

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Millerton

FILED
STATE RECORDS

FEB 13 2020

DEPARTMENT OF STATE

Local Law No. Local Law No. 1 of the year 2020

A local law Enacting a Local Law Amending the Village Zoning Law to Allow Adaptive Reuse and
(Insert Title)
Impose Certain Regulations Upon Such Use

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Millerton

as follows:

WHEREAS, the following Local Law was introduced as Local Law No. 2 of 2019, by Resolution adopted at a regular meeting of the Village Board held on October 21, 2019; and

WHEREAS, a properly noticed public hearing was held before the Village Board during the meetings of the Village Board held on November 18, 2019, on Proposed Local Law No. 1 of 2020; and

WHEREAS, the Village Board made the referral to the Dutchess County Planning Department ("County") as required by New York General Municipal Law Section 239-m, and the County responded without comment stating this is a "matter of local concern."

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Millerton as follows:

Section 1. Declaration of intent. The Village Board has determined it is in the best interests of the Village and its residents to adopt regulations allowing for the Adaptive Reuse of certain existing buildings located in the Village to allow such buildings, under certain circumstances, to be used for a purpose which such buildings were not originally intended to be used when originally designed, intended or occupied. It is the intent of the Village Board that such Adaptive Reuse shall only be allowed in the Medium Density Residential (R - 20,000) Zoning District and only upon the issuance of a Special Use Permit by the Village Planning Board. Therefore, the Village Board now wishes to amend various sections of Chapter 170 of the Village Code regarding Zoning in order to designate Adaptive Reuse as a use allowable in the Medium Density Residential (R - 20,000) Zoning District with a Special Use Permit issued by the Village Planning Board and to include provisions for regulating Adaptive Reuse in the sections of the Village Zoning Law for Special Use Permits and Non-Conforming Uses.

Section 2. Section 170-5 of the Village of Millerton Village Code is hereby amended to insert the following definition

(If additional space is needed, attach pages the same size as this sheet, and number each.)

for the term “Adaptive Reuse” where it would appear alphabetically within that Section.

“ADAPTIVE REUSE

Contemporary use of an existing building or structure for a use other than that for which it was originally designed, intended or occupied, e.g., use of a former barn as a commercial building. This shall include the expansion of the existing building or structure by not more than 25% of the existing gross floor area.”

Section 3. Section 170-14(C) of the Village of Millerton Village Code is hereby amended to add the term “Adaptive Reuse” where it would appear alphabetically in the list of uses within the Medium Density Residential (R – 20,000) Zoning District within the Village for which the Planning Board may issue a special permit in accordance with the provisions of Sections 170-23 and 170-24. The other uses for which the Planning Board may issue a special permit listed in Section 170-14(C) shall be renumbered accordingly following the addition of “Adaptive Reuse” in the alphabetical list.

Section 4. Section 170-23 of the Village of Millerton Village Code is hereby amended to add a new Sub-Section (E) containing the following language.

“E. In the Medium Density Residential (R – 20,000) Zoning District, the Adaptive Reuse of structures shall be performed in such a way so as to complement the character of the existing neighborhood and which is not more harmful or objectionable to the neighborhood than the nonconforming use from which it has changed. The Applicant shall be required to provide the Planning Board with the report of a licensed Engineer demonstrating the structure for which Adaptive Reuse is proposed can be repurposed for such proposed new use.”

Section 5. Section 170-23 of the Village of Millerton Village Code is hereby amended to add a new Sub-Section (F) containing the following language.

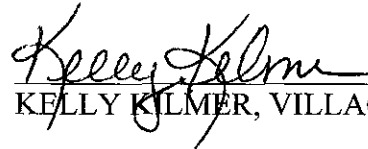
“F. For uses involving an Adaptive Reuse conversion of a non-residential structure, the Planning Board is hereby expressly authorized to require such additional front, side, and rear yard setbacks as may be required to ensure that the non-residential use is consistent with the guidelines in the paragraph above.”

Section 6. Article VI of Chapter 170 of the Village of Millerton Village Code is hereby amended to add a new Section 170-54.1 containing the following language.

“170-54.1 Adaptive Reuse. The reuse of existing non-residential buildings for a use other than that for which it was originally designed may be permitted pursuant to provisions set forth in Section 170-23(E), Section 170-23(F) and Section 170-14(C).”

Section 7. This local law shall take effect immediately upon filing with the New York State Department of State.

DATED: Millerton, New York
January 21, 2020

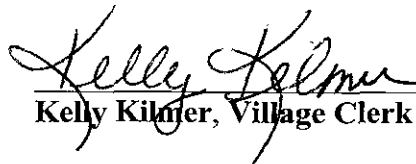

KELLY KILMER, VILLAGE CLERK

The following resolution was voted upon with all Board members voting as follows:

Debra Middlebrook:	AYE
Jennifer Najdek:	AYE
Alicia Sartori:	AYE
Matthew Hartzog:	AYE
Joshua Schultz:	AYE

Dated: January 21, 2020

Millerton, New York


Kelly Kilmer, Village Clerk

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2020 of the (County)(City)(Town)(Village) of Millerton was duly passed by the Board of Trustees on January 21 2020, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Keeley Kelimer, Clerk

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 2/3/2020

(Seal)