

Mark Vila  
Chairman  
mvila.zba@gmail.com

Justin Noyes  
Secretary  
millbrookfireinspector@gmail.com



ZONING BOARD OFFICE  
VILLAGE OF MILLBROOK

35 Merritt Avenue  
P.O. Box 349  
Millbrook, NY 12545

Phone: 845-677-3939 option 4  
Fax: 845-677-3972  
www.villageofmillbrookny.com

## **PLEASE TAKE NOTICE**

### **LEGAL NOTICE – PUBLIC HEARING (4/27/2026) ZONING BOARD OF APPEALS**

SUBMITTED BY: Kenneth W. McLaughlin, Code Enforcement Officer.

**NOTICE IS HEREBY GIVEN THAT** a Public Hearing will be held by the Zoning Board of Appeals on **April 27, 2026, beginning at 6:00pm at the Village Hall.**

**APPELLANT/APPLICANT: Lawrence Creel**

**Applicant address: 31 Serendale Way, Millbrook NY 12545**

**LEGAL ADDRESS/PROPERTY LOCATION: 3424 Franklin Avenue, Millbrook, NY**

**Tax Grid Number: 135801-6765-04-673293**

**CURRENT ZONING DISTRICT: RLD – Residential Low Density**

### **DESCRIPTION OF THE APPEAL:**

Expand the existing legal non-conforming use. The existing retail garden center/nursery is not a permitted use within the RLD zone. Based on section 230-42B, Sub-Sections (1-3) – Non-conforming.

You may contact the Zoning Board of Appeals Secretary with any questions, or needed further information, via email at: [vomplanningandzoning@gmail.com](mailto:vomplanningandzoning@gmail.com)

A copy of this area variance application is on file and available for review at the department's office at the Village Municipal Hall. During the public hearing all interested parties and/or their representatives/agents will be heard. If you believe you're unable to attend the meeting on, **April 27, 2026**, please submit all comments in writing to the Zoning Board of Appeals Secretary leading up to or by or on April 27th, either by mail at PO Box 349, Millbrook, NY or hand delivered; at 35 Merritt Avenue, Millbrook, NY 12545, **OR** by email at: [vomplanningandzoning@gmail.com](mailto:vomplanningandzoning@gmail.com)

Please provide your full name and legal address in your letter/comments. Thank you. (If you already have submitted a letter/comment(s) you do not need to submit again).

Respectfully submitted,

Zoning Board of Appeals Secretary

Village of Millbrook, (4/07/2026)



RECEIVED  
3.30.26



# VILLAGE OF MILLBROOK

35 MERRITT AVENUE PO BOX 349 MILLBROOK NY 12545 TEL: 845-677-3939 FAX: 845-677-3972

TIM COLLOPY  
MAYOR

SARAH WITT  
CLERK/TREASURER

NICOLE ZEKO  
DEPUTY CLERK

## Application for Area Variance ZBA Appeal View Fee Schedule

Date of application: March 25, 2026  
Property Location: 3424 Franklin Avenue, Millbrook, NY Tax Map Number: 135801-6765-04-673293  
District on Zoning: RLD - Residential Low Density

Appellant Information:  
Appellant: Lawrence Creel Address: 31 Serendale Way, Millbrook, NY 12545  
Phone Number: (917) 515-4000 E-Mail: lcreel@edgewood.com  
Property Owner (if different): \_\_\_\_\_ Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Description of the Appeal

What is it you want to do? Expand the existing non-conforming use.

How does the Zoning Ordinance prevent you from doing what you want to do? The existing retail garden center / nursery is not a permitted use in the RLD zone.

### Criteria for Area Variance Review

State statute requires the Zoning Board of Appeals to consider the following criteria and then to balance the benefit to the applicant if the variance is granted against the detriment to the health, safety and welfare of the community or neighborhood.

A. Will an undesirable change be produced in the character of the neighborhood- or will the granting of this variance be a detriment to nearby properties? Check One: Yes  No   
Why? See attached.

B. Can the benefit you seek be achieved in some way other than an area variance?  
Check One: Yes  No  If yes, what is that way? See attached.

C. Is this variance substantial? Yes  No  Why? See attached.

D. Will the variance have an adverse impact on the physical or environmental conditions in the neighborhood or district? Yes  No  Why? See attached.

E. Is the alleged difficulty self-created? Yes  No  Why? See attached.

F. Is the minimum variance necessary to achieve your goal? Yes  No

Explain: See attached.



