

October 26, 2010

**PINE PLAINS ZONING BOARD OF APPEALS MINUTES
OCTOBER 26, 2010**

IN ATTENDANCE: Scott Chase, Chairman
Jane Waters
Bruce Pecorella
Steve Patterson
Margo Jackson
Michael O'Neill-Alternate
Kathleen Augustine-Alternate

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

Scott Chase called the meeting to order at 7:30pm. He advised that all members including the two alternates were present.

MODO'S MOBILE HOME PARK: Daniel Rothvoss and Doug Weaver represented the applicant. Chase advised that the public hearing for this area variance request is still open and continuing this evening. Chase asked if there were any additional comments or information from the public. Waters stated that she didn't know if the Board could conclude anything this evening without the revised written application from the applicant. Dave Cookingham stated he still hasn't seen the map showing the distance of the septic system to his well. Kathy O'Connell stated she didn't have any additional information but would be disappointed if there had to be another meeting with regard to this project due to the applicant's failure to submit a revised application. Pecorella stated that the applicant mentioned a 1999 trailer as a replacement but a letter received from him stated it was a 2000. Pecorella asked if this was a different trailer. Rothvoss stated it is a 1999 not a 2000. Waters asked Rothvoss to clarify what work was done on the property since the Board did their site visit. Rothvoss stated he replaced the septic system. Waters asked if that was the only one leaking. Rothvoss stated yes. Waters asked him to point out on the map the location of the septic system. Rothvoss complied. Waters asked if there were individual septic systems. Rothvoss replied yes. Waters asked about the difficult tenant that the public was complaining about. Rothvoss stated the moving truck is coming on the second of November. Waters stated that she has been told lots of things that haven't been true. Chase asked if anyone else had questions or comments. (Webster Farnham made a statement that was unintelligible on tape.) Chase advised that the Board's role is not to set the law or policies. Chase stated that the Town Board

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adopted the law and any issues with the law should be addressed to them. Chase stated that the Board received a memo from Replansky and ultimately it is the ZBA's job to interpret the Zoning Law. Chase stated that he feels that when there is a question you follow the most restrictive part of the law and that would be that any replacement has to be 16 feet wide. Chase stated he was willing to start the discussion without the revised application. He advised that there is no reason why the applicant can't meet the 16 foot requirement. He stated that the fact that he bought a mobile home several months after the Zoning Law went into effect is a self-created hardship. He stated that he believes if this is allowed they will be setting a precedent and anyone from then on can disregard the 16 foot requirement. Waters stated that her concern all along was setting a precedent and doesn't see what is specifically different whether the trailer is in a mobile home park or not. She stated there would be no reason to deny anyone else in the future once this was allowed. Pecorella stated he agreed that the 16 foot requirement should be met. Patterson stated that he thought that a 2 foot variance wasn't that bad but doesn't feel that the 1999 one would be an improvement. He stated that he would be inclined to say yes to the 2 foot variance if the applicant was swapping for an upgrade. Jackson stated the Board's decision is solely whether or not to allow a 14 foot wide versus what the law requires. Chase asked if the Board wanted to proceed with the formalizing of a decision or wait until the revised application was received. Rothvoss advised the Board to proceed. Pecorella made a motion to close the public hearing; second by Waters. All in favor. Motion carried. Jackson made a motion based on the findings of the Board after careful review of the application and Town habitat map, a site visit, legally noticed public hearing and continuation of same and comments from the Dutchess County Department of Planning and Development to deny the application for area variance to section 100-70 C and 100-21 B (3) and authorizing the preparation of a resolution stating same with the Board's findings; second by Waters. All in favor. Motion carried.

AMANDA & EDWARD BISHOP: Chairman Chase read the notice of public hearing and opened same. Amanda Bishop stated that they are replacing their existing mobile home with a double wide mobile home and need an area variance from the setback requirements of the Zoning Law. Waters asked how much closer they will be from the road from where the deck actually comes. She stated it looks as if it was only a foot or so. Chase stated the new home will sit at the same back wall and won't even be as close as the present deck is. Waters stated that the change is quite minimal from where the deck is. Judy Allen stated she has no problem with

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this variance. Waters stated that Sarah Jones called her and also has no problem with this variance. Discussion followed. Waters stated that there are other buildings along Bean River Road that are that close or closer to the road. Chase asked if the public had any other comments. None received. Waters made a motion to close the public hearing; second by Pecorella. All in favor. Motion carried. Chase stated after looking at the property there would be no way to move the building further up the hill without going through a significant excavation and retaining wall which may or may not work so he feels this is a property that should receive a variance. The Board agreed. Chase made a motion based upon the findings of the Board after careful review of the application and Town habitat map, a site visit, legally noticed public hearing and comments from the Dutchess County Department of Planning and Development to allow the area variance to the front yard setback requirement found in the Schedule of Bulk Regulations, Table B, allowing the minimum front yard setback to be reduced to ten (10) feet and authorizing the preparation of a resolution stating same with the Board's findings; second by Jackson. All in favor. Motion carried.

Motion by Waters to approve the minutes of September 28, 2010; second by Patterson. All in favor. Motion carried.

Motion by Pecorella to adjourn at 8:05pm; second by Waters. All in favor. Motion carried.

Respectfully submitted by:

Nancy E. Proper
Secretary

Scott Chase
Chairman