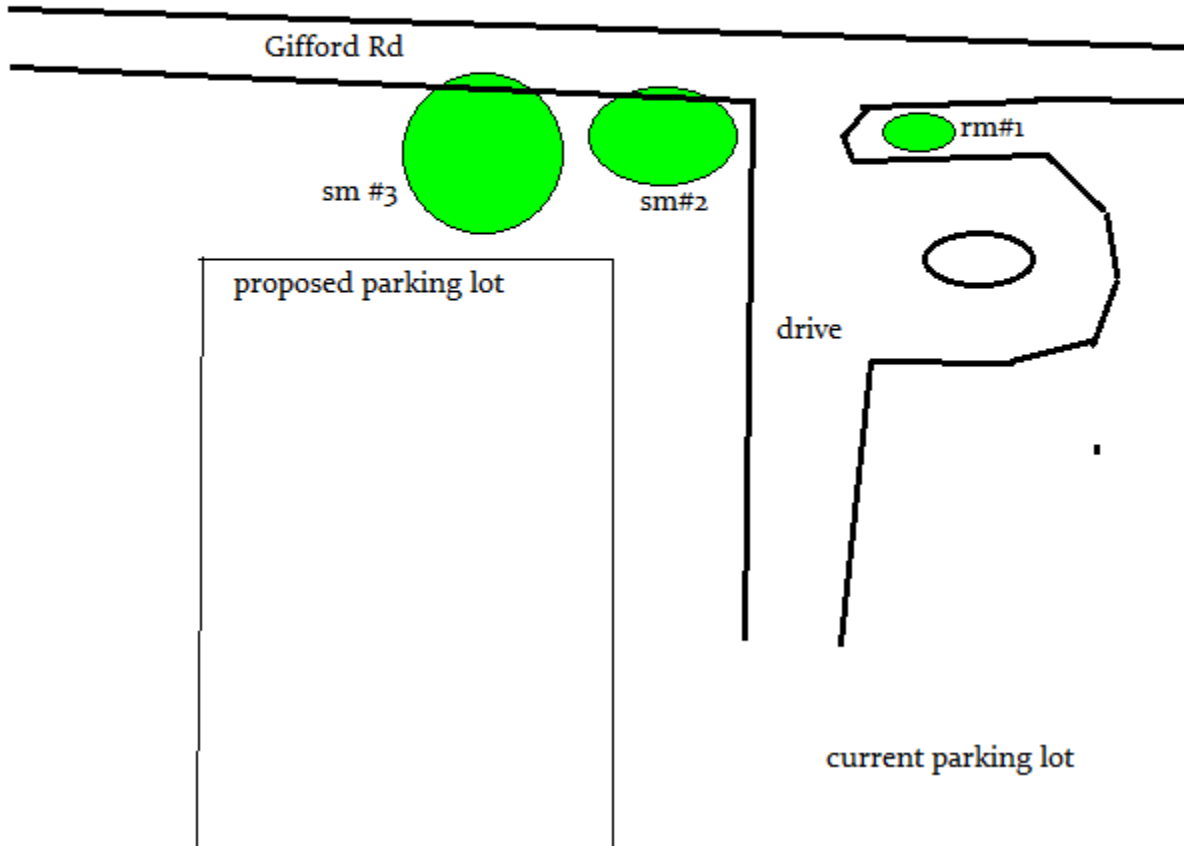
Thanks again for the chance to meet with you and Mark Olson, of Olson and Partners Architecture on May 22, 2021.

At our meeting we reviewed your plans to demolish the existing parking area for the Millbrook Inn and construct a new parking area as shown in the drawing on the next page. You had invited me to review the condition of and potential impacts on several trees surrounding the proposed parking lot area. The drawing on the next page shows the trees adjacent to the proposed parking lot, and their relative sizes, based on the size of the ellipses representing them. I have also numbered the trees to allow us to easily follow my comments and recommendations.

Generally, when trees experience construction activities around them, damage can occur which included strikes by equipment and vehicles to the trunk or low limbs, causing wounds, root cutting during excavation and soil compaction by introduced foot and vehicle traffic. The main area of concern is called the 'Critical Root Zone' (CRZ) which is a circular area with a radius 10x the diameter of the tree. This is not the same area as that covered by the spread of the branches. Within the CRZ, impacts such as excavation and equipment/vehicle movement over the ground should be minimized. If a project has to invade the CRZ, then extra care should be taken to eliminate impacts on the remaining CRZ area.