# VILLAGE OF MILLBROOK

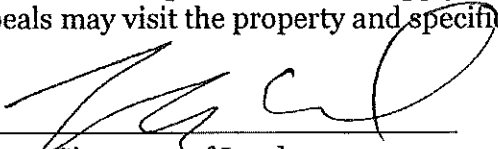
35 MERRITT AVENUE PO BOX 349 MILLBROOK NY 12545 TEL: 845-677-3939 FAX: 845-677-3972

TIM COLLOPY  
MAYOR

SARAH WITT  
CLERK/TREASURER

NICOLE ZEKO  
DEPUTY CLERK

**Certification:** I certify that the information submitted with the appeal is true to the best of my knowledge and belief, and that I have read and am familiar with those sections of the Village of Millbrook Zoning Ordinance that apply to this appeal. I also acknowledge that the Board of Zoning Appeals may visit the property and specifically permit such visits.

  
\_\_\_\_\_  
Signature of Landowner

Lawrence Creel  
\_\_\_\_\_  
Print Name

### Office Use Only

Fees Paid: Yes  No  Payment: Cash  Check  Check No. \_\_\_\_\_

SEQR Classification: Unlisted  Type 2

Environmental Assessment Forms Used: Short EAF  Long EAF  Lead Agency  Determination of Significance

SEQR Determination of Significance: Negative Declaration  Positive Declaration

Building Dept Permit No. (If any): \_\_\_\_\_ Date Received: \_\_\_\_\_

Date of First Hearing: \_\_\_\_\_

GML 239 Review required: Yes  No  GML Determination: \_\_\_\_\_

Village Planning Board Review Requested? Yes  No

Village Planning Board Recommendation: \_\_\_\_\_

## **Criteria for Area Variance Review Attachment**

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**3424 Franklin Avenue, Millbrook NY  
Millbrook 22 LLC ZBA Application**

