

TOWN OF NORTH EAST

ZONING BOARD OF APPEALS MINUTES

June 20, 2024

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals ("ZBA") took place June 20, 2024 at 7:30pm in the North East Town Hall, 19N Maple Ave., Millerton, NY. ZBA members present were Chairman Julie Schroeder, Vice-Chairman Edith Greenwood, Karen Pitcher, and Judith Carlson, secretary to the Board. Jeff Stark and Patti-Lynch-VandeBogart were absent. Also present were Jeff Moore, project designer/ The Jantile Group, Michael Klein and Amy Klein.

Michael and Amy Klein
Public Hearing for an area variance
9 Willoughby Lane
Millerton, NY 12546
Parcel # 7269-00-674830

7:30pm - Carlson read the Public Hearing Notice into the record.

Chair Schroeder entertained a motion to open the public hearing. Pitcher so moved; Vice-Chair Greenwood seconded; all voted in favor and the motion passed.

Jeff Moore, project designer for The Jantile Group reviewed the project with the Board.

The Klein's house is a single family residence in the A5A zone. The Klein's have 1.3 acres on a short, dead-end road. Most of the lots in that development are undersized. The existing house is located in the center of the property. When you take the 50' side setbacks you have a very narrow building envelope and they would like to go out of the existing first floor overhang 2 feet' and they want to replace where the deck is by extending the bedroom on the first floor. There is no new ground coverage. The side would protrude about 2 feet more. Forty feet from the side yard is proposed as fifty feet is the requirement. Moore said that he needs a variance of 10' on the North side, a 20% reduction.

The Board discussed setbacks in this area. Chair Schroeder stated that when the subdivision was approved the setback was 25' in this area. Greenwood stated that the setbacks within the small subdivisions would be fixed at the time the existing code is updated. The Zoning Review Committee is reviewing this now and the planner says that it is an easy fix to get it into the Town Code.

Chair Schroeder asked if there were any other buildings on the lot. Moore replied there was a gazebo and a shed.

Greenwood stated that she had looked at Parcel Access and was pleased when she saw the houses were staggered within the lots of the subdivision. The Klein's are situated nearer the front of the lot than the neighbors on either side.

Chair Schroeder asked if the Klein's neighbors were aware of their request. The Klein's responded that they were.

There was no correspondence received concerning the project.

Chair Schroeder entertained a motion to close the Public Hearing. Greenwood so moved; Pitcher seconded; all voted in favor and the motion passed.

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

The Board went over the EAF Part I document and two changes were made. On number 15 - Does the site of the proposed action contain any species of animal or associated habitats, listed by the State or Federal government as threatened or endangered? "Yes" was checked and changed to "No".

On number 17 - Will the proposed action create storm water discharge either from point or non-point sources? Discussion took place and "No" was checked.

Chair Schroeder made a motion that this was a residential Type 2 action under SEQR and not subject to further review. The reference is 617.5 (C) Section 11. Greenwood so moved; Pitcher seconded; all voted in favor and the motion passed.

Greenwood went over the area variance balancing test. The Board considered the following five statements:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. The Board felt there would be no change. Chair Schroeder stated that the house is existing and the variance was a small impingement on the existing home.
2. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue, other than an area variance. Chair Schroeder asked if Moore could have gone to the other side. Moore replied no because it is a three-segmented house and the mechanicals are on the North side.
3. The requested area variance is not substantial, being only 20%.

4. Whether granting of the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district was answered no.

5. The criterion whether the alleged difficulty is self - created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance was answered no. The alleged difficulty was created when the subdivision was made. The original zoning was one acre with a 25' setback.

Chair Schroeder made a motion to approve the area variance as applied for with no conditions. Greenwood so moved; Pitcher seconded; all voted in favor and the motion passed.

Pitcher will write the Facts and Findings.

Minutes: The minutes of May 16, 2024 were reviewed. There were changes to be made on the first paragraph (commas removed after Appeals and ("ZBA"))...The sentence should read as follows: 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.

Greenwood entertained a motion to approve the minutes of May 16, 2024 as amended. Pitcher seconded; all voted in favor and the motion passed.

General Business: Return of unused Escrow funds to Charles Weinstock of Winchell Mountain Road. Discussion took place to authorize the return of \$1,060.00 back to Charles Weinstock.

Greenwood entertained a motion to authorize the chair to return \$1,060.00 back to Charles Weinstock. Chair Schroeder so moved; Pitcher seconded; all voted in favor and the motion passed.

8:30pm - Greenwood asked for a motion to adjourn the meeting. Pitcher so moved; Chair Schroeder seconded; all voted in favor and the motion passed.

Respectfully submitted,



Judy Carlson
Zoning Board of Appeals Secretary

Date Approved: 8/15/24

