

June 28, 2011

**PINE PLAINS ZONING BOARD OF APPEALS MINUTES
JUNE 28, 2011**

IN ATTENDANCE: Scott Chase, Chair
Jane Waters
Steve Patterson
Bruce Pecorella
Margo Jackson
Michael O'Neill, Alternate

ABSENT: Kathleen Augustine, Alternate

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

Chairman Chase opened the meeting at 7:30 PM.

QUIJADA AREA VARIANCE PUBLIC HEARING: Jose and Rod Quijada were present. Chairman Chase read the legal notice for the Quijada public hearing. Hearing was opened at 7:30 PM. Chase advised that he saw no one in attendance from the public to make comment. Chase advised that the Board should place their comments in the record. Chase advised that the Board performed a site visit. Chase advised that he was uncomfortable with the proposed site for the garage as it was so close to the property line. He stated they looked around the property to see if there were other options and came up with another proposed location that seems to be acceptable and will work for the applicant. Chase stated that the Board's concern is not to set a precedent for other folks that come that will put the Board in a bind. Chase stated that he believes a location was found that the 10-foot set back would follow. The Board looked at the map and showed the new proposed location. Discussion followed. Chase stated that this location would not be on top of the well. Waters stated that there also is a big bush there that will screen it as well. Chase stated the Board's criteria would be that they be 10 feet off of the property line. Discussion followed. Waters stated they would need a variance both for the front yard placement and the side yard setback. Weaver stated he believes they need a 10-foot rear setback even though it is in front of the house as it is a weirdly sited property. Weaver stated the Board needs to allow the applicant to place it in the front yard and reduce the rear yard set back to 10 feet. Jackson stated that the Zoning is written so that it doesn't, from the street, look poorly and that is not the case with this property. Waters stated that the problem is created in that the lot itself doesn't conform to the required size no there is no way to do it in a way that does conform. Pecorella made a motion to close the public hearing at 7:50 pm; second by Patterson. All in favor. Motion passed. The Board

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reviewed wording for a resolution approving the variance. Chase read the resolution approving Variance #2-2011. Waters made a motion to allow the secretary to prepare a resolution approving the variance for a proposed 10-foot setback with wording provided by the Board; second by Pecorella. All in favor. Motion passed. Chase advised that he would want something on a map for the record showing where the garage is to be placed. Chase wrote the location on the map that was in the file and signed it approving where the garage is to be situated.

MALARCHUK AREA VARIANCE PUBLIC HEARING: Wesley Chase was present representing the applicant. Chairman Chase read the legal notice for the public hearing and the hearing was opened at 7:58 PM. Wesley Chase gave the Board an updated map. There was no public present to comment. Waters made a motion to close the public hearing at 7:59 PM; second by Jackson. All in favor. Motion passed. Chairman Chase stated he prepared a draft resolution for approval of the variance. He stated that Replansky had reviewed the file and advised that the Board should view this as an area variance. Chairman Chase stated that there will be no change to what is there as the houses are all built but this is to allow for the splitting off of a 1.12-acre parcel and maintaining the integrity of the rest of the farm. Jackson wanted to know what Replansky's comments were. Chairman Chase stated Replansky felt that it needed to be done with a subdivision plan for the whole farm showing that there was a commitment in the future to conservation subdivision that would guarantee that most of the land would be left open. Waters stated that even though the Board was going to have the larger parcel have a note on it stating they would be eligible for one fewer lot division, Replansky stated that to do what the Board wanted and to call it a conservation subdivision now they would be required to have a set aside in effect for the open space requirement. Waters stated the Board can do the variance and still say the parent lot is eligible for one less lot division in the future. Discussion followed. Chairman Chase read the draft resolution. The Board discussed and finalized the wording for the resolution. Motion by Pecorella to allow the secretary to prepare the resolution with wording as discussed; second by Waters. All in favor. Motion passed.

Motion by Waters to approve the minutes of May 24, 2011; second by Pecorella. All in favor. Motion passed.

Motion by Pecorella to adjourn at 8:10 PM; second by Patterson. All in favor. Motion passed.

Respectfully submitted by:

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Nancy E. Proper
Secretary