

TOWN OF NORTH EAST
ZONING BOARD OF APPEALS
MINUTES OF JUNE 17, 2021

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, ("ZBA") took place June 17, 2021 at 7:30PM in the Town of North East Town Hall, 19N Maple Ave, Millerton, NY. ZBA members present were Chairman Julie Schroeder, Edith Greenwood, Jon Arnason, Karen Pitcher and Judy Carlson, secretary to the Zoning Board. Also in attendance were Joe Frydl, Will Frydl, Ann Frydl, Dan Martucci, and John Morrissey.

Douglas Larson - architect

Joseph Frydl, Victoria Charles – owners

188 McGhee Hill Rd.

Zoning District: A5A

Area Variance - in order to renovate an existing accessory building -

Tax Parcel #: 7070-00-493746

At 7:30 PM, Chair Schroeder requested a motion to continue the public hearing for Joseph Frydl and Victoria Charles, opened on May 20, 2021. Motion made by Greenwood; seconded by Arnason; all in favor and the motion passed.

Chair Schroeder asked if the applicant or the Board had anything to add to the public hearing. Chair Schroeder asked for a motion to close the public hearing; Arnason so moved; Greenwood seconded; all in favor and the motion passed.

Pitcher made a motion to open the meeting; Greenwood seconded; all in favor and the motion passed.

Arnason stated that the structure is going to be on the same foot print of the existing structure. It will not be a problem for the neighbors or the neighborhood. Arnason feels that the variance should be granted. Arnason added that there is no real alternative due to the location of the septic.

Greenwood commented that topography also made a difference and that the steepness of the parcel precluded location elsewhere. Chair Schroeder mentioned that the trees will hide the structure.

Pitcher stated that all the neighbors supported the project.

Chair Schroeder summarized the zoning code section (building accessory use of): Some of the conditions to take under consideration are there are to be no display of goods visible from the street, no exterior advertising, no signage other than a small professional name plate. The occupation conducted in the building is to be by the person residing there.

Chair Schroeder asked Frydl if there would be any signage. His answer was no.

After the Board reviewed Part I of the Short Environmental Assessment Form, Chair Schroeder explained that the project is a Type II action and exempt from further SEQR review being that it is a residential area variance.

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

Chair Schroeder announced that the Board was free to grant the variances as applied for.

Arnason made the motion that the variance applied for be granted subject to the construction being consistent with the plans submitted to the Board and if there were any changes or alterations the applicant was to come back to the Board. Pitcher seconded; all in favor and the motion passed.

Arnason will write the facts and findings. Chair Schroeder will file the decision with the Town Clerk.

Chair Schroeder will notify the building department that the variance was granted.

8:00PM

Mary and Todd Clinton 258 Indian Lake Road

Zoning District: A5A

Area Variance - In order to erect a shed within 15 ft. of the side property line when 50 ft. from the side property line is required.

Tax Parcel # 7269-00-462831

Greenwood made a motion to accept the requested withdrawal of the Clinton application from consideration; Pitcher seconded; all in favor and the motion passed.

Minutes reviewed and accepted-

Greenwood made a motion to accept the minutes of May 20, 2021; Pitcher seconded; all in favor and the motion passed.

8:30PM

Dan Martucci - Precision Auto 6050 Route 22

Zoning District - HB-III

Area Variance - for a reduction in the required side yard and a reduction in the required rear yard in order to construct an addition to an existing warehouse.

Tax Parcel # 7271-09-066639

Chair Schroeder opened the public hearing by having Carlson read the Notice of Public Hearing into the record.

Martucci gave an overview of the project:

Greenwood asked if he was doing further work on the drainage issues.

The existing drainage basin will go down eight inches deeper to make up for the volume of water coming off the roof. The Town engineer and the attorney will be reviewing the plans containing the engineering for the project to make sure that everything is good to go.

Chair Schroeder stated that because the property is commercial it had to be referred to Dutchess County Office of Planning and Economic Development and because it is within 500 ft. of the rail trail it had to be referred to the NYS Department of Parks and Recreation (Taconic Region) for review. Arnason asked if the Zoning Board's decision is based on what we hear from the County and the State.

Chair Schroeder stated that both had 30 days to respond with any concerns either agency might have. She also stated that as long as we have no problem with the variances the ZBA can grant the variances conditionally.

Chair Schroeder asked Martucci if there were going to be any changes to the driveway or parking area or if there was going to be any lighting in the rear of the building. Any additional signage? Martucci expressed that none would be the case. There would be just a blank wall in back. The wall would be the same siding as the rest of the building (red) and the roof would remain black.

Arnason added that the existing driveway would remain, the location of the propane tank would be the same as would be the installation of a silt fence to protect the wetland.

Chair Schroeder said that she was concerned about the view from the rail trail. Martucci stated that his business was low-key with no retail.

Chair Schroeder stated that if there were no further concerns or questions that they could close the public hearing.

Arnason made a motion to close the hearing; Greenwood seconded; all in favor and the motion passed.

The board went over SEQR review Part I, Part II and Part III. Chair Schroeder stated that after looking at the SEQR requirements the project is not a type I and not a Type II action because it is an expansion of a commercial use over 4,000 square ft. which means it is unlisted and relatively minor so the ZBA could go ahead with an uncoordinated review. With uncoordinated reviews, the Planning board has to go through the same steps and if they disagree or find something that the Zoning Board has missed then the project has to be modified to the Planning Board's satisfaction.

Greenwood added that action had been taken to mitigate the drainage off the new roof.

Chair Schroeder asked for a motion stating that based on the information and analysis above and the supporting documentation that the proposed action will not result in any significant adverse environmental impacts. Arnason so moved; Pitcher seconded; all in favor and the motion passed.

Chair Schroeder made a motion to grant the variances as applied for, subject to approval by Dutchess County Planning and Economic Development and comments from the NYS Office of Parks and Recreation with the understanding that if they had any negative comments the Board might have to modify the conditions. Arnason Seconded; all in favor and the motion passed.

9:00PM Motion made by Greenwood to adjourn the meeting; Arnason seconded; all in favor and the motion passed.

Respectfully submitted,



Judith A. Carlson

Zoning Board Secretary

APPROVED: 7/15/2021

RECEIVED
JUL 27 2021
TOWN OF NORTH EAST
TOWN CLERK