An individual tree's ability to survive a construction project starts out by understanding the condition of the plant before the project begins. Often it is far better and more efficient to eliminate a tree in poor condition rather than trying to nurse a sick tree through a stressful event. Below, I will provide my visual assessment, as an Arborist with over 30 years experience in the business, of each tree around the proposed parking lot area, and offer my opinion as to if it would be worth working with each tree listed.

Millbrook Inn Proposed Parking Lot
Forest All Consulting and Saw Milling
May 2021



Tree #1 (red maple *Acer rubrum*); ~12" DBH (diameter at 4.5' from the ground): This tree showed a large amount of the crown without leaves and dead. The lower trunk was buried, so no root flare was visible. This tree is in very poor condition and should be taken down and replaced as part of the renovation of the landscape around the Inn. This would be a great spot for a flowering ornamental tree, but sight distance should be considered in the tree's selection.

Tree #2 (sugar maple *Acer saccharum*); ~22" DBH: This tree is in poor condition. It shows a main trunk that has fallen off in the past, and the wound has allowed a large amount of decay to enter the main trunk. There is evidence of splitting in the main trunk, where the two leaders come together. The tree's crown leans significantly toward the drive to the Inn, and shows a likely-hood of failure. The root system has been impacted by the excavation of the roadside drainage ditch along Gifford Rd, and shows some exposed roots. This tree should be taken down to eliminate a safety hazard to the Inn



FOREST ALL

Tree #3 (sugar maple *Acer saccharum*); ~24" DBH: This tree is in fair condition and shows some decay in the upper main stem, from a branch break years ago. A number of dead limbs exist in the crown, which should be pruned out. The tree shows signs of large girdling roots on the east side of the trunk. This tree is a condition that could be successfully brought through construction. To accomplish this, the tree should be individually measured to determine the exact DBH, and the CRZ should be measured and fenced off. This will keep construction vehicles off the CRZ to prevent soil compaction. To enhance tree health, pruning should be done prior to construction, and fertilization of the CRZ should be scheduled for the fall of 2021 and the fall of 2022. Communication within the construction management team is crucial here to preserve the CRZ area. If excavation has to occur within the CRZ, root pruning should occur to help limit root invasion by soil fungal diseases.

Thank you again for choosing Forest-All. If there are any questions, you may reach me at the number on the letterhead, or on my cell at (845) 802-4469.

Sincerely,

Brent E. Feldweg

Arborist and Forester

Forest All Consulting and Saw Milling

Begin forwarded message:

From: Eric Karpeles <erickarpeles@gmail.com>

Subject: Millbrook Inn

Date: May 30, 2021 at 12:24:13 PM EDT

To: jssmith1@optonline.net, Pat@aaacarting.com, supervisor@unionvaleny.us

To whom it may concern,

I'm a homeowner on Camby Road, Verbank, down the road from the Millbrook Inn.

I was unable to attend the zoom zoning meeting last week, but was informed that a note to the Union Vale zoning and/or planning commissions expressing my concerns would be welcome.

I have some basic understanding of the proposed changes to the Inn, and in general I feel the project is realistic and appropriate, despite concerns about increased traffic (shared it seems by nearly everyone everywhere). My main question concern aspects of the renovation for which I find no source for an answer: outdoor lighting and signage. Has the new owner submitted plans for these and is it possible for a homeowner to be made aware of those plans?

Thank you for your attention.

Eric Karpeles
403 Camby Road
Verbank 12585

tel: 845.605.1526

CGL ARBOR SERVICES

PROFESSIONAL ARBORIST SERVICES

59 Canterbury Ave, Cornwall, NY 12518

CORNWALL, NY | 845-489-0368 | cglarbor@gmail.com

May 30, 2021

Town of Unionvale Zoning Board
249 Duncan Rd
Lagrangeville, New York 12540
Attn: Jane Smith

RE: 3 Gifford Rd

Jane,

I visited the property located at 3 Gifford Rd, Millbrook, NY on May 25th of this year at your request to inspect three Maple trees. The trees are located along the edge of a proposed parking lot. My task was to determine what impacts, if any, the construction would have on these trees as well as remediation steps to be taken to lessen the impact from construction. No formal tree risk assessments or hazard evaluations were performed. In addition to the site visit, details provided in '*Proposed Parking Lot Landscape Plan L-000.01*' attached to Millbrook Inn application dated April 10, 2021 were utilized.

All three trees are situated in an East-West Row along Gifford Rd. All three trees are mature Sugar Maples (*Acer sacharrum*). Two of the three trees are generally in good health. For the purpose of this report the trees have been assigned numbers (1-3) beginning at the West and proceeding East.

