

TOWN OF NORTH EAST
ZONING BOARD OF APPEALS

MINUTES

June 16, 2016

The regular monthly meeting of the Town of North East Zoning Board of Appeals (“ZBA”) took place on Thursday, June 16, 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 Rachael Berg, Hilarie Thomas and John Allee.

Chair Schroeder call the regular meeting of the ZBA to order at 7:30 pm. Board members briefly discussed an application expected to come before the ZBA in July. Chair Schroeder asked the Board members to visit 57 Quarry Hill Rd to view the vacant lot before the July meeting.

Zoning Board members reviewed the unapproved draft minutes of May 19, 2016.

A motion was made to approve the minutes with the discussed typographical changes was made by Arnason, seconded by Greenwood and passed unanimously.

After reviewing the previous minutes, Chair Schroeder commented that when Nathan was before us, he asked for an extension of the variance granted him in July 2015 as he has not started work yet. Board members briefly discussed if an extension could be granted. It was decided that a three month extension to October 2016 would be sufficient.

A motion was made by Arnason to grant Robert Nathan, of 939 Route 83, Tax parcel # 6969-00-525370, a three month extension for his variance. The motion was seconded by Greenwood and passed unanimously at 7:53 PM.

**David Elwell, owner of
23 Reagan Road in the A5A Zoning District
Tax parcel # 7269-00-190462
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 reopen the public hearing for the Elwell application at 8:00 PM. A motion was made by Greenwood to open the meeting, seconded by Arnason and passed unanimously.

Board members reviewed Part III of the Long Form EAF. The Board determined that the project would result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared. Accordingly, Chair Schroeder suggested that a negative declaration be issued. A motion was made by Arnason to accept the EAF Part III as discussed and issue a negative impact statement, seconded by Greenwood and passed unanimously.

Chair Schroeder stated she wanted the decision written before taking a vote on the Elwell application. The decision is expected to be in discussion form within a week. At the request of Thomas, it was decided to hold a special meeting to finalize the Elwell application on June 29th. It was agreed that the ZBA would waive the requirement that the application for an accessory apartment be referred to the Planning Board.

A motion to recess the hearing until June 29 at 7:30 PM was made by Arnason, seconded by Greenwood and passed unanimously.

The regular meeting resumed to discuss aspects of what would be in the written decision. Chair Schroeder suggested the Board members in attendance go through the application point by point.

1. Special permit for an accessory apartment with the plans submitted in April 2016. Arnason and Greenwood agreed the permit should be granted.
2. Reduction of required lot size. All present agreed the variance should be granted.
3. Remove as the applicant is not asking for this side lot variance.
4. No longer needed with the revised plans.

5. Side yard variance for the addition to the existing barn. All present agreed it should be granted.
6. Side yard variance for the pool house. All present agreed it should be granted.
7. Side yard variance for the in-ground pool and skirting. All present agreed it should be granted.
8. Front yard variance for the gate shed. Given the overhead electric wires, road maintenance concerns and the adverse change to the neighborhood all present agreed this variance should be denied.

A motion to adjourn the meeting was made by Greenwood, seconded by Arnason and passed unanimously.

Respectfully submitted,



Sarah Cottell

Secretary of the Town of North East Zoning Board of Appeals

Approved: July 21 2016