

**Village of Millbrook
Planning Board Meeting
Minutes
July 17, 2012**

Call to Order: Meeting was called to order at 7:31PM by Chairwoman Linda Roberts.

In Attendance: Chairwoman Linda Roberts, Joseph Still, Charles Colomello, Joseph Forte, Peter Doro and David Clouser, PE (David Clouser & Associates)

Review of Minutes: Minutes from the June 19, 2012 Planning Board were reviewed. Motion was made by Joseph Still and seconded by Peter Doro to accept the minutes as written. All were in favor.

Old Business: N/A

New Business: **PUBLIC HEARING to review the request of Christopher and Jillian Quinn to convert their back alley garage located at 44 Maple Avenue in the Village of Millbrook into an Accessory Dwelling Unit (ADU) for a studio apartment.**

Chairwoman Roberts asked for a motion to open the Public Hearing portion of the meeting. Motion was made by Mr. Still and seconded by Mr. Colomello.

Chairwoman Roberts asked for public comments on this proposal. With none forthcoming, Mr. Still moved to close the public hearing portion of the meeting. Mr. Colomello seconded the motion. All were in favor.

Chairwoman Roberts stated that the Quinn's request had been submitted to the Dutchess County Department of Planning and Development for review. They responded with "no comments – this is a matter of local concern". Mr. Clouser stated that all required documents and fees had been received in good order. Mr. Clouser asked the Quinn's if the 400 sq ft requirement for the ADU had been addressed. Mr. Quinn said that the addition of a loft in the ADU brings the total square footage to 469 – above the required 400.

Mr. Clouser reviewed and completed Part II – Environmental Assessment of their SEQR – Appendix C – Short Environmental Assessment Form – as follows:

A. Does Action exceed any Type I threshold in 6 NYCRR, Part 617.42?

“NO”

B. Will Action receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6? **“NO”**

C. Could Action result in any adverse effects associated with the following:
c.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? **“NO”**
c.2 Aesthetic, agricultural, archeological, historic, or other natural or cultural resources; or community or neighborhood character? **“NO”**
c.3 Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? **“NO”**

- c.4 A community’s existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? “NO”
- c.5 Growth, subsequent development, or related activities likely to be induced by the proposed action? “NO”
- c.6 Long term, short term, cumulative, or other effects not identified in c.1-c.5? “NO”
- c.7 Other impacts (including changes in use of either quantity or type of energy? “NO”
- D. Will the project have an impact on the environmental characteristics that caused the establishment of a CEA? “NO”
- E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? “NO”

Mr. Still moved and Mr. Colomello seconded a Negative Declaration of Environmental Significance after SEQR review regarding this proposal. All were in favor.

Chairwoman Roberts stated that after a thorough review of this proposal by the Dutchess County Department of Planning and Development, the review and approval by the Zoning board of Appeals for a side and rear yard variance, and SEQR review, the Planning Board approves the requested Christopher and Jillian Quinn Special Use Permit and Site Plan for the conversion of their existing garage located at the rear of their property on 44 Maple Avenue into an Accessory Dwelling Unit (ADU) for use as a studio apartment. Approval is granted contingent on the following two conditions:

1. The finished ADU (with loft) meets the required 400 sq footage required by Code
2. The ADU does not change the existing building footprint.

Mr. Still moved and Mr. Colomello seconded this motion. All were in favor.

Other Business: Martin and Pauline Gyves application to install a LP fired auxiliary Generac in their side yard – located at 88 Maple Avenue in the Village of Millbrook.

Chairwoman Roberts asked if the Gyves had spoken with Building Inspector, Ken McLaughlin. Mr. Gyves responded that he had. She asked if there is a barrier between their property and the neighbors to block noise and visibility. Mr. Gyves explained that there is an existing 6 ½ ft stockade fence. Mr. Gyves referred to a letter from his neighbor, Jim Tyger (copy in the application packet given to all Planning Board members), offering no objection to the Generac installation as long as it meets “current noise zoning requirements or an additional sound barrier be considered”. Mr. Gyves said that the Generac noise level is rated at 62 dbL at 20 ft. Mr. Clouser stated that Village Code requires 50 dbL at 10 ft from 8PM to 6AM. Mr. Gyves said he researched noise levels on the internet and learned that the average home lawnmower gives off 100 dbL. The Generac is much quieter

and only needs to be exercised to recharge the battery for a very short time once a week.

Mr. Clouser asked about a building permit. Mr. Gyves said his building permit application had been “denied without prejudice” by Building Inspector McLaughlin for the following reason: “The minimum side yard permitted in the R-residential district is 10 feet. You are proposing 4 feet.” The Gyves were referred to the Zoning Board of Appeals (ZBA) – who asked that they go before the Planning Board prior to meeting with the ZBA.

A discussion ensued regarding the site of their propane source (provided by Starr Gas), the proposed installer (Tri State Inspection) and whether the unit would be enclosed (not necessary – it is self-contained). Mr. Clouser said that sound wraps are available but that a Generac is quiet. Mr. Forte asked if the Generac would be located 10 feet from their deck – and is a deck considered a “structure”. Mr. Gyves said that his house is located 29 feet from his fence. He also said that the Generac would be located 55 feet from the corner of his property. Mr. Gyves reviewed the drawings included in his application packet (Ref (2) & Ref (3)) along with photos of the property and the proposed Generac pad.

Chairwoman Roberts asked for a motion to recommend this proposal to the ZBA with two conditions:

1. That the Generac have required visual and noise barriers
2. That the Generac exhaust be vented away from the fence and neighbors.

Mr. Colomello moved and Mr. Still seconded the motion. All were in favor. Mr. Clouser reminded they Gyves that the required yard setback has to be unobstructed. He also stated that no site plan would be required. Secretary Sue Gould will arrange a meeting with the ZBA for this proposal.

Motion to Adjourn: Motion was made by Mr. Still and seconded by Mr. Colomello to adjourn. All were in favor. The meeting was adjourned at 8:04PM.