Tree 1 is 29" in diameter at breast height (dbh). This tree is located approximately 20' from the proposed limit of disturbance. There is advanced dieback of small to medium branches and signs of advanced interior structural decay. My recommendation is that removal of this tree should be allowed without penalty and encouraged as it will pose a threat to the proposed parking area, the driveway, and the nearby public road. I would encourage the replanting of an appropriate tree species in this location.

Tree 2 is a 30" dbh Sugar Maple located approximately 20' from the proposed limit of disturbance. The tree is generally in good condition with slight dieback and decay localized in one low limb. The Critical Rooting Zone (CRZ) of this tree extends approximately 10' into the area to be disturbed. The critical is defined as the area below the tree extending to the drip line (outermost edge) of the tree canopy.

Tree 3 is approximately 32" dbh Sugar Maple located approximately 20' from the proposed limit of disturbance. The tree is generally in good condition with slight canopy dieback. The Critical Rooting Zone (CRZ) of this tree extends approximately 10' into the area to be disturbed. While this tree is not identified on *Proposed Parking Lot Landscape Plan L-000.01* it will be impacted by the construction.

When the critical rooting zone of a tree is damaged during construction trees are damaged by root cutting, soil compaction, and grade changes. With the critical rooting zone extending 10' into the proposed parking area, all three of these injuries will occur, leading to a loss of vitality to these trees.

My recommendations are as follows:

- Move the proposed parking area 15' to the north to put the excavation outside the CRZ.
- Establish Tree Protective Zones around trees 2 and 3. These zones should be constructed of Steel posts, sturdy fencing, and should extend to the drip line of trees 2 and 3. The establishment of the Tree Protective Zones should be supervised by an ISA Certified Arborist. Establishing

financial penalties for violating the Tree Protective Zones is also advised. An example of a tree protective zone is attached as an addendum to this report.

- Trees 2 and 3 should be pruned to ANSI A300 Standards to remove dead, damaged, and diseased branches prior to construction.
- Trees 2 and 3 should have an application of organically based root biostimulants applied both prior to and after construction.
- Trees should be monitored by an ISA Certified Arborist during construction and for two years after the project is completed.

I have reviewed the proposed planting plan for this project as outlined in *Proposed Parking Lot Landscape Plan L-000.01* and noted some potential problems based on the species selected. Several species (*Taxus baccata*, *Picea pungens*, *Rhododendron spp.*) are preferred deer browse. Without proper deer exclusion, these plants will suffer severe damage due to deer feeding. Additionally, *Picea pungens* and *Betula papyrifera* have serious disease and/or insect problems. Without proper care, these plants will be damaged or die due to these pests.