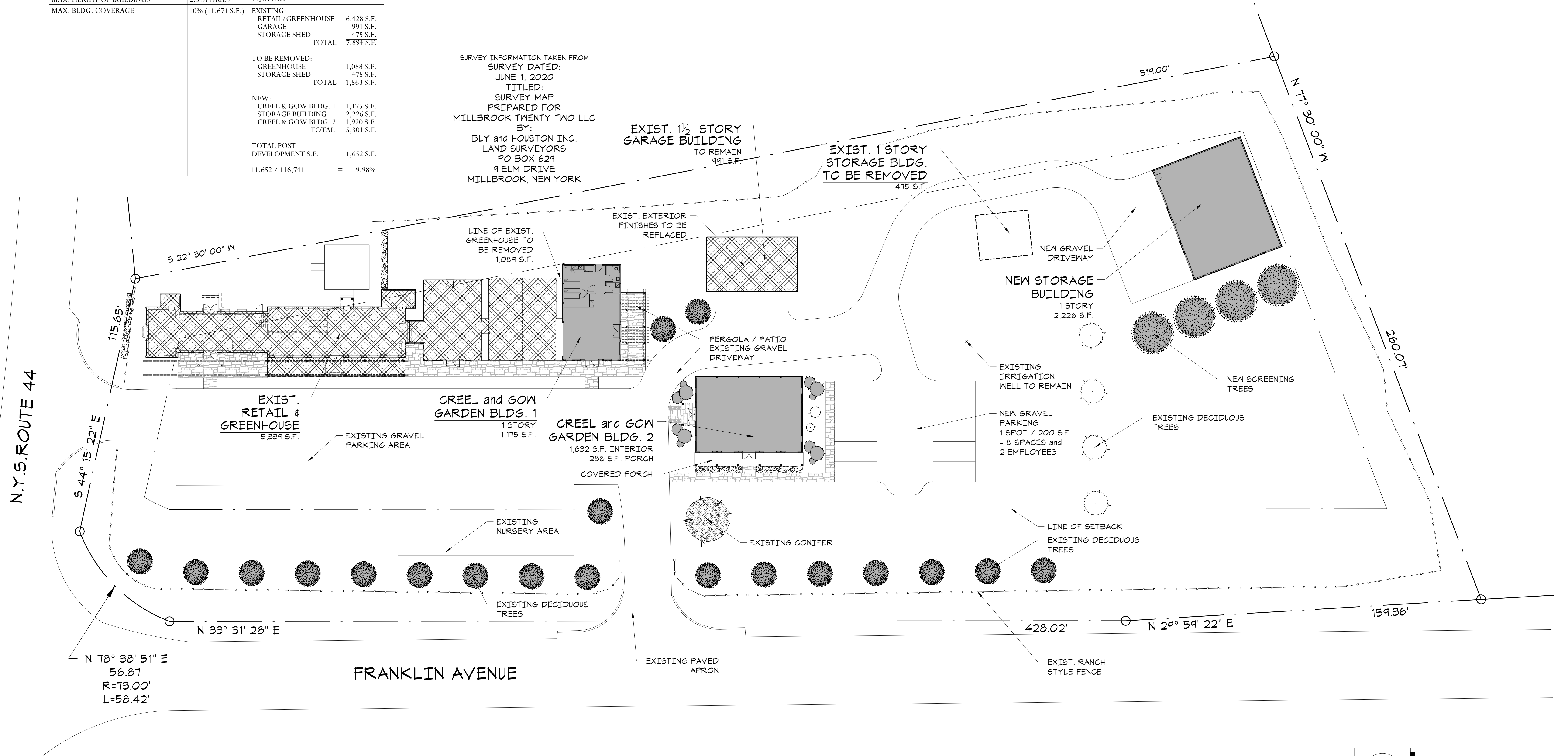
**March 25, 2026**

- A. The variance would not create undesirable change in the character of the neighborhood or be a detriment to the nearby properties. The expanded retail garden center / nursery will be built with the same aesthetic as the existing Creel and Gow garden center / nursery. The expanded non-conforming square footage has been broken up into three separate new buildings in order to maintain the residential scale of the neighborhood.
- B. The benefit cannot be achieved without the expansion of the area variance. Without the expansion of the non-conforming use area, the Owner cannot create a year-round garden center / nursery.
- C. The variance is not substantial. The aesthetic and scale of the proposed buildings in the expansion will not change from the existing structures. The existing non-conforming use has been present on the site since the early 1970's and therefore does not alter the character of the neighborhood in any substantial way.
- D. The variance will not have an adverse impact on the physical or environmental conditions in the neighborhood or district. The projects utilities will connect to existing on-site village water and sewer connections. Expanded nursery stock irrigation will be provided by an existing on-site well. The site is not in a wetland or flood plain.
- E. The difficulty is not self-created. The existing, non-conforming use, predates zoning use restrictions and is a seasonal business as currently configured. To create a viable, year-round business, the Owner needs to create indoor, conditioned space, for garden center / nursery sales.
- F. The minimum variance necessary would not achieve the Owner's goal. The application, as presented, represents the Owners expansion of the non-conforming use required to successfully conduct his operations year-round.

phase II new buildings and additions for:  
**MILLBROOK 22 LLC**  
 3424 FRANKLIN AVENUE  
 MILLBROOK, NEW YORK

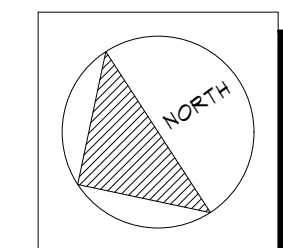
ZONING DISTRICT - RLD RESIDENTIAL LOW DENSITY		
	REQUIRED	PROVIDED
LOT AREA	2 ACRE MIN.	2.68 ACRES (116,741 S.F.)
LOT WIDTH	200' MIN.	586'
LOT DEPTH	150' MIN.	154' (at narrowest)
YARDS		
FRONT	50' MIN.	69'-6"
SIDE	25' MIN.	27'-0"
REAR	30' MIN.	32'-6"
MAX. HEIGHT OF BUILDINGS	2.5 STORIES	1½ STORY
MAX. BLDG. COVERAGE	10% (11,674 S.F.)	
	EXISTING:	RETAIL/GREENHOUSE 6,428 S.F. GARAGE 991 S.F. STORAGE SHED 475 S.F. TOTAL 7,894 S.F.
	TO BE REMOVED:	GREENHOUSE 1,088 S.F. STORAGE SHED 475 S.F. TOTAL 1,563 S.F.
	NEW:	CREEL & GOW BLDG. 1 1,175 S.F. STORAGE BUILDING 2,226 S.F. CREEL & GOW BLDG. 2 1,920 S.F. TOTAL 5,301 S.F.
	TOTAL POST DEVELOPMENT S.F.	11,652 S.F. 11,652 / 116,741 = 9.98%

