

TOWN OF NORTH EAST ZONING BOARD OF APPEALS

MINUTES

JANUARY 18, 2024

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, ("ZBA"), took place January 18, 2024 at 7:00pm in the Town of North East Town Hall, 19N Maple Ave., Millerton, NY. ZBA members present were Chairman Julie Schroeder, Vice-Chairman Edith Greenwood, Karen Pitcher, Judy Carlson, secretary to the Board and Patti Lynch - Vandebogart. Jeff Stark was absent. Also present were Charles Weinstock, Walter Chatham of Chatham Architects and Delora Brooks.

Charles Weinstock
Public Hearing for an area variance
31 Winchell Mountain Road
Millerton, NY 12546
Parcel # 7171-00-177913

7:00pm –

Chair Schroeder made a motion to open the Public Hearing. Vice – Chair Greenwood so moved; Pitcher seconded; all voted in favor and the motion passed. Carlson read the public hearing notice into the record.

Weinstock reviewed the project with the Board. When Weinstock bought the house it was clear to him and to the seller and next door neighbor, Mr. Chanda, that there was work to be done to the house. The question was where to start. Mr. Weinstock would like three bedrooms for his family and preferably one bedroom on the first floor. Weinstock is 68 and he would feel safer if his bedroom was on the first floor. There are three options of where to add on to the original house.

1. Building on the West side – This is not practical for there is a steep slope. It would be expensive.
2. Building on the North side. The back side of the house. Building on this side of the house causes two issues (a.) the septic is located there and (b.) it is in direct line with Chanda's view shed.

3. They chose to build to the East. They would not construct windows on that side of the house, protecting Chanda's view. Furthermore, the two properties are separated by evergreen trees, and they intend to put in more if needed. The houses would still be 76 feet apart. The location of the addition would not interfere with Chanda's view. Chanda's first floor is a garage and Weinstock does not think it will affect Chanda's property if Weinstock chose to build to the East.

Weinstock's front yard is an extension of a non-conforming use. It is already a little short on the front yard and all they would be doing is going 15' sideways. They intend to put plantings there also.

Walter Chatham, of Walter Chatham Architects went over the architectural drawings with the Board. Chair Schroeder stated that one of the factors the Board has to consider is feasible alternatives and that is why the Board should have a thorough understanding of the existing house.

Chair Schroeder asked if Weinstock had any contact with the Department of Health. Adding bedrooms you may need a permit. Chatham expressed that the capacity of the existing septic is for three bedrooms. Chair Schroeder asked if there was any limitation to where the septic is located to the building. Chatham replied 15 feet from the building.

Discussion continued on all aspects of the architectural drawings. Chair Schroeder asked if there was a kitchen. Chatham replied that there is a room for a kitchen but no fixtures are there.

Chair Schroeder stated that one of the parameters that the Zoning Board considers is if there are feasible alternatives.

Weinstock stated that it appeared that the Board was entertaining the idea that they build on the north side or the back of the house. Weinstock noted that Mr. Chanda sits on his back porch to see the view of the Catskills. If they were to build to the north, the addition would block Chanda's view to the west. Weinstock and Chatham were taking that fact into consideration when designing the addition.

Chair Schroeder asked how large the addition is. Chatham replied that the addition was 25' x 24'.

Chair Schroeder asked if the addition is going to be on piers or a poured foundation. Chatham replied that both were going to be used.

Vice-Chair Greenwood stated that the ground is the most level between the two houses.

Chair Schroeder asked if there were any comments from the audience.

Chair Schroeder introduced and read ("Exhibit A") a letter from Edward Chanda, of 37 Winchell Mountain Road) into the record. The letter was received on January 18, 2024 at 6:45 pm. Mr. Chanda had not received his certified notice till that morning and had not had time to hire an attorney to represent him and make the necessary arrangements to attend. Mr. Chanda wanted to formally state his objection to Weinstock's application for the following reasons. 1. The plans constitute a change to the neighborhood and neighboring properties. 2. There are feasible alternatives to the variance. 3. The requested variance is substantial. 4. The proposed variance may have adverse effects on physical/environmental conditions. 5. The owner's difficulty was self-created. Mr. Chanda believes that the application should be denied.

Discussion ensued and Chatham and Weinstock will look at a feasible alternative. Chatham has done some alternative drawings and would bring them to the next meeting.

The Board decided on a site visit for Saturday, January 27th, 2024 at 9:30a.m. at the Weinstock Property.

Chair Schroeder stated that the Board also has to take into consideration the character of the neighborhood. All the adjoining lots are large and here are two lots where the houses are crammed together. Just because the situation is there, does not mean it has to be bigger yet. The lot is a nonconforming lot and this is another factor that the Board has to consider.

Chair Schroeder and the Board are not very concerned with the front yard setback.

Weinstock asked if a reduced side yard would be taken into consideration. Is the issue the view from the road?

Chair Schroeder replied that it was the general character of the neighborhood.

Chair Schroeder made a motion to recess the hearing until February 15th at 7:00 pm; Lynch-Vandebogart so moved; Vice-Chair Greenwood seconded; all voted in favor and the motion passed.

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

Minutes of December 21, 2023 approved: Vice-Chair Greenwood made a motion to accept minutes as written; Schroeder seconded; all voted in favor and the motion passed.

Greylock landscaping photographs – reviewed for Brooke Schooley and David Head #7269-00-145762. Chair Schroeder entertained a motion that the Board give approval to the submitted landscaping plan and installation from David Head and Brook Schooley; Pitcher seconded; all voted in favor and the motion passed.

8:15p.m. Vice-Chair Greenwood made a motion to adjourn the meeting; Lynch-Vandebogart seconded; all voted in favor and the motion passed.

Respectfully submitted,



Judy Carlson
Zoning Board of Appeals Secretary

Date Approved: 2/15/24

