

July 26, 2019

PINE PLAINS ZONING BOARD OF APPEALS MINUTES

TUESDAY, JULY 26, 2019

7:30 PM

IN ATTENDANCE: Scott Chase, Chairman

Carl Baden

Margo Foster

Mike O'Neill

Marie Stewart

ALSO PRESENT: Drew Weaver, ZEO

Frank Killmer, Jr., Applicant

Scott Chase opened the meeting at 7:30 with a quorum present.

FRANK KILLMER, JR.: Chase opened the public hearing for the area variance resolution for the required 15' setback for a two car garage for case #1-2019 for Frank Killmer, Jr. Chase went over the field site visit the board attended prior and asked for comment from the board. Baden commented that the proposed set up is nice and a decent amount of space from the house, but did observe how it is close to the property line, 3' instead of what was previously thought to be 8', but does not see an issue with the variance. Chase mentioned that on the aerial photo you can see several lots in the area have accessory buildings that are very close to the property line so it is not unusual in that neighborhood and that all of the lots were created prior to the current zoning laws, which allows for more flexibility. Killmer brought up that he is not sure why his property was subdivided the way that it was and Stewart asked if he know when it was actually subdivided to which Killmer responded 1993. Chase mentioned that no neighbors were present at the public hearing voicing concerns and that the board looked at it and agrees it would not detrimentally affect the character of the neighborhood. He also mentioned it's an area variance, so it is a Type II action and does not require a SEQRA review and does not need to go to county planning board. Chase then read through the proposed resolution with the board. Chase asked for a motion to close the public hearing, motion by Baden, second by O'Neill, all in favor, public hearing closed. Chase asked for a motion to pass the attached resolution, motion by Baden, second by O'Neill, all in favor, resolution passed.

Other Business: Chase welcomed Devine as the new zoning board secretary. Chase asked for a motion to approve the June 2019 meeting minutes, motion by Stewart, second by Baden, all in favor, minutes approved.

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Motion by O'Neill to adjourn at 7:45 pm; second by Baden, all in favor, motion carried.

Respectfully submitted by:

Tricia Devine

Secretary

Scott Chase

Chairman

WHEREAS, The Town of Pine Plains Zoning Board of Appeals is in receipt of an area variance application from Frank Killmer for property located at address 30 Ryan Road , Town of Pine Plains, Dutchess County, Tax Map ID# 6872-00-245676, to allow the construction of a garage less than the required 15' from the West side property line on, and

WHEREAS, the Zoning Board of Appeals has reviewed the subject variance request #1-2019 submitted by Mr. Killmer, and

WHEREAS, after review of the application including: review of the Town habitat map, a site inspection, a legally noticed public hearing held on July 23rd, 2019 with no neighbors expressing concerns/opposition, and

WHEREAS, the action is exempt from referral to the Dutchess County Department of Planning and Development 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 existing home is in a neighborhood where existing homes have similar side yard setbacks for accessory buildings, and

WHEREAS, the Board finds that maintaining the 15' foot side yard would prevent the construction of a modest two car garage in a logical aesthetic fashion as it relates to the existing home, and

WHEREAS, the variance requested is not substantial for the neighborhood, and

WHEREAS, the lot and home were previously existing prior to zoning and the reduction in the side yard setback will not adversely affect the character of, nor be a detriment to, the neighborhood, and

WHEREAS, this lot was created and the home built prior to the adoption of the Zoning Law and hence any hardship was not self created, and

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 to the requirements found in the Schedule of Bulk Regulations, Table B, allowing the proposed garage to be installed with a side yard setback of not less than 3' (distance) feet along the West property line with the following conditions:

On a motion by Carl Baden, second by Michael O'Neill

Scott Chase Aye

Margo Jackson Aye

Marie Aye

Michael O'Neill Aye

Carl Baden Aye

The resolution was thereupon duly adopted this 23rd day of July, 2019.

Scott Chase
Chairman

Tricia Devine
Secretary