

**TOWN OF NORTH EAST ZONING BOARD OF APPEALS  
MINUTES  
January 16, 2020**

A regular meeting of the Town of North East Zoning Board of Appeals (“ZBA”) took place on Thursday, January 16, 2020 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, Karen Pitcher, Patti VandeBogart and Deb Phillips, Secretary to the Zoning Board. Also in attendance was Hilarie Thomas attorney, representing Pucci.

**7:30 PM**

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

**7:30PM**

*Continuation of public hearing on the appeal of Carl Pucci, owner of tax parcel #7272-00-684879, regarding the denial of a building permit by the Code Enforcement Officer to erect an accessory building.*

Chair Schroeder called the meeting to order at 7:34 PM.

**Minutes**

Greenwood made a motion to accept the December 19, 2019 minutes as corrected. Motion seconded by VandeBogart; all were in favor and motion passed.

Greenwood made a motion to recess the meeting to resume the public hearing began on June 20, 2019 on the Pucci application for the 280-a variance and to resume the hearing on the Pucci application to erect an accessory building prior to the principal building that was begun on December 19, 2019. Motion seconded by VandeBogart; all were in favor and motion passed.

Chair Schroeder opened the continuation of the hearings at 7:38 PM.

Attorney Hilarie Thomas presented the Board with a January 13, 2020 letter; Response to Peer Review Comments for the Pucci Variance from Foresight Engineering & Land Surveying, Pittsfield, Massachusetts, with attachments of SP-1, Proposed Stormwater Improvements and Erosion Control Plan; SP-2, Proposed Stormwater Improvements and Erosion Control Detail Sheet 1; SP-3, Proposed Stormwater Improvements and Erosion Control Detail Sheet 2; and a Drainage Analysis Summary consisting of the USDA Web Soil Survey, Dutchess County, New York; NOAA Rainfall Atlas Data for North East, New York; Hydro CAD Report - Existing Conditions; Hydro CAD Report- Proposed Conditions; and a Hydro Flow Report (Exhibit A)

Chairman Schroeder introduced a letter from Engineer Ray Jurkowski of CPL Architecture-Engineering-Planning with comments regarding the Pucci Variance, 115 Grassy Pond Drive Engineering Review (Exhibit B). She said Attorney Warren Replansky’s recommendation was that if the ZBA approves the applications to make them contingent on his review and approval of the road maintenance agreement.

Greenwood made a motion to close the public hearing on the application for the 280-a variance and the application for the denial of the building permit for an accessory building. Motion seconded by VandeBogart; all were in favor and motion passed.

ZBA 1/16/2020

**RECEIVED**  
DEC 02 2020

TOWN OF NORTH EAST  
TOWN CLERK

itcher made a motion to continue the meeting. Motion seconded by Greenwood; all were in favor and motion passed.

The Board classified the action as Unlisted. The Board reviewed the SEQR Short Environmental Assessment Form (Part 1) from May 20, 2019 for the 280-a variance. Part 2 was reviewed.

Pitcher made a motion that the proposed action regarding Grassy Pond Drive, as modified, based on the information and analysis and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts. Motion seconded by Greenwood; all were in favor and motion passed.

The Board reviewed the SEQR Short Environmental Assessment Form (Part 1) for the accessory building. Chair Schroeder recommended that it be classified it as a Type 2 action therefore exempt from further review under SEQRA.

VandeBogart made a motion to classify the proposed action as Type 2 and exempt from further review under SEQRA. Motion seconded by Pitcher; all were in favor and motion passed.

Greenwood made a motion to grant a variance to the applicant of the Section 280-a of NYS Town Law as applied for, contingent on (1) all drawings, as well as the first page of the Drainage Analysis Summary, shall be provided with the stamp signature of a NYS Professional Engineer; (2) require that all improvements contained on Site Development Plans (SP-1, SP-2 and SP-3), shall be completed prior to the issuance of the proposed residential building Certificate of Occupancy by the building department; and (3) be contingent on the town's attorney reviewing and approving the road maintenance agreement. Motion seconded by Pitcher; all were in favor and motion passed.

VandeBogart made a motion to deny the appeal that would allow the construction of a barn on a residential property prior to the construction of a principal building and the building permit for the proposed barn can be issued at the same time as the building permit for the proposed residence. Motion seconded by Greenwood; all were in favor and motion passed.

Greenwood made a motion to authorize the Chairman to prepare a written decision and file it with the Town Clerk. Motion seconded by VandeBogart; all were in favor and motion passed.

#### **Close of Meeting**

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

Respectfully Submitted,

Deb Phillips  
Zoning Board Secretary