

TOWN OF NORTH EAST ZONING BOARD OF APPEALS

MINUTES

August 27, 2019

A special meeting of the Town of North East Zoning Board of Appeals (“ZBA”) took place on Wednesday, August 27, 2019 at 7:30PM in the Community Room of the Salisbury Bank located at the intersection of Route 44 and North Maple Avenue, Millerton, New York. Board members present were Chairman Julie Schroeder, Vice Chairman Edie Greenwood, Jon Arnason, Karen Pitcher and Patti Lynch VandeBogart Also in attendance were Carl Pucci, Barbara Salovich, Hillarie Thomas, Warren Replansky 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 opened the continuation of the Pucci public hearing begun on June 20, 2019.

Attorney Thomas presented the board with a letter in response to Engineer Jurkowski’s August 23, 2019 report. Her opinion is that Jurkowski’s comments regarding the International Fire Code are incorrect. She said an amendment was made in 2017 modifying the access requirements for one and two-family residences. She said it would be onerous for Pucci to have the road upgraded to 20 feet wide. She said the fire chief and the fire inspector have reviewed the road and their recommendations are focused on low-hanging limbs, some brush and shrubbery which should be trimmed. They also felt certain areas of the road need to be reinforced. She provided the board with the 2017 Fire Code supplement that has exemptions for one- and two-family homes. She said Jurkowski is suggesting that they ask the fire department for an actual exemption. Thomas said that is not what is required under the law; Jurkowski is applying a wrong section of the code to Pucci’s access road.

Attorney Replansky asked what the distance is from Kaye Road to the driveway entrance. Pucci replied that is nine-tenths of a mile.

Chair Schroeder said the Planning Board minutes from 2004 mentioned the access to the landlocked parcel but there was no further mention of this when subdivision approval was granted or in the 2015 minutes approving a further subdivision.

Pucci said 280-a was mentioned as a future remedy.

Replansky surmised that the road should be 12 feet wide. He asked about steep grades and said the standard has to be suitable access for emergency vehicles. Since two properties utilize the road, there should be a road maintenance agreement. He said the board should have the building inspector and the fire department address the grades. He asked what kind of road it is. Pucci said it’s a gravel-packed dirt road. Work has been going on for two months to pack it down. Tri-axle trucks are doing the work. The biggest issue is the turn on Kaye Road onto Grassy Pond Road.

Chair Schroeder’s concern is when there is an emergency, there is not just one fire truck. There should be a provision for passing.

Pucci said there is room at the first driveway for a turn-off and approximately at another 500 feet and at his driveway.

Replansky asked about a sediment and erosion control plan. Attorney Thomas said it has already been done. He wants to see turn-offs and a minimum of 12 feet wide.

Pucci said he has permission from the Dutchess County Health Department to proceed with replacing half of the mountain with suitable septic soil and making access to the septic with the new driveway.

Replansky asked Pucci to provide Jurkowski with the storm water run-off and the sediment erosion control plan.

Replansky suggested keeping the public hearing open.

Pucci said his attorney will contact Jurkowski and send him his response. Jurkowski will then contact Replansky.

Replansky wants the inspection from the fire department stating that they are okay with the road.

Thomas discussed relocating the Knox lock being relocated above Pucci's property. Pucci would like to have the gate moved above his property.

Arnason asked for a description of the right of access over O'Brien's parcel.

Arnason made a motion to continue the public hearing on September 19, 2019 at 7:30PM. Motion seconded by VandeBogart; all were in favor and motion passed.

Chair Schroeder will contact Mike Segelken.

Meeting

Chair Schroeder opened the meeting at 8:17PM.

Minutes

Greenwood made a motion to accept the August 15, 2019 minutes as presented. Motion seconded by Pitcher; all were in favor and motion passed.

Close of Meeting

Arnason made a motion to adjourn the meeting at 8:20PM. Motion seconded by VandeBogart; all were in favor and motion passed.

Respectfully Submitted,

Deb Phillips
Zoning Board Secretary