SURVEY INFORMATION TAKEN FROM  
 SURVEY DATED:  
 JUNE 1, 2020  
 TITLED:  
 SURVEY MAP  
 PREPARED FOR  
 MILLBROOK TWENTY TWO LLC  
 BY:  
 BLY and HOUSTON INC.  
 LAND SURVEYORS  
 PO BOX 629  
 9 ELM DRIVE  
 MILLBROOK, NEW YORK



proposed site plan

scale:



1" = 20'-0"

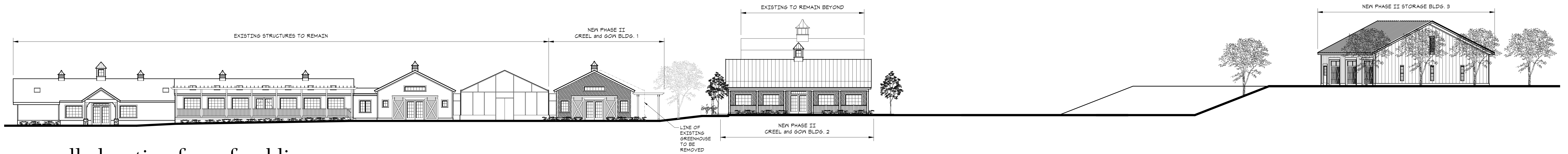
phase II new buildings and additions for:  
**MILLBROOK 22 LLC**  
 3424 FRANKLIN AVENUE  
 MILLBROOK, NEW YORK

REVISIONS:

STEVEN  
 HACKBARTH  
 r.a., a.i.a.  
 CLINTON CORNERS,  
 NEW YORK 12514  
 (845) 266-8670

DATE:  
 NOVEMBER 2, 2025  
 PROJECT:  
 23-004 MILLBROOK  
 22 LLC PHASE II  
 SHEET NO.:  
**S1**

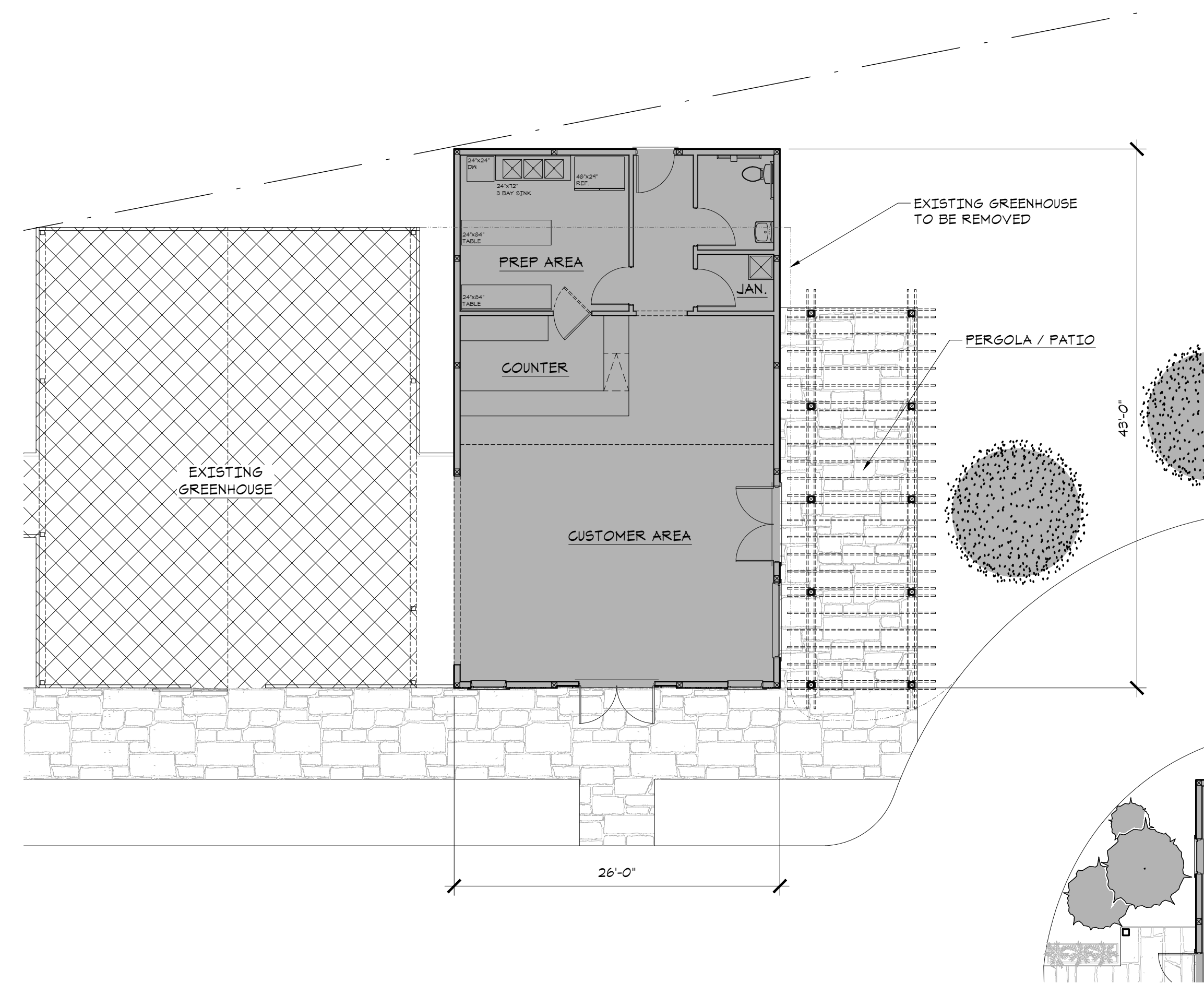
phase II new buildings and additions for:  
**MILLBROOK 22 LLC**  
 3424 FRANKLIN AVENUE  
 MILLBROOK, NEW YORK



