

**TOWN OF NORTHEAST
ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 21, 2021**

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, ("ZBA"), took place October 21, 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, Jon Arnason, Patti Lynch-Vandebogart, Karen Pitcher and Judy Carlson, Secretary to the Zoning Board. Also in attendance were Lorelee Reidy representing Suncommon/McNamara/Petrofes, attorney Robert Cinque representing Intrieri, Candy Miles, Tina Breen, David Intrieri, Ron Fournier and Barb Fournier.

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

At 7:30 PM, Chair Schroeder opened the meeting and continued the public hearing on the application of the Brooklyn Zen Center that opened on August 19, 2021 and continued on September 16, 2021. Chair Schroeder had advised the engineer not to attend the continuation of the public hearing on this date since escrow funds had just recently been received, after which the planner was given the background of the project. A motion was made by Pitcher; seconded by Greenwood; all voted in favor and the motion passed to recess the public hearing until November 18th at 7:30pm.

Suncommon – McNamara/Petrofes
147 East Indies Road
Zoning District A5A
Solar Array
Tax Parcel: 6969-00-750451

7:45PM – Chair Schroeder opened the Public Hearing by reading the public hearing notice on the application of Gerald McNamara and Renee Petrofes into the record. Lynch-Vandebogart made a motion to open the public hearing; Pitcher seconded; all voted in favor and the motion passed.

Loralee Reidy of Suncommon, representing Gerald McNamara and Renee Petrofes gave a presentation for a small residential ground mounted solar array located on the northern part of their 50 acre parcel.

The total array square footage of the ground mount is 1,270 square feet and would affect .04 acres. It is located in the A5A zoning district. The maximum height of the ground mounted solar array is 11 ft. at the highest point. It meets the setback requirements of 75 feet in the front setback, 50 feet in the side setback, and 50 feet in the rear setback.

The front side setback is 798 feet from the front parcel line, the left side setback is 50 feet, the right side setback is 951 ft. and the front rear side setback is 803 feet. They are planning on screening the array from the northern side by planting eight to nine ft. white spruce trees. They had planned originally to have 80 modules in the first plans submitted. There will no longer be an 80 module ground mount. They have reduced that to a 60 module ground mount with 13 modules being placed on the roof of an existing building. The total square footage will be 1,270 square feet; before the changes were made it was slightly larger.

Chair Schroeder asked why Suncommon had to change the original plans. Reidy explained that the neighbors did not want to see the ground mounted solar array and so to bring the ground mount into compliance they reduced the modules on the ground to 60 and put the 13 modules on the roof which is in compliance with the Towns zoning solar laws. With this change, it would reduce the square footage by 100 and therefore reducing the visual impact on the neighbors.

Arnason asked if with the addition of plantings, would the solar array be visible from any of the neighboring properties.

After much discussion and looking at the maps, it was decided to do a site visit on Saturday, October 30, 2021.

Chair Schroeder stated that the board could possibly avoid a view shed analysis if a site visit took place. She also cited this as a Type 2 action referring to number nine in the code...." Construction or expansion of a primary or accessory/pertinent non-residential structure, (in this case a solar array) or facility involving less than 4,000 square feet and not involving a change in zoning or use variance and consistent with local and use controls but no radio communication or microwave transmission facility".

Chair Schroeder entertained the motion to recess the public hearing until November 18th at 8:00pm; so moved by Pitcher; seconded by Lynch-Vandbogart; all voted in favor and the motion passed.

David Intrieri – Owner

43 Pine Ridge Rd.

Zoning district: A5A

Area Variance – for a reduction in the required side yard and a reduction in the required rear yard in order to Construct 1144 square foot storage garage. Tax parcel #: 7271-09-088522

8:15PM Greenwood read the public hearing notice into the record. Chair Schroeder asked for a motion to open the public hearing; Arnason so moved; Greenwood seconded; all voted in favor and the motion passed.

Attorney Robert Cinque, representing David Intrieri, gave a presentation to address some of the concerns that he saw displayed and in correspondence in opposition to and in correspondence to the granting of the area variances.

Attorney Cinque introduced Exhibit #1 into the record; the first photograph shows the foundation site of where the applicant would like to put the garage. The parcel on which the garage would sit is .72 acres which is 31,000 square feet. The garage is 1,144 square feet. It is a pre-fab unit that requires no foundation on the property. Exhibits #2, #3, and #4) show other surrounding properties in photos taken from the road.

Chair Schroeder explained that the real issue was **that no permits can be issued to a parcel that does not have access or frontage on the public way.**

Chair Schroeder was hoping that attorney Cinque would clarify that situation. Attorney Cinque expressed the fact that his client had a right -of-way as recorded in the Dutchess County Clerk's Office and for this reason he has access to the public way.

Chair Schroeder asked attorney Cinque to submit to the board in writing his argument along with the deed and \$3,000.00 escrow for the Town attorney and possibly an engineer to review the situation with the road and research and review the application. Chair Schroeder emphasized the fact that with all of the above being done, while the road situation may be straightened out there is no guarantee that Intrieri will get his variances.

Attorney Cinque stressed that the size of the proposed garage, meant to house two vehicles and a tractor that is used on the property will not be a disruption to the neighboring properties.

Chair Schroeder asked Arnason if the road situation was a simple matter. Arnason expressed the fact that it depended on the town attorney's opinion but he felt there should be a

maintenance agreement on the whole road. R. Fournier, a resident on the road asked if the board had made a site visit. Miles, another resident, addressed the board. She and her husband George own Pine Ridge Road and Scenic View Road. They receive no help in maintaining the road. Miles presented a 1989 map of the area for the board to review.

Another question arose as to a second septic located on the property. The septic is located around the drive-way area. This would have to be resolved in order to locate the garage where they wanted it. Chair Schroeder stated that it was important to locate because of ground stability in that it could be a dry-well.

R. Fournier asked about drainage coming off the new roof and where that water would be directed. What impact would it have on the physical environment? Attorney Cinque replied that his client planned to install a retainer basin to collect drainage off the roof.

Chair Schroeder asked the applicant if he would bring in the complete survey for the record.

Arnason made a motion to recess the public hearing until 8:30pm on November 18th; Lynch-Vandebogart seconded; all voted in favor and the motion passed.

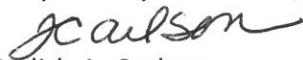
Greenwood made a motion to open the meeting; Lynch-Vandebogart seconded; all voted in favor and the motion passed.

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

Chair Schroeder and the board reviewed attorney Trotta's letter of September 21, 2021. The board discussed reopening the hearing. Chair Schroeder entertained the motion that since there was no new evidence to present, the board will not re-open the public hearing on Taylor Oil. Chair Schroeder took a roll call. The vote was all nays to reopen the hearing.

9:20pm - Arnason made a motion to adjourn the meeting; Pitcher seconded; all voted in favor and the motion passed.

Respectfully submitted,


Judith A. Carlson
Zoning Board Secretary

Approved: 11/18/2021

