

July 22, 2014

UNAPPROVED

PINE PLAINS ZONING BOARD OF APPEALS MINUTES

JULY 22, 2014

IN ATTENDANCE: Scott Chase, Chairman

Margo Jackson

Michael O'Neill

Carl Baden

ABSENT: Bruce Pecorella

Wayne Frenzel, Alternate

ALSO PRESENT: Drew Weaver

Scott Chase called the meeting to order at 7:30 pm.

MICHAEL QUINN: This application is for property located at 3536 Route 199 requesting an area variance to change side yard setback in order to construct a storage shed. Chairman Chase opened the public hearing at 7:30 pm. Chase stated the side yard requirement in that district is 50 feet and the applicant is requesting to reduce it to 35 feet. Chase stated that the hearing notice was published in the newspaper as required and the notices were sent to adjoining property owners as required. Chase stated that as the property is located on a State highway, it was referred to Dutchess County Planning and they deemed it a matter of local concern. There were no members of the public present. Chase stated he would leave the hearing open while the Board discussed the application in case someone from the public arrived late. Chase advised that the Board just performed a site visit and looked at the Town habitat map. Chase stated it doesn't show as an area of specific environmental concern. Chase stated that an area variance is a Type II action under SEQRA and no environmental review is required. Chase stated he saw no issues during the site inspection. Discussion followed. Jackson stated there is no other method feasible, it is not self-created and it is not a detriment to the neighborhood. The public hearing was closed at 7:35 pm. The

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Board reviewed a draft resolution. On a motion by Jackson; second by O'Neill approval was granted to prepare a resolution of approval for the area variance as requested (copy of resolution attached). All in favor. Motion carried.

DARRAH CLOUD/DAVE OWENS: Darrah Cloud was present. This is for a zoning interpretation regarding a fence for property located at 30 Birch Drive. Weaver had issued an order of compliance on May 17, 2014 and the property owners have sent a letter to the ZBA asking for this to be overturned. Weaver explained that after the property owner spoke to him he realized that it wasn't an entire replacement. He stated there is about 400 total feet of fence and there remains about 106 feet of the old fence in the fashion it was originally installed. Weaver stated that in good faith the property owner was just matching what was there. Weaver stated that since he did issue an Order of Compliance he needs an interpretation and the Zoning Law needs some fine tuning with regard to this. Chase stated he originally thought it was a total rebuild and if that was the case then it would need to comply. Chase stated he just realized it wasn't a total replacement. Discussion followed. Chase stated the Zoning Law is ambiguous as to what happens when there is a partial replacement. Chase stated since it was a partial replacement he feels they are allowed to match what was there. Discussion followed. On a motion by Jackson; second by Baden the Board voted to overturn the Order of Compliance dated May 17, 2014 as the language in the Zoning Law is ambiguous with regard to replacement of fences and a portion of the old fence remains. All in favor with O'Neill abstaining. Motion carried.

Motion by O'Neill to approve the June 24, 2014 minutes; second by Baden. All in favor with Jackson abstaining. Motion passed.

Motion by Jackson to adjourn; second by O'Neill. All in favor. Motion carried

Respectfully submitted by:

Nancy E. Proper

Secretary

Scott Chase

Chairman