

September 25, 2012

**PINE PLAINS ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 25, 2012
7:30 PM**

IN ATTENDANCE: Jane Waters, Acting Chair
Mike O'Neill
Margo Jackson

ABSENT: Scott Chase, Chairman
Bruce Pecorella
Helen Fuss, Alternate

ALSO PRESENT: Drew Weaver, Codes Enforcement Officer
Rosemary Lyons-Chase, Town Board member

VERNON SNYDER: Acting Chair Waters called the meeting to order at 7:30 pm. with a quorum present. Waters opened the public hearing by reading the legal notice that was placed in the Millerton News. The applicants, Vernon and Deborah Snyder, were present. This public hearing is for a proposed area variance for property located at 27 Maple Street. The applicant wishes to obtain a variance to the side yard setback in order to install a pool. Waters stated there were no members of the public present. Motion by Jackson to close the public hearing at 7:32 pm; second by O'Neill. All in favor. Motion passed. Waters stated that this is a Type II action under SEQR and no further action is required. Waters advised that a site visit was done prior to the meeting and she noticed that it is a very small lot. She stated the lot is 0.3167 acres and the allowed lot size in that zoning district is a minimum of 20,000 square feet. She stated an acre is 43,560 square feet and if you multiply that by 0.3167 you get 13,795 square feet so the lot is 7,000 square feet smaller than the minimum lot size would be. She stated this means that it is quite constrained in terms of what can actually be done on it. Waters stated it was more clear after the site visit because there is a large tree in the back and if you moved the pool to where the garden is there would be much more shade than you would want over a pool. Waters stated that a variance is supposed to be a very rare thing to grant but because we didn't have Zoning before we have a lot of non-conforming lots that are grandfathered in and don't fit the minimum lot size. O'Neill stated he feels since there are no problem with any neighbors; he has no problem with allowing the variance. Jackson stated in terms of it being non-conforming it is not a hardship that was self-created. Jackson stated she doesn't want them to take down the beautiful tree.

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Waters agreed. Waters stated she had a draft resolution that Chase had submitted for the Board to review and change. The Board discussed and made changes to the draft resolution. Motion by Jackson to approve the requested variance and to prepare a resolution of adoption (resolution attached); second by O'Neill. Roll call vote: Waters: aye, Jackson: aye, O'Neill aye. Motion passed.

OTHER BUSINESS:

Waters stated that the June 26, 2012 minutes were not adopted. A vote could not be taken as Jackson was not present at that meeting and recused herself from voting. Vote tabled for the next meeting.

Waters asked for a vote to adopt the August 28, 2012 minutes prepared by Scott Chase. Motion to adopt by Jackson with the following change: In line five the sentence stating a site inspection was set for 6:45pm on September 25th should read a site inspection was set for 7:00pm on September 25th; second by O'Neill. All in favor. Motion passed

Motion by Jackson to adjourn at 7:55 pm; second by O'Neill. All in favor. Motion passed.

Respectfully submitted by:

Nancy E. Proper
Secretary

Jane Waters
Acting Chair