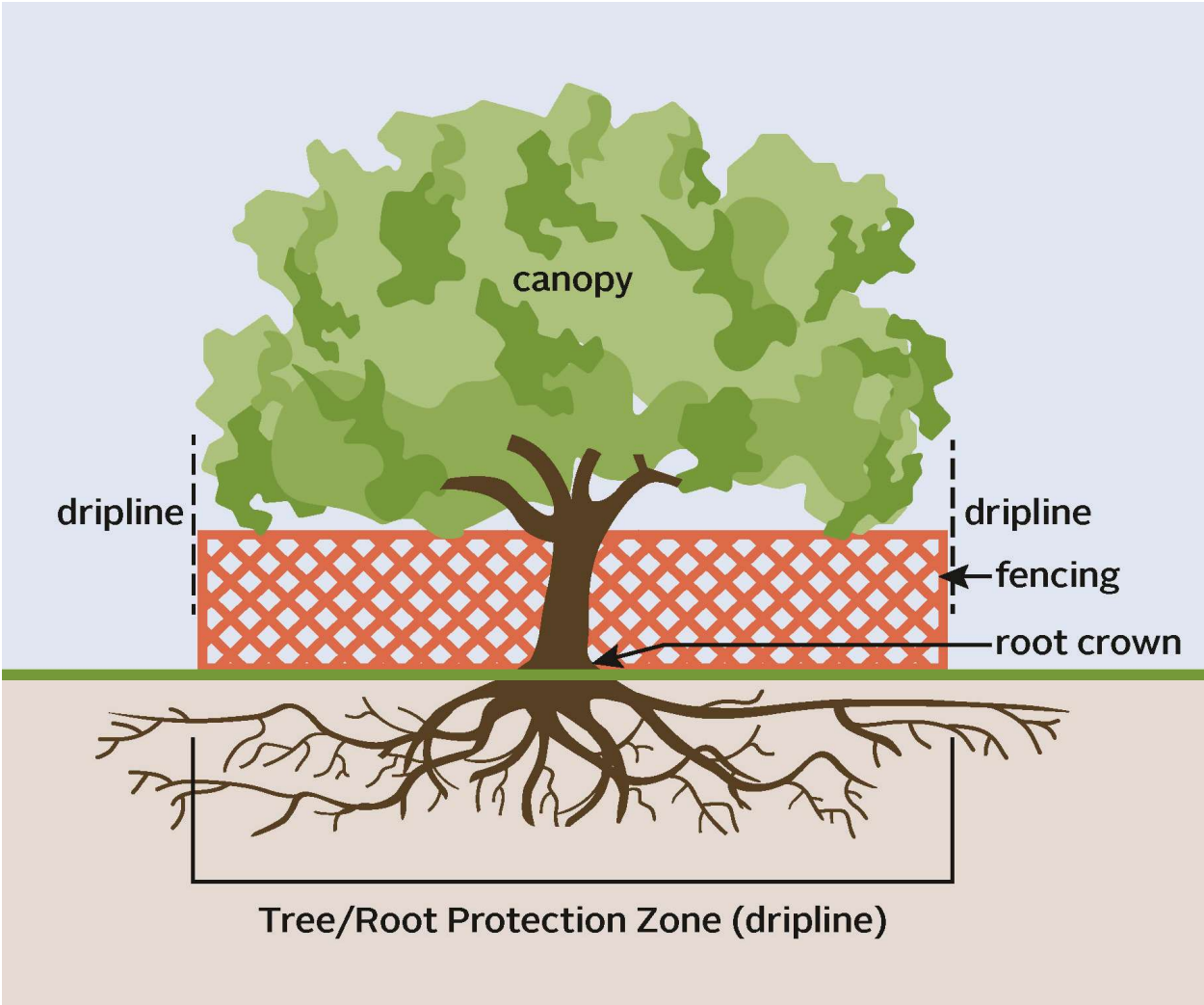
Please let me know if I can be of additional assistance in this or any other matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Angelo Schembari III". The signature is written in a cursive style with a large initial "A".

Angelo Schembari III
ISA Certified Arborist/TRAQ NY5261A
CCPA C3836393

Appendix 1. Sample layout of Tree Protective Zone.





Zoning Board of Appeals
249 Duncan Road
Lagrangeville, NY 12540
(845) 724-5600

Date: June 1, 2021

Applicant's Name: Millbrook Inn Holdings, LLC, c/o Yvette Fromer
Address: 215 East 68th Street
City/State: New York, New York 10065
TMP #: 6863-00-220067

Re: Front Yard Area Variances
[Code §210—56 E(8)(h), District Schedule of Area and Bulk Regulations, Code §210-37 C(2)(b)]

To the above Applicant in the RD-10 district which seeks a 61' 9" variance under §210-56 E(8)(h) which requires no Inn parking within 100' of a residential property line in the R-10 District – which variance (a) subsumes Applicant's request for a variance from the 75' front yard setback requirement as set forth in the Code District Schedule of Area and Bulk Regulations, and (b) is bundled per Zoning Board Resolution of May 18, 2021, with a request for a limited 10' variance from the 25' landscaped buffer requirement of §210-37 C(2)(b) .

Chairperson Jane Smith read and the Board considered the following standards for accepting/denying this area variance application:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the Area Variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the Area Variance. Comments?***

Facts and Finding: No, the Applicant has proposed site plan modifications (in "Overall Site Plan, L000.02" revised May 29, 2021, attached to a submission to the Zoning Board of Appeals dated May 30, 2021) that increase the parking setback and reduce the variance required, and will be required to not only meet Code-based landscaping requirements under §210-37, but also mitigate potential tree damage to mature trees in the front yard by following recommendations of arborists hired by the ZBA and the Applicant. Also, ZBA was advised that adjoining neighbor (The Fountains) does not object to the plan.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance. Comments?***

May 24, 2021 and May 30, 2021 (revised), and attached) with respect to the three trees depicted along Gifford Road in front of the parking area in Applicant's Overall Site Plan dated May 29, 2021, submitted to the ZBA on May 30, 2021. These recommendations are summarized as follows: After obtaining neighboring owner's consent, remove one maple tree at entrance, prune and fertilize the other two maples on the site before and after construction, and, to protect trees during construction per arborists' reports, fence off the Critical Rooting Zone ("CRZ") during construction. To the extent that the arborists' differ as to their definitions of the CRZ and the above recommendations with regard to tree protection measures, Applicant shall follow the stricter standard

3) Move "area of disturbance" line away from maples, closer to proposed 24" stone wall.

