



**TOWN OF NORTHEAST  
ZONING BOARD OF APPEALS MINUTES  
OCTOBER 16, 2025**

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals ("ZBA") took place October 16, 2025, at 6:30 pm in the North East Town Hall, 19 N. Maple Ave., Millerton, NY. ZBA members present were Chair Edith Greenwood, Julie Schroeder, Karen Pitcher and Judith Carlson, secretary to the Board. Jeffery Stark and Patti Lynch- VandeBogart were absent. Also present was Andrew Didio of Taconic Engineering, Joan Ditur, Jeanne Osias, and Chip Barrett.

**Robert and Nancy Kaplan  
Public Hearing for area variances  
Lot 17 Ridgecrest Lane  
Tax Parcel: 7070-00-723996**

6:30 pm – Chair Greenwood opened the meeting. Schroeder made a motion to recess the meeting to hold the public hearing. Pitcher so moved; Greenwood seconded; all voted in favor and the motion passed.

Carlson read the public hearing notice into the record.

Andy Didio of Taconic Engineering reviewed the project and plans with the board. Exhibit #2 – a new site plan was introduced into the record.

Didio represents Robert and Nancy Kaplan. They are seeking two area variances – a side yard and a front yard variance. Taconic Engineering was contracted by the owners to do a site plan and a septic design for the Kaplan's property. After the owners staked out their desired location, Taconic Engineering went through the zoning map and misidentified what zoning district the parcel was in. They thought when they looked at the zoning map that they were in the R1A and not the A5A Zoning District. The colors were similar on the map. They went ahead and sited the house and did the septic design. Chip Barrett on behalf of Robert Kaplan submitted and received a building permit and proceeded to do the excavation and pour the footings.

In speaking with the building department in September about locating the propane tank, it was discussed that the front yard setback from the centerline of the road was different in the R1A zoning district than the A5A Zoning District.

The Board and Didio studied Exhibit #2 and discussion took place. The Board discussed with Didio the setbacks required for a front and side yard setback in the A5A zoning district. Didio requested that a 6' side yard variance and a 10' variance for the front yard were needed.

**Discussion of the septic system** - Schroeder had a question about whether the septic system had been installed. Didio explained that the septic system location was approved as part of the original subdivision. Both the septic tank and the septic field have been installed. Taconic Engineering reauthorized the septic with the Department of Health, and it was approved and final certification was made. Chair Greenwood asked Didio whether the location of the septic could be moved down so the variances would not be needed. Didio explained re-excavation of the house would have to take place. The invert to the septic tank might be disturbed if they shifted the house down and the tank would have to be reset. He stressed that the building permit had been issued and the footings poured. Pitcher asked if it was a grade issue and Didio's reply was yes.

**Building permit issued** – Schroeder stated that there was a problem if they did not have a building permit. Didio responded that they did have a building permit and it had been issued by the code enforcement officer. Schroeder stated that the board would have to see a copy of the building permit to verify that it had been issued. Schroeder asked why the zoning board was involved if they already had a building permit. Didio explained that they were here to put it on the record now that the footings have been poured, that they do not meet the setbacks and the home is being delivered in mid- November. Schroeder stated that this situation was the builder's error. It is a cardinal rule that a builder's error is not a reason for a variance. Schroeder was having trouble with that and the fact that a building permit was issued and the footings had been poured. Pitcher wanted to know if this had been done before. The board had no further questions.

**Jeanne Osias from 7 Briarwood Lane** –, member of the of the audience spoke. She had re-located to this area from Long Island, liked the neighborhood, and thought she would like to live here.

She had studied the location of the houses located on Briarwood Lane and most of them were situated in the middle of their individual lots. Her problem with the location of the Kaplan house was that it was going to be built too close to her house. She felt that the siting of the house was located ridiculously close to the location of her bedroom. The board should consider how close to the side neighbors other houses in the development are and you will find that there is quite a bit of separation and the separation that will exist with her new neighbor and her house appears significantly less with the six feet with or without the 6 ft variance.

Discussion about the house and its location took place. Didio explained that the applicant's intent was to keep the existing tree line as it is because they also wanted some screening between neighbors. Chair Greenwood asked how tall the house was and Didio stated 24' feet tall. Didio explained that the Kaplan house is a Cathedral style single story house and at the basement level is where the garage is located.

Schroeder asked a question as to whether anyone had determined the setback on the other homes in the development. Do they meet the setbacks? Greenwood told Osias that if a decision is made to grant the variance, the ZBA is able to set conditions. She asked what conditions would Osias want? Osias replied – foliage – not deciduous – evergreen foliage and she will provide the same. Barrett stated that they would be fine doing some additional planting of trees along the boundary to screen out Osias's view.

Didio explained that their request is not a want – there is a cost associated with it. Greenwood agreed and that the board should take that into consideration. Schroeder was mystified by the building permit being issued. Schroeder wanted to see the whole application. Schroeder went on to explain that this is a dangerous precedent to issue a variance based on builder’s error. Discussion took place.

Greenwood made a motion to recess the public hearing and continue the meeting on October 23<sup>rd</sup> at 7:00 pm. Pitcher seconded; all voted in favor and the motion passed.

**Minutes:** Greenwood asked for a motion to accept the minutes of September 28, 2025, as written. Pitcher so moved; Schroeder seconded; all voted in favor and the motion passed.

7:45 p.m. – Greenwood made a motion to adjourn the meeting; Pitcher so moved; Schroeder seconded; all voted in favor and the motion passed.

Respectfully submitted,



Judith A. Carlson

Zoning Board Secretary

Town of North East (Approved) 11/20/25