

**TOWN OF NORTHEAST
ZONING BOARD OF APPEALS MINUTES
OCTOBER 17, 2024**

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals ("ZBA") took place October 17, 2024 at 7:30pm in the North East Town Hall, 19 N Maple Ave., Millerton, NY. ZBA members present were Chairman Julie Schroeder, Vice-Chairman Edith Greenwood, Karen Pitcher, Jeffrey Stark, Patti-Lynch –VandeBogart and Judith Carlson, secretary to the Board. Also present were Wesley Chase of Chase Surveying, Kevin Webb and Chris Kennan.

John Kevin Webb

Public Hearing for area variances

144 Skunks Misery Road

Tax Parcel # 7170-00-082854

7:30 pm - Chair Schroeder entertained a motion to continue the public hearing on the application of John Kevin Webb and NML Farm LLC. VandeBogart so moved; Stark seconded; all voted in favor and the motion passed.

Chase had new information to submit for the record:

1. A resolution from NML Farm LLC which gives Cara Whalen, an attorney from Millbrook, NY authorization to sign all the forms for NML Farm LLC.
2. The application which is NML Farm LLC with Whalen's signature on that document.
3. An e-mail from NML Farm LLC which states that they do not have the intention to alter the use or the structure of the barn.

Chase noted that a letter from the Planning Board referring the application to the Zoning Board had been received.

Chair Schroeder stated that she called the Assessor's office to get an idea how many acres NML controls. The assessor stated NML has 610.7 acres of which 120 are tillable. She hoped that NML Farm LLC planned to use the barn for hay storage. To save the barn is important in so far as it is a support for agriculture.

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 made a motion to open the meeting. Stark so moved; Greenwood seconded; all voted in favor and the motion passed.

The Board reviewed SEQR. Chair Schroeder made a motion that since it is a residential, dimensional variance it is a Type 2 action and exempt from further review under SEQR regulations. Stark so moved; VandeBogart seconded; all voted in favor and the motion passed.

The area variance balancing test with the five factors to be considered was reviewed.

After much discussion of the variances required, Stark entertained a motion as follows:

The Zoning Board of Appeals grants both applications. With respect to Mr. Webb, the Board is granting a variance of 27' namely - (50' - 23') - a rear yard variance. In respect to the larger parcel (NML Farm LLC) the Board is not convinced that a variance is required if this is deemed a front yard since the front yard is more than 75' from the street line. However, if it were determined that (NML Farm LLC) requires a side yard variance then that variance would be 7' namely (50' - 43') and the variance is granted. The Board finds that the benefit to both applicants cannot be achieved by other feasible means and that no undesirable change in the neighborhood, character or detriment to nearby properties would be caused by either variance. The Webb variance is fairly substantial and the (NML Farm LLC) is not and the requested variances will not have an adverse, physical or environmental effect. We find that the variances somewhat are self- created in as much as they would not be required if a change lot line was not being requested.

Pitcher seconded; all voted in favor and the motion passed.

Minutes reviewed: Stark made a motion to approve the minutes of September 19, 2024 as written. Greenwood seconded; all voted in favor and the motion passed.

8:20pm: Greenwood made a motion to close the meeting and adjourn. Stark seconded; all voted in favor and the motion passed.

Respectfully submitted,



Judith A. Carlson

Zoning Board Secretary

Town of North East (Approved) 9/18/25

