

October 28, 2014

**PINE PLAINS ZONING BOARD OF APPEALS MINUTES**  
**TUESDAY, OCTOBER 28, 2014**  
**7:30 PM**

**IN ATTENDANCE:** Scott Chase, Chairman  
Bruce Pecorella  
Mike O'Neill  
Carl Baden

**ABSENT:** Margo Jackson  
Wayne Frenzel, Alternate

**ALSO PRESENT:** Drew Weaver, CEO

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

**JOHN ANDERSON:** This was a preliminary meeting on a proposed area variance for property located at 73 Hammertown Road. John Anderson and Gary, a representative from the swimming pool company, were present at the meeting. Chase advised that the purpose of this meeting was to make sure everyone understands what is being requested, to set up a site inspection and a public hearing at the next monthly meeting. Gary showed the Board a drawing and advised that Anderson is looking for the area variance to install a swimming pool. Discussion followed. Gary advised that once the project is done the pool will not be visible from the road and the equipment being installed will be a variable speed pump and motor which is very quiet. Pecorella asked if any lighting would be installed. Gary advised just an l.e.d. light in the pool that is just enough to illuminate the water. The Board decided to have a site inspection on Tuesday, November 25<sup>th</sup> at 4:00 pm and set the public hearing for the same date at 7:00 pm.

**KEITH ELLIOT:** This was a preliminary meeting on a proposed area variance for property located at 543 Lake Road. Keith Elliot was present at the meeting. Chase stated that this application has to do with a house that burned down and a replacement house on a small, skinny lot. Drew Weaver stated the issue is it was a non-conforming structure and the Zoning Law says that a non-conforming structure cannot be moved or placed on a different portion of the lot. Weaver stated this is in the R district which means it is a 5-acre district and the applicant has a half-acre. Weaver stated this requires 50-foot setbacks and obviously none of that is going to work. Weaver advised that last year the house burned down and that house was approximately 33' by 33'. Elliot came and asked about a building permit and Weaver advised him the new house had to be put back in the same place on the lot. Weaver stated the first variable that arose was Elliot was not going to build back a 33' by 33' house but was using a modular construction which is 28' by 34'. Weaver stated he advised he had no issue with that because in the process this would be less non-conforming. Weaver stated he advised the applicant, because the old house was so close to the property line, to have the property surveyed in order to identify the

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property line. Weaver stated that they realized the old house was over the property line. He stated the old house used to be a cottage built on an angle and some time in the 60's or 70's an addition was put on the house that either touched the property line or went over. Weaver stated this became an issue, as the house needed to be moved to get it off the property line. Weaver stated the other issue was the well that was formerly inside the house and couldn't be there anymore, as it has to be outside. Weaver stated they were pivoting around the well and in the meantime the Health Department advised Elliot he needed to upgrade the septic which is in front of the house. Weaver stated that in light of all this, Elliot requested to move the house back about 12 feet to make all this happen Weaver stated they poured the foundation and immediately there was someone in his office stating the house was not in the same spot. Weaver advised them of the issue and they stated this couldn't be done as the Zoning Law states this. Weaver stated it turned into a little more than it should have but technically the house should not have been moved so that is why they have come before the ZBA. Chase stated that Weaver made it less non-conforming and tried to meet all of the reasonable things of separation from the septic and getting it off of the well and away from the property line which he feels was done in a logical fashion. Discussion followed. Weaver stated he takes responsibility for everything and Chase stated they were all reasonable decisions. The Board decided to do a site inspection on Tuesday, November 25<sup>th</sup> at 4:20 pm and to hold a public hearing on the same day at 7:15 P.M.

**OTHER BUSINESS:** The Board decided to hold the November 25<sup>th</sup> ZBA meeting at 7:00 pm instead of 7:30 pm. Proper will do the legal notices.

It was decided that the Board could still not act on the minutes of August 2013 as the members who were present at that meeting were not in attendance. Motion by O'Neill to accept the minutes of July 22, 2014; second by Baden. All in favor with Pecorella abstaining. Motion passed.

Chase advised that he requested and received a copy of the proposed Zoning Law amendments. Chase asked if that is going to be made available to everybody. Weaver stated not at this point as there is one more meeting scheduled with Bonnie Franson. Chase stated that it would seem logical that the ZBA and Planning Board members should get copies of the proposed changes. Weaver stated that he thinks after this next meeting that will happen. Short discussion followed. Chase stated most of the changes were just cleaning up wording and clarifications. Chase stated the big policy issue is they are putting in a provision for sort of a floating industrial business zone that can land most anywhere in town upon the approval of the Town Board. He stated that would be placing a lot of faith in the Town Board to spot zone any piece of property in town. Weaver stated that also the Town Board for any reason can just say no and not entertain a project which makes it easier to make things go away but it is all up to the Town Board. Chase stated that anyone could approach the Town Board to change the Zoning Law at any time. Chase stated it didn't jump out at him as something he is instantly opposed to.

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Motion by Pecorella to adjourn at 8:50 pm; second by O'Neill. All in favor. Motion passed.

Respectfully submitted by:

Nancy E. Proper  
Secretary

Scott Chase  
Chairman