

June 25, 2013

**PINE PLAINS ZONING BOARD OF APPEALS MINUTES
JUNE 25, 2013
7:30 PM**

IN ATTENDANCE: Scott Chase, Chairman
Jane Waters
Mike O'Neill
Helen Fuss, Alternate
Dick Hermans, Alternate

ABSENT: Margo Jackson
Bruce Pecorella

ALSO PRESENT: Rosemary Lyons-Chase, Town Board
Liaison
Drew Weaver

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

JOHN, JUDITH &

JENNIFER PINDT: The applicant was present for a preliminary discussion of a proposed area variance for property located at 5 Poplar Avenue. Chairman Chase began by asking the applicant to give a brief description of what they would like to do. Jennifer Pindt stated that the property was purchased with the idea of placing a second home there to accommodate her parents. The second home would be considered an accessory dwelling. They are looking to put up a modular home and it is larger than the Zoning Law allows for an accessory home. Chairman Chase stated that it is the purpose of the ZBA to uphold the law and not to give relief to anyone that asks. He stated that the legal tests the Board has to abide by are: 1) is the situation resolved by other means and 2) is the situation self-created. Chase stated that he feels the applicant can subdivide the property to solve the problem and that this is a self-created issue. Waters agreed. Chase advised the applicant that he feels it would be best if they did not pursue the area variance application but rather went to the Planning Board for a subdivision. He stated he feels the Board cannot legally help them. Waters agreed. Pindt stated she thought this was the less expensive route and Waters stated it isn't. O'Neill asked if this was the corner lot on Lake and Poplar. Weaver stated yes. O'Neill asked if the proposed second home would face Lake Road.

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Pindt stated yes. O'Neill stated that he didn't feel the character of the neighborhood would be impacted and didn't feel there would be any opposition to the proposal. Chase stated that was not the problem but rather the ZBA cannot legally do this. Discussion followed. O'Neill agreed it would be to the applicant's benefit to have two homes on two separate lots and they should file a subdivision application with the Planning Board. Chase stated the Health Department regulations would be the same for either. The applicant agreed to withdraw the ZBA application and pursue a subdivision application with the Planning Board.

Waters stated she spoke with Replansky with regard to the issue of voting to approve minutes if a member was not present at said meeting. Replansky advised it was okay to vote to accept minutes even if the Board member was not present at the meeting as long as the Board member had read them. O'Neill made a motion to accept the September 24, 2012 minutes; second by Waters. All in favor. Motion passed. Waters made a motion to approve the January 22, 2013 minutes; second by Hermans. All in favor. Motion passed.

Proper gave the Board members an area variance application for the July meeting. The Board had a brief discussion with Weaver about the application. Chase asked the Board members to send any questions about this application to him and he would include them in an email to Replansky prior to the July meeting.

Motion by Waters to adjourn at 8:00 pm; second by O'Neill. All in favor. Motion passed.

Respectfully submitted by:

Nancy E. Proper
Secretary

Scott Chase
Chairman