

June 22, 2010

**PINE PLAINS ZONING BOARD OF APPEALS MINUTES  
JUNE 22, 2010**

**IN ATTENDANCE:**

Scott Chase, Chairman  
Margo Jackson  
Jane Waters  
Steve Patterson

**ABSENT:**

Bruce Pecorella

**ALSO PRESENT:**

Drew Weaver, CEO/ZEO  
Rosemary Lyons-Chase, Town Board Liaison  
One member of the public

**BENOV AREA VARIANCE PUBLIC HEARING:**

Chairman Chase called the meeting to order at 7:30 PM. He opened by reading the legal notice for the Benov public hearing. Chase asked if there were any members of the public who wished to speak. No comment from the public. Chase stated that a letter was received from Marion Cooper. Chase read the letter into the record. A copy of her property survey map was submitted with her letter. She requested that the applicant make sure his surveyed property lines matched hers. Benov stated he called the surveyor, Lyndon Chase, prior to the public hearing and knows the property line is correct. Benov stated that he also personally spoke with Ms. Cooper. Chase stated that she is not disputing the construction and when things are tight the CEO has to make sure that the property lines are correct. Chase asked for a motion to close the public hearing. Jackson made a motion to close the public hearing at 7:40 PM; second by Patterson. All in favor. Motion carried. Weaver stated that if the variance is granted, the building permit would be granted and it would be his judgment call as to how confident he is as to where the line is. Weaver stated he has a starting point and he is confident he can find the line. Chase asked if her line was perfectly identifiable. Benov stated yes. Chase stated that Replansky previously explained what the process for an area variance was. He stated that Replansky had advised that this is a Type II action under SEQRA and therefore no SEQRA review is required. Chase stated that he found nothing during the site visit that would lead him to believe the variance should not be granted. Chase stated it is very clear that Benov cannot meet the code because it is requiring a 50 ft. setback and his lot is only 60 feet wide. Chase stated there is no other way he can proceed with the construction of anything on the lot without a side yard variance. Chase stated that Benov had requested 15 and 19 feet sidelines but he would rather just say there will be a minimum of 15 ft.

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on either side which would give him a couple of feet to shift if they run into any difficulties. Chase stated as long as Benov maintains the 15 ft. on each side, he would be content. Chase stated he doesn't see that it will have an adverse impact on the neighborhood and the lot was created prior to the Zoning Law. Chase stated that Benov did nothing to create the hardship. Chase stated that based on all of these items he would have no problem in granting the variance. Chase asked if anyone else had any comments. Short discussion followed. Chase read the resolution into the record. Short discussion of the resolution wording followed. Several changes were made to the draft resolution. Motion by Waters to authorize the revised resolution granting Benov an area variance; second by Patterson. All in favor. Motion carried. Benov paid the application, public notice and mailing fees.

**OTHER BUSINESS:** Proper passed along information to the Board on the Association of Towns Planning and Zoning summer school. She advised the Board they would need prior approval to be reimbursed for travel expenses as the school is held outside of Dutchess County.

Motion by Jackson to approve the minutes of May 25, 2010; second by Waters. All in favor. Motion carried.

Motion by Patterson to adjourn at 8:00 PM; second by Waters. All in favor. Motion carried.

Weaver advised that he may have an applicant for next month's meeting. He is waiting for an opinion from Replansky. He stated it is a mobile home issue. Short discussion followed.

Respectfully submitted by:

Nancy E. Proper  
Secretary

Scott Chase  
Chairman