

**TOWN OF NORTH EAST ZONING BOARD OF APPEALS**  
**MINUTES**  
**June 19, 2014**

The regular meeting of the Town of North East Zoning Board of Appeals took place on Thursday, June 19, 2014 at 7:30 PM in the North East Town Hall. Board Members present were Chairman Julie Schroeder, Jon Arnason, Edith Greenwood and Carl Stahovich. Board member Patti Lynch was absent. Also present were Matthew Hagen, Kevin Rooney and William Bogle Jr.

Jon Arnason moved to open the Zoning Board of Appeals public hearing at 7:31 PM. The motion was seconded by Carl Stahovich and passed unanimously.

**Mat Hagen**  
**6116 Route 22**  
**Application for Area Variances**  
**Tax Parcel #: 7171-08-979947**

Chairman Schroeder opened the public hearing by reading the public notice into the record. Mat Hagen, the owner of record of tax parcel #:7171-08-979947, located at 6116 Route 22, is requesting an area variance for §98-12 D (4) to reduce the required front yard setback of 75 feet from the street line; an area variance for §98-12 D (5) to reduce the required rear yard setback of not less than 50 feet and an area variance for §98-12 D (6) to reduce the required side yards of not less than 50 feet on each side in order to expand an existing non-conforming garage to 440 square feet.

Mat Hagen, owner of the property, presented the Zoning Board of Appeals with an application for the area variances, photographs of the existing buildings, sketches of the proposed work, and a survey map delineating where the existing house and garage sit in relation to the property lines. Mr. Hagen purchased the property in 2009 and appeared before the ZBA in 2012 to request an area variance to add a front and rear deck to his existing non-conforming house, which was granted on March 15, 2012. He has since completed that work. Mr. Hagen's garage is currently 170 square feet and he would like to enlarge the building to 440 square feet in order to have an area large enough to encompass a workshop as well as store equipment for his property maintenance.

Edith Greenwood asked if the garage is currently large enough to house a vehicle. Mat Hagen replied that it was not. Although the building is listed as a garage, it can only serve as a shed. He proposes to increase the building dimensions by 10 feet to the north and 6 feet to the east, resulting in a structure 20 x 22 square feet.

Chairman Schroeder asked if Mr. Hagen knew the location of his septic system and leach fields. Mat Hagen responded that he has visually identified a raised cover in his lawn and believes that

the septic is located north west of his house which is why he had chosen to expand the garage to the north east. He was unsure where the drainage fields are placed.

Chairman Schroeder noted that the application was sent to the Dutchess Department of Planning on June 9, 2014. The Dutchess Department of Planning responded to the application stating that it was a “matter of local concern”. There has been no correspondence from Mr. Hagen's neighbors.

Jon Arnason moved to close the Public Hearing at 7:45 PM. The motion was seconded by Edith Greenwood and passed unanimously.

Chairman Schroeder called the regular meeting of the Zoning Board of Appeals to order.

After reviewing Part I of the SEQRA Short Form, Chairman Schroeder stated that the project was a Type II action under SEQRA, being a residential dimensional variance and, therefore, exempt from further review. The Board determined that although the area variances would be substantial, the applicant was entitled to a garage.

Edith Greenwood asked if the roof of the proposed garage would stand higher than the roof of the existing house due to the difference in elevations of the buildings. Mat Hagen replied that it might come close but the garage roof would not stand higher.

After the Board reviewed the applicable standards for the granting of area variances, Jon Arnason made a motion to grant the area variances to permit the construction of a 20 foot x 22 foot garage which is to be approximately 32 feet from the north property line, approximately 28 feet from the east property line and 32 feet from the west property line on Route 22. The motion was seconded by Edith Greenwood and passed unanimously.

## **GENERAL BUSINESS**

Zoning Board of Appeals members briefly discussed the Kevin Smith variance. His variance is due to expire in August of 2014 and Chairman Julie Schroeder requested that the ZBA Secretary look into the matter and inform him of the expiration date.

Zoning Board of Appeals members briefly reviewed the site plan and elevation drawings submitted with Christopher Regan's application for a variance. The Board suggested that Field Inspector Mike Segelken follow up with an inspection of the site to verify that the as-built construction was in compliance.

