

Village of Millerton
Meeting of the Zoning Board of Appeals
March 29, 2023

The Village of Millerton Zoning Board held a meeting on Wednesday, March 29, 2023, at 7:06 PM with Chair Delora Brooks presiding. Other ZBA members present: Lisa Erdner, Ron Orlando, and Ed Stillman. Also present: Anna Clune (secretary) and Kelly Kilmer.

Roll was called at 7:08 PM.

Approval of Minutes

Motion was made by Ed Stillman at 7:08 to approve the 2.8.23 ZBA meeting minutes, seconded by Lisa Erdner, approved by all members present, and passed.

Motion was made by Ed Stillman at 7:09 to approve the 3.1.23 ZBA meeting minutes, seconded by Lisa Erdner, approved by all members present, and passed.

Continuation and Closure of Public Hearing: 5902 South Elm Avenue

Delora Brooks began the continuation of the public hearing (opened on 3.1.23) on the application of 5902 South Elm Avenue for variances related to the construction of a new 2-family residence. She explained that the project's architect had withdrawn the first set of plans for the property because significant changes needed to be made.

Brooks asked Kelly Kilmer—the one member of the public present—whether she had any questions on the proposed project. Kilmer responded that she did not. Brooks then asked for a motion that the public hearing be closed.

Motion was made at 7:11 PM by Ed Stillman to close the public hearing on the application of 5902 South Elm Avenue for variances. The motion was seconded by Lisa Erdner, approved by all members present, and passed.

The Board read two letters from Ray Nelson that (1) requested a 90-day extension to submit revised plans for Amy Yang's property at 5902 South Elm Avenue and (2) stated that a chain-link fence would be installed along the sidewalk side of the parcel to protect the public.

Reviewing the first letter, the Board discussed granting the extension for zoning consideration, but with the caveat that if the revised plans were not received within 90 days, a new application would be required.

Reviewing the second letter, Brooks noted concerns about the existing, patched-together fencing where the property meets the sidewalk—at the top of a steep drop-off. Anna Clune reported that Mike Segelken (Deputy Building Inspector) had inspected the fence and passed it insofar as immediate safety was concerned. However, Ken McLaughlin (Building Inspector) had instructed Nelson to have a more secure chain-link fence installed. In response, Nelson had provided a letter stating that such fencing would be installed within 10 days (or by 4.8.2023).

Motion was made by Ed Stillman at 7:16 to affix a 90-day time period—or until 6.28.2023—for the applicant to submit revised plans for 5902 South Elm Avenue, or the zoning application would be denied without prejudice. The motion was seconded by Lisa Erdner, approved by all members present, and passed.

APPROVED:

Procedural Matters

Brooks discussed procedural issues related to carrying out public hearings. She stated that the public should be given the opportunity to ask questions and voice their concerns, and that the Board should answer any questions as succinctly as possible. However, members of the public should not be allowed to interrupt Board members during deliberations or while they are making motions. It was pointed out by Board members that it is the Chair's responsibility to make sure an open yet orderly meeting is conducted and that public comment be offered at appropriate times. Brooks said that she was in full agreement with these comments.

Motion was made at 7:25 by Lisa Erdner to adjourn the meeting, seconded by Ed Stillman, approved by all members present, and passed.

APPROVED: