

TOWN OF NORTHEAST  
ZONING BOARD OF APPEALS

MINUTES

October 20, 2016

The regular monthly meeting of the Town of North East Zoning Board of Appeals, (ZBA), took place on Thursday, October 20, 2016 at 7:30PM in the Town Hall, Millerton, NY. ZBA members present were Chair Julie Schroeder, Edith Greenwood, Patti Lynch-VandeBogart and Jon Arnason. Also present were Susan Brewer, Larry Havens, Michael Lynch and Mary Clinton.

**Application of Brian Blackburn for area variances regarding side yard setbacks**

**Indian Lake Estates Lot #5 in the A5A Zoning District**

**Tax parcel #7269-00-499822**

Due to a typographical error in the legal notice, a public hearing could not be held for the above referenced application; however, the Board members agreed to an informal review of the application with a follow up public hearing to take place on November 3, 2016 at 7:30 PM.

Brian Blackburn, contract vendee of a 1.2 acre located at Indian Lake Estates #5 in the A5A District, intends to buy the property to construct a single family residence on the parcel. In order to construct the residence to plan, the applicant would need a variance of approximately eight feet for both side yards, reducing both to 42 feet. The proposed residence would use the septic system plan previously approved by the Dutchess County Board of Health in 1968. The applicant is in contract to close on the sale of the parcel at the end of October, contingent upon the granting of the variances by the ZBA.

Representing Mr. Blackburn was attorney Michael Lynch. Lynch explained the property and the intended construction of the single family residence to the Board as they reviewed the application. Larry Havens, real estate agent for the seller of the property, explained the lay-out of the lot, including the trees that create coverage from the view of the lot to the west on which sits a single family residence. The land has significant tree coverage to the east where there is a vacant lot. Lynch then read through the five conditions that the ZBA considers for each decision, explaining his interpretation of the expected impact the application would incur upon the community.

Arnason commented that the lot size made it comparable to a R1A zoning where the lot would only need side yards of 30 feet in total. Greenwood agreed that even an R3A zoning, where this lot would be considered substandard, has maximum side yard requirement of 35 feet, which the proposed variance would comply with. The members of the Board agreed that the size of the lot in the A5A zoning created a difficult situation for individuals attempting to build. When the subdivision plat was approved in 1968, the area was in a 1 acre zoning district, making the lot itself conforming.

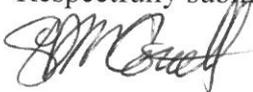
Greenwood asked if there was any comment from the neighbors present at the hearing. Mary Clinton, the neighbor to the west, replied that she only wished to ensure the only variances the Board was considering were the ones applied for. Greenwood replied that unless the applicant resubmitted a new application with other variances requested, the side yard variances of 8 feet would be the only ones considered by the Board.

Board members then reviewed the requirements for granting the variances, acknowledging that there would be no adverse effect on the community and that an undesirable change would be made if the plans for the single family residence placed the house at an angle so that it conformed to the setback requirements. Board members reviewed the SEQRA forms, concluding that it was a Type II action and exempt from further review. The discussion of the variances was tabled until November 3, 2016.

Members of the Board reviewed the final draft of minutes from July 21 2016. Greenwood made a motion to accept the minutes as presented, which was seconded by Arnason and passed unanimously.

A motion to close the meeting was made by Greenwood at 8:05 and seconded by Arnason and passed unanimously.

Respectfully submitted,



Sarah Cottell

Secretary

**Approved: November 3 2016**

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