

May 11, 2011

**PINE PLAINS PLANNING BOARD MINUTES
MAY 11, 2011**

IN ATTENDANCE: Sarah Jones, Acting Chair
Brian Coons
Vikki Soracco
Ken Mecciarello
Bonnie Quaid

ABSENT: Don Bartles, Jr.
Kate Osofsky
John Forelle, Alternate

ALSO PRESENT: Drew Weaver
Warren Replansky
Four members of the public

Jones opened the meeting at 7:30 PM.

JEANETTE & ALEXANDER MALARCHUK: Wesley Chase represented the applicant. Chase advised the Board that Mrs. Malarchuk wants to subdivide her house and a piece of property from the farm property. Chase stated he tried to create a feasible five acre lot. He stated that he is looking for something from the Board stating that if he goes to the ZBA and they give a variance for the side and front lots that the Planning Board can proceed with a subdivision. Chase advised she just wants to keep her own house and separate it from the larger parcel. Chase stated that this is an example where the zoning does not work to meet the goals of the Comprehensive Plan. Jones agreed. Jones stated she would like to see that flexibility of having a smaller lot. Chase asked for Replansky's opinion on whether or not an area variance could be given for a smaller lot. Replansky stated they would have to meet the requirements for an area variance and that is up to the ZBA. He stated the ZBA has the power to grant an area variance. Coons asked what kind of variance the applicant would be going for. Chase stated he is going for a side and front yard variance at the moment and did not know if it was possible to go for a variance on the size of the lot. Short discussion followed. Jones stated she would be in favor of a variance where she could have a small lot there because that is consistent with the Comprehensive Plan and keeping the farmland intact. Jones stated the Planning Board doesn't have the power to do that but that would be the way to go. Jones stated she has no problem with small lots in rural areas. Jane Waters stated that she could not speak for the ZBA but there is a whole section in the zoning that allows, in order to preserve farmland, to do that for less than five acres. Replansky stated that he wasn't sure what the problem is. Chase explained to Replansky what the Malarchuks want to do. Jones stated it would be very desirable to her to have a smaller lot. Replansky stated that Chase could sit down with Weaver and look at the provisions of the Zoning Law to see if there is another way to achieve what they want but they still have to go to the ZBA if it qualifies for a conservation subdivision. He stated that is more complex than what they are doing. Replansky stated that the side yard variances should not be a problem and once that is granted by the ZBA, the Planning Board is bound by that. Replansky stated the ZBA may grant them a variance on the acreage also. Replansky stated that theoretically

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the zoning districts are consistent with the Comprehensive Plan so it is not a great idea to start varying. Jones stated she disagrees entirely and this is a great precedent. Replansky stated the applicant will have to go to the ZBA but first they may want to sit down with Weaver to see if there is another way to achieve what they want with a cluster or conservation subdivision. Replansky stated the bottom line is that it is not a big deal. Short discussion followed. Chase stated he would sit down with Weaver and decide how to approach it with the ZBA. Jones asked the Board for their opinions on the subdivision. Mecciarrello stated he was in favor of it being a smaller lot. Soracco agreed. Jones asked the Board if they would be in favor of the ZBA granting an area variance for a smaller lot. Soracco stated it infuriates her that the applicant has to go through all of this just to have her own lot and she is in favor of a variance for a smaller lot. Jones asked the Board if they agreed to make a positive recommendation to the ZBA that they permit a small lot size area variance if that is what they decide to do. Replansky stated that the ZBA has to ask for the Planning Board's recommendation anyway. Jones stated she would rather they not have to come back again for that opinion. Coons stated he doesn't see why the ZBA would not approve this. Jones stated she would like the Board to weigh in on it now and not make the applicant wait for an opinion. It was the opinion of the Board that they are in favor of an area variance for a smaller lot size. The Board requested that a copy of the minutes be sent to the ZBA.

OTHER BUSINESS:

Replansky advised that the final resolution for Stissing Self Storage was given to Proper. Proper advised that this was already voted on. Replansky asked if they came back with a map. Proper advised yes, it was signed and it is done.

Jones asked for a motion to approve the April 13, 2011 minutes. Soracco made a motion to approve the minutes; second by Quaid. Coons and Mecciarrello abstained because they were not at the meeting. No vote to approve.

Jones advised that she will not be present at the June meeting so would like someone to chair that meeting. Coons stated that he would chair the June 8th meeting. Sarah stated she would be available in July but probably not in August.

Soracco made a motion to adjourn at 7:45 pm; second by Quaid. All in favor. Motion carried.

Motion by Soracco; second by Quaid to reopen meeting at 7:45 to discuss Acting Chair for next meeting. All in favor. Motion carried.

Coons advised that he was not available for the June meeting. Discussion followed. Jones advised there may not be a quorum for June. Soracco asked about the alternate. Proper advised that she has asked Pulver to speak to the alternate about showing up but hasn't heard anything. Jones stated that all business may have to be postponed to the July meeting as there is nothing specifically on the agenda at the moment. Replansky stated the only thing that my pop up is Stissing Farms. Proper advised that she gave Stissing Farms a deadline of May 30 to submit the application materials and place more money in the escrow account. Replansky stated he got an email from Reilly stating he wants to meet with Replansky and Stolzenburg and he has no objection doing that but feels the application should be submitted first. Jones and the Board agreed. Replansky stated if there is no

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other business by the 30th, the Board can cancel June's meeting. Jones stated that by that time the Board should know if they will have a quorum or not and if someone will step up to Chair.

Motion by Soracco to adjourn at 7:50 PM; second by Quaid. All in favor. Motion carried.

Respectfully submitted by:

Nancy E. Proper
Secretary

Sarah Jones
Acting Chair