

June 26, 2012

**PINE PLAINS ZONING BOARD OF APPEALS MINUTES
JUNE 26, 2012
7:30 PM**

IN ATTENDANCE: Scott Chase, Chairman
Jane Waters
Bruce Pecorella
Mike O'Neill

ABSENT: Margo Jackson
Helen Fuss, Alternate

ALSO PRESENT: Rosemary Lyons-Chase
Two members of the public

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

RICHARD BRENNER: The applicant was present for the public hearing. Chairman Chase read the public hearing notice. The hearing is being held for an area variance request from Brenner to install an above the ground pool in the side yard of his home which is located on a corner lot. Chase read two letters of support into the record from Nancy Proper and Piper-Lori and John Malarchuck. Patricia Nannetti stated she has no objection whatsoever and suggests the Board approve the variance. Clifford Goldsmith stated he has no objection. Chase asked if any Board members had any comments. Waters stated she is trying to figure out the definition of where the front yard turns into the rear yard and doesn't feel it is clear. Waters stated it couldn't be in the other side lot because of the way the drive goes into the house. She stated there are no advantages to putting it in the back because it is actually less visible where he is proposing it than if it were in the back. Pecorella stated that 90% of the pool is going to be on the side but behind the house and he has a septic system on the other side. He stated it is a no brainer. Nannetti asked why there is an objection to seeing it from the road. Pecorella stated it is for privacy. Waters stated it should be in the side lot or rear lot so they aren't in people's front yards. Nannetti stated it is his front yard and if he doesn't mind it being there why is it an issue. Pecorella stated you have to respect other people too. He stated just as lighting is discussed in different areas so it is not intrusive to neighbors. Pecorella stated there should be some sort of barrier and Brenner was talking about having it to start with because he wants his privacy. Pecorella stated if the lot were built out across the street from him they would need some privacy also. O'Neill stated that if the Board keeps reviewing these things is there a mechanism to go back to look to see if there originally is a flaw that

June 26, 2012

triggers this review? He stated that he thinks that reviewing above ground swimming pools is a costly thing for the applicant. Waters stated that is not what the Board is reviewing, it is because pools are required to be in a side yard or a back yard and a corner lot is determined to have two front yards. O'Neill stated he feels his question is valid because if the Board gets another one next month the applicant has to spend three or four hundred dollars. He asked if the Building Inspector could do this. Waters stated it has to be amended in front of the Board. O'Neill stated he was just mentioning it because this is the second one and they don't look worthy of eight adults reviewing it. He stated it looks as if the Building Inspector could have done what the Board is going to do. Pecorella stated the Building Inspector is one person and the Board also listens to other residents that have a right to comment on what is going on. O'Neill stated if he was going to put a huge woodpile in front of his house the Board couldn't review it. Waters stated the Board is required to review this. O'Neill stated at some point maybe it should be looked at. Chase stated the Board could talk about it after this review is finished. O'Neill agreed. Waters stated she thinks the variance is fine but would like to see that the planting be a little further back towards where the tree was that was cut down. Chase stated he didn't see any issues. He stated if the Board were to deny this he would be forced to move to the back yard and cut down a lot of big trees which no one wants to see. He stated that would be more intrusive on the neighborhood. Public hearing was closed. Chase brought a draft resolution for the Board to review. Chase read the resolution of to the Board. Discussion followed. Some changes were made to the draft to include conditions with regard to the screening. Motion to adopt the revised draft resolution approving the variance request and authorizing the Secretary to finalize and distribute it was made by Pecorella; second by Waters. All in favor. Motion passed. (Resolution attached) Brenner submitted the fees that were due.

OTHER BUSINESS: Waters made a motion to approve the minutes from May 22, 2012; second by Pecorella. All in favor. Motion passed.

O'Neill stated he was just putting it out there that at some point everything needs to be looked at. Brenner stated that that in his location the pool really isn't bothering anyone but on Church and Main it would be an issue. He stated he doesn't feel that the above ground pools could be taken out of review completely. Waters stated that anything the Board does when they grant a variance sets a precedent. She stated the next person who comes and wants something in the side yard would have to go through the process and the Board would have to decide if it is justified or just a matter of

June 26, 2012

personal preference. Waters stated if it was just a matter of personal preference then you can say put it in the back yard. Waters stated in Brenner's case he doesn't have that ability. Waters stated the Board has only had two of these. O'Neill stated if the Board had twenty-two then it's an issue. Waters stated the training manuals tell you if you have that many variances about the same thing its time to change the law. O'Neill stated that was all he was trying to say.

Pecorella made a motion to adjourn at 8:05 pm; second by O'Neill. All in favor. Motion passed.

Respectfully submitted by:

Nancy E. Proper
Secretary

Scott Chase
Chairman