overall elevation from franklin avenue

scale:

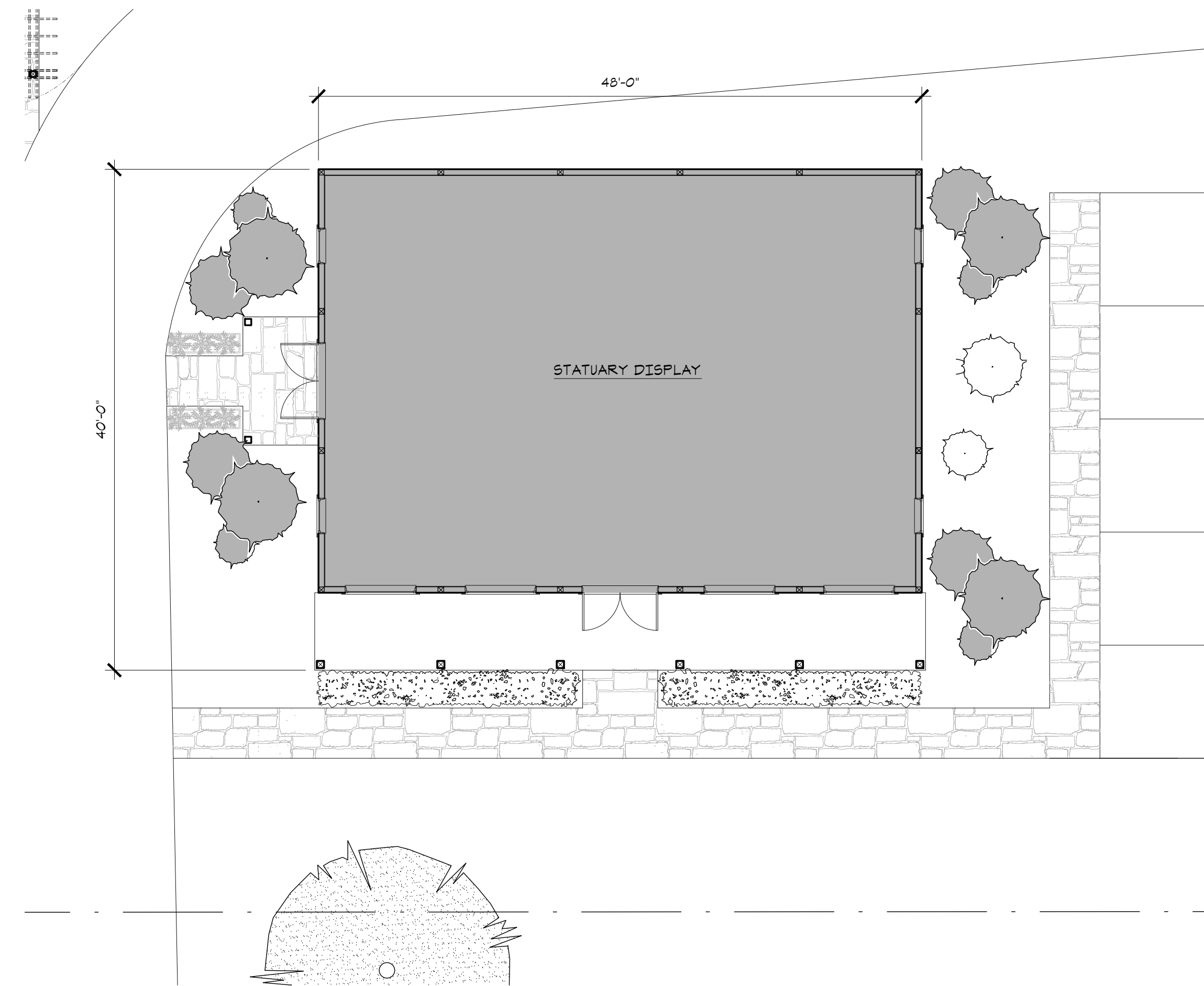
n.t.s.