Notes: See conditions attached to other variances granted on June 1, 2021.

Motion by: Chairperson Smith
Seconded by: Michael McPartland

Roll Call Vote:

	Aye	Nay
Jane Smith, Chairperson	✓ _____	_____
Dennis Dunning	✓ _____	_____
John Hughes	✓ _____	_____
Michael McPartland	✓ _____	_____
Ilana Nilsen	✓ _____	_____

Signed,



Jane Smith, Chairperson
 Zoning Board of Appeals

cc: Applicant, Town Clerk, Planning Board Chair & Clerk
 Building Department & File (Date)



Zoning Board of Appeals
249 Duncan Road
Lagrangeville, NY 12540
(845) 724-5600

Date: June 1, 2021

Applicant's Name: Millbrook Inn Holdings, LLC, c/o Yvette Fromer
Address: 215 East 68th Street
City/State: New York, New York 10065
TMP #: 6863-00-220067

Re: Side Yard Area Variances
**[Code §210-56 E(8)(h), District Schedule of Area and Bulk Regulations,
Code §210-25 B(3) and §210-37(B)(2)(b)]**

To the above Applicant in the RD-10 zoning district which requires a side yard variance of 90' from the requirement in §210-56 E(8)(h) of a 100' parking setback in the RD-10 Zone – which variance is bundled with and subsumes Applicant's required bulk and area variance of 40' and its required 15' variances from the 25' setback and landscaping buffer requirements of §210-25 B 3 and 210-37C2b.

Chairperson Jane Smith read and the Board considered the following standards for accepting/denying this area variance application:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the Area Variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the Area Variance. Comments?*

Facts and Finding: No. No large trees will be removed, the adjoining neighbor (The Fountains) is reported to have no objection, the revised proposed plan provides improved landscaping, and the ZBA notes its interest in landscaping to the Planning Board.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance. Comments?*

Facts and Finding: No, particularly when considering that, by virtue of a variance granted in 2006, the lot in question, which is only 3.2 acres in a 10-acre zone, is permitted to operate an inn while still being subjected to the setback standards of full size lots in that zone.

3. *Whether the requested variance is substantial. Comments?*

Facts and Finding: Yes, the variance is substantial, but the Zoning Board imposes conditions (below and on other variances granted), and the Applicant has revised its plan in ways which are globally positive.

4. *Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Comments?*

Facts and Finding: The proposed plan as modified by the Applicant after inquiries by the Zoning Board minimizes the potential for impacts on the adjoining property. In addition, engineering mitigation for parking lot runoff has been proposed by the Applicant and appears to be acceptable to the Zoning Board's engineer.

5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance. Comments?*

Facts and Finding: Yes, the Applicant did decide to present this new development plan, but the Applicant has proposed positive modifications to the plan, and the Zoning Board has imposed conditions.

The Town of Union Vale Zoning Board of Appeals subject to the conditions below, GRANTS the above side yard variances requested by the Applicant, after considering the above five factors, and weighing the benefit to the Applicant as against the detriment to the health, safety and welfare of the neighborhood or community as detailed above, finds that the benefit to the Applicant outweighs any potential detriment to the health and welfare of the neighborhood or community.

Conditions:

1) With regard to the 10' landscaping buffer on the side yard the Zoning Board of Appeals requests that the Planning Board, as it considers the standards for landscaping buffers as set forth in §210-37, take into account the landscaping recommendations of the Zoning Board of Appeals' arborist and those of the Applicant's arborist (set forth in the reports dated, respectively May 30, 2021 (revised) and May 24, 2021, and attached to Front Yard Area Variances granted on June 1, 2021).

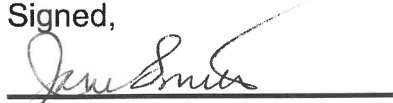
2) Engineering mitigation for parking lot runoff acceptable to the Zoning Board of Appeals and Planning Board engineer will be provided.

