

**Village of Millerton
Planning Board Meeting
December 14, 2022**

The Village of Millerton Planning Board held a Planning Board Meeting on Wednesday, December 14, 2022, at 7:17 PM with Chair Lance Middlebrook presiding. Other Planning Board Members present were Carol Gribble, Patti Lynch, Andrew Rebillard, and Matt Soleau. Also present: Planning Board Secretary Anna Clune, architect Ray Nelson, and Zoning Board members Delora Brooks (Chair), Lisa Erdner, and Ed Stillman (sign in sheet attached).

Roll was called at 7:18 PM; all members of the Planning Board were present.

November Minutes

The minutes of the November 9, 2022, Planning meeting were approved without change to the prepared draft. *Motion* was made by Carol Gribble to accept the minutes at 7:20 PM and seconded by Andrew Rebillard. All members approved and the motion passed.

5902 South Elm Avenue

Lance Middlebrook introduced the main topic of the meeting—the plan to rebuild Amy Yang’s house at 5902 South Elm Avenue. He explained that the first task of the Planning Board would be the SEQR process, noting that:

1. the property was contiguous with the Village’s Main Street historic district and SEQR would likely be a Type 1 or unlisted action, but a Type 2 action was also possible;
2. the SEQR type would be determined by Atty. Ian McDonald, after receipt of an escrow payment;
3. the project would need to be reviewed by Dutchess County Department of Planning because the property is fronted by (County) Route 22; and
4. an EAF (part 1) for the project had been submitted by architect Ray Nelson.

Patti Lynch commented that because of the property’s proximity to Millerton’s historic district, a SEQR Type 1 action would be expected. Ray Nelson, the project’s architect, stated that he was not certain which action would be necessary, but he compared the 5902 South Elm proposal to the plans for 2 Main Street, which entailed a Type 2 action. Middlebrook noted that if SEQR was determined to be Type 2, the project would move along faster.

Planning Board Members were asked what they thought of the building plan. Matt Soleau commented that the proposed project was a great improvement over the old residence in terms of front yard setback—approximately 20 ft. vs. 6 ft. previously—and an aesthetic improvement as well, especially at the rear of the house. Middlebrook agreed that the plans represented an aesthetic improvement. Soleau noted that the homeowner would be taking on significant expense to adjust the grade of the lot, which would be beneficial to the Village because there would be less crowding along the sidewalk and the street.

Middlebrook asked Nelson to indicate in the drawings how the grade would be transitioned from the high ground in the front to the lower back yard. Nelson agreed to provide this information.

Middlebrook stated that a Special Permit from the Planning Board would not be granted until the Zoning Board determined whether the necessary variances could be given. Planning, however, would take the lead in the SEQR process in consultation with Atty. McDonald (after an escrow was set up).

Middlebrook asked for questions from the Zoning Board members in attendance. Delora Brooks asked for clarification about whether the proposed residence crossed into the adjoining parcel. Nelson answered that, although Amy Yang owns the house and lot adjacent to 5902 S. Elm (to the south), the proposed residence did not cross into that other property. He noted that the proposed residence occupies one lot that contains two Zoning Districts (R20,000 and LC). Middlebrook stated that no lot line adjustment was necessary.

Middlebrook pointed out that the proposed project was, like the previous residence, essentially nonconforming. Soleau added that it was slightly less nonconforming than before. Nelson commented that

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the major difference was that the new building would be a two-family residence, as opposed to the previous one-family dwelling.

Andrew Rebillard asked if the new house would require increased septic capacity. Nelson answered no, because the total number of bedrooms would remain the same as before—just be split over two units. He added that the house was designed to make it look like a one-family dwelling, with the doors on the same level but placed in a way not typical of two-family residences.

Lisa Erdner asked whether the old foundation, which is 6 feet from the road, would be removed when the lot was graded. Nelson answered that most of the old foundation would be left in the ground to help retain the soil and be backfilled over. Most of the old building's walls have already been removed.

