

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

May 18, 2021

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

Non-Members: Town Engineer, Thomas Harvey; For Millbrook Inn, Jess Nahon and Mark Olson; 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 May 18, 2021 meeting.

Board unanimously approved minutes from April 6th meeting.

Correspondence: 2 items pertaining to Millbrook Inn.

Chairperson of Union Vale Planning Board, in an email dated 05/18/21, wrote, “The Planning Board is in support of the above referenced project and the site plan and variance applications submitted.”

Dutchess County Dept. of Planning- Submitted a form referral response on April 26, 2021, stating the decision that the Millbrook Inn application is a matter of local concern.

REGULAR SESSION / NEW BUSINESS

Meeting -2

Millbrook Inn, Owner Yvette Fromer, Applicant Jess Nahon, 3 Gifford Road, Millbrook, NY, applying for area variances in order to make improvements to an existing Inn in the RD-10 district, including the additions of a Guest room, an Innkeeper’s quarters, spa, and pool, and improvements to the existing dining and parking areas.

Chairperson Jane Smith noted, the applicant seeks 3 variances, (1) setback for front yard, (1) setback for side yard, and (1) for minimum for open space.

At the April 6th meeting, Board Member Ilana Nilsen, advised that her husband is a building contractor and there was a possibility that he might seek to work on the project should it go forward and, therefore, she might have to recuse herself. Mrs. Nilsen clarified that her husband will not work on this project, and, therefore, there is no conflict.

Chairperson Smith noted that, as discussed at the last meeting, code section 210.37 C.2B requires a 25' landscaped buffer between the parking lot and property lines. Applicant had not applied for a variance from this provision, but indicated at the last meeting that it might be possible to move the parking lot. The revised application did not show a move and did not include a request for a variance from this buffer provision. While the Planning Board takes the view that this is not a requirement and only a guideline (because the property is not commercial bordering residential but commercial bordering commercial), Chairperson Smith expressed the view that a variance is required, though she noted that any variance from the setback requirements identified in the application would necessarily include a reduction in the buffer requirement.

Motion made by Chairperson Smith, seconded by Dennis Dunning to consider a request for a variance from the 25 ft.' landscaping buffer area set forth in section 210-37C2b as bundled within the application for the 25 ft. spacing variance under 210-25.

- All in favor

PUBLIC HEARINGS:

The Millbrook Inn, Owner Yvette Fromer 3 Gifford Rd, parcel# 220067 RD10

Applicant is applying for area variances in order to make improvements to an existing structure in the RD 10 district and for a parking lot 15 ft. from side yard of the property and 20 ft. from the front yard. Applicant would like a variance for setback requirements set forth in the District Schedule of Area and Bulk Regulations, and code sections 210.56 and 210.25, as well as an area variance from the 85% minimum open space requirement.

Chairperson Smith opened the meeting by reading the standards the ZBA must apply in ruling on applications for area variances and asked the applicant to address them. She also asked James Nelson to report on the views on the proposed project that were expressed by bordering property owner The Fountains at the May 13, 2021 meeting of the Planning Board. According to Mr. Nelson, an administrator for the Fountains expressed support.

Mark Olson, consultant for The Millbrook Inn, stated: "We're trying to reduce impervious surfaces which is a benefit environmentally. I think we can safely say that this is not going to have any impact on the neighborhood. Moving the parking lot from this location to this location, improving the parking lot, providing screening of which there is none. I only see it as a benefit to the neighborhood and with regard to trying to preserve these existing trees which have significant canopies, we wouldn't want to destroy. 'There's heat island effect that occurs in parking lots, we keep those trees healthy and keep those canopies. (Presentation) By getting rid of this area here the pavement and relocating it gives us a much nicer guest experience putting the parking lot in this location and in this configuration pushes into the corner avoids the existing separate septic area the existing expansion area. There is little room here with regard to grades around the other side of the building so it's just something that kind of yields itself to a parking area. We have a minimum number of spaces that we're trying to meet as per that meeting. As per zoning, we were only permitted 30 guests in the dining room were only permitted 20 guests for the guest room surface at any given time as per zoning. We are abiding by that we're providing parking based on that occupant load, and we have a lot that is 3.6 acres, an existing lot it's an existing use and the applicant and the proprietor is doing everything that she can to better the experience and make a successful business in this location."

Chairperson Smith asked if any other materials have been considered for use in the parking lot.

Mr. Olsen agreed to consider other materials, however pavers are costly and have a short, useful life.

Board member Dennis Dunning, expressed concern about the trees in the front of the property, mainly, the disturbance of the tree roots that may be disturbed by the pavement. After a slide presentation and reference to information he gathered on what may happen to said trees, Mr. Dunning suggested moving the lot farther away from Gifford Road. Mr. Dunning also expressed concern about seeing the parking lot from different vantage points.

Mr. Olsen stated they have no intention of taking down the trees, but expressed concern that moving the lot back toward the septic system may go against regulations. As for seeing the parking lot from the places shown, he stated one would not be able to see the parking lot after the screening and landscaping is installed though one would see some cars that are closer to the driveway.

Planning Board Chairperson, Pasquale Cartalemi stated he is unaware of anything in the code which identifies areas of protection for tree roots.

Mr. Olsen stated that the architect met with a landscape consultant, Villages Landscaping, and they approved the proximity of the paved area to those trees when placing the parking lot.

After further discussion on these issues, Board Member Mike McPartland summarized the issues of concern raised by the Board and identified the following for further consideration at the next ZBA meeting on June 1, 2021:

1. The ZBA would like a letter from the landscape consultants, or an arborist, stating their findings on the paving in proximity to the trees.
2. Applicant should consider possible other materials to be used for the parking lot, and provide an explanation as to why or why not, said materials are viable alternatives.
3. Applicant should consider alternative configuration of the lot and/or landscape options to minimize visibility of the parking lot from surrounding street views.

With the unanimous consent of the Board, Chairperson Smith completed the public hearing session, and continued the hearing to the next meeting of the ZBA on June 1, 2021.

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 9:45 p.m.

The next regular/public meeting of the Zoning Board of Appeals is scheduled for **Tuesday, June 1, 2021, at 7:30 PM.**

The agenda will close on **May 18, 2021, at 12:00 Noon.** Items for consideration at the **May** meeting must be received by that date.