Motion by: **Chairperson Smith**
Seconded by: **John Hughes**
 Dennis Dunning

Roll Call Vote:

	Aye	Nay
Jane Smith, Chairperson	√ _____	_____ _____
Dennis Dunning	√ _____	_____ _____
John Hughes	√ _____	_____ _____
Michael McPartland	√ _____	_____ _____
Ilana Nilsen	√ _____	_____ _____

Signed,



Jane Smith, Chairperson
Zoning Board of Appeals

cc: Applicant, Town Clerk, Planning Board Chair & Clerk
 Building Department & File (Date)



Zoning Board of Appeals
249 Duncan Road
Lagrangeville, NY 12540
(845) 724-5600

Date: June 1, 2021

Applicant's Name: Millbrook Inn Holdings, LLC, c/o Yvette Fromer
Address: 215 East 68th Street
City/State: New York, New York 10065
TMP #: 6863-00-220067

Re: Open Space Area Variance
(Code, District Schedule of Area and Bulk Regulations)

To the above Applicant in the RD-10 zoning district which seeks an area variance from the requirement that there be 85% open space to allow for 84% of open space.

Chairperson Jane Smith read and the Board considered the following standards for accepting/denying this area variance application:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the Area Variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the Area Variance. Comments?*

Facts and Finding: There will be no undesirable changes, and the amount of the variance has been reduced by the Applicant to 1% (84% provided, 85% required).

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance. Comments?*

Facts and Finding: No. This Board has explored multiple options with the Applicant, including requesting that its adjoining neighbor sell its open space; but that process would be time consuming and potentially detrimental to the project being able to move forward.

- 3. Whether the requested variance is substantial. Comments?*

Facts and Finding: No. Moving from 85% open space to 84% open space is not substantial.

4. *Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Comments?*

Facts and Finding: No, the variance is small, and in combination with plan modifications by the Applicant and conditions attached to other variances, there will be no such adverse impacts.

5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance. Comments?*

Facts and Finding: Yes, technically, because Applicant chose to seek approval for this redevelopment project; but the variance is small.

The Town of Union Vale Zoning Board of Appeals **GRANTS** the above 85% to 84% open space area variance for the Applicant, after considering the above five factors, and weighing the benefit to the Applicant as against the detriment to the health, safety and welfare of the neighborhood or community as detailed herein, and concludes that the benefit to the Applicant outweighs any potential detriment to the neighborhood or community.

Conditions: See conditions attached to other variances granted on June 1, 2021.

Motion by: *Ilana Nilsen*
 Seconded by: *Dennis Dunning*

Roll Call Vote:

	Aye	Nay
<i>Jane Smith, Chairperson</i>	√	_____
<i>Dennis Dunning</i>	√	_____
<i>John Hughes</i>	√	_____
<i>Michael McPartland</i>	√	_____
<i>Ilana Nilsen</i>	√	_____

Signed,



Jane Smith, Chairperson
 Zoning Board of Appeals

cc: Applicant, Town Clerk, Planning Board Chair & Clerk,
 Building Department & File (Date)



Zoning Board of Appeals
249 Duncan Road
Lagrangeville, NY 12540
(845) 724-5600

Date: June 1, 2021

Applicant's Name: Millbrook Inn Holdings, LLC, c/o Yvette Fromer
Address: 215 East 68th Street
City/State: New York, New York 10065
TMP #: 6863-00-220067

Re: Front Yard Area Variances
[Code §210—56 E(8)(h), District Schedule of Area and Bulk Regulations, Code §210-37 C(2)(b)]

To the above Applicant in the RD-10 district which seeks a 61' 9" variance under §210-56 E(8)(h) which requires no Inn parking within 100' of a residential property line in the R-10 District – which variance (a) subsumes Applicant's request for a variance from the 75' front yard setback requirement as set forth in the Code District Schedule of Area and Bulk Regulations, and (b) is bundled per Zoning Board Resolution of May 18, 2021, with a' request for a limited 10' variance from the 25' landscaped buffer requirement of §210-37 C(2)(b) .

Chairperson Jane Smith read and the Board considered the following standards for accepting/denying this area variance application:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the Area Variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the Area Variance. Comments?*

Facts and Finding: No, the Applicant has proposed site plan modifications (in "Overall Site Plan, L000.02" revised May 29, 2021, attached to a submission to the Zoning Board of Appeals dated May 30, 2021) that increase the parking setback and reduce the variance required, and will be required to not only meet Code-based landscaping requirements under §210-37, but also mitigate potential tree damage to mature trees in the front yard by following recommendations of arborists hired by the ZBA and the Applicant. Also, ZBA was advised that adjoining neighbor (The Fountains) does not object to the plan.

2. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance. Comments?*
Facts and Finding: No, the Board explored multiple options, which were not practicable, including the Applicant attempting to subdivide and purchase land from the adjoining neighbor (The Fountains). The latter would be time consuming and potentially detrimental to the project moving forward. Also, particularly relevant is that, by virtue of a variance granted in 2006, the lot in question (which is only 3.2 acres in a 10-acre zone) is permitted to operate an inn while still being subjected to the setback standards of full size lots in that zone.

