

May 24, 2011

**PINE PLAINS ZBA MINUTES  
MAY 24, 2011**

**IN ATTENDANCE:** Scott Chase, Chairman  
Jane Waters  
Bruce Pecorella  
Steve Patterson

**ABSENT:** Margo Jackson  
Michael O'Neill, Alternate  
Kathleen Augustine, Alternate

**ALSO PRESENT:** Rosemary Lyons-Chase  
Drew Weaver

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

**JOSE QUIJADA:** Jose Quijada and his son, Rod Quijada, were present. This was a continuance of the preliminary discussion for an area variance for property located at 132 Beach Road. Chase stated they would speak in general about the application and the next step would be a site visit by the Board. Rod Quijada stated that they purchased the garage without knowing they had to get a variance. He showed the Board on the map where they wanted to situate the garage. He stated that Drew Weaver advised that they needed the area variance to proceed. He stated the property adjoining where the garage will be placed is wetlands and State property. Waters advised that it is Town property. Waters asked where the entrance to the garage would be. Quijada pointed it out on the map. Short discussion followed. Chase advised the only way the Board can judge if they have the room is to go out and visit the site. Chase advised the applicant that they must stake out the spot where the garage is going to be and also show where the actual property lines are. Waters stated they are concerned as to whether there is really room for a car to enter without going on someone else's property. Pecorella stated there should be an alternate spot where it can be placed. Quijada stated there aren't many options because of the layout of the cottage. He stated there is a septic on one side. Waters asked if they could place it in front. Quijada stated there is a well on the right. Waters stated that there is a possibility if what they want doesn't work that it could be placed somewhere else. Quijada stated it is a possibility but he really didn't want the garage in front of the cottage because he felt it didn't look right. He stated he also wanted it to be easy to go from the garage to the house also. Pecorella asked about an outbuilding on the map. Quijada stated it is a shed that was there when they bought the property. Pecorella asked if they use it. Quijada stated yes. Pecorella stated it is on Town property. Quijada stated he guessed it is. Quijada stated the garage is a one piece and all they have to do is put a slab down and set it on as it is pre-fabricated. Waters stated that the Board would have to schedule a public hearing after the site visit. A site visit was scheduled for 6:45 PM on June 28<sup>th</sup>. The public hearing was scheduled for June 28<sup>th</sup> at 7:30 PM. Chase advised that it is important to have the garage and property line staked because they cannot use the neighboring property. He also advised that the Town would probably want the shed moved also.

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**JEANNETTE MALARCHUCK:** Wesley Chase represented the applicant. He presented the Board with a revised map as they found wetlands on the property. He stated that Mrs. Malarchuck wants to subdivide out her existing house and a piece of property. Wesley stated they are looking for a variance for the side yard setbacks and front yard setbacks. Waters asked if Wesley looked at the subdivision section and considered doing a conservation subdivision. Wesley stated he would love for them to do that but the problem is, as he read the section, he would have to survey the whole farm and that would be an excessive cost and he would have to have DEC come out and flag all the wetlands. Waters stated everything should already be on Don Meltz's computer from when the zoning was done and doesn't feel Wesley needs to do that for a one-lot split off. Wesley stated as he read the subdivision section, a total build out was needed. Waters stated that is optional for the Planning Board to ask for that. Weaver stated that is why he advised Wesley to go to the Planning Board. Wesley advised that they would rather have a smaller lot but he stated he couldn't find a clause in the Zoning that stated if it was a minor subdivision you didn't have to survey the entire property and do the build out. Waters stated she thought she saw that it was optional for the Planning Board to request that. Waters stated that obviously if the applicant had plans for everything else they would want to do it. Chairman Chase stated that the Zoning Law has been changed significantly from what they did when they were on the Zoning Committee but the concepts are all still there. He stated the concept was to say that you don't have to create a five acre lot for every one that is subdivided. He stated what they are striving for is a five acre density. Chairman Chase stated they know that on the rest of the site they can obviously do more houses but the Board doesn't need to know at this point the exact number they can do. Chairman Chase stated that without even getting a variance the Planning Board should be able to approve a subdivision map. Chairman Chase stated they could have a half-acre lot with a note on the map stating there would be no further subdivision and on the parent parcel a note on the map stating in calculating the maximum density in the future, 4.5 acres need to be removed from the calculation. Wesley stated that would work great for him. Wesley stated the next step is making sure Replansky doesn't have a problem with it. Chairman Chase stated that he and Waters would be in touch with Replansky to advise of their opinion and to also get his opinion. Waters stated it can be set up so that in the future they know they have to account for that lot being split off so they have one less house than they would have otherwise gotten. Weaver asked if that would require protected open space. Waters stated she didn't think so. Chairman Chase stated they would essentially be putting notes on the map for future reference. Chairman Chase stated this won't happen unless Replansky gives the okay. Chairman Chase stated that he and Waters will speak with Replansky. Chairman Chase stated that if they cannot convince Replansky to do it the way they want, the applicant still needs to pursue the area variance. Chairman Chase stated if the applicant needs to pursue the area variance, a site visit and public hearing must be done. Waters stated they can go for a smaller lot size also as that is what the Planning Board clearly wanted. Wesley stated he will revise his application to include that. Chairman Chase asked Proper for a date by when she would need to do the notices and mailings. She stated she would need to know by June 8<sup>th</sup>. A tentative site visit was set for 6:00 PM on June 28<sup>th</sup>. A tentative public hearing was set for 7:45 PM on June 28<sup>th</sup>.

Motion by Waters to accept the minutes of April 26, 2011; second by Patterson. All in favor.  
Motion passed.

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Motion by Pecorella to adjourn at 7:55 PM; second by Patterson. All in favor. Motion passed.

Respectfully submitted by:

Nancy E. Proper  
Secretary

Scott Chase  
Chairman