

Village of Millerton
Meeting of the Zoning Board of Appeals
June 6, 2024

The Village of Millerton Zoning Board held a meeting on Thursday, June 6, 2024, at 7:05 PM with Chair Delora Brooks presiding. ZBA members present: Claire Goodman, Suzanne Stevens, and Ed Stillman. Ron Orlando was absent. Also present: Emerald Havelin (Recording Secretary), Ian MacDonald (Attorney), Ray Nelson (Architect), Ron Steed, Joanne Scasso, Marie Miller, Clyde Miller, Leslie Flood, Chris Rappi, Crystal McCarthy, and Kelly Kilmer.

Roll was called at 7:06 pm.

Minutes

A **Motion** was made by Ed Stillman to approve the minutes as amended from 5/7/2024 and seconded by Claire Goodman. All present members agreed.

Chair: Introduction of Attorney Ian MacDonald

Chairperson Delora Brooks explained that it is in the best interest of the Village and the client to have a legal counsel present to make this process clean and so Attorney Ian MacDonald was introduced.

The 7-9 Main Street Project has been in front of the Planning Board for a year and is now in front of the Zoning Board. Chairperson Delora Brooks set some guidelines for the meeting: each person willing will have 3 minutes to speak and if people have more to say, they may do so in 3 minute increments. Attorney Ian MacDonald stated the Public Hearing held on 5/7/2024 was not closed so the Zoning Board can reopen the Public Hearing. Delora Brooks stated moving forward, if any paperwork is to be submitted for Board review, it must be submitted 10 days prior to the meeting.

7-9 Main Street: Status of County Referral (referral was not required)

Ed Stillman asked for confirmation that the County deferred on the referral and the information we had is simply for educational purposes. Ian MacDonald stated the referral is not needed for a residential area variance. The County is in agreement with certain municipalities that a referral is not needed for certain application. The Village of Millerton has an agreement with the county like such.

Public Hearing on 7-9 Main Street

A **Motion** was made by Ed Stillman to open the Public Hearing on Gvkgne Realty's application for two variances at 7-9 Main Street, seconded by Susanne Stevens, and approved by all members present.

Chairperson Delora Brooks - requested any comments to come forward at this time. Ed Stillman emphasized that the application is for two separate variances. One is a waiver of the parking requirement and the second is the density of dwellings per square foot. They are equally important and thoughts on both are welcome.

Leslie Flood - introduced herself as the owner of the parking lot on Railroad Plaza and voiced concerns regarding waiving the parking restrictions. She stated when people park in that lot, it makes it very difficult to plow. She acknowledged there is no winter street parking because of the Snow Ordinance. There is wear and tear on the driveway and she does not want them in the parking lot and have to chase them out or put up signs. Delora Brooks asked if the lot was private property to which Leslie Flood responded yes, she owns it. Ed Stillman asked Leslie Flood to confirm that she owns the property and other property owners have an easement to the parking lot. Leslie Flood stated that other property owners do have the right to use the parking lot. Delora Brooks asked Flood how long she has owned the property, to which it was determined 17 years.

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Ray Nelson - stated one of the remedies to the parking issue was that the owner would provide directions to the tenants and that all future tenants will be aware there is a parking issue for they rent, they are fully aware and will be told what the requirements are really hard where they can't park that hasn't been instituted yet, but it is the proposed remedy. The tenants must understand that if they want to live there, they will have to find parking in other areas, perhaps Century Boulevard. Ray Nelson suggested that fines can be added to help respect the neighboring properties.

Ron Steed - asked the Board about the units that were grandfathered. Ed Stillman responded that the building is approved, grandfathered, and issued a certificate of occupancy for six parking spaces which predates current zoning. Ron Steed responded by his understanding, grandfathering this building with 6 parking spaces, it also grandfathers 60 other buildings that were here in 1975 prior to the Zoning authority to rule on those issues. He continued with an example: Say each of those 60 buildings had two parking spaces per unit, you are grandfathering either 120 or 180 spaces, and he would like to know where those spaces are that have been grandfathered in. Suzanne Stevens responded that example is out of the purview they are trying to discuss here, and Ron insisted that it clearly is. Ed Stillman informed Ron that his question pertains to a larger parking issue in the village and while it is an important discussion, it is not the discussion they are having here. Ron insisted the Board approved the parking spaces but Ian MacDonald stated the Board did not approve those spaces, the buildings exist legally because they existed prior to the Zoning Code requirements. The parking spaces are not approved, they are just pre-existing legal non-confirming uses. Ron asked one more question: Should this property be located on the east end of town, we wouldn't be talking about parking here, would we? Because of the 400-foot rule. Ray Nelson answered by saying he thinks we would be talking about parking, but it would be different because they would be within 400 feet of Century Boulevard and the tenants could park there. Ian MacDonald stated the Zoning Board can waive the parking requirement where the property owner has access to sufficient parking within 400 feet and it would still be up to the Board whether the property was located on the west or east side of the Village. Ron is trying to establish that the Zoning Board does have the authority to approve the discrepancies in the code from one side of the village to the other. Ed Stillman replied that it is not a discrepancy, it is a specificity and with any application that comes before the board, the specificity of the application and the merits of what is available is considered so due to the specificity of this application, the board is considering the application.