3. *Whether the requested variance is substantial. Comments?*
Facts and Finding: Yes, it is; but the ZBA imposes conditions below, and the Applicant has almost doubled the setback to 38' 3" by plan modification.

4. *Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Comments?*
Facts and Finding: No, the landscaping conditions below reduce or eliminate the potential for these impacts, and the adjoining neighbor is reported to not object to the plan.

5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance. Comments?*
Facts and Finding: Yes, because Applicant has chosen to submit this redevelopment plan for approval; but plan changes and the conditions below and in other variances reduce or eliminate the potential for negative impacts.

The Town of Union Vale Zoning Board of Appeals, subject to the conditions below, **GRANTS the above area variances for the Applicant, after considering the above five factors, and weighing the benefit to the Applicant as against the detriment to the health, safety and welfare of the neighborhood or community as detailed above, and concludes that the benefit to the Applicant outweighs any potential detriment to the neighborhood or community.**

Conditions:

1) The 10' variance from the 25' landscaped buffer requirement extends only to the area between the front yard property line and the driveway to the parking area as depicted in the above referenced Overall Site Plan revised May 29, 2021, submitted to the ZBA on May 30, 2021. To the extent that the area below the driveway and between the front property yard line and the parking lot is or exceeds 25', the 10' variance does not apply. All of the front yard area below the driveway, whether 25' or less, must be landscaped as per the standards set forth in Code §210-37. In this connection, the Zoning Board requests that the Planning Board's approved plat include landscaping which conforms to the requirements of Code §210-37.

2) Applicant's site landscaping plan will include and follow the recommendations of the Applicant's and ZBA's arborists (set forth in the reports dated, respectively May 24, 2021 and May 30, 2021 (revised), and attached) with respect to the three trees depicted along Gifford Road in front of the parking area in Applicant's Overall Site Plan dated May 29, 2021, submitted to the ZBA on May 30, 2021. These recommendations are summarized as follows: After obtaining neighboring owner's consent, remove one maple tree at entrance, prune and fertilize the other two maples on the site before and after construction, and, to protect trees during construction per arborists' reports, fence off the Critical Rooting Zone ("CRZ") during construction. To the extent that the arborists' differ as to their definitions of the CRZ and the above recommendations with regard to tree protection measures, Applicant shall follow the stricter standard

3) Move "area of disturbance" line away from maples, closer to proposed 24" stone wall.

Notes: See conditions attached to other variances granted on June 1, 2021.

Motion by: *Chairperson Smith*
Seconded by: *Michael McPartland*

Roll Call Vote:

	Aye	Nay
<i>Jane Smith, Chairperson</i>	√ _____	_____
<i>Dennis Dunning</i>	√ _____	_____
<i>John Hughes</i>	√ _____	_____
<i>Michael McPartland</i>	√ _____	_____
<i>Ilana Nilsen</i>	√ _____	_____

Signed,

 Jane Smith, Chairperson
 Zoning Board of Appeals

cc: Applicant, Town Clerk, Planning Board Chair & Clerk
 Building Department & File (Date)



Zoning Board of Appeals
249 Duncan Road
Lagrangeville, NY 12540
(845) 724-5600

Date: June 1, 2021

Applicant's Name: Millbrook Inn Holdings, LLC, c/o Yvette Fromer
Address: 215 East 68th Street
City/State: New York, New York 10065
TMP #: 6863-00-220067

Re: Open Space Area Variance
(Code, District Schedule of Area and Bulk Regulations)

To the above Applicant in the RD-10 zoning district which seeks an area variance from the requirement that there be 85% open space to allow for 84% of open space.

Chairperson Jane Smith read and the Board considered the following standards for accepting/denying this area variance application:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the Area Variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the Area Variance. Comments?***

Facts and Finding: There will be no undesirable changes, and the amount of the variance has been reduced by the Applicant to 1% (84% provided, 85% required).

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance. Comments?***

Facts and Finding: No. This Board has explored multiple options with the Applicant, including requesting that its adjoining neighbor sell it open space; but that process would be time consuming and potentially detrimental to the project being able to move forward.

- 3. Whether the requested variance is substantial. Comments?***

Facts and Finding: No. Moving from 85% open space to 84% open space is not substantial.

4. Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Comments?

Facts and Finding: No, the variance is small, and in combination with plan modifications by the Applicant and conditions attached to other variances, there will be no such adverse impacts.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance. Comments?

Facts and Finding: Yes, technically, because Applicant chose to seek approval for this redevelopment project; but the variance is small.

