

**Village of Millbrook  
Village Planning Board  
March 15, 2011 Meeting**

*Call to Order*

Meeting began at 7:33 p.m.

*In Attendance*

Linda Roberts, Chairman, Joe Still, Joe Forte, Charlie Colomello, Dr. Thomas Murray

*Review of Minutes*

Minutes from the January 27, 2011 meeting were reviewed. Dr. Murray made a motion to accept the minutes as written and Joe Still seconded. All were in favor.

*Old Business*

**6 Old Orchard Lane-ZBA Area Variances Input**

Linda Roberts, Planning Board Chair began by going over the extensive history of the Gross' applications before the Zoning Board of Appeals, as well as the previous involvement the Planning Board has had with the applications. The Zoning Board of Appeals has first asked for Planning Board input on a use variance for the accessory building on the Gross' corner lot property which holds Bethany Gross' home occupation. This is required because of the change of use from a guest house to a home occupation on a non-conforming lot. The Planning Board wanted verification on the hours which the Cottage Salon is open. Beth Gross responded that her hours are mostly Tuesday through Friday, closing after school hours. She mentioned that she does have some evening appointments and Saturday appointments; however those are not regular hours of operation. To date there has been no issues reported of increased traffic or noise and no issues with safety. The dimensions of the accessory building were discussed as well as its set backs. The Planning Board is recommending the area variance be granted for the Cottage Salon seeing as though there have been no violations or complaints as it's been operating for sometime. They're also recommending an additional 2 foot area variance for the side yard set back on the Old Orchard Lane side.

The variances up for Planning Board input next were the 5 foot and 3 foot variances for the side yards of the home for the proposed addition. The proposed addition to the home will be in the same style as the current house, both in lines and siding. Linda had sought Dave Clouser's opinion for the Planning Board's consideration while giving their input. According to Dave's opinion the set backs will provide "sufficient distance" to the property lines and he has recommended granting the side yard set backs. With that, the Planning Board agreed with Dave's opinion and recommended both side yard set back variances be granted.

Next up was the area variance for lot coverage. By code, no more than 10 % lot coverage is allowed. With the proposed addition to the home, the projected lot coverage will end up being 10.6%. After a very brief discussion on lot coverage, the Planning Board recommended the ZBA grant the area variance for the .6%, seeing it inconsequential.

Linda went on to ask about the retaining wall that the Gross' neighbors, the Capowski's, are asking for as a stipulation to area variance approval. Seth Gross stated that there is a slope between the two properties. He feels as though the Capowski's could be concerned about run off from his property to theirs, especially once excavation begins. He stated that he had already told Mr. Capowski that he intends to put in a retaining wall. It will match another retaining wall he had previously placed in another area of his property. The Planning Board was also curious as to the discussion of the roadway. There was concern at the ZBA public hearing in regards to Old Orchard Lane and its condition both currently and once construction vehicles start going in and out of the road. The Gross' stated that they currently have a driveway agreement with their neighbors which they fully intend to uphold. They have also agreed to return Old Orchard Lane to its present condition after the construction on their property has ended.

#### *New Business*

Linda Roberts announced that she had received an email from Rich Olson, Planning Board attorney stating that the Appellate Court has upheld the lower courts findings in the matter of Exmoore House, LLC vs. the Village of Millbrook Planning Board.

The Planning Board also discussed Local Law No. 1 of the year 2011 enacted by the Village Board of Trustees in regards to compliance with zoning and building laws for certain Village actions. This local law was adopted by the Board on March 8, 2011.

Linda asked if there had been any further response from the Mayor in regards to a letter, dated February 7, 2011, in which she had asked about reappointments for herself and the other Planning Board members. To date there has been no response to the Board members or the secretary, only a brief conversation between Linda and the Mayor.

*Motion to Adjourn*

Motion was made by Dr. Murray for the Planning Board to adjourn and seconded by Charlie Colomello. All were in favor. Meeting was adjourned at 8:10 p.m.