

TOWN OF NORTH EAST ZONING BOARD OF APPEALS MINUTES

October 15, 2015

The regular monthly meeting of the Town of North East Zoning Board of Appeals (“ZBA”) took place on Thursday October 15, 2015 at 7:30 PM in the Town Hall, Millerton, NY. ZBA members present were Chair Julie Schroeder, Edith Greenwood, Carl Stahovec and Jon Arnason. Board member Patti Lynch-Vandebogart was absent. Also present were Leonard Furnari and Peter Devers.

**Leonard Furnari, owner of
221 – 225 Charlie Hill Road in the A5A Zoning District of the Town of North East
Public Hearing for a Special Permit in order to convert an existing ECHO unit into an
accessory apartment
Tax Parcel #: 7070-00-564618**

Chair Schroeder opened the public hearing by reading the notice of public hearing into the record.

The Furnaris own a pre-existing, non-conforming 3.22 acre parcel in the A5A zoning district located on the corner of Charlie Hill Road and McGhee Hill Road. In 1996 the Furnaris applied for and were granted a special permit and an area variance to erect an ECHO, “elder cottage housing opportunity,” unit on the property to house Mr. Furnari's mother. Mr. Furnari's mother passed away in 2005 and the applicant now seeks to convert the ECHO unit into an accessory apartment.

The Town of North East Zoning Code §98-48.3 M (1), the code section governing ECHO units, specifies that “the unit must be constructed so as to be easily removed”. Code section 98-48.3 Q dictates that the special permit granting the ECHO unit “shall terminate 90 days after: (a) The death or permanent change of residence of the original owner or occupants of the ECHO unit”. The Zoning Code § 98-48.3 Q (3) further states “during this ninety –day grace period, the ECHO unit shall be removed and the site restored so that no visible evidence of the ECHO unit and its accessory elements remains.” Arnason stated that the Furnaris had signed a Statement of Agreement promising to remove the unit once it was no longer needed. This document is on file with the original permit application.

Chair Schroder read aloud from Section §98-48.2 Accessory Apartments, and stated it was her belief that according to the Zoning Code of North East the Furnari ECHO unit did not meet the definition of an eligible structure and by extension could not be considered for a special permit. Chair Schroeder further stated that an ECHO unit is not considered a typical accessory

building and therefore could not be converted into any type of accessory structure. It was the consensus of the Board that it would be usurping the legislative authority of the Town Board, if it allowed the conversion.

Board members discussed the possibility of connecting the ECHO unit to the main house by way of a breezeway to create a single structure. ZBA members were in agreement that the applicant could discuss the possibility of other options with the building inspector as the matter before them was only that of interpreting the language of the zoning code governing an ECHO unit.

Chair Schroeder requested a motion to close the public hearing for a special permit and to open the meeting. The motion was made by Greenwood, seconded by Arnason and passed unanimously.

Chair Schroeder requested a motion to deny the application as not authorized by the Town zoning law and that the ZBA direct the removal of the ECHO Unit as contemplated by the statute.

Chair Schroeder requested a motion to close the regular meeting. The motion was made by Stahovec, seconded by Greenwood and passed unanimously. The meeting ended at 8:01 pm.

Respectfully submitted,

1/21/16
①Patti ②Jon



Claudia Stevens
Secretary of the Town of North East Zoning Board of Appeals