

TOWN OF NORTH EAST ZONING BOARD OF APPEALS MINUTES OF JUNE 16, 2022

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, (“ZBA”), took place June 16, 2022, at 7:30PM in the Town of North East Town Hall, 19 N Maple Ave., Millerton, NY. ZBA members present were Vice-Chairman Edith Greenwood, Patti Lynch-VandeBogart, Jon Arnason, and Judy Carlson, Secretary to the Zoning Board. Karen Pitcher and Chairman Schroeder were absent. Also present were Kris Schmitt from Neave Pools, Candy and Rick Harder, and Paul Perkins.

Neave Group – Steven and Lauren Pilgrim – Owners

Area Variance - Pool

Tax Parcel: 7070-00-624453

7:30pm - Carlson read the public hearing notice into the record. Vice – Chair Greenwood made a motion to open the public hearing; Lynch-VandeBogart so moved; Arnason seconded; all voted in favor and the motion passed.

Kris Schmitt of Neave Pools, representing Steven and Lauren Pilgrim for an area variance, gave a brief view of the project. The pool company located the pool to the front because of the way the house was placed. There is an existing porch and entertainment area that could be tied in with the pool site. The back yard is heavily wooded with a great deal of ledge. Putting the pool in the back yard would involve a great deal of grading and disturbance of ledge. There would not be a negative change to the neighborhood by locating the pool in the front yard. There would not be any reason to take down trees and the pool is not visible from the road. The septic is located on the lower area below the pool. Neave Pools is waiting for a report and stamped map from the Board of Health showing the particulars on the septic.

Arnason stated as far as we can say it is a permitted use. Vice - Chair Greenwood stated that some place in the code it says you cannot have structures in the front yard, but I am unable to locate the information in the code.

Vice-Chair Greenwood asked if there were any public comments. The Harders, who are the neighbors to the south, asked the question of how the water was being replenished. Perkins, another neighbor, had an issue with water usage. Water usage is limited in that area.

Schmitt replied that the pool will have an automatic cover to help with evaporation. The initial water will be trucked in. The Harder’s presented two pictures to the Board. Exhibit #1 – photo taken from their driveway and Exhibit #2 – photo taken from their house.

Vice – Chair Greenwood stated that there were two issues water and geology. Schmitt mentioned plantings and a fence. The Harders saw no use for a fence saying it would be too low to be effective. Arnason said the Board could make a provision that the applicant could screen the pool with vegetation.

Vice – Chair Greenwood made a motion to close the Public Hearing; Lynch-VandeBogart so moved; all voted in favor and the motion passed.

Arnason stated that it was fair to say that water on that ridge is a big problem. Should we request the applicant hire a geologist to tell us about the water? We do not know to what extent a pool would impact other people on the ridge.

Vice-Chair Greenwood asked for a motion to open the regular meeting; Arnason so moved; Lynch-VandeBogart seconded; all voted in favor and the motion passed.

The Board reviewed **SEQR (Part I)**. Vice-Chair Greenwood stated that this was a **Type II action (12) under SEQR, Section 617.5. No further review is required.**

Vice – Chair Greenwood reviewed the balancing test considering the five criteria for the granting of an area variance.

1. Whether a benefit can be achieved by other means feasible to the applicant. The Board concluded there were no other means feasible.
2. Whether an undesirable change would occur in the neighborhood’s character or to nearby properties. Arnason replied (No) with the understanding that we are going to require plantings to screen the adjacent property.
3. Whether or not the request was substantial. No – Vice – Chair Greenwood stated it was not applicable.
4. Whether the request will have an adverse physical or environmental effect. No
5. Whether the alleged difficulty was self-created. Yes

Arnason and Vice-Chair Greenwood discussed requiring the hiring of an expert to study the water situation. It was decided by the Board that this was not a reasonable request.

Discussion continued on the conditions of granting the application:

Arnason stated that the condition of granting the application should be that the pool is screened from the adjacent property owner. Vice – Chair Greenwood continued that the screening should be done with natural materials. Arnason suggested evergreens. Ten-foot trees were discussed. Schmitt suggested 8-foot hemlock’s because of the cost and explained they would spread from 5 to 6 foot wide. Schmitt suggested that they be spaced 7 to 8 feet apart to allow the trees more room to grow and give them more height to make them a solid screen.

Schmitt said Neave Group would provide a planting plan.

Vice-Chair Greenwood made a motion to approve the application for a front yard variance conditioned upon our being provided with adequate screening of natural materials; Arnason so moved; Lynch – VandeBogart seconded; all voted in favor and the motion passed.

General Business: Discussion of the Village of Millerton Wastewater System Project – Lead Agency Resolution. The ZBA saw no reason to object and authorized Chair Schroeder to sign and submit our response.

8:20pm – Lynch-VandeBogart made a motion to adjourn the meeting; Arnason so moved; Vice-Chair Greenwood seconded; all voted in favor and the motion passed.

Respectfully submitted,

Judith A. Carlson
Zoning Board Secretary

Town of North East Approved: jacarlson 7/21/2022

