

TOWN OF NORTH EAST ZONING BOARD OF APPEALS MINUTES OF DECEMBER 16, 2021

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, ("ZBA") took place December 16, 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, Patti Lynch-VandeBogart, Karen Pitcher and Judy Carlson, Secretary to the Zoning Board. Jon Arnason was absent. Also in attendance were Peter Sander on behalf of Rennia Engineering, Brian Watkins, and Dan Sternberg representing the Town of North East Planning Board.

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

At 7:30PM, 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, October 21, 2021 and on November 18, 2021. A motion was made by Pitcher; seconded by Lynch-Vandebogart to open the hearing; all voted in favor and the motion passed.

Chair Schroeder explained that all board members had received a report from Will Agresta, of Matthew D. Rudikoff Associates, Inc. and would discuss this report and the full EAF at this meeting.

Chair Schroeder noted that there were deficiencies in the original application for a Special Permit. Sander replied that he expected this and his thought was to get comments and revise the application. The next submission will outline day to day operations at Brooklyn Zen and he will show final plans.

Chair Schroeder informed the ZBA that she was waiting to continue SEQRA review until after the first of the year. Chair Schroeder had heard from the Department of Health and the Planning Board. She is waiting to hear from DEC. The waiting time is 30 days. The requests to serve as lead agency were sent out on December 1, 2021.

The Board and Sander reviewed zoning compliance in the report and went over some of the following points: It was not clear if a small portion of the site on Kaye Road is also located within a Historic District. Sander wondered if there was a Historic overlay such as with Coleman Station and the Village. Chair Schroeder expressed that this should be looked into.

- Does the project reflect the meaning of a church or parish house? Sanders will prepare a formal response to this. He believes that the uses fall under accessory uses under the principle use of a church.
- The applicant should identify and clarify the ownership of Kaye Road.
- Zoning 180-50A prohibits parking in the front yard - Sander replied that this is too hard to avoid because of the topography of the site. The intention is to screen it from public view so that it would not be visible from the road. They will grade and buffer it in order to screen it from public view.
- Chair Schroeder stated that quite a lot was missing from the existing site plan as far as trees that are on the property. There are beautiful trees there that are not shown on the plans and Sander explained that they will cover that in future plans. Additional vegetation is planned to be shown on future plans.
- Off street parking: Chair Schroeder asked how many employees they are anticipating. This would affect the parking space facilities. Sander replied that three or four monastics will live on- site and be in charge of maintaining the facilities and also be in charge of the preparation of food. This will be detailed out in future plans.

Sander stated all site plans will have supplemental submissions. A formal response will be made as well as an updated EAF.

Full Environmental Assessment Form Review – What needs to be revised and added :

- Sander will make a submission to The State Historical Preservation Office and will provide the Board copies.
- Storm water retention – will be detailed out in a storm water prevention plan. This is required for any disturbance over an acre.
- Sander will provide an engineer's report describing existing and proposed water and sewer facilities.

Greenwood asked if a perk test had been completed. Sander replied that a perk test had been done. The water supply is a private well. Chair Schroeder added that the Board needs to know how many gallons per minute. Sander replied that this information will be in the future EAF submission.

- Traffic: Issue with condition of Town Road – Kaye Road. Chair Schroeder felt that a detailed study should be done. Watkins, a neighbor to the property, said that the Board should consider the existing traffic as well. Is weekend traffic different from day to day traffic? Sternberg, a member of the North East Planning Board, asked if there should be estimates of road traffic based on the population increases on the road. Greenwood asked about the bridge. Sander was not sure that the bridge would be addressed by his engineering firm since it is a Town road. The sharp turns before and after the bridge were discussed.

Chair Schroeder noted that where the Town road ends there is no provision for a turn around. Sander told the board that they would provide a turn - around for emergency services.

Schroeder stated that the planner reviewing the EAF is calling for a traffic assessment. Whether or not a formal traffic study is needed will be considered later on in the process. Sander will write his traffic assessment and address these concerns.

Other items board members want addressed:

- Operation hours need to be addressed. Operation hours need to be detailed when traffic would occur weekends and week days and whether it would be all year round.
- Chair Schroeder asked if the bunkhouses were going to be heated. Sander replied that it would be a three season usage and that is their intention. He will ask the architect to clarify.
- Chair Schroeder suggested that Sander contact Soil and Water and have them map the soil. He should get a complete soil map. This would be the most accurate way to identify the soil content. Sander will provide a map. Chair Schroeder asked that Sander provide more information on the agricultural soil and what could be grown on that soil.
- The habitat on the property should be studied. The presence of the bog turtle and the long-haired bat are supposedly prevalent on this parcel. Sander said that he would look up the plants and animals that are rare to the site and report on his findings. He will provide a Habitant Impact Assessment.

Sternberg, representing the Town of North East Planning Board would like this project submission to be a cooperative venture between the Zoning and Planning Board. Sander replied that all future submissions will be sent to the Zoning Board and copied to the Planning Board. There will be complete transparency before both boards. Chair Schroeder said what the two boards are going through now is an actual process. Special permit and then site plan review. Chair Schroeder replied that it is critical for the Planning Board to be involved.

Chair Schroeder explained the difference between a Special Permit and a Site Plan. In general terms, a Special Permit deals with the surrounding area and the Site Plan deals with the site itself.

Lynch Van-de Bogart made a motion to recess the hearing till February 17, 2022 at 7:30pm and to open the meeting; Pitcher seconded; all voted in favor and the motion passed.

Minutes were reviewed and accepted. Pitcher made a motion to accept the minutes as submitted; Lynch-Vandebogart seconded; all voted in favor and the motion passed.

Training reviewed:

Discussion: It was suggested to have the planner or the attorney from the Planning or Zoning Board speak to both Boards for training purposes. Chair Schroeder added that the New York Planning Federation provides training and there is also training offered on the NYS Department of State site. Sternberg mentioned the Practicing Law Institute. He will look into this and see if it is a possibility.

Greenwood made a motion to adjourn the meeting at 8:40 PM; Pitcher seconded; all voted in favor and the motion passed.

Respectfully submitted,



Judith A. Carlson

ZBA Secretary

Date approved: 1/20/2022

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JAN 24 2022

TOWN OF NORTH EAST
TOWN CLERK