

TOWN OF NORTH EAST
ZONING BOARD OF APPEALS MINUTES
OCTOBER 23, 2025

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals (“ZBA”) took place October 23, 2025, at 7:00 pm in the North East Town Hall, 19 N Maple Ave., Millerton, NY. ZBA members present were Chairman Edith Greenwood, Julie Schroeder, Karen Pitcher, Patti Lynch-VandeBogart, Jeffrey Stark and Judith Carlson, secretary to the Board. Also present was Andrew Didio of Taconic Engineering, Chip Barrett, Meg Winkler, Bill Kish, and Chris Kennan.

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

Chair Greenwood asked for a motion to continue the recessed Public Hearing on the application of Robert and Nancy Kaplan for property located on Ridgecrest Lane. Motion made by Stark, seconded by Lynch-Vanderbogart and passed unanimously.

Chair Greenwood told the ZBA that Andrew Didio had brought an updated site plan and a revised application and asked him to walk us through the changes. After recounting how the house siting mistake was made and discovered, Taconic Engineering retained a surveyor who did a survey on October 20, 2025. The updated site plan shows front yard distances of 91.5 ft from the center of the road and 66.3 ft from the edge of the road. The side yard measurement stayed the same at 44 ft. The updated application reflects the updated front yard distances and requests 8.5 ft relief for the front yard setback and 6 ft relief from the side yard setback. Didio stated both variances should be considered minor.

In addition, Didio presented a neighborhood map from Parcel Access showing 10 properties in Briarwood Estates that do not meet the current setback requirements.

Stark asked that it be on the record that Andrew Didio had done work for him when Didio was with Crawford & Associates. Stark did not think it was a reason for him to recuse himself from voting on this application. Stark went on to explain that the role of the ZBA is to get all the relevant information regarding this request into the record and therefore, some of his questions may be broader than the findings the ZBA decision finally makes.

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Stark asked a series of questions to establish the basic facts and time line. The committee learned that the Kaplans are acting as their own general contractor. Didio said that Taconic Engineering had been asked to do a septic system plan, a foundation plan, and a grading and drainage plan. The building department had not required an overall site plan that would have included a zoning block and would have shown the required setbacks. Didio confirmed that the septic system and footings are in place.

Stark's questions clarified that Barrett was being paid to act in a local supervisory role and not as a general contractor. Kaplan contracted with the necessary subcontractors directly. The building permit was completed and signed by Robert Kaplan. Barrett had provided the information Kaplan needed to fill out the application.

Barrett reiterated that he had learned there were issues with the setbacks on September 11, 2025, when he went to the building department to ask about locating a propane tank on the property. At that point Barrett was told to stop all work and was referred to apply to the ZBA.

Stark asked both Barrett and Didio if they had calculated the closest distance between the Jeanne Osias property and the Kaplan property. They both answered no. Stark requested that the distance be determined for the record.

Meg Winkler, a member of the audience, stated she had come in support of the ZBA granting the requested variances. She felt the variances were insignificant. Winkler went on to state that our current zoning in the 5-acre district on lots of a lesser size creates big problems. She stated that the goal of the Town is to increase housing density. Winkler said that personally, she feels something needs to be done to change the zoning requirements for smaller lots in the A5A district.

Schroeder brought paperwork regarding the setbacks that were in effect when the original development was built in 1974 and asked that the setback section be put in the record. She stated that the front yard setback was set at 50 ft and indicated the side yard setback was 25 ft.

Greenwood recessed the public hearing and asked that it be continued on November 20, 2025 and for a motion to go into our regular meeting. Motion made by Pitcher, seconded by VanderBogart and passed unanimously.

The ZBA decided it would take a straw poll vote and do a final vote after the decision is written and reviewed.

1. *Whether benefit can be achieved by other means feasible to the applicant.*

Schoeder began by stating that had this application been made prior to work having been done, it would have been denied as moving the siting of the house would have been a simple fix.

Greenwood stated that she felt the operative word in this test is feasible in this case. Barrett had provided a cost estimate for moving the footings and septic tank of \$34,000 and Didio estimated there would be an additional \$15,000 cost of rerouting the existing driveway. It was acknowledged that delaying the delivery of a manufactured home created additional expense.

Stark stated that in this context, the word feasible means – “what can the applicants do to achieve the benefit they are seeking which is to build their house on the footings that already exist at substantial expense.” He felt the benefit can only be obtained by seeking these variances.

No.

2. *Undesirable change in the neighborhood character or the nearby properties.*

The property is heavily wooded on the relevant sides. Jeff reiterated his point of the importance of putting the distance between the two houses on the record.

No.

3. *Whether the request is substantial.*

No.

4. *Whether request will have an adverse physical or environmental effects.*

No.

5. *Whether the alleged difficulty is self-created.*

Yes. Ignorance is no defense.

A straw poll was taken as a roll call vote.

Pitcher – Yea

Stark – Yea

Schroeder – tentative Yea pending seeing the written decision

VanderBogart – Yea

Greenwood – Yea

Didio was concerned that the construction of the house would be delayed until the decision was written. He and Barrett were told that as far as the ZBA was concerned the applicant could continue with construction at their own risk.

The Board had a discussion of what conditions would be included in the decision. The consensus was that a buffer of a certain depth be kept as is on the property lines where variances were needed.

Schroeder made a motion that the Building Department be notified that we have informed the client that they can proceed at their own risk until we have a final written decision. The motion was seconded by Stark and all voted in favor and the motion passed.

The ZBA did the SEQR review and reviewed the Short Form EAF. It was deemed a Type II action under Title 8 of the NY Comp Codes Rules & Regs section 617-5 (11) and therefore not subject to further action.

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

It was decided that Greenwood would draft a decision which would then be edited by Stark and circulated to the ZBA in advance of the next scheduled ZBA meeting on November 20, 2025.

Schroeder made a motion to adjourn the meeting. Stark seconded the motion, and all voted in favor.

Prepared by



Edith Greenwood
Zoning Board Chair

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