Kelly Kilmer – The same three cars have been parking in the same spots all day. The Gun Salute recently held at Veterans Park had to be moved to the other side because the Subaru, BMW, and roofing truck have been constantly parking for four weeks and there was also someone spray painting their blue car curbside so I think there has to be rules like every one of us, that if I decided to spray paint my white van next to the monument, there has to be some kind of “Save Main Street.” There has been a promotion to “Save Main Street” lead by Kathy and Townscape to save Main Street and save businesses and there has to be a way to help with that, like 2-hour parking.

Delora Brooks – The state is willing to work with the Village to put in appropriate signs in that area and it has been acknowledged that there are parking issues from the Rail Trail to the traffic light. Like any other concentrated or densely populated area, what has existed needs to be reevaluated because times have changed. In this situation, the remedy of how to address this area is entirely up to the Village Board to decide what is appropriate.

Joanne Scasso – Last week, there was one child living in the building playing with thistle and sitting in a chair and I pulled over and informed Mr. Watson about the child and his response was “We are trying to get the building maintained.” There has to be some sort of maintenance on the property if there is going to be children in the building.

Delora Brooks – There is a property maintenance code enforced by the Village Building Department. It is not under the Zoning purview. For anyone in the room, you can fill out a formal complaint which has to be addressed by the board.

Ron Steed – It was my understanding that the building inspector was unable to go in the building for a certain time, a year or two ago, to inspect anything.

Ray Nelson – We have had multiple inspections and fire inspections recently. The applicant came to the building department, and they recognized their paperwork only shows 6 units. The new owner wishes to fix the building but cannot get a building permit to make the improvements needed.

Ron Steed – If you would renovate the apartments from twelve to six, there would be no problem at all with issuing the permits for improvements. Why won't you stick with the original six?

Ray Nelson – Because the owner would like to improve the property.

Ed Stillman – Zoning allows for one dwelling unit per 5,000 ft² of land area. That property with 6 units comes out to 1380 ft² per unit, already well below the zoning standard. Seeking the variance, they are looking to bring that to 690 ft² of land per dwelling unit.

Ian MacDonald – The Zoning Board can impose conditions onto a variance and if they do not satisfy the conditions, it would be in violation and it would be up to the Village to enforce the conditions.

Ron Steed mentioned there is a lot of parking available at the new building the Community Center purchased.

Delora stated the Community Center is still in the early stages of what to do with the Community Center and they are not ignoring this situation, but they must evaluate what the goals should be for the building.

The conversation steered off topic and Ed Stillman asked if there were any more comments or questions pertaining to the specific proposed variances.

Delora – The Board has tried to offer solutions by asking neighbors to allow parking on their property.

Ian MacDonald advised keeping the Public Hearing open so the clock does not start ticking.

Motion was made by Ed Stillman at 8:33 PM to continue the public hearing at the next meeting, seconded by Suzanne Stevens, approved by all members present, and passed.

7-9 Main Street: Next steps: SEQRA

The Village is not required to conduct a coordinated review. The Zoning Board will review the documents at the next meeting.

19 Meadow Lane: Variance Application

A Public Hearing is necessary to evaluate this Variance Application. If Clyde Miller were to place the shed on his property following the current laws, the shed will be almost center on his property, where the septic is. Deputy Clerk, Emerald Havelin, will send out Public Hearing notices to surrounding properties. The Public Hearing for the 19 Meadow Lane variance application will be set for 6/25/2024 at 7:00 PM.

Executive Session

Motion was made by Ed Stillman at 8:17 PM to adjourn to an executive session to confer with counsel, seconded by Suzanne Stevens, approved by all members present, and passed.

Motion was made by Ed Stevens at 8:43 pm to end the Executive Session, seconded by Suzanne Stevens, approved by all members present, and passed.

Motion was made by Ed Stillman at 8:44 to adjourn the meeting, seconded by Suzanne Stevens, approved by all members present, and passed.

Respectfully submitted,

Emerald Havelin

Deputy Clerk