

Village of Millerton
Meeting of the Zoning Board of Appeals
March 1, 2023

The Village of Millerton Zoning Board held a meeting on Wednesday, March 1, 2023, at 7:07 PM with Chair Delora Brooks presiding. Other ZBA members present: Lisa Erdner, Ron Orlando and Ed Stillman. Also present: Anna Clune (secretary), Ray Nelson (architect), Catherine Fenn, Beth Sherman, and Paul Doocey. Absent: ZBA member Chris Antonelli.

Roll was called at 7:08 PM.

Announcement

Anna Clune informed the Board that Zoning and Planning applications from properties with expired building permits or current building code violations could not move forward for ZBA or PB review until all permits were closed and/or all violations were corrected. She added that it was the Building Department's responsibility to remedy these matters, but that the ZBA and PB would be informed about any pending applications.

Public Hearing: 5902 South Elm Avenue

Motion was made at 7:09 PM by Ed Stillman to open the public hearing on the application of 5902 South Elm Avenue for variances related to the construction of a new 2-family residence. The motion was seconded by Lisa Erdner, approved by all ZBA members present, and passed. Copies of the building plans were distributed to the Board and the public.

Lisa Erdner began the public hearing by reading the five variances requested. She noted that the property is located in two Zoning Districts: R20,000 and Land Conservation (LC). She contrasted the variances for the proposed residence—related to (1) front yard setback (R20,000); (2) maximum lot coverage (R20,000) and total lot coverage (R20,000 and LC); (3) area per establishment (LC); (4) front yard setback (LC); and (5) maximum lot coverage (LC)—with the corresponding parameters of the original house on the property, which burned in 2021.

Ray Nelson, architect of the site plans, was asked to clarify the variances in several instances by the Board, and he did so. "Total lot coverage" was defined as the total area of the building footprint per the area of the entire lot, including both R20,000 and LC zones. "Area of establishment" was clarified in that Zoning in the LC zone allows for one dwelling per acre, and the proposed project requests a variance to erect two dwellings on the .26 acre lot, or on .13 acre per dwelling.

The public was invited to comment or ask questions. The owner of a neighboring property asked whether there were regulations regarding the septic system's location in relation to the LC zone. Nelson replied that the existing septic system would be used for the new house, as the number of bedrooms (3), which determines the necessary septic capacity, in the proposed residence is the same as in the previous house. Delora Brooks stated that she had spoken to the Health Department about the septic system and was told that the existing septic system is satisfactory for the proposed residence. Stillman added that septic approval is the domain of the Department of Health and is not part of Zoning approval.

Stillman asked to see the floorplans and copies were distributed. It was noted that, on the second floor, there were three bedrooms plus an office that looked like a bedroom. Brooks stated that this additional room could not be considered a bedroom because it did not contain a closet.

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Questions asked by the public also included, how could the house be set back farther from the road when the property dropped so steeply in back? Nelson replied that the proposed house's placement would require fill and grading. The possible need for a retaining wall was discussed. The purpose of the exterior spiral staircase was clarified; Nelson explained that it leads from the second-floor deck down to the pool. Interior stairs on both sides of the house provide egress to the separate apartments. The question of whether an outside staircase was required to provide egress to the apartments would be referred to the Building Department. It was also suggested that outside lighting and landscaping be added to the plans.

Given the unresolved questions, it was decided to continue the public hearing at the next, to-be scheduled ZBA meeting.

Motion was made at 7:45 by Ed Stillman to suspend the public hearing until the next ZBA meeting, seconded by Ron Orlando, approved by all members present, and passed.

Motion was made at 7:46 by Ed Stillman to hold the next ZBA meeting—with continuation of the public hearing on 5902 South Elm Avenue—on Wednesday, March 29, at 7 pm at Village Hall, seconded by Lisa Erdner, approved by all members present, and passed.

Motion was made at 7:47 by Ed Stillman to adjourn the meeting, seconded by Ron Orlando, approved by all members present, and passed.

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