

TOWN OF NORTH EAST ZONING BOARD OF APPEALS MINUTES

March 31, 2015

A meeting of the Town of North East Zoning Board of Appeals (“ZBA”) took place on Tuesday March 31, 2015 at 7:35 PM in the NorthEast Millerton Library Annex, Millerton, NY. Board members present were Co-Chair Edith Greenwood, Jon Arnason, Patti Lynch and Carl Stahovec. Julie Schroeder recused herself from the scheduled matter but attended in the audience. Also present were Lynn Mordas, the appellant with respect to the matter described below, Warren Replansky attorney for the Town of North East and members of the general public.

Lynn Mordas

157 Indian Lake Road

Review of Documentation for an Interpretation of §98-48.14(C)

Tax Parcel #: 7269-00-187847

Co-Chair Greenwood continued the Public Hearing regarding Lynn Mordas’s request for an interpretation of the notices of violation she has been served. Greenwood began by entering documents related to the implementation of Local Law #1 of 2014 into the record. Greenwood then read an email sent by Gregg Pulver, Dutchess County Legislator for District 19 and a letter from Robert Kuhbach into the record. Both documents were in support of Dashing Star Farm.

Mordas asked if the ZBA had any questions regarding the brief she submitted on March 24, 2015. Arnason asked Replansky if the ZBA should be addressing the question of whether Dashing Star Farm was a farm under state or local law. Replansky replied that he did not think the ZBA needed to resolve that issue. He had only responded to it in his memorandum because it had been brought up by Mordas. Replansky went on to state that to complete the record of the implementation of Local Law #1 of 2014 it should include the filing receipt from the Department of State of New York which he offered to provide.

Ralph Fedele, a member of the Town Board spoke next. He stressed that he was commenting as a private citizen and not as a member of the Town Board and that he had been auditing these meetings from the beginning. As an observer, he believes in the process but he felt this process has gone on for an unreasonable length of time. He feels it is time for the ZBA to make a determination. Fedele went on to state that this conflict has cost the Town a great deal of money, the total of which he is looking into. He felt that another site visit was not needed as the pile in question is constantly changing. He urged the ZBA to make a decision.

Stahovec commented that the manure pile has been in the same location for years. He questions why it has become an issue now. He went on to ask why the Town or County has not rectified the drainage problem. He stated that every Y intersection in the Town expect this one

has been converted to a T intersection. Why hasn't this one been fixed? He went on to state that there is not even a great deal of water to contend with in this situation. Stahovec feels the whole matter has been blown way out of proportion. He feels that the Town should have redone the road and intersection when they made repairs in 2012.

Stahovec asked Lynn about her plans to acquire adjacent property and she affirmed she was working on doing so. Then he asked if she would be amenable to moving the compost pile to another part of her property when she acquires additional land. Mordas replied that the additional land under consideration is all in the flood plain. She commented that Stahovec had raised a good question and that she would work with Natural Resources Conservation Service (NRCS) a department of the US Department of Agriculture to find a possible alternative site for the pile. Mordas concluded by saying that her purchase of the additional land was a long way off.

Greenwood stated that she had been coordinating a date for a site visit. She had confirmed that Tuesday April 7th at 6:00 pm would work for both Mordas and Brian Scoralick. Replansky asked what the ZBA expected to learn from Scoralick of the DCS&W. Greenwood responded that Scoralick was considered an expert, a person knowledgeable about the Mordas property and that Gregg Pulver had suggested he be included in our site visit.

The next to speak was Christine Pezzuti (sp?) of Wassaic. She questioned the use of the word storage in the Local Law. What is the difference if compost is being used in a compost pile versus being used on a crop bed or garden by the road? Replansky asked why she had not brought this question up at the Public Hearing held before the Local Law was adopted.

Ralph Fedele reiterated that when we visit the site the ZBA needs to be aware that a compost pile is constantly changing and that we need to keep that in mind in making our determination.

Stahovec questioned why the Local Law referred only to compost piles and not bulk storage of any number of materials close to the road that could cause the same drainage problems. He felt the Local Law should have been more broadly written with respect to stock piling anything too close to the road. Replansky again replied it would have been nice to have these comments at the Public Hearing held before the Local Law was adopted. Arnason commented the current wording limits what the Town can enforce. Lynch asked if the Local Law could be amended and Replansky responded that it could be, if needed. Replansky urge the Board to re-read the Morris Associates report regarding the Mordas property.

Mordas pointed out that the initial violation in the matter before the ZBA was issued in July 2014 so the situation regarding her farm is of that date. Mordas questioned the relevance of the Morris Associates report that was written in August 2012.

Replansky responded that zoning violations are continuing violations. The penalties for criminal violations of the law, of which this is one, result in fines for every day that the violation exists.

Greenwood asked for a motion to recess the Public Hearing until the next regularly scheduled meeting of the ZBA.

A motion was made to recess the Public Hearing until April 16, 2015 at 7:30 pm at the Town Hall by Arnason, seconded by Lynch and passed unanimously.

A motion to convene a regular meeting of the ZBA was made by Lynch, seconded by Stahovec and passed unanimously.

The first order of business was to set the time and date of a work shop meeting at the site. Greenwood confirmed that the Board Members, Mordas and Brian Scoralick were all available to meet at Dashing Star Farm on Tuesday April 7, 2015 at 6:00 pm.

A motion was made to convene a workshop site visit on Tuesday April 7, 2015 at 6:00 pm by Stahovec, seconded by Arnason and passed unanimously.

The next order of business was to review the minutes of the January 29th, 2015 and February 16, 2015 meetings.

A motion to approve the minutes for January 29, 2015 was made by Lynch, seconded by Stahovec and passed unanimously.

A motion to approve the minutes for February 19, 2015, as corrected for spelling, was made by Lynch, seconded by Stahovec and passed unanimously.

Greenwood requested a motion to adjourn the regular meeting. A motion was made by Arnason, seconded by Stahovec and passed unanimously.

The meeting ended at 8:25 pm.

Respectfully submitted,

approved 4/16/15

Edith Greenwood
Co-Chair of the Town of North East Zoning Board of Appeals