Delora Brooks asked how many parking spaces were planned. Ray answered that four (4) spaces are planned, as Village Zoning requires.

Lisa Erdner asked about the size of the proposed building and how much of its footprint is in the LC Zone. Ray answered that the new house is about 300 sq. ft. bigger than the old one, and, because it is set further back from the road, more of it will extend into the LC Zone. Middlebrook stated that the Special Permit is required because the footprint crosses into the LC. He noted that the LC Zone is a local (Village) mandate and was included in the original Town-Village comprehensive plan. Nelson added that the LC area runs along the stream (Webutuck Creek) and is zoned for lower density.

Middlebrook inquired into customary escrow amounts and arrived at a \$2,500 requirement. He stipulated that the escrow "floor" would be \$1,000 and the amount held would need to be replenished to \$2,500 when it fell below \$1,000. The Planning Board agreed that these were acceptable escrow terms. Middlebrook then outlined next steps: Nelson would facilitate getting the escrow from the property owner to the Village and provide revised drawings. Then the matter would go to the Village attorney, who would determine the SEQR type. Middlebrook stated that perhaps the SEQR need not be completed before the project was referred to the Zoning Board for consideration of the variances.

Asked about the placement of the septic system, Nelson said that it was in the rear of the lot—at a lower grade than the house.

In a discussion about the building's dimensions, Middlebrook said that the height of the proposed house met the Zoning requirements. He explained that when a house has architectural features of various heights, these heights are averaged and the average must be no greater than 35 feet.

Middlebrook asked Delora Brooks, the Zoning Chair, if it was acceptable if the Planning Board took the role of lead agency in the SEQR process. Brooks replied that this was fine. Middlebrook stated that the Planning Board would carry out SEQR procedures at their next meeting.

Brooks stated that the Zoning Board could not meet until February 2023 to discuss variances for the project. Middlebrook said that, in the meantime, any determinations from the Village attorney would be passed along to the Zoning Board. Brook asked that Anna Clune be included in the loop.

Middlebrook asked Clune about government e-mails for all Planning and Zoning Board members. Clune agreed to look into this with the Village's IT professional.

Middlebrook stated that the EAF submitted by Nelson was a long form, so that even if the project were a Type 1 action, the necessary document was in place. Middlebrook asked if the Zoning Board was amenable to conducting a coordinated review, and Brooks replied yes. Middlebrook said that he would set this review up with Ian McDonald.

Given that the Zoning Board could not meet until February, Middlebrook asked Brooks if she had any objections to Planning completing SEQR paperwork in January, before the next Zoning meeting. Brooks responded that she had none. Middlebrook suggested that the Planning and Zoning Boards convene together in February for the coordinated review.

Next meeting dates were set. Planning will meet on January 11 and February 8, 2023, at 7 pm. The Zoning Board members discussed meeting at 6 pm on February 8, before attending the scheduled Planning meeting.

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Middlebrook stated that Nelson would add elevations, the exterior stair design (on both sides of house), and information about lot grading to the plans and resubmit them. Soleau suggested that the fence at the rear of the house would be better placed on top of the retaining wall, rather than at the bottom of the grade. Middlebrook agreed that the higher placing of the fence would provide more safety. Clune said that she would relay the request for revisions to Nelson.

Brooks stated that the Zoning Board may need legal counsel but was unsure whether a Zoning escrow could be obtained. Middlebrook said that he would confer with Ian McDonald about how to handle this matter. Brook said that this was agreeable.

It was established that Nelson would be asked to provide a total of five (5) copies plus a PDF of any plan revisions, to avoid waste and unnecessary expense.

Adjourn -

Motion was made by Andrew Rebillard to adjourn the meeting at 8:05 PM and seconded by Matt Soleau. All members in attendance approved and the motion passed.

Respectfully Submitted,

Anna Clune
Planning Board Secretary

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