The Town of Union Vale Zoning Board of Appeals **GRANTS** the above 85% to 84% open space area variance for the Applicant, after considering the above five factors, and weighing the benefit to the Applicant as against the detriment to the health, safety and welfare of the neighborhood or community as detailed herein, and concludes that the benefit to the Applicant outweighs any potential detriment to the neighborhood or community.

Conditions: See conditions attached to other variances granted on June 1, 2021.

Motion by: Alana Nilsen
Seconded by: Dennis Dunning

Roll Call Vote:

	Aye	Nay
Jane Smith, Chairperson	<u> √ </u>	_____
Dennis Dunning	<u> √ </u>	_____
John Hughes	<u> √ </u>	_____
Michael McPartland	<u> √ </u>	_____
Iana Nilsen	<u> √ </u>	_____

Signed,

Jane Smith, Chairperson
Zoning Board of Appeals

cc: Applicant, Town Clerk, Planning Board Chair & Clerk,
Building Department & File (Date)



Zoning Board of Appeals
249 Duncan Road
Lagrangeville, NY 12540
(845) 724-5600

Date: June 1, 2021

Applicant's Name: Millbrook Inn Holdings, LLC, c/o Yvette Fromer
Address: 215 East 68th Street
City/State: New York, New York 10065
TMP #: 6863-00-220067

Re: Side Yard Area Variances
**[Code §210-56 E(8)(h), District Schedule of Area and Bulk Regulations,
Code §210-25 B(3) and §210-37(B)(2)(b)]**

To the above Applicant in the RD-10 zoning district which requires a side yard variance of 90' from the requirement in §210-56 E(8)(h) of a 100' parking setback in the RD-10 Zone – which variance is bundled with and subsumes Applicant's required bulk and area variance of 40' and its required 15' variances from the 25' setback and landscaping buffer requirements of §210-25 B 3 and 210-37C2b.

Chairperson Jane Smith read and the Board considered the following standards for accepting/denying this area variance application:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the Area Variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the Area Variance. Comments?*

Facts and Finding: No. No large trees will be removed, the adjoining neighbor (The Fountains) is reported to have no objection, the revised proposed plan provides improved landscaping, and the ZBA notes its interest in landscaping to the Planning Board.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance. Comments?*

Facts and Finding: No, particularly when considering that, by virtue of a variance granted in 2006, the lot in question, which is only 3.2 acres in a 10-acre zone, is permitted to operate an inn while still being subjected to the setback standards of full size lots in that zone.

3. *Whether the requested variance is substantial. Comments?*

Facts and Finding: Yes, the variance is substantial, but the Zoning Board imposes conditions (below and on other variances granted), and the Applicant has revised its plan in ways which are globally positive.

4. *Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Comments?*

Facts and Finding: The proposed plan as modified by the Applicant after inquiries by the Zoning Board minimizes the potential for impacts on the adjoining property. In addition, engineering mitigation for parking lot runoff has been proposed by the Applicant and appears to be acceptable to the Zoning Board's engineer.

5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance. Comments?*

Facts and Finding: Yes, the Applicant did decide to present this new development plan, but the Applicant has proposed positive modifications to the plan, and the Zoning Board has imposed conditions.

The Town of Union Vale Zoning Board of Appeals subject to the conditions below, GRANTS the above side yard variances requested by the Applicant, after considering the above five factors, and weighing the benefit to the Applicant as against the detriment to the health, safety and welfare of the neighborhood or community as detailed above, finds that the benefit to the Applicant outweighs any potential detriment to the health and welfare of the neighborhood or community.

Conditions:

1) With regard to the 10' landscaping buffer on the side yard the Zoning Board of Appeals requests that the Planning Board, as it considers the standards for landscaping buffers as set forth in §210-37, take into account the landscaping recommendations of the Zoning Board of Appeals' arborist and those of the Applicant's arborist.

2) Engineering mitigation for parking lot runoff acceptable to the Zoning Board of Appeals and Planning Board engineer will be provided.

Motion by: **Chairperson Smith**
Seconded by: **John Hughes**
 Dennis Dunning

Roll Call Vote:

	Aye	Nay
Jane Smith, Chairperson	√ _____	_____
Dennis Dunning	√ _____	_____
John Hughes	√ _____	_____
Michael McPartland	√ _____	_____
Ilana Nilsen	√ _____	_____

Signed,

Jane Smith, Chairperson
Zoning Board of Appeals

cc: Applicant, Town Clerk, Planning Board Chair & Clerk
 Building Department & File (Date)