

**TOWN OF NORTH EAST ZONING BOARD OF APPEALS**  
**MINUTES**  
**August 15, 2019**

The regular meeting of the Town of North East Zoning Board of Appeals (“ZBA”) took place on Wednesday, August 15, 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 and Jon Arnason. Also in attendance were Carl Pucci, Barbara Salovich, Hilarie Thomas and Deb Phillips, Secretary to the Zoning Board.

***Continuation of public hearing on the application of Carl Pucci, requesting a variance of NYS Town Law Section 280-A for tax parcel 7272-00-684879 located at 115 Grassy Pond Drive, in the A5A Zoning District of the Town of North East***

Chair Schroeder announced the continuation of the Pucci public hearing begun on June 20, 2019 and continued on July 18, 2019.

Attorney Hilarie Thomas presented maps of James Edgett map dated May 21, 1981; Philip J. Massaro dated June 1, 1989, filed July 3, 1989; and Kenneth Stigner dated March 12, 2007. She will contact Town Engineer Ray Jurkowski and let him know she has maps.

Arnason asked if the board needed to look at the O’Brien property deed to see if there is an easement.

Attorney Hilarie Thomas has deeds from Art Liebeskind that reference where the public right-of-way of ingress and egress to Grassy Pond Drive is. She said New York State will share in the cost of the road maintenance if it is opened to the public.

Chairman Schroeder suggested a special meeting on August 27, 2019 at 7:30PM to give Jurkowski time to prepare his report.

Pucci asked what Attorney Replansky and Jurkowski are expected to do. Chair Schroeder said Jurkowski will ascertain the suitability of the road and Replansky may want a road maintenance agreement.

Chair Schroeder is concerned that the law states 15 feet frontage is presumed adequate; she thinks the first 1,500 feet frontage on Pucci’s property has very steep banks and there is no way an access point could be put in at the beginning of his property frontage.

New York Consolidated Laws, Town Law § 280-a, Permits for buildings not on improved mapped streets, item 5 was reviewed: “For the purposes of this section the word “access” shall mean that the plot on which such structure is proposed to be erected directly abuts on such street or highway and has sufficient frontage thereon to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and, a frontage of fifteen feet shall presumptively be sufficient for that purpose.”

Arnason said the access has to be adequate from Pucci’s driveway and the issue is the access of emergency vehicles.

Pucci said there are 7 parcel owners who contribute to the road maintenance currently.

Arnason made a motion to recess the public hearing and continue on August 27, 2019 at 7:30PM with an alternate date of September 3, 2019. Motion seconded by Greenwood; all were in favor and motion passed.

Arnason said Replansky said before a building permit can be issued for construction of a residence, application could be made to the Town Board for the creation of an Open Development Resolution pursuant to 280-a 4. Arnason doesn't think that is right in the sense that 280-a 3 gives the ZBA the authority to issue variances.

**Minutes**

Arnason made a motion to accept the July 15, 2019 minutes as corrected. Motion seconded by Schroeder; all were in favor and motion passed.

**Close of Meeting**

Arnason made a motion to adjourn the meeting at 8:15PM. Motion seconded by Greenwood; all were in favor and motion passed.

Respectfully Submitted,

Deb Phillips  
Zoning Board Secretary