

July 23, 2013

**PINE PLAINS ZONING BOARD OF APPEALS MINUTES
JULY 23, 2013
7:30 PM**

IN ATTENDANCE: Scott Chase, Chairman
Jane Waters
Mike O'Neill
Margo Jackson
Dick Hermans, Alternate

ABSENT: Bruce Pecorella
Helen Fuss, Alternate

ALSO PRESENT: Drew Weaver, CEO
Rosemary Lyons-Chase, Town Board Liaison

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

JOHN & ANNE BOYLES AREA VARIANCE: John Boyles was present at the meeting. This is for a proposed area variance for property located at 6 Hammertown Road. Chase advised that the Board had received and reviewed a copy of the area variance application a couple weeks ago. Chase stated he thinks the Board understands what the request is. He stated that at the time this structure was built there wasn't a building permit given. Chase stated now that the applicant has come to get it approved, Weaver has made the decision that it doesn't comply with Zoning and it requires area variances be made. Chase stated that the Board made inquiry to the Town Attorney in terms of whether there were any restrictions on them or issues and Chase stated that Weaver had to deny the building permit request. Chase stated he understands that the Board should treat it as if the applicant were coming in to build the structure. Chase stated he has seen the property as the Town Assessor and feels there was nothing that jumped out at him in saying this would be difficult. Chase stated that the Board needs to go through the process with this pre-application discussion. Chase stated if there were other things that Boyles needed to say or if the Board had other questions, this would be the time to discuss them. Chase stated that presumably, if nothing jumps out at them in the next few minutes of discussion, the Board would set a public hearing for the August 27th meeting. Chase stated unless something comes out of the woodwork, he didn't see why the Board would not grant the variance. Waters stated the Board is basically forced to. Chase stated the even if he did get a building permit he still would have been able to build it right where he did. Chase stated it would have been non-conforming when the Zoning Law was enacted. Waters stated then it would have been fine. Waters stated the Board would have a site visit before the public hearing. She asked if the property dropped off right behind it. Boyles presented a map of the property for the Board to review. Boyles stated it drops off

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and it is wetlands. O'Neill asked who put the red flag up? He asked if it was the real estate people. Boyles stated he needed a building permit for the building. O'Neill asked who wanted that. Boyles stated he has always wanted to do it. Waters asked what O'Neill meant by red flag. O'Neill stated he wanted to know what brought Boyles here. O'Neill stated in selling the property someone must have said it can't be sold because of this. Waters stated Boyles must have a Certificate of Occupancy. O'Neill asked if he needed that to sell the house. Chase stated if you built the house before a certain date there were no regulations and Weaver would write a letter stating this was in compliance. Weaver stated 1982 is the date. O'Neill stated the house probably was okay but this structure wasn't. Chase stated he has a structure that was built during a time when building permits were required and he didn't get it means Weaver can't write the letter and therefore a bank will not give a mortgage. While reviewing the map, Chase stated that Boyles made great use of the property. Chase asked the Board if anyone had any further questions or issues. None. Chase stated the public hearing would be scheduled for August at 7:30 pm. The Board set the site visit for Tuesday, August 27th at 7:10 pm. Boyles asked if any copies of the maps were needed. Proper stated she would like 3 copies. Chase stated this is within 500 ft. of a state/county highway so it has to be referred to Dutchess County Planning for their review and comment. Chase stated they have 30 days to make their comments. Proper stated she would send it to Dutchess County Planning the next day. Proper stated that she would send Boyles a bill as soon as the fees were tallied. Chase stated that all property owners within 500 ft. would get a certified mailing advising them of the public hearing. Chase stated if Boyles has any issues with any neighbors it would be to his benefit to speak with them personally beforehand. Waters asked if the structure was the one where he had a dog kennel. Boyles stated yes he had a couple kennels there. Chase stated there were three. Chase went over the definition of a kennel from the Zoning Law. Chase stated the Board isn't giving permission for him to have a kennel. Waters stated she understood but was just trying to connect the dots. Chase stated the ZBA is just considering whether or not giving an area variance would be appropriate and not on the use of it.

OTHER BUSINESS:

Waters stated that Replansky has been talking to the Town and Planning Boards about whether they have any suggestions of things that need to be changed in the Zoning Law. She stated that Replansky stated at the Town Board meeting he didn't know if the ZBA had anything to add. Chase stated that probably Weaver has most of it. Chase added that with most of the things that have come before the Board, the Zoning Law has worked for us. He stated the Board has been able to give the variances or direct the applicant to a way they could get to where they wanted to be

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at least partially if not wholly. Chase stated he feels it has worked without too much of a struggle. Waters stated the only thing she came up with was the language about trailers in the non-conforming part of the Law is inconsistent with the language about trailers someplace else. Chase stated that should be looked at. Weaver stated he has that on his list. O'Neill stated there were so many letters that had to be sent for the pool at the end of Pine Street because of the 500 feet. Chase stated when you get in an area of town that has a higher density it can be a lot of neighbors that need to be notified. Chase stated 500 feet is not that far. Short discussion followed on how this might be changed. Weaver stated it there might be a way to do it by district. O'Neill stated the Board can watch it for another year and see how many times it comes up. Chase stated he has concerns about it. Waters asked what the most expensive mailing was so far. Proper stated the Brenner area variance. Short discussion followed on various ways to alleviate the cost. Chase stated this should be discussed with Replansky. Waters made a motion to accept the June 25, 2013 minutes with the following correction: on page one the following sentence, "Chairman Chase stated that it is the purpose of the ZBA to uphold the law and not to give relief to anyone that asks." should read as follows: "Chairman Chase stated that it is the purpose of the ZBA to uphold the law and not automatically grant relief to anyone that asks." Second by O'Neill. Motion passed. All in favor.

Motion by Waters to adjourn at 8:00 pm; second by O'Neill. All in favor. Motion passed.

Respectfully submitted by:

Nancy E. Proper
Secretary

Scott Chase
Chairman