

**TOWN OF NORTH EAST  
ZONING BOARD OF APPEALS  
JANUARY 19, 2023**

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, ("ZBA"), took place January 19, 2022 at 7:00pm 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 Courtney Roberts, Ralph Fedeale, Chris Kennan, Rich Stalzer, Peter Sander and Brian Watkins.

**Empire Solar Solutions  
Brett and Erin Middleton – Owners  
Special Permit  
Ground-Mounted Solar Array  
Tax Parcel: 7069-00-622315  
43 Morse Hill Road  
Zoning District: A5A**

At 7:00pm Carlson read the public hearing notice on the application of Empire Solutions on behalf of Bret and Erin Middleton for a special permit in order to erect a ground-mounted solar array into the record.

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

Courtney Roberts of Empire Solar Solutions gave a presentation of the application to the Board. She explained that her company would like to erect two ground-mounted solar arrays each 620 square ft. at 32 panels each, generating a total of 25.6 kilowatts in a dc system. The panels would be located in the middle of the back yard of the property.

Greenwood asked about the topography of the property which appeared to be flat. Roberts stated that the entire area is farmland. The owners do not plan to farm the land. Roberts introduced a topographic photo, which was labeled "Exhibit A" into the record.

Chair Schroeder explained that one of the things the Board looks for is buffering from the neighboring properties. The Board had received no correspondence concerning this solar array from the neighbors. Roberts added that the neighbors were located a couple of football fields away and that there were trees in between the properties. They had no intentions of removing the trees. Chair Schroeder added that the permit goes with the parcel not with the owner.

Chair Schroeder went over the requirements for a free-standing ground-mounted solar energy system Section 180-72.1 Sub-section F. of the Town zoning law. The project met the requirements.

Chair Schroeder went over the requirements under General standards Section 180-26 under Article VI. Special Permit Uses. The project met the requirements.

Chair Schroeder recommended that they waive the soil test requirements under Solar Energy Systems Section 180-72.1. She felt that in this case it was not relevant.

Lynch-Vandebogart made a motion to waive the soil test requirements as stated under Section 180-72.1 (7) a. Pitcher seconded; all voted in favor and the motion passed.

Greenwood made a motion that because it was a Type II action under Section 617.5 #9 of the SEQRA law, an accessory use to a residential principle use, the project was exempt from further review. Lynch-Vandebogart seconded; all voted in favor and the motion passed.

Chair Schroeder asked Roberts when they were starting construction. Roberts stated in middle to late March.

Chair Schroeder stated that one of the requirements is that a special permit be referred to the Planning Board by law and, as a courtesy reviewed by the CAC, but the Zoning Board can waive the requirement of site plan review by the Planning Board.

Greenwood made a motion to approve the special permit contingent on a positive response or no response from the Planning Board for a ground-mounted solar array on tax parcel 7069-00-622315 and to waive the requirement for site plan review by the Planning Board as authorized under Section 180.26L. Lynch-Vandebogart seconded; all voted in favor and the motion passed.

Lynch -Vandebogart made a motion to close the hearing; Pitcher seconded; all voted in favor and the motion passed.

Chair Schroeder asked for a motion to open the regular meeting, Greenwood so moved; Pitcher seconded; all voted in favor and the motion passed.

**Minutes reviewed:**

The Board reviewed the minutes of July 21, 2022. Greenwood made a motion to approve the minutes as presented; Lynch-Vandebogart seconded; all voted in favor and the motion passed.

**Ancestral Heart Zen Monastery**  
**Brooklyn Zen Center – Owners**  
**87 Kaye Road**  
**Special Permit**  
**Tax Parcel: 7272-00-479805**  
**Zoning District: A5A**

At 7:30pm Greenwood read the Public Hearing Notice into the record that was dated December 2, 2022 and published on December 8, 2022 in the Millerton News, commenced on Thursday, December 15, 2022 at 7:00pm and continued on Thursday January 19, 2023 at 7:30pm. The cancellation of the December hearing due to inclement weather and the rescheduling date was appropriately posted at the Town Hall.

Pitcher made a motion to open the hearing; Greenwood so moved; Lynch-Vandebogart seconded; all voted in favor and the motion passed.

Peter Sander from Rennia Engineering, gave an update on progress with the project. He reviewed his submission to the Zoning Board dated November 11, 2022. Several modifications had been made to the application.

Sander gave a brief history of the project. The project is a proposed multi-phase development. It will be constructed in three phases:

**PHASE I:** The conversion of an existing residence to a monastery use. The addition of a dining area, the conversion of the garage into a kitchen, a new addition of a yurt 40'x40' for outdoor events, and a workshop for general maintenance/storage.

**PHASE II:** Construction of a bunkhouse and an access road for emergency vehicles.

**PHASE III:** Construction of a two-story Zendo /Dormitory – a larger structure, the top floor would be a meditation space and the lower floor a dormitory for long term stays, the Abbot's Residence and walkways connecting structures.

Chair Schroeder had concerns over the location of the parking area. She suggested that it be re-located to get it away from the adjoining property if possible. Her concern is the light and the noise and the effect that it would have on the neighboring property. Sander spoke of a vegetative buffer that would be placed in this area.

Chair Schroeder stated that the engineer and the Zoning Board has to take into consideration that this project might start out as a monastery but fifteen years from now the property might be something else. Brooklyn Zen might decide to sell or convert the property to another use.

The Board and Sander reviewed and discussed a memorandum from Matthew D. Rudikoff Associates, Inc. dated December 13, 2022. The memorandum covered Zoning compliance,

street frontage, parking, lighting, signage, the Bog turtle etc; The Board gave Sander input into every question. Sander will be back with more detailed, well- developed plans.

Chair Schroeder asked Sander for \$3,000.00 more in escrow funds to cover future consultant costs.

Sander expressed that it would make it easier for his client to pay postage costs out of the escrow fund. Chair Schroeder will look into this with the Town Bookkeeper.

Lynch Vandebogart made a motion to recess the hearing and continue the meeting at 7:30pm March 16, 2023; Greenwood seconded; all voted in favor and the motion passed.

8:45pm: Pitcher made a motion to close the meeting; Lynch-Vandebogart seconded; all voted in favor and the motion passed.

Respectfully submitted,

Judith A. Carlson



Zoning board Secretary Town of North East (Approved)

June 15, 2023

RECEIVED  
JUN 22 2023

TOWN OF NORTH EAST  
TOWN CLERK