## **MINUTES**

Zoning Board of Appeals members re-read the minutes of April 17, 2014 which were originally presented to Board members at the May 15 meeting.

Jon Arnason moved to accept the minutes of April 17, 2014 with noted amendment. The motion was seconded by Julie Schroeder and passed unanimously.

Jon Arnason made a motion to recess the meeting in order to open the next Public Hearing. The motion was seconded by Carl Stahovich and passed unanimously.

**Stephen Oresman**  
**161 Morrison Rd**  
**Application for a Special Permit**  
**Tax Parcel #: 7070-00-315617**

Edith Greenwood made a motion to open the public hearing at 8:15 PM. The motion was seconded by Carl Stahovich and passed unanimously.

The Zoning Board of Appeals secretary, Claudia Stevens, read the notice into the record. Stephen Oresman, owner of record of tax parcel #: 7070-00-315617, located at 161 Morrison Road, is requesting a special permit for an accessory apartment on the upper story of his two story garage. In 2012, Certificate of Occupancy #57-12 was issued for a "seasonal recreational room above garage". The owner has now added a kitchen, complete with sink, refrigerator, gas range and dishwasher and desires to have this structure reclassified as an accessory apartment. No changes have been made to the existing footprint of the building.

Chairman Schroeder noted that this application did not need to be referred to Dutchess County. William Bogle Jr., attorney, and Kevin Rooney, builder, appeared before the ZBA representing the owner, Stephen Oresman. Mr. Bogle gave a brief history of the property, noting that accessory apartments are permitted in the A5A Zone if granted a special use permit by the ZBA. He stated that the area in question is in an existing garage and has always had its own bathroom. Mr. Bogle noted that when the house was originally built in 2000, the septic fields were designed for up to five bedrooms but the 1,250 gallon tank is designed for only four bedrooms. Richard Rennia, an environmental engineer retained by Mr. Oresman, has submitted an application to the Dutchess County Department of Health (DCDOH) requesting permission to attach a supplemental tank to the existing system. Mr. Bogle is requesting that the ZBA grant conditional approval of this special permit application contingent upon DCDOH documented approval.

William Bogle supplied ZBA members with copies of the "Shekomeko Homeowners Association, Inc Offering Plan". The HOA charter permits guest quarters and family accommodations in the existing building. Mr. Bogle stressed that the only change that has been made to the building is the addition of a kitchen thereby changing the classification from a Seasonal Recreation Room to an Accessory Apartment.

Carl Stahovich asked if there were future renovations planned. Kevin Rooney replied that with the exception of the supplemental tank, there were not. Mr. Rooney further explained that this was a spec house, purchased after it had been partially built. He was involved with this house

both before and after the purchase. The existing well is more than 100 feet from the building and pumps at a rate of 55 gallons per minute, more than enough to supply the additional apartment. Chairman Schroeder requested the Zoning Board Secretary introduce the two emails from the Shekomeko Homeowners Association to the record.

Jon Arnason moved to close the Public Hearing at 8:30 PM. The motion was seconded by Edith Greenwood and passed unanimously.

Chairman Schroeder called the regular meeting of the Zoning Board of Appeals to order.

Jon Arnason made a motion to appoint the Zoning Board of Appeals the lead agency for the purposed of an uncoordinated SEQRA review. The motion was seconded by Carl Stahovich and passed unanimously. The action was determined to be an Unlisted Action under SEQRA and subject to further review.

Chairman Schroeder then read aloud from Part II of the short form EAF and reviewed the standards for a special permit and an accessory apartment. Jon Arnason made a motion that the proposed action will not result in any adverse environmental impacts, which motion was seconded by Edith Greenwood and passed unanimously.

Edith Greenwood made a motion to grant conditional approval of an accessory apartment for Stephen Oresman, contingent upon approval from the DCDOH. The motion was seconded by Jon Arnason and passed unanimously.

Jon Arnason made a motion to close the Zoning Board of Appeals meeting. The motion was seconded by Carl Stahovich and passed unanimously.

Respectfully submitted,

 11/20/14

Claudia Stevens  
Zoning Board of Appeals Secretary