

**VILLAGE OF MILLERTON**  
**Planning Board Meeting**  
**October 9, 2013**

The Village of Millerton Planning Board held its regular meeting on Wednesday, October 9, 2013 at 7:05pm with Lance Middlebrook presiding. Planning Board Members present: Carol Gribble, Peter Greenough, and Patti Lynch. Also present: John Gilmor, Israel Fitch, and ZEO Nancy Brusie.

**Bill Payment-** Motion made by Planning Board Member Patti Lynch to pay Daniels & Porco LLP from the Gilmor escrow funds for legal fees provided in the amount of \$805.00, seconded by Planning Board Member Peter Greenough, all four (4) planning board members in attendance approved and motion was passed.

**Gilmor Glass Works** – As determined at the prior meeting Mr. Gilmor has lost his Grandfathered Non Conforming Use. Chairman Lance Middlebrook quotes for the record from the e-mail sent to him by the Village attorney, Ian McDonald:

Mr. Gilmore’s actions over the past three years constitute a termination of the use of his non-conforming building for two reasons. First, the fact that he demolished the building himself, and it was not destroyed by an act of casualty or vandalism, demonstrates an intent on his part to abandon or terminate the non-conforming building. Second, even if Mr. Gilmore’s self-destruction of his building were entitled to the benefit of Section 170-52, the fact that he has not performed any work to try and reconstruct the building for a period of three years is additional evidence that he has terminated the use of his non-conforming building. He has gone well beyond the one-year period allowed under Section 170-49 of the Zoning Code.

Motion made by Planning Board Member Carol Gribble to deny the application without prejudice for John Gilmor at the location 2 Main Street. Seconded by Planning Board Member Peter Greenough, all four (4) planning board members in attendance approved and motion was passed.

Notice of the Denial is to be filed with the Village Clerk within 5 days and a copy of that will be sent to John Gilmor.

Escrow Balance-

**Village of Millerton**  
**Planning Board Escrow**

<b>Date</b>	<b>Description</b>	<b>Gilmor Trans.</b>	<b>Glass Balance</b>
3/31/11	Gilmor Glass	5,000.00	5,000.00
4/15/11	Daniels&Porco-GG	-44.00	4,956.00
7/20/11	Lakeville Journal	-56.10	4,899.90
8/10/11	Daniels & Porco	-945.88	3,954.02
10/7/11	Daniels & Porco	-572.00	3,382.02
10/7/11	Morris Assoc.	-512.60	2,869.42
9/12/13	Daniels&Porco-GG	-805.00	2,064.42

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Motion made by Planning Board Member Patti Lynch to return the balance of the Gilmore Escrow account in the amount of \$2,064.42 to John Gilmore. Seconded by Planning Board Member Carol Gribble, all four (4) planning board members in attendance approved and motion was passed.

**Cumberland Farms-** Planning Board member Peter Greenough started a brief discussion confirming that the Cumberland Farms project had been completed to the Planning board's requirements. ZEO Nancy Brusie also made the board aware of a new Application by the Cumberland farms for an 8 X 10 Shed. The planning board agreed the Shed project did not require a new site plan and could go directly through the Building Department. The Planning Board did, however, want to know what would be stored in the shed. ZEO Nancy Bruise said that she would let the board know what was to be stored in it.

**Minutes-** Motion made by Planning Board Member Patti Lynch approving the minutes of July 10, 2013 seconded by Planning Board Member Carol Gribble, all four (4) planning board members in attendance approved and motion was passed.

**Adjourn-** Motion made by Planning Board Member Peter Greenough to adjourn the meeting at 7:39pm, seconded by Planning Board Member Carol Gribble, all board members in attendance approved and motion was passed.

Respectfully submitted,

Wendy S. Prause  
Secretary- Planning Board

**Next meeting: Wednesday, November 13, 2013 at 7:00 pm**