floor plan - building 1

scale:

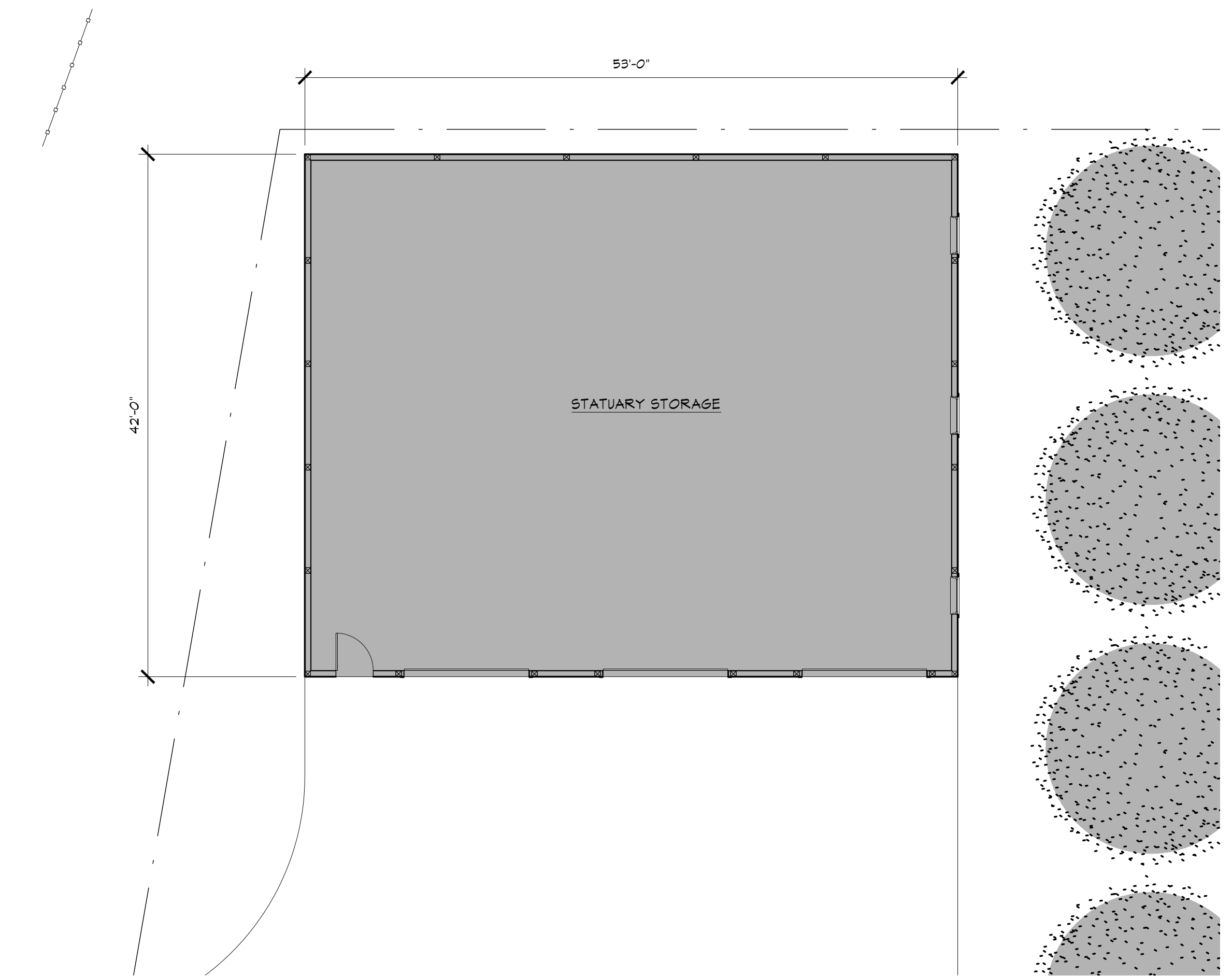
1/8" = 1'-0"



floor plan - building 2

scale:

1/8" = 1'-0"



floor plan - building 3

scale:

1/8" = 1'-0"



west elevation - building 1

scale:

1/8" = 1'-0"



west elevation - building 2

scale:

1/8" = 1'-0"



north elevation - building 3

scale:

1/8" = 1'-0"

phase II new buildings and additions for:  
**MILLBROOK 22 LLC**  
 3424 FRANKLIN AVENUE  
 MILLBROOK, NEW YORK

REVISIONS:

STEVEN  
 HACKBARTH  
 f.a., a.i.a.  
 CLINTON CORNERS,  
 NEW YORK 12514  
 (845) 266-8670

DATE:  
 NOVEMBER 2, 2025  
 PROJECT:  
 23-004 MILLBROOK  
 22 LLC PHASE II  
 SHEET NO.:  
**A1**



**Dutchess County Government**  
Department of Planning & Development

April 6, 2026

To: Planning Board, Village of Millbrook  
Re: **ZR26-052 – Millbrook 22 LLC Amended Site Plan**  
Lot: 673293, Franklin Ave & US 44

The Dutchess County Department of Planning & Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-1/m).

**ACTION**

The applicant seeks site plan approval for the proposed improvements to the existing nonconforming commercial use located on the subject parcel within the Residential Low Density (RLD) zoning district.

**COMMENTS**

While we find the proposed improvements to be a matter of local concern, we note that the subject application may need to be referred to the Zoning Board of Appeals for an interpretation or a variance to proceed, given that it involves the expansion of an existing nonconforming use.

§ 230-42B of the Village Code provides supplementary regulations associated with nonconforming uses.

- § 230-42B(1) states that a building or structure, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended unless the use therein is changed to a conforming use.
- § 230-42B(2) states that such nonconforming building shall not be structurally expanded, unless such alterations are required by law; provided, however, that such maintenance and repair as is required to keep a nonconforming building or structure in sound condition shall be permitted, and provided further that any such nonconforming use may be extended throughout any parts of the building which were arranged or designed for such use at the time of the adoption of this section.
- § 230-42B(3) states that a nonconforming use of a building may be changed only to a use of similar or less nonconformity, as determined by the Zoning Board of Appeals.

It is currently unclear how the subject application meets these requirements in order to justify the proposed expansion of the existing nonconforming use. Only a limited number of commercial uses appear to be permitted within the RLD zoning district, none of which are retail in nature.

**RECOMMENDATION**

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP, Commissioner

By

Clayton Gurnett, Planner

# Dutchess County Department of Planning and Development

Fax Info Only	To	Date	#pgs
	Co./Dept.	From	
	Fax #	Phone #	

## 239 Planning/Zoning Referral - Exemption Communities

Municipality: **Village of Millbrook**

Referring Agency: **Planning Board**

Tax Parcel Number(s): **6732930000**

Project Name: **Millbrook 22 LLC Amended Site Plan**

Applicant: **MILLBROOK TWENTY TWO LLC, LAWRENCE CREEL**

Address of Property: **3416-3424 Franklin Ave, V. Millbrook, NY 12545**

Please Fill in this section

### Exempt Actions:\* 239 Review is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

### No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

Exempt Action submitted for informal review

### Actions Requiring 239 Review

- Comprehensive/Master Plans
- Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- Rezoning involving all map changes
- Architectural Review
- Site Plans (all)
- Special Permits for all non-residential uses
- Use Variances for all non-residential uses
- Area Variances for all non-residential uses
- Other (Describe):

### Parcels within 500 feet of:

- State Road:
- County Road:
- State Property (with recreation area or public building)
- County Property (with recreation area or public building)
- Municipal Boundary
- Farm operation in an Agricultural District

Date Response Requested: **4/6/2026**

Entered By: **Gurnett, Clayton**

\*These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.\*

For County Office Use Only

## Response From Dutchess County Department of Planning and Development

### No Comments:

- Matter of Local Concern
- No Jurisdiction
- No Authority
- Withdrawn
- Incomplete - municipality must resubmit to County
- Exempt from 239 Review
- None

