

May 25, 2010

**PINE PLAINS ZBA MINUTES
MAY 25, 2010**

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

ALSO PRESENT: Warren Replansky
Drew Weaver
One member of the public

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

CRAIG BENOVA: This was a preliminary discussion for an area variance application for property located at 516 Lake Road, Tax Map #134200-6772-20-897148. The applicant was present for the discussion. Chase stated that he looked at the application and advised that the Board decided they wanted to have a discussion with the applicant before they held the public hearing. Chase advised that before the public hearing, the Board would go out collectively or individually and look at the site. He stated that it looked clear to him that Benov would be justified in receiving a variance but the Board has to determine if any neighbors are going to come to the public hearing with special concerns that lead the Board to a different decision and is there some way that the Board can provide some relief while taking care of any of the concerns that might arise. Chase stated he would like to see the building roughly staked on the site. Chase stated the decision would be based on the process that the Board goes through. Waters stated she would like the proposed building staked but also the property boundaries. Chase stated the Board would be talking through any concerns they had with the application. Chase advised that this property is located in the Critical Environmental Area designated by the Town. Chase stated he believes the Local Law states that if an action is with the CEA, they have to do a Long Form EAF instead of the Short Form. Replansky stated it would be a Type II action under SEQR and is not subject to SEQR. Waters stated that she thought that even if someone put a porch on their house they had to do a Long Form EAF. Replansky stated if the Board was going to do an environmental review it would be necessary but there is no environmental review for an area variance. Short discussion followed. Replansky stated that if the application was subject to an environmental review, a Long Form EAF would have to be done but this application is not subject to an environmental review. Waters stated there is very little in the Zoning about separate buildings that are garages. She stated she the only thing she found stated the building would have to be less than 150 square feet. She stated

May 25, 2010

there is no definition of a garage. Short discussion followed. Weaver found the section stating they are allowed. Replansky and the Board reviewed a map of the lot. Pecorella asked if both sides of the road were one deeded parcel. Benov stated yes. Waters asked if the applicant would have the doors facing the road. Benov stated yes. Waters asked how big the turnaround area would be. Benov stated just in front of the garage, which is approximately 26' wide with a little bump out of approximately 3' on each side. Waters asked if it would be sided the same as the house. Benov stated yes. Pecorella asked if there would be any utilities to the garage. Benov stated there would only be electric. Short discussion on the neighboring properties followed. Benov asked the Board what a reasonable complaint from neighbors would be. Chase stated the Board would have to wait and see. Discussion followed. Waters stated it would be nice if Benov could bring a picture to the public hearing to show what the garage doors will look like. Pecorella asked if there were any wetlands involved. Benov stated he didn't believe so. Waters asked if the Short Form EAF needed to be filled out. Replansky stated no. Replansky stated that generalized complaints of a project by neighbors usually are not sufficient to turn down a project or ask that it be modified. Replansky stated specific complaints about environmental issues or substantive issues that would impact the neighboring properties would have an impact on the outcome. Replansky stated his recommendation would be for the applicant to go to their neighbors before the public hearing to tell them what is happening. Benov stated he doesn't anticipate a problem except some people might just want the lot empty. Waters asked if the CAC should be notified about the public hearing since it is in the CEA. Replansky stated yes. He stated the Board always has the discretion to refer applications to other agencies of the Town. It was decided to do the site visit on June 22 at 7PM. Replansky stated he would like to see the decisions in resolution form. Replansky stated Proper could get the draft resolution prepared for that meeting. Proper asked about how to word the findings. Replansky stated to find the wording in the Zoning Law. Short discussion on the fee schedule followed. Replansky stated the public notice fee is \$50.00 or the actual cost to the ZBA whichever is more. Chase advised that all property owners within 500 feet must be notified of the public hearing. Proper asked Replansky about the escrow accounts. She stated that Replansky said previously that everyone would have to have one and asked if the ZBA could do it like the Planning Board does instead. Replansky said yes it could be determined on a case-by-case basis.

Proper stated that she and Weaver talked about changing the date when the application needs to be received to ten days prior to the meeting in lieu of the first Friday of the month. She asked the Board if this would be acceptable.

May 25, 2010

Weaver stated this came about after the Board decided to have the preliminary meeting with the applicant before the public hearing. The Board agreed.

Motion by Jane Waters; second by Pecorella to accept the April 27 minutes with the following change: in lieu of one member of the public attending it should read Rosemary Lyons-Chase, liaison to the ZBA. All in favor. Motion passed.

Motion by Pecorella at 8:30 PM to adjourn; second by Patterson. All in favor. Motion passed.

Respectfully submitted by:

Nancy E. Proper
Secretary

Scott Chase
Chairman