

**TOWN OF NORTH EAST  
ZONING BOARD OF APPEALS  
MINUTES OF MARCH 17, 2022**

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, (“ZBA”), took place March 17, 2022, at 7:00PM 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 and Karen Pitcher. Patti Lynch-Vandebogart was absent. Also in attendance were Judy Carlson, Secretary to the Zoning Board, Brian Watkins, Gina Butts, Mike Butts, Rob Cooper, and Peter Sander representing Rennia Engineering.

**Michael and Gina Butts – Owner**

**Lot #6 Red Cedar Lane**

**Town of North East**

**Zoning District: A5A**

**Area Variance**

**Tax Parcel: 7269-00-513817**

**At 7:00pm**, Chair Schroeder opened the public hearing on the application of Michael and Gina Butts for a 25 foot reduction in the required East side yard in order to construct a one-family residence by reading the Notice of Public Hearing into the record.

The Butts made a presentation of their application to the Board. The site plan map was studied for the location of the house, the well, and the setback request of 25’. The Butts explained that the way the lot was shaped gave them little to work with in order to locate the house on the parcel. One corner of the house is at a 25’setback. If they were to move the house nearer to the 50’setback to be in compliance, they would have to have a pump system for the septic. It is ideal for the Butts to have the 25’ variance on the East side setback because of the way the lot is sloped. Most of the lots in Indian Lake Estates do not fit the 50 foot setback. The Butts feel they are situating the house on their lot within the character of the neighborhood.

Chair Schroeder stated that when that development was created, the setbacks were 25’.....it was a one acre zone. Chair Schroeder went on to explain the trouble with making minor revisions to the code is a monetary issue. The Town Board makes the revisions...they have to

go through the SEQR process and hearings for it to be changed. It involves a substantial expense.

Greenwood stated that the Zoning Review Committee will be working on this in the near future.

Chair Schroeder made a motion to close the public hearing; seconded by Pitcher; all voted in favor and the motion passed.

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

Greenwood reviewed the balancing test considering the five criteria for the granting of an area variance as follows:

#1 – Whether benefit can be achieved by other means feasible to the applicant. Given the topography of the lot, the Board felt that re-engineering the whole site in order to comply with the current setbacks was not reasonable.

#2 – Whether an undesirable change would occur in the neighborhood's character or to nearby properties. The Board concluded there would not be an undesirable change. The setbacks on the surrounding properties were similar.

#3 – Whether request is substantial. The Board concluded yes.

#4 - Whether the request will have adverse physical or environmental effects. The Board concluded no.

#5 – Whether alleged difficulty is self-created. The Board concluded yes

A motion was made by Arnason; seconded by Greenwood to approve the variance as requested and to authorize the chair to file the decision; all voted in favor and the motion passed.

#### **Discussion of Betty Morrison's March 17, 2022 letter regarding Air b'n' b's.**

After discussion by the Board, Chair Schroeder will suggest to Ms. Morrison that the letter be sent to the Town Board.

A motion was made by Pitcher; seconded by Arnason to recess the meeting and continue the public hearing on the application of the Brooklyn Zen Center; all voted in favor and the motion passed.

**Brooklyn Zen Center – Owner**

**87 Kaye Road**

**Zoning District A5A**

**Special Permit**

**Tax Parcel: 7272-00-479805**

Chair Schroeder continued the Public Hearing which was first opened on August 19, 2021.

Sander made a presentation of a revised preliminary site plan map. Since the Town planner had comments on the first map and that Brian Watkins, the neighbor next door, had concerns about the original site plan map, Sander decided to redesign the map and get feedback from the Zoning Board members before going forward. There were two major changes...the reconfiguration of the bunkhouses and the location of the parking areas. The reason for the meeting was to learn which options the Board preferred in order to design a final set of plans.

A motion to close the hearing and table the application till further notice was made by Pitcher; seconded by Arnason; all voted in favor and the motion passed.

**Minutes reviewed:** Chair Schroeder made a motion to approve the minutes for February 17, 2022 as submitted; Pitcher seconded; all voted in favor and the motion passed.

8:30PM Pitcher made a motion to adjourn the meeting; Arnason seconded; all voted in favor and the motion passed.

Respectfully submitted,

Judith A. Carlson

Zoning Board Secretary

Approved: \_\_\_\_\_