### Comments Attached:

- Local Concern with Comments
- Conditional
- Denial
- Incomplete with Comments- municipality must resubmit to County
- Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: **3/13/2026**

Date Received: **3/13/2026**

Date Requested: **4/6/2026**

Date Required: **4/11/2026**

Date Transmitted: **4/6/2026**

Notes:

Major Project

Referral #: **ZR26-052**

Also mailed hard copy

Reviewer: 

steven hackbarth, a.i.a.  
architect

52 heritage road  
clinton corners, new york, 12514  
(845) 625-8512  
shackbarthaia@msn.com

November 13, 2025

Village of Millbrook  
Planning Board Chairman  
Frank Redl  
35 Merritt Avenue  
Millbrook, NY 12545

Dear Chairman Redl,

Please let this letter serve as a brief narrative for the proposed project at 3424 Franklin Avenue in Millbrook, New York for Millbrook 22 LLC.

There are currently 3 buildings on the site. The existing buildings include the Creel and Gow retail and greenhouse building, an existing gambrel roofed garage building, and a small storage shed.

The project will remove a 1,099 s.f. section of the existing greenhouse on the south end of the Creel and Gow retail building. That will be replaced with an attached 1 story, sandwich shop, Piadina Fondi, addition of 1,175 s.f. (Building 1 on the site plan). The net increase to the existing retail building is 76 s.f..

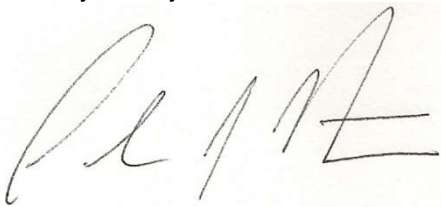
The existing, 1 1/2 story, gambrel roofed garage will remain, but all exterior finishes, roofing, doors, and windows will be replaced. The total s.f. of the existing garage to remain is 991 s.f.. The existing, 1 story, 475 s.f. storage shed will be demolished.

A new, 1,920 s.f., 1 story, garden statuary display building will be built (Building 2 on the site plan). A new, 1 story, 2,226 s.f., storage building will be built at the top of the hill on the south end of the site. The total square footage of buildings on the site will be 11,652 s.f. total. This includes the existing retail and greenhouse to remain.

All of the new exterior finishes on the buildings will be similar in material and "feel" to the finishes currently on the existing Creel and Gow retail building.

I hope this brief synopsis of the proposed project is helpful.

Thank you for your consideration,



Steven J. Hackbarth, R.A.



**Department of  
Transportation**

**KATHY HOCHUL**  
Governor

**MARIE THERESE DOMINGUEZ**  
Commissioner

**JULIANNE FUDA, P.E.**  
Regional Director

February 18, 2026

Frank Redl, Chairperson  
Office of the Planning Board  
Village of Millbrook  
Millbrook  
Dutchess County, NY

**Re: SEQR# 26-016**  
**Millbrook Twenty-Two LLC**  
**3416 -3424 Franklin Avenue**

Mr. Redl,

The New York State Department of Transportation (NYSDOT) is in receipt of the **Millbrook Twenty-Two LLC** notice of Intent to serve as Lead Agency from the Village of Millbrook Planning Board. The NYSDOT consents to the Village of Millbrook Planning Board assuming the role of Lead Agency for review of the referenced proposal.

Very truly yours,

A handwritten signature in black ink, appearing to read "David A. Groucher".

**David A. Groucher**

Region 8 Highway Work Permits

**New York State Department of Transportation, Hudson Valley**

Traffic & Safety Group, R8

4 Burnett Blvd, Poughkeepsie NY 12603

(845) 431-5897 | [david.groucher@dot.ny.gov](mailto:david.groucher@dot.ny.gov) | [www.dot.ny.gov](http://www.dot.ny.gov)

3-23-2026

Village of Millbrook ZBA,

I am writing this letter in support of the variance or variances needed for the property on route 44 across from the gate house. I was present at the firehouse meeting in March and the presentation seems to be a good fit for the property and the Village of Millbrook.

In all my 28 years here in the town, and the last 48 in the Village, the property in question has always been a commercial entity. The current business seems to be doing a very nice job in keeping the property very neat and running a very quiet business. Very little traffic and a nice asset to the entrance to our Village. I ran a business with my family for 69 years in the town and have served on the Town ZBA and the town as a councilman for many years and I believe this modest expansion would cause no issues to the community and hopefully allow them to be successful into the future.

Respectfully submitted,



Robert Audia

1 Hillside Ave

Millbrook