

Town of North East
Zoning Board of Appeals
Special Meeting

Minutes of January 31, 2019

A special meeting of the Town of North East Zoning Board of Appeals, (ZBA), took place on Thursday, January 31, 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 Armand Di Biase, of Di Biase-Filkoff Architects, representing Eric Roberts.

At 7:30 p.m., Chair Schroeder opened the public hearing by having Secretary Wheeler read the Notice of Public Hearing on the application of Eric Roberts requesting a decrease in the required front yard from 100 feet from the centerline of the street to 45 feet from the centerline in order to construct an addition to an existing residence. Introductions were then made between Mr. Di Biase and the ZBA.

Mr. Di Biase gave an overview of the proposed project. The existing house is on 15 acres and Mr. Roberts owns property across the road to the west for a total of 148 acres. The 15-acre parcel has an existing residence, an in-ground pool and pool house, a barn with a silo, and a couple of sheds. There is also a gravel horseshoe-shaped driveway. The proposed improvement is to add a new mudroom/kitchen addition and a porte-cochere to the house. Currently, there are three entrances but no mudroom.

Arnason discussed the original orientation of the house in relation to Smithfield Road, which was at one time much nearer to the southern side of the residence. This is why the entrance of the house is now oriented off to the side and most inconvenient. The age of the house is estimated to be earlier than 1850.

Mr. Di Biase reviewed the current floorplan and proposed addition. He showed the existing structure in relation to Charlie Hill Road. The house will be extended but will not go any closer to the road. It is a one-story addition that will project more into the backyard. The kitchen will be new and come from part of the great room and the great room will be rebuilt. The addition will create a breakfast room off the kitchen, a porte-cochere, a mudroom with a bath, and a home office. The addition will be 890 square feet. The mudroom will also relate to the existing parking, circulation, and current floor plan. The building height and volume will remain the same. The shutters and moldings will be similar to the existing structure. The goal is to make it seamless. Mr. Di Biase stated there will be no second floor and the existing dormers will come out and the windows will be much larger.

A motion was made by Greenwood, seconded by Lynch-VandeBogart, and passed unanimously to close the public hearing at 7:49 p.m. and call the meeting to order.

The board reviewed the short Environmental Assessment Form.

A motion was made by Pitcher, 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.

Arnason reviewed the balancing test considering the five criteria for the granting of an area variance. The first aspect was whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance. Many of the older homes in the neighborhood, e.g. the Winmill, Rockwell and Barrett parcels, are hard by the road. The board concluded there would not be an undesirable change or detriment to nearby properties.

The next aspect was whether the benefit sought by the applicant could be achieved by some other method feasible for the applicant to pursue other than the area variance. The board concluded, in light of the existing layout of the residence, there were no other means feasible except an area variance. Chair Schroeder stated the applicant provided the layout of the house and percentage-wise the linear footage of the addition is not that much compared to the existing structure.

The third criterion was whether the request was substantial. The request is to reduce the setback by over 50 percent which the board felt was substantial.

The fourth standard was whether the granting of the area variance will have an adverse effect or impact on the physical or environmental effect. The board concluded there was no adverse physical or environmental condition in the neighborhood or zoning district. Chair Schroeder mentioned the style of the proposed addition relates historically to the existing residence.

The last aspect was whether the alleged difficulty was self-created. Arnason explained the owner knew the house didn't comply with the setback requirements when the house was purchased and any future addition would require a variance. Although the board deemed this to be a self-created, it does not necessarily preclude the granting of a variance. The board understands the issues with old houses.

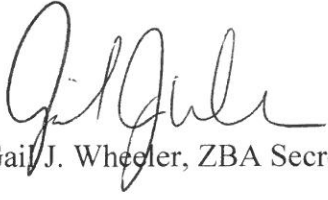
Chair Schroeder asked if there was going to be any landscaping requirements. Arnason said the only suggested requirement should be that the construction be in substantial compliance with the drawings provided. Mr. Di Biase said he could supply a letter describing any substantial variations to the original plans. Arnason further added any desire by Mr. Roberts to redesign what has been presented will require the ZBA's review.

A motion was made by Pitcher, seconded by Lynch-VandeBogart, and passed unanimously to grant the front yard setback variance applied for, subject to the condition that any substantial change to the plans that were presented to the ZBA be submitted to the board first.

The board reviewed the minutes of January 17, 2019.

A motion was made by Greenwood, seconded by Pitcher, and passed unanimously to approve the minutes of January 17, 2019.

Chair Schroeder declared the meeting adjourned at 8:14 p.m.

A handwritten signature in black ink, appearing to read "Gail Wheeler". The signature is fluid and cursive, with the first name "Gail" being more prominent than the last name "Wheeler".

Gail J. Wheeler, ZBA Secretary

Approved: 01/21/2019