

TOWN OF NORTHEAST  
ZONING BOARD OF APPEALS

MINUTES

June 15, 2017

The regular monthly meeting of the Town of North East Zoning Board of Appeals, (ZBA), took place on Thursday, June 15, 2017 at 7:30 PM in the Town Hall, Millerton, NY. ZBA members present were Chair Julie Schroeder, Edith Greenwood, Patti Lynch-VandeBogart and Jon Arnason. Board member Carl Stahovec was absent. Also present were Rebecca Valk, Ann and Richard Webster, and Kevin Smith.

**Application of DGT Millbrook Holdings, Owner of**

**1000 Route 83 in the A5A Zoning District**

**Public Hearing for a dimensional variance of Section 180-14 (D) 5**

**Tax parcel #6969-00-577441**

Chair Schroeder opened the hearing by reading the public notice. Rebecca Valk, an attorney from Mackey, Butts & Wise LLP, represented DGT Millbrook Holdings.

Valk explained that the proposed pergola would be set against a retaining wall approximately 29 feet from the property line. The plans presented were not updated to meet the current plans of the land owner. The land owner proposes to build multiple structures on the property, including small barns, starting with the proposed pergola outlined in the application before the ZBA.

Arnason asked if any buildings currently exist on the property. Valk explained that all buildings were proposed but that most of the plantings represented on the topographical map were existing, thus limiting the areas to build. Greenwood asked where the greenhouses are currently located on the parcel. Valk could not identify where the greenhouses were located on the topographical map. Arnason asked about the size of the parcel. Valk answered that all the four parcels the land owner owns shown on the map were approximately 20 acres each. Arnason asked why the land owner did not do a lot line adjustment to make a variance unnecessary. Valk explained that the land owner believed this option to be a cost prohibitive action and for personal reasons did not want to merge the parcels. Greenwood asked what the pergola would look like. Valk explained that she had not seen any plans; neither did she know the dimensions. Asked about an orchard directly abutting the proposed location of the pergola, Valk did not know whether it was pre-existing, whether it had been recently planted or if it was proposed. Chair Schroeder asked if there was a primary use of the parcel since there was no residence on the parcel.

Valk replied that there were plantings on the parcel included in the application, and that the owner was trying to take advantage of the view from this specific elevation in relation to the existing plantings.

Arnason commented that in order to make a decision the ZBA would need to see photographs of the land as well as plans for the pergola. Greenwood commented that there were already two

large greenhouses on the property and that these needed to be represented on the plans. Chair Schroeder asked if the land was under an agricultural exemption and, if so, was it granted to an owner/farmer or on the basis of a lease. Chair Schroeder commented that the applicant would have to bring back pergola dimensions and plans, as well as information on whether or not the applicant planted the orchard or if it was preexisting. A motion was made to adjourn the public hearing until July 20<sup>th</sup> at 7:30 by Greenwood and seconded by Lynch-VandeBogart.

### **General Business**


Chair Schroeder opened the meeting to review the minutes from last month. The Board reviewed the minutes and explained that there needed to be a review of the tapes to include the possibility of buried tanks from the parcel's use as a gas station. Arnason also commented on a specific sentence and asked for it to be reviewed as well.

The letter from Nathan regarding the Nathan denial was discussed and it was determined by the ZBA that no new evidence had been provided. Chair Schroeder explained that she had discussed with the applicant that he would need to show a comprehensive plan for the entire parcel including the sight lines in a new application to the ZBA. She explained to Nathan that the ZBA cannot reopen a public hearing after a decision had been made. Chair Schroeder commented that she would draft a letter to Mr. Nathan outlining the necessary steps the applicant would have to take to accomplish his goals for the parcel.

Arnason asked if the applicants for the Taylor Oil application were present. Rich Rennia, representing Taylor Oil, was contacted and found to have forgotten the meeting. As no new evidence was presented to the ZBA at this time, the public hearing for Taylor Oil was recessed until July 20<sup>th</sup> at 8 pm. The motion was made by Arnason, seconded by Greenwood and passed.

As there was no other business before the board, the meeting was closed by a motion made by Greenwood, seconded by Lynch-VandeBogart and carried.

Respectfully Submitted,



Sarah Cottell

ZBA Secretary

**Approved: July 20 2017**