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**PINE PLAINS ZONING BOARD OF APPEALS MINUTES  
THURSDAY, JANUARY 29, 2015  
7:00PM**

**IN ATTENDANCE:** Scott Chase, Chairman  
Bruce Pecorella  
Margo Jackson  
Carl Baden  
Mike O'Neill  
Amanda Zick, Alternate

**ABSENT:** Nancy Proper, Secretary

**ALSO PRESENT:** Approximately twelve members of the public  
Several members of the Planning Board  
Drew Weaver

Chairman Chase opened the meeting at 7:00pm. He welcomed newest member and alternate to the Board, Amanda Zick.

**PINE PLAINS FIRE DISTRICT:** This is an appeal by the Fire District with regard to a proposed sign replacement at 7 Lake Road that was referred to the Planning Board for site plan review by the Zoning Enforcement Officer/Code Enforcement Officer, Drew Weaver. Weaver felt that the sign should go before the Planning Board for site plan review and the Fire District feels that, as a governmental entity, that they should not be subject to the Town's Zoning Law. Chase stated that Weaver had done research on this and had spoken with the Town Attorney, Warren Replansky. Replansky referred to Bonnie Franson who did share some opinions with the Board as to this application. Chase stated that Franson cited a section of the Law showing that the Zoning Law regulates governmental entities. He stated that in the course of the investigation they found other legal decisions one of which being the Monroe Case where the ZBA could look at factors as to whether or not it would be in the public interest to either subject or find them exempt from the Zoning Law. Chase stated he did have time to review everything and he feels if it were a life or death situation like locating a fire house in a zone where it was not allowed and there were critical issues like time of response maybe you would go through that type of analysis. Chase stated this is a sign. It is about going to the Planning Board and having a review and a site plan done. Chase stated he feels it is not that important a matter that it would need to be exempted from the Zoning Law especially when the Town's legal counsel is saying they are not exempt. Chase stated he is just expressing

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his opinion after he read through the information. He stated that he feels the Zoning Law provides to have all entities treated equally and, in his opinion, the Fire District should be subject to the same rules as everyone else. Robert McCloud, attorney, and Chief Brian Walsh were present. McCloud stated he represents the Fire District. He read a section of the Zoning Law that he says exempts the District from this review. O'Neill asked what the purpose of the sign is. McCloud stated it is to locate the firehouse for residents that need to know where it is. Jackson asked if there is evidence that the public cannot find the firehouse. McLeod stated he doesn't feel there needs to be evidence of that but that it is there for the safety, convenience and welfare of the general public. Pecorella asked if the would be replacing the existing sign. McCloud stated yes. It was stated that the new sign is actually smaller than the present sign. Chase stated he feels it is not the size of the sign or anything like that but whether or not the District is exempt from the Zoning Law that requires review by the Planning Board. Jackson stated it is not the size of the sign but the fact that it is internally lit and not externally. She stated internally lit flashing signs are prohibited. O'Neill asked what messages will be posted on the sign. Chief Walsh stated it would be used in emergency situations such as power outages, to let people know the firehouse is open or distributing dry ice. Discussion followed. Jackson made a motion that, after a reading and discussion of Section 100-52.A3 of the Zoning Law, the Zoning Board of Appeals finds that the Pine Plains Fire District meets the requirements for an exempt sign where such sign is in the interest of public safety and welfare; second by Baden. Motion carried 4:1 with Scott Chase voting no.

**PRIMAX PROPERTIES (DOLLAR GENERAL):** This was for a preliminary discussion for three area variance applications submitted to the Board. The applicant was not present at this meeting. Chase stated that this is not an easy project and it is complicated. He stated they are proposing a building that does not meet Zoning regulations and also complicated because this is a difficult site. He stated there are drainage issues there. What happens there affects many other portions of the Town as it goes straight back to Stissing Lake. O'Neill asked if they were fixed on the location and could they come back with a different spot for the building. Chase stated this meeting was to be more about process. He stated there are several members of the Planning Board present. Chase stated no one wants to take an applicant through the windmill. He stated Jones wrote the ZBA a letter on behalf of the Planning Board that was distributed to

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everyone. Chase stated they are proposing a building that does not meet the footprint requirements as they are proposing 9000 square feet when only 6000 is allowed and they are proposing a setback of 140 some feet when the maximum is 25 feet. Chase stated he participated in the Zoning Commission and there was a lot of discussion on what type of development people wanted to see in Town based on public meetings, discussions, a survey and public hearings. Chase said they came away with everyone wanting rural character and small town feel and we didn't want big box stores. He said it was also decided that we wanted a hamlet feel where buildings are up close to the street. Chase stated there is a provision for them to have the larger square footage but it would require them to do a two-story building. Chase stated he thinks what the Planning Board was trying to do was to find out if the ZBA was going to allow the variances to get the project to go forward by not complying with what is in the Zoning Law so they can begin their review. He stated they wanted to go about it in an uncoordinated SEQOR review and he is really uncomfortable doing that because this it has the potential to have large impacts on the Town both aesthetically and economically. Chase said that the Comprehensive Plan stated people want a strong community center and to siphon off business from the other businesses that make up the four corners was not what the community wanted. Chase reiterated that he is uncomfortable with an uncoordinated review. He stated you would have the ZBA, Planning Board and Town Board involved and potential permits and reviews by Dutchess County Planning as it borders State and County highways and the Federal wetland would involve the Army Corps of Engineers. He stated it is not a simple project. He stated he was willing to help the applicant move this along by having a discussion amongst the Board and maybe polling everyone as to where they stand on the variances. Chase stated it is his feeling there is no reason they can't come in with a site plan that complies with the Town Zoning Law. He stated he hasn't seen anything that shows him that they can't meet the Zoning requirements. Jackson stated she read everything carefully and very much agrees with everything that Chase said. O'Neill stated that there are already large non-conforming buildings in that area and you could say it would be better there than in another location or you could say you would prefer not to have anything that size. He stated the community has lost population and has foreclosed homes and is in a position where there isn't anything happening so he feels it is very hard not to at least entertain the project. Discussion followed. Sarah Jones stated she doesn't think the Planning Board would have a problem with a coordinated review and the applicant wanted to know what kind of take the ZBA would have on

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the variances and they were really trying to save money if there is no chance of the project going forward in its present form. She stated it is too bad the applicant is not present to speak for themselves. She stated that they are not interested in having an applicant spend a lot of money if it is not going anywhere. Chase stated that the Board doesn't want to make the applicant spend a lot of time and money on reviews and this was a way for them to get a feel for where they stood. He stated his sense is there is not a great deal of support for the variances. Chase stated he does not see the legal reasons that would support the variances.

Chase mentioned that the Town has a great resource in Pine Plains Views where the public can go to view the meeting and thanked Stan Hirson for that.

Motion by Pecorella to adjourn; second by Jackson. All in favor. Motion carried.

Transcribed by:

Nancy E. Proper  
Secretary

Scott Chase  
Chairman