

**TOWN OF NORTHEAST
ZONING BOARD OF APPEALS
MINUTES OF NOVEMBER 18, 2021**

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, ("ZBA"), took place November 18, 2021, at 7:30PM in the Town of North East Town Hall, 19 N Maple Ave., Millerton, NY. ZBA members present were Chairman Julie Schroeder, Edith Greenwood, Patti Lynch-VandeBogart, and Karen Pitcher. Jon Arnason and Judy Carlson, Secretary to the Zoning Board were absent. Also in attendance were Lorelee Reidy representing SunCommon/McNamara/Petrofes, and Christopher Moy and Marcus Hooks representing Elizabeth Roberts Architects on behalf of Wolfram Hanchett-Bates LLC.

Brooklyn Zen Center – Owner
87 Kaye Road
Zoning District A5A
Special Permit
Tax Parcel: 7272-00-479805

At 7:30 PM, Chair Schroeder continued the public hearing on the application of the Brooklyn Zen Center that opened on August 19, 2021, continued on September 16, 2021, and on October 21, 2021. Chair Schroeder had advised the engineer not to attend the continuation of the public hearing as he had just submitted the SEQR EAF long form that has been sent to the ZBA's consultant for comment. When the board receives Will Agresta's comments, Chair Schroeder will send out the notice requesting that the ZBA act as lead agency for this application. A motion was made by Pitcher; seconded by VandeBogart; all voted in favor and the motion passed to recess the public hearing until December 16 at 7:30 pm.

A motion was made by Pitcher; seconded by Greenwood to open the meeting; all voted in favor and the motion passed.

Minutes reviewed: VandeBogart made a motion to approve the minutes as submitted; Pitcher seconded; all voted in favor and the motion passed.

Chair Schroeder informed the ZBA that David Intrieri's attorney, Robert Cinque, sent a letter to the ZBA secretary dated October 22, 2021, notifying the board that his client was formally withdrawing his application for an area variance.

Discussion of the Taylor Oil, Inc. draft Decision #101921

The board reviewed the draft decision and made several minor corrections. It was the consensus of the board that Jon Arnason had prepared a very good draft. Warren Replansky has reviewed the draft decision.

A motion to accept the decision, as amended, on the appeal of Taylor Oil, Inc. from a decision by the Zoning Enforcement Officer that "the dispensing of fuel oil to customers at its proposed facility to be located on Tax Parcel #13889-7171-12-980713 is not a permitted use" be upheld was made by Greenwood; seconded by Pitcher. The Chair requested a roll call vote.

Edith Greenwood – AYE

Karen Pitcher – AYE

Patti VandeBogart – AYE

Julie Schroeder – AYE

Jon Arnason – ABSENT

The motion on the decision for Taylor Oil, Inc. was passed. Chair Schroeder will make the corrections and file the decision.

A motion to recess the meeting was made by Pitcher; seconded by VandeBogart; all voted in favor and the motion passed.

SunCommon – McNamara/Petrofes - Owners

147 East Indies Road

Zoning District A5A

Solar Array

Tax Parcel: 6969-00-750451

8:00 PM – A motion to continue the public hearing on the application of SunCommon, representing Gerald McNamara and Renee Petrofes, was made by VandeBogart; Pitcher seconded; all voted in favor and the motion passed.

Loralee Reidy of SunCommon and Gerald McNamara guided the site visit held on Saturday, October 30, 2021. The board members present at the site visit were satisfied with the proposed screening of the solar array by using an adequate number of 8 to 9 ft. white spruce trees. Chair Schroeder reviewed the requirements for a ground mounted solar array and pointed out that a soil map as required by Section 180-72.1 D (7) (a) had not been provided.

A motion to waive the soil map requirement was made by Pitcher; seconded by VandeBogart; all voted in favor and the motion passed.

A motion to waive the requirement to refer this application to the Planning Board for site plan review as permitted under Section 180-26 L was made by VandeBogart; seconded by Pitcher; all voted in favor and the motion passed.

A motion to grant a Special Permit to SunCommon, representing Gerald McNamara and Renee Petrofes, as applied for, subject to the planting of an adequate number of 8 to 9 ft. tall white spruce trees to screen the ground mounted solar array from the neighboring property and to authorize the Chair to write up and file the decision was made by VandeBogart; seconded by Pitcher; all voted in favor and the motion passed.

A motion to close the public hearing on the application of SunCommon/Gerald McNamara and Renee Petrofes was made by VandeBogart; Pitcher seconded; all voted in favor and the motion passed.

Elizabeth Roberts Architects – Wolfram Hanchett-Bates LLC – Owner

958 Huckleberry Rd.

Zoning district: A5A

Area Variance – for a reduction in the required side yard setback to add a porch on an existing house.

Tax parcel #: 7068-00-995817

8:30 PM Chair Schroeder read the public hearing notice into the record and opened the public hearing.

Marcus Hooks presented on behalf of Elizabeth Roberts Architects who is representing the applicant. He explained the planned addition of a screen-in porch to the existing structure to make it a guest house for the main house which is located on the adjacent property. Both properties are owned by Wolfram-Hanchett-Bates LLC. The renovation includes the addition of a wraparound screened-in porch that crosses the 50 ft. required side yard setback by 4 ft. 2 inches. The request is for a 5 ft. variance which is needed to make the width of the porch more useable as this addition will include an outdoor fireplace.

The Chair asked Greenwood to go through the balancing tests outlined in Section 180-100 C (2).


A motion to close the public hearing on the application of Elizabeth Roberts Architects representing Wolfram Hanchett-Bates LLC was made by VandeBogart; Pitcher seconded; all voted in favor and the motion passed.

Chair Schroeder classified the application as a Type II action requiring no further review under SEQR.

A motion to grant the 5 ft. area variance requested by the applicant making the side yard setback 45 feet was made by Greenwood; seconded by Pitcher; all voted in favor and the motion passed.

9:00 PM - VandeBogart made a motion to adjourn the meeting; Greenwood seconded; all voted in favor and the motion passed.

Respectfully submitted,


Edith Greenwood on behalf of Judith A. Carlson
Zoning Board Secretary

Approved: 12/16/21

RECEIVED
DEC 21 2021
TOWN OF NORTH EAST
TOWN CLERK