

**TOWN OF NORTHEAST
ZONING BOARD OF APPEALS
MINUTES OF APRIL 22, 2021**

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, ("ZBA") took place on Thursday, April 22, 2021 at 7:30 PM in the annex of the North East Millerton Library, 28 Century Blvd., Millerton, NY. ZBA members present were Chairman Julie Schroeder, Edith Greenwood, Jon Arnason, Karen Pitcher, Patti Lynch- Vandebogart, and Judy Carlson, secretary to the Zoning Board. Also present were Barbara Agren, David Underhill, Jennifer Dowley, Marion West, Robin Goldstein, Teresa Nasiadka, and John Bleckman.

7:35 PM: Chair Schroeder opened the public hearing by having the secretary of the Zoning Board of Appeals, Judy Carlson, read the public notice on the application of Jennifer Dowley, requesting a reduction in the required acreage in order to construct a second residence on a 7.5 acre parcel, #7069 - 00 - 397374, located at 43 Moadock Road, in the A5A zoning district of the Town of North East.

Jennifer Dowley explained that she would like to build a new house of 1500 sq. feet on her 7.5 acre lot to replace the existing 1200 sq. foot house which now stands on her 7.5 acre lot. The existing house was a pre-fabricated house and not of the best construction. She had thought about renovating it, but the basement leaks and has cinder block walls as a foundation. She would live in the existing house until the second house was habitable and then tear down the existing house.

Chair Schroeder asked if she would be using the existing septic system and well. Her answer was yes. Chair Schroeder asked how long she anticipated construction to take. Ms. Dowley replied that John Crawford, her contractor, estimated six months barring delays with the delivery of materials. Ms. Dowley explained it was a simple slab design with a crawl space for utilities. Plans for the house were reviewed.

Jon Arnason explained that when the Zoning Board has had to approve similar projects it had a survey indicating where the house would be on the land. Measurements were shown.

Chair Schroeder asked if Ms. Dowley had any measurements for the map that was submitted. Discussion ensued about the measurements for the map that was submitted.

Chair Schroeder felt that a survey need not be submitted. Chair Schroeder opened the floor to public comment.

John Bleckman of 31 Moadock Rd. spoke. He had lived on Moadock Rd. since 1972. He was familiar with the house Ms. Dowley lived in and how it was constructed. The house was a poorly designed modular home. The basement dated back 45 yrs. or more. It was energy inefficient. The house long needed replacement. It had been rented every year when it was owned by someone else. He strongly supported the variance.

Barbara Agren of 56 Moadock Rd. objected to the variance. She questioned the fact there was another structure on the property and asked what the structure was. Jennifer Dowley said that it was a studio and a store room. Chair Schroeder explained that it was an accessory building to a principle use and was a permitted use.

Barbara Agren asked what would happen if Ms. Dowley builds this house and does not clean the existing structure up right away. What recourse would she have since she is a neighbor? Chair Schroeder said that this was an enforcement matter.

Dave Underhill of Smithfield stated that as long as he had some assurance that the existing house would be removed he had no problem with the variance. Chair Schroeder stated that if the board granted the variance, a condition would be that the existing house be demolished upon completion of the second structure.

Robin Goldstein of 41 South Maple Millerton was under the impression that the architectural design of the new home was not under review. Chair Schroeder responded that it only has to comply with the building code and it is a permitted use.

Chair Schroeder made the motion to close the public hearing; Arnason seconded; all in favor and the motion passed.

Arnason made a motion to open the meeting; Lynch-Vandebogart seconded; all in favor and the motion passed.

Chair Schroeder and members of the Zoning Board reviewed Part I of the EAF. The board decided that the proposal is a Type 2 action requiring no further review. They all agreed that the project involved the granting of a variance for a single, two family or three family residence so it was exempt from further review. The board was now free to act.

Arnason asked the question - "What is a reasonable time frame for demolition of the existing structure?"

Greenwood suggested they make it contingent upon the applicant securing a certificate of occupancy for a new house and then a time frame after that.

Arnason suggested that the existing residence should be demolished before the Certificate of Occupancy was issued for the proposed new residence. The Board felt the current residence should be demolished two months after the certificate of occupancy was issued.

Chair Schroeder proposed the motion as follows:

To grant the variance allowing the construction of a second residence on the lot with completion within one year of the issuance of the building permit and two months after the issuance of the certificate of occupancy the existing or current residence is to be removed in **total**.

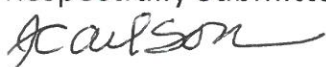
Greenwood made the motion; Pitcher seconded; all in favor and the motion passed.

Minutes

Greenwood made the motion to approve the minutes of March 18, 2021; Pitcher seconded; all in favor and the motion passed.

8:10pm -Arnason made motion to adjourn the meeting; Lynch - Vandebogart seconded; all in favor and the motion passed.

Respectfully Submitted,



Judy Carlson

Zoning Board of Appeals Secretary – ZBA 5/18/2021

