

TOWN OF NORTH EAST ZONING BOARD OF APPEALS
MINUTES
December 19, 2013

The regular meeting of the Town of North East Zoning Board of Appeals took place on Thursday, December 19, 2013 at the North East Town Hall at 19 N. Maple Ave. Board members present were Chairman Julie Schroeder, Edith Greenwood, Patti Lynch, and Claire Owens. Board member Jon Arnason was absent. Also present were Daniel Latella and Hilarie Thomas.

Ms. Schroeder announced that the Vitiello decision was postponed until January 2014 because she was under the impression that there would not be a quorum present.

M & M II Sogno, L.L.C
50 Scribner Road
Special Permit Application
Tax Parcel# 7070-00-881718

Chairman Schroeder read the public hearing notice into the record.

Dan Latella, attorney for the applicant, of the law offices Quartararo & Lois, PLLC, gave a history of the property. He stated there is a 1 bedroom apartment on the premises for agricultural help. The applicant rents the land to Peter Stephanopolis and would like to convert the agricultural housing to an accessory apartment for his daughter. In 2003, a Building Permit and Certificate of Occupancy were issued for a residence for a full-time agricultural employee. Mr. Latella went on to say that current farm activities included pigs, chickens, and pastureland and that eventually the applicant wants to use the property for vineyards and corn.

Hilarie Thomas, of law offices Downey, Haab & Murphy PLLC, represents the neighbors residing at 76 Scribner Rd. She stated that, according to the assessor's office, 18.2 acres of the parcel gets an agricultural exemption. She alleged that there have never been farm workers on the property, that there is very little or no fencing of the property, and the lawns are not used for haying. She further stated that in spite of the ZBA requiring the applicant to annually submit proof of a Workman's Compensation policy for an agricultural worker, none is on file.

Chairman Schroeder read from a December 18, 2013 letter from Ms. Thomas which states that there are presently at 50 Scribner Road: (a) a two-story house with a large covered porch, swimming pool and tennis court, all of which generate significant noise, (b) a three bay garage with a two-bedroom apartment above it and large deck and enclosed backyard behind it, (c) an indoor squash court and residence, disguised as a barn with a silo, with a large outdoor deck and an indoor garage where ATVs, snowmobiles and other pleasure and/or miscellaneous utility automobiles are stored. We understand

that the gymnasium has never been declared to be a residence to the Town and that there are no special permits or variances covering this structure.

Chairman Schroeder stated that per town code there can only be 1 garage per parcel and 1 residence per 5 acres. There can also be 1 accessory apartment per parcel.

The letter also alleges that there have been no farming operations with the sole occasional exception of an approximately quarter acre pen of animals. Such animals are cared for by the adjacent Stefanopoulos goat farm. Ms Thomas continued on to say that the application states that 30 acres of the parcel are devoted to pasture land where chickens, pigs and goats graze, but such has never been observed.

The Board decided that in light of these allegations and because there also is a pending application for a building permit for an additional residence and garage to be used for an agricultural worker, a site visit should be made to determine what is actually on the parcel and what agricultural uses are occurring there.

Chairman Schroeder asked that the assessor provide a copy of the lease and directed the secretary to arrange a site visit be set, if possible, for January 4th or 5th, 2014.

A motion was made by Claire Owens, seconded by Edith Greenwood, and passed unanimously to recess hearing until January 16, 2014.

Chairman Schroeder then opened the regular meeting of The Zoning Board of Appeals.

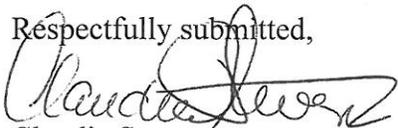
Minutes

A motion was made by Edith Greenwood, seconded by Claire Owens, and passed unanimously to accept the minutes of September 19, 2013 with the corrections as amended.

A motion was made by Patti Lynch, seconded by Edith Greenwood, and passed unanimously to accept the minutes of November 12, 2013 with the corrections as amended.

A motion was made by Claire Owens, seconded by Patti Lynch, and passed unanimously to close the meeting at 8:50 PM.

Respectfully submitted,



Claudia Stevens

Zoning Board of Appeals Secretary