

TOWN OF NORTH EAST ZONING BOARD OF APPEALS
MINUTES
July 18, 2019

The regular meeting of the Town of North East Zoning Board of Appeals (“ZBA”) took place on Wednesday, July 18, 2019 in the North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 7:30 PM. Board members present were Chairman Julie Schroeder, Vice Chairman Edie Greenwood, Jon Arnason, Patti VandeBogart and Karen Pitcher. Also, in attendance were Carl Pucci, Barbara Salovich, Ron Steed, Coleman Lawrence, Chris Duble, Michael Segelken, Tom Rowe, Edmund Loedy and Deb Phillips, Secretary to the Zoning Board.

Continuation of public hearing on the application of Carl Pucci, owner of tax parcel #: 7272-00-684879, for a variance of Section 280-a of NYS Town Law, Section 280-a regarding frontage on a street or highway.

Chair Schroeder announced the continuation of the Pucci public hearing begun on June 20, 2019.

Pucci read a letter dated June 21, 2019 he had written to the board after the June 20, 2019 meeting regarding the road to his property (Exhibit A).

Code Enforcement Officer Segelken reported he had inspected Grassy Pond Drive in order to determine what had to be done to make it acceptable from the fire department’s point of view. He stated that he has an issue with the locked gates. He discussed a Knox lock that would be accessible for emergency personnel to open the gate. He felt the road width should be 12 feet wide with a height clearance of 13’6” to allow for fire trucks to pass. He measured from the gate to the beginning of Pucci’s driveway. The distance was nine-tenths of a mile. He said there should be least one pull-off.

Chris Duble, a property owner at the top of the road, said the road is passable and any improvements would be out of character.

Chairman Schroeder read a letter dated July 15, 2019 from Mt. Riga Inc. (Exhibit B). It mentions that any required change to the road would be detrimental to the conservation and recreation designation to that area.

Chairman Schroeder read a letter dated July 16, 2019 from the Dutchess Land Conservancy (Exhibit C).

Arnason asked Pucci if there was a legal document that sets out the right-of-way from Grassy Pond Road.

Pucci said all the individual lot descriptions and deeds include ingress and egress to Kaye Road.

Chairman Schroeder informed Pucci that this has been discussed with the town attorney. The attorney said it was his understanding when the original subdivision occurred that the applicant at the time was told to go for an Open Development Area which entails going to the Town Board. Pucci has that option or the ZBA can deal with it. The ZBA will need funding for the engineer for the town and funding for the town attorney. She said the road needs to be suitably improved to the satisfaction of the engineer. She also said that she thought there must be some type of written agreement regarding access and maintenance.

The ZBA agreed to have the town engineer determine the suitability of the road.

Chairman Schroeder asked for escrow in the amount of \$4,000 to proceed or, if he prefers, he may go to the Town Board and ask for Open Development Area.

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Arnason made a motion to recess the public hearing until August 15, 2019 at 7:30PM. Motion seconded by VandeBogart; all were in favor and motion passed.

Continuation of public hearing on the application of Thomas J. Rowe, owner of tax parcel #: 7271-00-058255, for a variance of Section 280-a of NYS Town Law, Section 280-a regarding frontage on a street or highway.

Chairman Schroeder opened the continuation of Thomas Rowe hearing recessed on June 20, 2019.

Chairman Schroeder said Rowe refused to submit escrow.

Arnason said based upon the approval of the subdivision by the Planning Board and Warren Replansky's letter, he thinks that Ken McLaughlin is wrong and Rowe has access to his parcel. He suggested the board reverse McLaughlin's decision and grant a building permit. It is clear from the original approved subdivision that Reservoir Road is a separate parcel owned by the estate of Elizabeth Ganung.

Rowe would like a maintenance agreement on the road.

Ron Steed said the Town of North East Planning Board approved the subdivision but did not approve anything that came within village.

Chairman Schroeder explained that there was a joint Town/Village Planning Board at the time.

Steed said he thinks the authority of the ZBA ends at the Village line.

VandeBogart made a motion to close the public hearing. Motion seconded by Greenwood; all were in favor and motion passed.

VandeBogart made a motion to open the regular meeting at 8:25 PM. Motion seconded by Arnason; all were in favor and motion passed.

Arnason said implicit in the subdivision approval was approval of the right-of-way and based on that Rowe does have ingress and egress over the road. He also said McLaughlin's denying the building permit is incorrect and suggested the board reverse McLaughlin's decision.

The ZBA agreed that Rowe has ingress and egress to his parcel and McLaughlin's decision is incorrect.

Arnason made a motion that the board reverse McLaughlin's decision. Motion seconded by Pitcher; all were in favor and motion passed.

Minutes

VandeBogart made a motion to approve the minutes of June 20, 2019. Motion seconded by Arnason; all were in favor and motion passed.

Public hearing on the application of Angela Reynar, owner of tax parcel #7070-00-250935-0000, for a variance of the required rear yard setback. The parcel is located at 58 Tripp Road in the A5A Zoning District of the Town of North East.

Chair Schroeder opened the hearing by having E. Greenwood read the hearing notice for the Angela Reynar application for a rear yard setback variance.

Edmund Loedy, representing Angela Reynar, explained the proposal to the board. Because the front of the property is extremely steep, in order for the garage/barn to be of any use, it must be near the house, which is at the top of the incline. Because of an in-ground pool located at the back of the residence, it is impossible to locate the garage/barn anywhere else without violating a setback requirement. He read a letter from Gael Doar, representing the John Doar Administrative Trust. He presented the board with an abstract for a proposed small garage/barn on 58 Tripp Road.

VandeBogart made a motion to declare the application a Type 2 action exempt from further review. Motion seconded by Greenwood; all were in favor and motion passed.

After the Board reviewed the criteria for the granting of an area variance, Greenwood made a motion to approve the area variance for a 29 foot rear yard setback. Pitcher seconded the motion; all were in favor and motion passed.

Arnason made a motion to close the public hearing at 8:50PM. Motion seconded by Pitcher; all were in favor and motion passed.

Greenwood made a motion to reopen the general meeting. Motion seconded by VandeBogart; all were in favor and motion passed.

Close of Meeting

Arnason made a motion to adjourn the meeting at 9:00PM. Motion seconded by VandeBogart; all were in favor and motion passed.

Respectfully Submitted,

Deb Phillips
Zoning Board Secretary