

TOWN OF NORTH EAST ZONING BOARD OF APPEALS MINUTES May 16, 2024

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals (“ZBA”) took place May 16, 2024 at 7:30pm in the North East Town Hall, 19N Maple Ave., Millerton, NY. ZBA members present were Vice-Chairman Edith Greenwood, Karen Pitcher, Jeffery Stark, Patti Lynch-VandeBogart and Judith Carlson, secretary to the Board. Chairman Julie Schroeder was absent. Also present was Charles Weinstock.

Charles Weinstock

Public Hearing for an area variances

31 Winchell Mountain Road

Millerton, NY 12546

Parcel # 7171-00-177913

7:30pm - Vice - Chair Greenwood entertained a motion to continue the hearing on the application of Charles Weinstock, which was opened on January 18, 2024 and continued on February 15th, recessed on March 21, 2024, continued on April 18, 2024 and May 16, 2024. Lynch-VandeBogart so moved; Pitcher seconded; all voted in favor and the motion passed.

Charles Weinstock reviewed three new documents with the Board - the survey, the first-floor plan, and the landscape plan all of which were introduced into the record.

- The Survey - Weinstock thought the survey spoke for itself - Vice-Chair Greenwood asked the Board if they had any questions.
- The First Floor Plan - The Board did not have any questions. Vice-Chair Greenwood asked about the area to the left of the kitchen - discussion took place.
- The Landscape Plan - Planting Plan - The Board discussed. Weinstock made the comment that the front will be landscaped as well as the landscaping to the east.

Vice-Chair Greenwood stated that Chair Schroeder cautioned the use of Balsam in the planting plan. Weinstock suggested Norway spruce. Weinstock stated that Norway spruce would match what Chanda already had on his property. Vice-Chair Greenwood asked if there were any further questions on the landscape plan. The Board had no further questions.

Weinstock stated that he is working with the Dutchess County Department of Highways to move his driveway ten feet farther to the right (east) to give a little more of a distance as you pull into his house. Vice-Chair Greenwood asked what the Department of Highways said about his request. Weinstock replied that as long as he stays 25' from the property line to the center of the driveway it would be fine. Weinstock stated that he would continue looking into this matter.

Vice-Chair Greenwood made a motion to close the Public hearing and re-open the regular meeting. Stark so moved; Pitcher seconded; all voted in favor and the motion passed. Chair Greenwood stated that the Board had not gone over the EAF Part I. The Board went over the document and two changes were made. On number 5 - Is the proposed action a. A permitted use under zoning regulations - Yes was checked and was changed to No because of the variances needed. On number 14 - Identify the typical habitat types that occur on or are likely to be found on the project site. Suburban was checked and changed to Agricultural/grasslands. Vice-Chair Greenwood asked if there were any questions.

Vice-Chair Greenwood made a motion that this was a Type 2 action under SEQR and not subject to further review. Lynch-VandeBogart seconded; all voted in favor and the motion passed.

Vice-Chair Greenwood stated that Stark had created a draft decision. He made a clarification on page 7 of the draft decision. It is written as follows:

The second paragraph should read: The Dwelling already encroaches 10.5 feet and the additional side yard encroachment is 8.5 feet for a total encroachment of 19 feet on the eastern side yard. That is substantial. The requested encroachment of 28.5 feet on the front yard is also substantial.

Vice-Chair Greenwood stated that Chair Schroeder had a comment that another reason that going to the west with the addition was not feasible was that all the mechanicals are on the east side. Stark stated that he will note on page 6 of the decision and rewrite the last paragraph to read: More telling is the fact that because of the western and northern almost solid walls of windows and the location of existing and proposed bathrooms and the kitchen, and the existing mechanicals on the east side of the house, it would be highly impractical and inefficient to locate a bedroom other than where the Applicant has proposed, necessitating both variances.

Vice-Chair Greenwood called for an official vote on the variances proposed. An official vote was called for the record as follows:

- Vice- Chair Greenwood - Aye
- Jeffery Stark - Aye
- Karen Pitcher - Aye
- Patti-Lynch VandeBogart - Aye
- Chair Schroeder - Absent

The official vote carried, and the variances were granted.

Minutes of April 18, 2024 approved: Vice-Chair Greenwood made a motion to accept the minutes as written; Stark so moved; Pitcher seconded; all voted in favor and the motion passed.

8:45pm - Vice- Chair Greenwood asked for a motion to adjourn the meeting; Stark so moved; Lynch - VandeBogart seconded; all voted in favor and the motion passed.

Respectfully submitted,



Judy Carlson
Zoning Board of Appeals Secretary

Date Approved: 6/20/24

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JUL 11 2024
TOWN OF NORTH EAST
TOWN CLERK