

May 22, 2012

PINE PLAINS ZONING BOARD OF APPEALS MINUTES  
MAY 22, 2012  
7:30 PM

IN ATTENDANCE: Scott Chase, Chair  
Jane Waters  
Bruce Pecorella  
Mike O'Neill  
Helen Fuss, Alternate

ABSENT: Margo Jackson

ALSO PRESENT: Drew Weaver

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

**RICHARD BRENNER:** The applicant was not present for this meeting. This is a preliminary meeting to discuss the proposed area variance for Brenner to install a pool in the side yard at 18 Wicks Avenue. Chase stated that this is a corner lot and the definition of a corner lot in the Zoning Law states that there are two front yards, one side yard and one rear yard. Chase stated it appears he wants to place a pool in the side yard that is considered the front yard. Chase stated it appeared that there was a pool there previously and the applicant is replacing it. Weaver stated it was a blow up pool. Waters asked if that would be grandfathered in. Weaver stated no. Weaver stated the definition of a corner lot is one that has two front yards and then on page 18 under swimming pools, number two, says location: a pool is not permitted in any front yard. Weaver stated that is where Brenner's problem arose. Weaver stated if it weren't a corner lot he would have no issue. Pecorella asked how far the edge is from the road. Chase stated it looks as if he has lots of clearance. Weaver stated he is 70 feet from Wicks Drive and then 87 towards the front of the house. Chase stated he doesn't see a great issue other than a couple of people have asked does it set a precedent. Chase stated since each configuration of property is different he doesn't necessarily see that. Chase stated that would not be known until the Board does a site visit. Chase stated it is unique to a corner lot situation. Chase stated the Board would have to see how big a deal it would be to clear the back yard. He stated it is probably not just a big deal to Brenner but also to the neighbors as they wouldn't be happy. Waters stated if someone else had a corner lot and wanted to put in a pool they would have to come before the Board. Pecorella stated that person could say that you let Brenner do it so why not them. Fuss stated the Board would have to have specific reasons why the Board would or would not approve. Pecorella stated legal reasons. Fuss stated yes. Pecorella stated he

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didn't think there were any. Waters stated the Board makes the law and gives the variances. Pecorella asked if Brenner has to have a fence around it. Weaver stated no as it is an above ground pool. Pecorella stated if this is the only thing the applicant can do and he is on a slightly traveled road, the Board should have him put a stockade fence up so you can't see the pool. Chase asked if he meant screening of some kind. Fuss stated that is probably a good idea anyway. Pecorella stated then if someone else wanted it they would have to put a physical screening not trees. Fuss asked why it couldn't be trees. Pecorella stated trees die. Chase stated the Board could specify that he has to maintain a living screen. Pecorella stated he has been on the Board for a number of years and can list a number of properties where the same thing was said and the trees are dead and gone. Pecorella stated that a fence is the way to go. A site visit was set for 7PM on Tuesday, June 26<sup>th</sup>. Chase stated that the Board needs to make sure that Brenner or a representative is going to be in attendance at the public hearing. Pecorella stated he is not against this but wants to make something so the next person has to do the same. Chase stated we would have to see what the neighbors say. He stated if the neighbors come out of the woodwork and say absolutely not then it has to be considered. Proper stated that she and O'Neill are both neighbors. Waters stated that even if he did it in the backyard it would be as visible or nearly so. Pecorella stated we are not talking about visibility we are talking about two front yards. Waters stated she is talking about visibility from the point of why you would say put it in the backyard because that is where it should be but the backyard is just as visible. Pecorella stated the backyard is full of trees. Pecorella asked if the Board could have an emergency meeting so they can use the pool for the summer if the variance is given. Waters stated it is not the Board's problem. Pecorella stated that is true. Waters stated it would still have to wait until next month because a public hearing has to be scheduled. Proper stated she has to send all the notices out. Pecorella stated you need two weeks notice for a public hearing. Proper stated she needs time to prepare the notices, as there are a lot of people to send notices to. Chase stated the public hearing would be held on Tuesday, June 26 at 7:30 pm.

**OTHER BUSINESS:** Waters made a motion to approve the minutes from September 2011; second by O'Neill. All in favor. Motion passed.

Short discussion followed on a couple of previous projects.

Chase asked Proper to check on training hours for each member.

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Motion by Pecorella to adjourn at 7:45 pm; second by Waters.  
All in favor. Motion passed.

Respectfully submitted by:

Nancy E. Proper  
Secretary

Scott Chase  
Chairman