

Village of Millerton
Meeting of the Zoning Board of Appeals
April 10, 2024

The Village of Millerton Zoning Board held a meeting on Wednesday, April 10, 2024, at 7:35 PM with Chair Delora Brooks presiding. ZBA members present: Claire Goodman, Suzanne Stevens, and Ed Stillman. Ron Orlando was absent. Also present: Anna Clune (Secretary), Ray Nelson (Architect), Catherine Fenn, Carol Gribble, Patti Lynch-VandeBogart, Steve McCollian, Lance Middlebrook, Andrew Rebillard, Brad Rebillard and Chris Rrapi.

Roll was called at 7:37 PM. All members were in attendance.

Welcome

New ZBA member Suzanne Stevens was introduced and welcomed by the Board. Asked to describe her background, Stevens said that she has owned a home in Millerton for 16 years, has lived in Millerton for six years, and had been a realtor for more than 20 years. She currently works at the Hotchkiss school in the development department.

7-9 Main Street: Variance Application

Chair Delora Brooks introduced Gvkgne Realty's application for Parking and Area-Per-Dwelling Unit Variances for the 7-9 Main Street renovation project. The building is divided into 12 apartment units; only 6 units are currently approved by the Village.

Ed Stillman noted that the Building Permit denial letter stated that the Zoning code required 9 parking spaces for the proposed project, that is, 1.5 spaces x 6 additional apartments. However, he questioned whether the major renovation proposed would remove the legal nonconforming status of the 6 approved units. In that case, the required number of off-street parking spaces would be 18 (1.5 spaces x 12 apartments). The Board agreed to research this matter.

Brooks said that, because of the complexity of the case, she recommended that the Board obtain legal counsel and require the applicant to provide an escrow of \$2,500 for this purpose. She also inquired into the term "nonconforming," stating that the building's "legal nonconforming" status as a 6-unit residence would go back to 1975, when the Village Zoning Code was established. She asked whether the Board wanted to compound this nonconforming status by granting the requested Variances.

Brook asked Ray Nelson, the applicant's representative, whether any efforts had been made to find off-street parking for the building. Nelson replied that none of the six property owners he approached had been interested in creating parking for 7-9 Main Street on their premises. Brooks asked if there were any other alternatives. Nelson said that the request for parking space was a difficult one, as it was unlikely that anyone would want to attach a permanent easement to their property for this purpose.

Brooks raised the issue of whether the current owner knew that the building, which has been divided into 12 apartments for many years, was in violation when he purchased it. Nelson explained that the owner had purchased the building not knowing that it was approved for only 6 units but was aware of its condition and had the intent to improve it. Stillman asked if the building was the owner's first real estate investment. Chris Rrapi, the owner, replied that it was not. Nelson stated that the proposed renovation project would make the building safer and more attractive, bring the septic system up to date, and provide legal housing that the Village needs. He added that some of the people living in the building do not have cars to park.

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Stillman explained that ultimately, the Board's decisions would be based on consideration of the five established, mandatory criteria for Zoning Boards of Appeal. He asked if the applicant had any information that would be relevant to the Board in weighing these criteria. Nelson said that most of the buildings surrounding 7-9 Main Street had no off-street parking. Brooks replied that these buildings were commercial, not residential.

Brooks stated that the request for a variance allowing zero parking spaces—as the applicant proposed—seemed excessive. She also said that the situation might reflect a self-created hardship if the applicant did not do a prudent amount of research before purchasing the building. Nelson agreed that increasing the number of units would increase the need for parking, but that the building was not the only one on Main Street containing residential units and that few or none of these buildings provided parking.

Brooks discussed the Village's snow ordinance, which prohibits parking on Main Street from December through March. She added that Main Street was already overstressed by traffic.

Stillman suggested that the applicant gain a better understanding of how the ZBA must make their determination, according to the facts and findings, and provide information or arguments that supported their case according to that framework. Documents listing and explaining the five criteria proscribed by New York State were distributed to Nelson.

The Board then discussed next steps. Brooks requested that the applicant submit an escrow of \$2,500 to allow for legal counsel and cover the costs of publicizing the required Public Hearing.

Motion was made at 8:02 pm by Ed Stillman to schedule a public hearing on the 7-9 Main Street Variance application on Tuesday, May 7, at 7 pm at the Village Hall. The motion was seconded by Claire Goodman, approved by all members present and passed.

Motion was made at 8:06 pm by Claire Goodman to accept the ZBA meeting minutes from 11/1/2024, seconded by Ed Stillman, approved by all qualified members present and passed.

Motion was made at 8:05 pm by Suzanne Stevens to adjourn the meeting, seconded by Ed Stillman, approved by all members present and passed.

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