

TOWN OF NORTH EAST ZONING BOARD OF APPEALS MINUTES

May 21, 2015

A meeting of the Town of North East Zoning Board of Appeals (“ZBA”) took place on Thursday May 21, 2015 at 7:30 PM in the Town Hall, Millerton, NY. ZBA members present were Chair Julie Schroeder, Edith Greenwood and Jon Arnason. Also present were Doug Larson the owner’s architect and Robert Nathan owner of property at 939 Route 83.

**Doug Larson, Architect P.C. representing Robert Nathan owner of
939 Route 83 in the A5A District
Application for a dimensional variance under §98-12 D (4)
Tax Parcel #: 6969-00-525370**

Chairman Schroeder opened the public hearing by reading the notice of public hearing. She stated that Dutchess County has deemed this application as a matter of local concern.

Larson explained that this Federal house needs renovation to accommodate modern family needs. Currently a former formal room in the old part of the house has been converted to a kitchen. A mid-20th century wooden addition currently used as a mud room will be removed to allow the opening of a second story central hallway window currently blocked off. The southeast corner of the original house is 14 feet from the road.

The renovation plans presented bring the new wood addition to the preexisting non-conforming frontage on Route 83 of 14 feet. The addition will include a kitchen and take advantage of views to the west. An additional family room and bedroom area and bath will be included in the new space. Parking will also be modified to allow entrance from Route 83, not Sheaffer Road which is used currently and blocks the west facing view of meadows.

The addition would include a one story kitchen area to allow for the reopening of the upstairs window. Then towards the new parking area to the north would be a two story addition which would include a fifth bedroom and bath area on the second floor. The two story addition is laid out to come to 14 feet of the road. The addition would have windows high up and will be screened from the road with extensive planting.

The well is on the east side of the original house and the septic fields are to the west.

Citing Section 98-62-C of the Town of North East zoning code Chairman Schroeder then went through the State mandated criteria needed to grant a dimensional variance. Schroeder highlighted standard (b) which outlines if the benefit sought by the applicant can be achieved by any other means than the requested variance. Given the information presented, Schroeder felt

there were alternative ways to expand the house. Standard (c) asks if the requested area variance is substantial which this is. The third standard of concern was (e) whether the alleged difficulty was self-created. As the property was bought within the last year, Schroeder felt it was indeed self-created. Larson disagreed with Schroeder's interpretation of self-created. Nathan elaborated on the support of all his neighbors regarding the planned renovation and his family's commitment to the neighborhood.

Schroeder then read Section 98-62 C (3) which states the ZBA should grant the minimum variance deemed necessary.

The ZBA members asked if the renovation could be pushed back further from the road. Larson felt the only way to preserve the character of the house and preserve the views to the west was to put the addition as close to the road as the current non-conforming structure.

As there were only three members present at this meeting and they were not all in agreement as to how to proceed with the applicant's request, it was decided a site visit should be arranged before taking a vote.

Chairman Schroeder asked for a motion to recess the public hearing until June 18, 2015 at 7:30 pm. A motion to recess the public hearing was made by Greenwood, seconded by Arnason and passed unanimously.

Schroeder then opened the regular meeting and noted that residential dimensional variances are not subject to SEQRA review. However, the ZBA did go through the submitted answers to the SEQRA short form. Schroeder asked for a motion to classify the applicant as Type II with no further action to be taken. The motion was made by Arnason, seconded by Greenwood and passed unanimously.

Schroeder did think a landscape plan including caliper sizes should be requested for the buffer planting by Route 83.

The next order of business was to review the minutes of the April 16, 2015 meeting.

A motion to approve the minutes for April 16, 2015 (with corrections) was made by Arnason, seconded by Greenwood and passed unanimously.

Schroeder requested a motion to adjourn the regular meeting. A motion was made by Arnason, seconded by Greenwood and passed unanimously. The meeting ended at 9:00 pm.

Respectfully submitted,

approved 6/18/15

Edith Greenwood

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