

Town of North East
Zoning Board of Appeals
Minutes of January 17, 2019

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, (ZBA), took place on Thursday, January 17, 2019 at 7:30 p.m. at the Town of North East Town Hall, 19 N. Maple Ave, Millerton, NY. ZBA members present were Chair Julie Schroeder, Edith Greenwood, Patti Lynch-VandeBogart, Karen Pitcher, and Jon Arnason. Present in the audience was Anne Newburg.

At 7:30 p.m. Chair Schroeder opened the public hearing by reading the Notice of Public Hearing on the application of Anne Newburg for an area variance requesting a decrease in the required front yard from 100 feet from the centerline of the street to 60 feet from the centerline in order to construct an addition to an existing barn. Introductions were then made between the applicant and the ZBA.

Applicant Newburg gave a brief overview of the proposed project. She is redoing the structure of the barn and has a permit for that work. She wants to add an extension off the west side to be used as a garage or a shed. A discussion ensued regarding the cross-outs on the drawing. The reference to apartment is a cottage which is still there and habitable. On the left were small sheds taken down long ago. The little barn extension is not there anymore.

Chair Schroeder stated she didn't believe there was going to be any environmental impact. It is far from the wetlands.

Arnason asked when the house was built. Applicant Newburg said it was built in 1790. It was there when the Indian Lake Estates were subdivided. She bought the house in 1997.

A motion was made by Greenwood, seconded by Lynch-VandeBogart, and passed unanimously to close the public hearing at 7:39 p.m.

A motion was made by Pitcher, seconded by Lynch-VandeBogart, and passed unanimously to open the meeting.

Greenwood reviewed the balancing test considering the five criteria for the granting of an area variance. The first aspect was whether a benefit can be achieved by other means feasible to the applicant. The board concluded there were no other means feasible. The next aspect was whether an undesirable change would occur in the neighborhood's character or nearby properties. The board also concluded there would not be an undesirable change. The third aspect was whether the request was substantial. The request is to reduce the set-back by 40 feet and considered substantial; however, it is a small add-on to an existing building. The fourth aspect was whether the request will have an adverse physical or environmental effect. The board concluded there was no adverse physical or environmental effect. The last aspect was whether the alleged difficulty was self-created. The board deemed this to be a self-created difficulty but irrelevant.

The board reviewed the short Environmental Assessment Form.

A motion was made by Arnason, seconded by Lynch-VandeBogart, and passed unanimously to declare the request a Type II action and exempt from any further review because it involves the granting of individual setback variance.

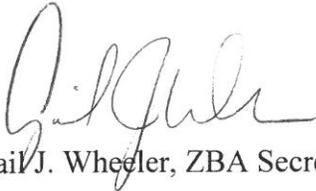
A motion was made by Arnason, seconded by Greenwood, and passed unanimously to approve the application as requested and authorize Chair Schroeder to file the decision in the clerk's office.

The board briefly reviewed the new application for an area variance from Eric Roberts.

The board reviewed the minutes of May 17, 2018.

A motion was made by Lynch-VandeBogart, seconded by Arnason, and passed by a vote of 4-0, with Greenwood abstaining, to approve the minutes of May 17, 2018.

A motion was made by Arnason, seconded by Greenwood, and passed unanimously to adjourn the meeting at 8:03 p.m.



Gail J. Wheeler, ZBA Secretary

Approved: 01/31/2019