

TOWN OF NORTH EAST
ZONING BOARD OF APPEALS

MINUTES

June 29, 2016

A special meeting of the Town of North East Zoning Board of Appeals ("ZBA") took place on Wednesday, June 29, 2016 at 7:30 PM in the Town Hall, Millerton, NY. ZBA members present were Chair Julie Schroeder, Edith Greenwood and Jon Arnason. Members Carl Stahovec and Patti Lynch-VandeBogart were absent. Also present were Hilarie Thomas and John Allee.

**David Elwell, owner of
23 Reagan Road in the A5A Zoning District
Tax parcel # 7269-00-190462**

Continued public hearing on the application of for:

- 1. A special permit for an accessory apartment in a pre-existing, non-conforming accessory building.**
- 2. A variance requesting a reduction of the required 5 acre lot size to 3.41 acres.**
- 3. A variance requesting a reduction of the required side yard of 50 feet to 22.5 feet to allow the conversion of the pre-existing barn to an accessory apartment.**
- 4. A variance to allow more than a 10% expansion of the floor area of an existing structure being converted to an accessory apartment.**
- 5. A variance to allow a reduction of the required side yard of 50 feet to 22.5 feet for a proposed addition to the existing barn.**
- 6. A variance to allow a reduction of the required side yard of 50 feet to 14.7 feet for a pool house.**
- 7. A variance to allow a reduction of the required side yard of 50 feet to 12 feet for an in-ground pool and skirting.**
- 8. A variance to allow a reduction of the required front yard of 100 feet from the center of the street to 20.6 feet for a shed.**

Chair Schroeder requested a motion to continue the public hearing opened on March 17, 2016 for the Elwell application at 7:40 PM. A motion was made by Greenwood to continue the public hearing, seconded by Arnason and passed unanimously.

Board members agreed that there was no new information to discuss and therefore the public hearing could be closed. A motion to close the public hearing was made by Arnason, seconded by Greenwood and passed unanimously.

A motion to open the special meeting to discuss the applications was made by Greenwood, seconded by Arnason and passed unanimously.

Board members reviewed the draft decisions for typographical and informational error. Brief corrections were discussed.

A request was made by Thomas for the gate shed removal to be allowed to take place concurrently with construction of the accessory apartment as the gate shed houses much of the electrical equipment for the property; Thomas suggested that the issuance of a certificate of occupancy for any of the new construction be contingent on the removal of the gate shed. Arnason commented that he did not want the gate shed to stay while construction occurred due to its position on the property. Greenwood questioned if the movement of the gate shed could be done during construction, thus allowing the property owner to begin construction. Allee confirmed that there is a substantial amount of electrical conduits entering the shed and it would not be a project that could simply be demolished or moved immediately. Chair Schroeder suggested that the applicant be given 30 or 45 days from the date of the decision to move the gate shed. Greenwood commented that there could be a condition to the decision for which a stop work order could be issued if the gate shed was not removed or moved by 45 days after issuance of a permit. Members of the board agreed that this condition would allow for the applicant to move forward with their projects.

Board members agreed that it was not necessary for the applicant to appear before the Planning Board.

A motion to accept the decision with the appropriate modifications was made by Arnason, seconded by Greenwood and unanimously accepted.

A motion to adjourn the special meeting was made at 8:12 PM by Arnason, seconded by Greenwood and passed unanimously.

Respectfully submitted,



Sarah Cottell

Secretary of the Town of North East Zoning Board of Appeals

Approved: July 21 2016