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UNAPPROVED

**PINE PLAINS ZONING BOARD OF APPEALS MINUTES**

**TUESDAY, MARCH 24, 2015**

**7:00 PM**

**IN ATTENDANCE:** Scott Chase, Chairman  
Carl Baden  
Margo Jackson  
Amanda Zick, Alternate

**ALSO PRESENT:** Ray Jurkowski, Town engineer  
Warren Replansky, Town attorney  
Sarah Jones, Planning Board  
Vikki Soracco, Planning Board  
Louisa Grassi, Planning Board  
Peter Salerno, Planning Board  
Ten members of the public

**ABSENT:** Drew Weaver, ZEO  
Michael O'Neill  
Bruce Pecorella

Chairman Chase called the meeting to order at 7:00 PM.

**PRIMAX PROPERTIES (DOLLAR GENERAL):** Zachary Peters, engineer, Adam Sellner, Primax Properties and an attorney for the project were present. Chase advised that the Board recently received a new site plan from the applicant. Chase asked that the applicant give a short overview of the changes that were made. The applicant passed out copies of the site plan to the Board. Zachary Peters gave an overview of the changes in which they took into consideration comments from Dutchess County Planning. They now have 37 parking spaces which eliminates the need for that particular variance. The front setback was moved closer to the front at 33 feet instead of 142. They are

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trying to maintain the existing street scape as much as possible. Peters advised they probably would be able to meet the 25 foot setback but that would require removal of some if not most of the existing vegetation. He advised the building footprint remains the same and would need a variance as requested. He stated he would have Adam Sellner of Primax Properties discuss that in greater detail. Sellner stated they develop projects for Dollar General. He stated they contact Dollar General to see if they had alternative building sizes that would work in this area and they said not for this area. He advised that in the urban markets they can do that but it doesn't work in a rural area as the economics don't work for them. Jackson asked why a bigger building would increase the sales volume in a rural area. Sellner stated that there are certain product mixes that they like to have and deliveries would not be as frequent so they need more space to have the amount of product they need to remain profitable. Discussion of the new site plan followed. Chase stated that the Board does have a new site plan and the Long Form EAF so the Board should go through the EAF to see if more information is needed. Chase stated he would like have a site visit with the building footprint actually staked out. Replansky advised that unless the applicant modifies the site plan to meet the setback requirements, the Board is required to approve that variance with a super majority vote. Sellner stated he feels it is really down to the building size. The applicant asked for the Board's preliminary comments on the variance for the increased size as they don't want to spend money developing the project if it doesn't seem to be a possibility. Chase stated he would feel uncomfortable overriding the Zoning Law with regard to the size of the building. He stated that now it seems as if the major issue is the size of the building. Jackson agreed as it is a substantial increase in size requested and it doesn't meet the requirements for granting a variance. Baden also agreed. Zick stated she was happy that the applicant made an effort to change the site plan but the size is the biggest issue and would have liked to see the applicant make a little effort to reduce the size of the building somewhat. Discussion followed. Sellner stated the Board's comments are helpful as it is an expensive and time consuming project and he will share this with the applicant. Chase stated that the Board would proceed with a site visit and begin the SEQR process but at the end of the day he doesn't see that the applicant can meet the five criteria necessary to have the variance for the size increase approved. Sellner stated the meeting has been very helpful so they can decide in which direction they are going to go. Chase reiterated that the Board is very appreciative of the applicant's new site plan. Sellner thanked the Board for their time.

Vote on November 2014 minutes was delayed until the next meeting.

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Jackson made a motion to accept the February 2015 minutes; second by Baden. All in favor. Motion carried.

Baden made a motion to adjourn at 7:33 pm; second by Jackson. All in favor. Motion carried.

Chase reminded the Board that the 7:00 start time for the winter meetings is now over and the April meeting and all subsequent meetings will begin at 7:30 pm.

Respectfully submitted by:

Nancy E. Proper

Secretary

Scott Chase

Chairman