

Village of Millerton
Meeting of the Zoning Board of Appeals
October 2, 2024

The Village of Millerton Zoning Board held a meeting on Wednesday, October 2, 2024. The meeting was called to order at 5:05 PM with Chair Delora Brooks presiding. ZBA members present: Claire Goodman, Kelly Kilmer, Suzanne Stevens, and Ed Stillman. Also present: Emerald Havelin (Recording Secretary) and Ray Nelson.

The agenda items have been rearranged due to the attorney, Ian MacDonald, being late.

Minutes 9/4/24

Ed Stillman suggested we start with minutes for 9/4/2024.

A *Motion* was made by Kelly Kilmer and seconded by Ed Stillman to approve the minutes from 9/4/2024 with the suggested changes made. All present members agreed.

Meeting schedule discussion

Kelly Kilmer stated that the ZBA normally meets as needed but recommended that a quarterly meeting date be established. Ed Stillman stated that he would like to have a standing monthly schedule where if there are no applications or agenda items, the meeting can be cancelled.

A *Motion* was made by Kelly Kilmer and seconded by Claire Goodman to set a monthly meeting on the first Tuesday of each month at 6:00 P.M. barring holidays. All present members agreed.

Adjusting Escrow Balance Requirements

Delora Brooks stated that the escrow balance requirements should be consistent with the planning board with a maximum of \$5,000 and a minimum of \$2,500.

A *Motion* was made by Ed Stillman and seconded by Claire Goodman to establish a maximum of \$5,000 and a minimum of \$2,500 for escrow requirements. All present members agreed.

Request more escrow from 7-9 Main Street applicant

Ray Nelson provided a check before the meeting for \$2,500 to replenish escrow. The bill before the board at tonight's meeting is up to date as of August 22, 2024. Any invoices charged after is not reflected.

7-9 Main Street Variance Application Discussion

Kelly Kilmer requested in the last meeting to separate the resolution for each variance because the property has been sold a few times. Variances need to be clear in case it is sold again. Ed Stillman stated that he is unsure of the process. Ian MacDonald stated there is nothing wrong with doing the resolution as it is drafted by motion and vote to decide about each variance. Ian MacDonald asked if the ZBA completed the SEQRA Review and if they issued a negative declaration, to which the next step would be to conduct a balancing test for each variance weighing the benefit to the applicant versus the detriment to the health, safety, and welfare of the community, considering the five factors. Delora Brooks stated the record of findings has already been completed. Ed Stillman stated that this was discussed at the last meeting and now we need to adopt the resolution which incorporates the factual findings. Ed Stillman stated that he is comfortable with adopting the record of findings in one document. Emerald Havelin mentioned to the board that Ray Nelson submitted a letter for a variance reduction. Ed Stillman stated an executive session is needed to discuss the letter.

Approved on:

Executive Session/Attorney Client Session

A **Motion** was made at 5:22 PM to enter Executive Session for an Attorney/Client session by Kelly Kilmer and seconded by Ed Stillman. All present members agreed.

A **Motion** was made at 5:54 PM to exit Executive Session by Kelly Kilmer and seconded by Ed Stillman. All present members agreed.

7-9 Main Street Resolution

Ed Stillman recognized that the ZBA received the reduction letter from Ray Nelson dated September 30, 2024. The letter is an expression of willingness to accept a lesser variance, and the board has reviewed the document despite coming in later.

Due to Kelly Kilmer having to leave the meeting early, the board discussed the next meeting date, November 5, which is election day, so the board determined to waive the next meeting. If an application comes in, a new date will be determined then.

Ed Stillman stated the record of findings were determined at the last meeting where a negative declaration was issued on SEQRA, and the five factors were considered for each variance. The record of findings will be attached to the official minutes and Ed Stillman continued to summarize the document.

A **Motion** was made by Ed Stillman and seconded by Suzzane Stevens to implement the record of findings into the minutes. All present members agreed.

Ed Stillman asked if anyone on the board had any final discussions of the variance application for parking before moving to approve or deny the application.

A **Motion** was made by Ed Stillman and seconded by Suzanne Stevens, in the case of off-street parking for nine spaces, the detriment to the health, safety, and welfare of the community outweighs the benefit to the applicant and therefore the application should be denied. A roll call was made and all present members agreed.

Ed Stillman asked if anyone on the board had any final discussions of the variance application for density before moving to approve or deny the application.

A **Motion** was made by Ed Stillman and seconded by Claire Goodman, in the case of area variance to allow 636 square feet of lot area per dwelling unit, the detriment to the health, safety, and welfare of the community outweighs the benefit to the applicant and therefore the application should be denied. A roll call was made and all present members agreed.

A **Motion** was made by Ed Stillman and seconded by Suzanne Stevens to adopt the resolution citing both variances as denied. A roll call was made and all present members agreed.

Adjourn

A **Motion** was made at 6 :09 PM by Claire Goodman and seconded by Ed Stillman to adjourn the meeting. All present members agreed.

Respectfully submitted,

Caroline Farr-Killmer

Planning and Zoning Secretary

Approved on: