

WHEREAS, The Town of Pine Plains Zoning Board of Appeals is in receipt of an area variance application from Vernon E. Snyder for property located at 27 Maple Street, Town of Pine Plains, Dutchess County, Tax Map ID#6872-14-455305, to allow the installation of an above ground swimming pool within one of the required side yards of this lot, and

WHEREAS, the Zoning Board of Appeals has reviewed the subject variance request #2-2012 submitted by Vernon E. Snyder, and

WHEREAS, after review of the application including: a site visit on September 25th, 2012, review of the Town habitat map, a legally noticed public hearing held on September 25th, 2012, and

WHEREAS, the proposed action is a Type II action under SEQRA and by law is not considered to have significant impact on the environment and no further environmental review is required, and

WHEREAS, the applicant feels the pool cannot be constructed in the allowed rear yard except in the vegetable garden which is disturbed ground that they feel will not adequately support the pool, and

WHEREAS, there is a very large tree that shades the west half of the lawn which the applicant and Board would like to preserve, and

WHEREAS, the ZBA is required to uphold the provisions of the Town Code unless it finds that an applicant cannot meet the standards in this case the side yard setback, and

WHEREAS, the existing rear and side yards do not allow the applicant to construct the pool within the rear yard without significant disturbance of large trees, driveway and septic which would be detrimental to the neighborhood hence there is no other method for the applicant to proceed other than the area variance for the pool to be placed on the east side yard of the house, and

WHEREAS, the variance requested is not substantial, and

WHEREAS, the granting of the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood and no neighbors expressed any concerns regarding the use of the east side yard for an above ground pool which by its nature is not permanently affixed to the property and the property

is already screened by bushes which the applicant agrees to maintain, and

WHEREAS, this lot was created prior to the adoption of the Zoning Law and is substantially smaller than the 20,000 (twenty thousand) square foot lot the Zoning Law requires in that area hence any hardship was not self created, and

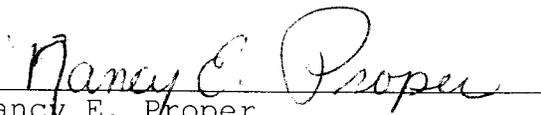
Therefore the Board finds the subject request does meet the standards for the granting of an area variance and hereby votes to approve the request.

NOW THEREFORE BE IT RESOLVED that based upon the preceding findings, the Zoning Board of Appeals of the Town of Pine Plains hereby grants the application for a variance of the side lot setback requirements found in the Schedule of Bulk Regulations, Table B, from 15 (fifteen) feet to 8 (eight) feet, allowing the pool to be installed in the east side yard of the lot with the applicant maintaining the screening that already exists.

On a motion by Margo Jackson, second by Mike O'Neill:

Scott Chase	absent
Margo Jackson	voted Aye
Bruce Pecorella	absent
Michael O'Neill	voted Aye
Jane Waters	voted Aye
Helen Fuss (alternate)	absent

The resolution was thereupon duly adopted this 25th day of September, 2012.


Nancy E. Proper
Secretary