

**TOWN OF NORTH EAST
ZONING BOARD OF APPEALS
MINUTES OF JULY 21, 2022**

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, ("ZBA"), took place July 21, 2022 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 present were Peter Clair and Christine Clair.

Peter Clair – Owner

Area Variance

Tax Parcel: 7170-00-735431

5644 Route 22

Zoning District R3A

At 7:30 PM Carlson read the public hearing notice on the application of Peter and Christine Clair for a reduction in the required side yard in order to add a rear deck to an existing residence.

Chair Schroeder asked for a motion to open the public hearing. Lynch-VandeBogart so moved; Greenwood seconded; all voted in favor and the motion passed.

Clair made a presentation of his application to the Board. He explained that he would like to build a deck between two structures (his house and an existing shed). It would run 24 ft. along the back side of the house and then 12 ft. off of that. The deck will run parallel to the property line and not any closer. The deck will be designed with vinyl railings and vinyl posts to keep within the style of the house. There will be 2 ft. between the deck and the shed. The steps will be on the side. There will be no awning or structure over the top of the deck.

Chair Schroeder pointed out that the lot is 2/3 of the required three acres in this Zoning District. The property pre -existed the enactment of the present Town Zoning Law but under Section 189-80 it is considered to be conforming with regard to lot area.

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

The Board reviewed SEQR (part 1). Chair Schroeder stated that this was a Type II action under SEQR, Section 617.5(12) so that no further review is required.

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. The Board concluded No.
3. Whether or not the request was substantial. The Board concluded Yes.
4. Whether the request will have an adverse physical or environmental effect. No
5. Whether the alleged difficulty was self-created. Yes

Chair Schroeder asked for a motion to grant the variance as applied for. Pitcher made a motion to grant the variance as applied for reducing the side setback in the side yard on the northerly property line to 7.1 ft.; Lynch-Vandebogart seconded; all voted in favor and the motion passed.

Minutes: The Board reviewed the minutes of May 19, 2022 and June 16, 2022 as presented. Greenwood made a motion to accept the minutes as presented; Lynch-Vandebogart seconded it; all voted in favor and the motion passed.

8:10pm Pitcher made a motion to close the meeting: Greenwood seconded; all voted in favor and the motion passed.

Respectfully submitted,



Judith A. Carlson
Zoning Board Secretary
Town of North East

Approved: __January 19, 2023__

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JAN 25 2023
TOWN OF NORTH EAST
TOWN CLERK