

**TOWN OF NORTH EAST
ZONING BOARD OF APPEALS
SEPTEMBER 16, 2021**

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals ("ZBA") took place 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, Patti Lynch-Vandebogart, Karen Pitcher and Judy Carlson, secretary to the ZBA. Also in attendance were Brian Watkins, attorney Robert Trotta representing Dan Taylor, Peter Sander of Rennia Engineering representing the Brooklyn Zen Center.

Taylor Oil – Owner of Property

6073 route 22

Zoning District: HB-III

Interpretation

Tax Parcel#: 7171-12-980713

At 7:30PM, Chair Schroeder asked for a motion to continue the public hearing on the application of Taylor Oil for an interpretation which public hearing opened on July 15, 2021. Pitcher made the motion to continue the public hearing; Greenwood seconded; all voted in favor and the motion passed.

Chair Schroeder asked attorney Trotta to review with the board his letter of September 8, 2021. Attorney Trotta sent the letter to the Zoning Board because of a comment the chair made involving the difference between a wholesale and retail business.

Chair Schroeder asked attorney Trotta if he had any more arguments or information to present. Attorney Trotta addressed what he thought the Building Department was trying to say: The law is you can have a wholesale use for this particular use providing it is dispensed by an employee. The law does not say that all. When you go into those kinds of details you are probably going way beyond zoning requirements with some exceptions.

Attorney Trotta went on to say that one of the exceptions would be that you are allowed (with a special use permit) to attach conditions for a special permitted use. Ninety percent of fuel today is dispensed by a customer, so you are stepping back in time when you are saying that you have to have an employee there dispensing it.

Arnason asked why what Taylor Oil is proposing does not fall under the definition of motor vehicle service station. Attorney Trotta stated that it does not because the definition requires additional items being sold and not only fuel. The board agreed they did not read it that way.

Arnason read the definition of motor vehicle service station as being permissive not as mandatory.

Chair Schroeder stated that we all have to agree on how to read the definition of motor vehicle service station which reads:

"MOTOR VEHICLE SERVICE STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means, body and fender work or the dismantling or replacing of engines."

Chair Schroeder stated that the common understanding of a wholesale business is a business that is selling to companies or individuals in bulk who are going to resell the product.

Chair Schroeder stated that more research was needed by the Board and Arnason made the recommendation to talk to the Town Attorney before a decision is made.

Arnason will draft the decision. Arnason made the motion to close the hearing; Lynch -Vandebogart seconded; all voted in favor and the motion passed.

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

Minutes from August 19, 2021 reviewed. Greenwood made the motion to accept the minutes as corrected; Arnason seconded; all voted in favor and the motion passed.

Pitcher made a motion to recess the meeting to continue with the Brooklyn Zen Center public hearing; Lynch-Vandebogart seconded; all voted in favor and the motion passed.

Brooklyn Zen Center - Owner of property

87 Kaye Road

Zoning District: A5A

Special Permit

Tax parcel: 7272-00-479805

8:00PM - Sander representing the applicant Brooklyn Zen Center reintroduced the project.

The Brooklyn Zen Center wants to convert an existing single-family residence and land into a Buddhist monastery where one can go for religious worship and meditation. The project will be accomplished in two separate phases. In Phase I there will be the construction of three 10-person bunkhouses and a conversion of the existing residence into a monastery. The bunkhouses will serve weekend use for short term guests. There will be an addition of a 3-season dining area and a kitchen space made with the conversion of an existing garage. Also in Phase I will be the construction of a parking area, the relocation of the entrance which will support phase I and Phase II. Rennia Design is going to come back to the board with a more detailed site plan for Phase II. Phase II consists of a two-story meditation hall or Zendo). The Zendo will serve as the monastery structure itself.

Guests can come here for a longer term and study. Religious worship will be on the second floor.

Bathroom facilities were discussed. These facilities will be located in the workshop. A covered walkway will be created connecting Phase I and Phase II and there will be the creation of an outdoor meditation space and an abbot's residence.

Chair Schroeder asked the delay period between Phase I and Phase II. Sanders replied that it would be several years.

Chair Schroeder inquired if there would be heat in the bunk houses. Sanders replied the architect was working on the building codes. He is quite sure that there will be heat.

Chair Schroeder asked Watkins, an adjoining neighbor, his thoughts about the project. Watkins replied that the NYS had plans for their surrounding properties. The state has plans to improve the parkland behind his property and included in that were seasonal cabins. It is planned that the front field adjoining his property is going to be a parking lot. Watkins said he is surrounded by activity and there is quite a lot of foot traffic and road traffic past his property. The Town road near his property is deteriorating and wash-outs are occurring. In addition now another parking lot will be right near his house and with this comes an increase in traffic with construction cement mixers and dump trucks. Watkins is concerned about his well and zoning enforcement.

Chair Schroeder expressed that Watkins has the right to the peaceable enjoyment of his property.

Sanders replied with some key points: His client wants to be a good neighbor and they plan to put in buffer material. They are planning a vegetative buffer and storm water measures addressing erosion.

Chair Schroeder expressed the fact that the project would have to be referred to the NYS parks agency. The ZBA would also have to use engineering and planning consultants.

The Board reviewed the short EAF Part I. Chair Schroeder asked for a motion that the Zoning Board declare this project a Type I action and will submit the request to serve as lead agency. Arnason so moved; Greenwood seconded; all voted in favor and the motion passed.

The Zoning Board requested establishment an escrow account in the amount of \$4,000.00 to cover the expenses going forward.

Letters will be drafted and sent out to all agencies involved requesting that the Zoning Board will serve as lead agency.

Greenwood made a motion to recess the hearing until October 21, 2021 at 7:30 PM and to reopen the meeting. Arnason seconded; all voted in favor and the motion passed.

9:00 p.m. - Greenwood made a motion to adjourn the meeting Lynch-Vandebogart seconded; all in favor and the motion passed.

Respectfully Submitted,



Judith A. Carlson
Zoning Board Secretary

APPROVED: _October 21, 2021_

