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**PINE PLAINS ZONING BOARD OF APPEALS MINUTES**

**TUESDAY, September 24, 2019**

**7:30 PM**

**IN ATTENDANCE:** Scott Chase, Chairman, Carl Baden, Mike O'Neill  
Marie Stewart, Amanda Zick, Alternate

**ALSO PRESENT:** Drew Weaver, ZEO  
Rachel Pretsch, Applicant  
Three Members of the Public

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

**Rachel Pretsch Area Variance Application:** Chase reiterated the reason for the public hearing for Rachel Pretsch, because of her corner lot she technically has two front yards and therefore cannot legally put up a 6-foot fence without an area variance since normally front yard fences are restricted to 4 feet. One member of the public, Victoria Soracco then asked if Ms. Pretsch was moving the fence, to which Chase replied no, it would be in the same place. Chase then asked Pretsch if she had anymore information to present to the board and also opened the hearing for comments. Pretsch just reiterated that the fence will be going in the same location as the previous fence and that her neighbors are moving and if a family moved in with young children this fence would be necessary because she has 4 dogs who stand over 5 feet.

Drew Weaver, ZEO, asked how high the existing fence is and Pretsch replied 4.5 feet. Chase mentioned that the original fence height should be noted.

Stewart asked if an area variance was obtained for the original fence and Chase replied no because there was no zoning at the time.

Soracco then asked if it was going to be the same type of fence and Pretsch replied no, it was going to be privacy fence. Chase explained that Pretsch was hoping for less visual contact with people walking by her property so her dogs might bark less.

Comment was then given by a concerned neighbor, Theodore Mallozzi. Mr. Mallozzi feels that the application was lacking information, including the type of fence and any landscaping that would be done and therefore felt he could not evaluate it fairly. Mallozzi disagrees with the application where it states that the variance will not produce an undesirable change in the character of the neighborhood or community or be a deterrent to nearby properties. He stated that there is only one other six-foot fence from the area of the Pretsch property to the Stewart's Shop. Mallozzi asked if the end result

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could be achieved by some other means, such as dog training or a mechanical device. He feels it is more a noise issue than the safety of the dogs. He also disagrees with the part of the application where it states that the variance is not substantial, as he feels a 6-foot fence would mar the character of South Main Street. He also feels a six-foot fence would be highly noticeable and destroy the green-scape atmosphere of Pine Plains. He also feels multiple large dogs on a limited property size can be a problem. Mallozzi asked the zoning board to hold over the application until additional information was received from the applicant regarding the type of fence she wishes to install and what landscaping she intends to use to minimize the look of a six-foot fence. Pretsch then asked Mallozzi where exactly he is located in regards to her house and he said right across the street. Pretsch replied that you rent, and Mallozzi replied that his son lives there.

Pretsch then further explained the look of the fence, including that it will be "puppy eared" and not a picket fence and that it will be stained before it goes up and that she will be adding shrubbery and landscaping to it. Mallozzi then asked if it will be a stockade fence and Pretsch replied that it will be planks of wood. Chase asked how wide they are and Pretsch replied 8x6 panels with 5 - 6" planks. O'Neill asked Mallozzi if he was aware that the fence is 45 feet off of the road and Mallozzi replied yes. Mallozzi asked if Pretsch had a picture of the proposed fence and Pretsch replied no, he then asked if the board had seen a picture, to which they replied no, but they understood what type of fence would be used. Chase feels Mallozzi's concerns are legitimate.

Chase asked if there were any other comments and Soracco mentioned that if an application like this were to come in front of the Planning Board the concerns would be the same because of its location. Chase asked Mallozzi if he had anything further, he would like to add and he asked the applicant if she was looking to do the work ASAP and Pretsch replied yes.

Stewart mentioned that Pretsch has had one of her dogs injured because of the current fence. Pretsch also mentioned that she would not put a mechanical device on her dogs, as they are very well mannered and they are doing their job, protecting the property. Mallozzi said there are complaints about the noise of the dogs and there was no mention of that on the application. Pretsch then mentioned that in her defense some people do not keep their dogs on a leash and they have come on her property as well as children trying to stick their hands in the fence, so she very much feels it is a safety issue. Stewart mentioned that this is not Pretsch's fault but Baden brought up the issue that even though this is true, Pretsch would be responsible if anything were to happen. Mallozzi said he would be less opposed if he knew what the fence looked like. Chase feels it is not an unreasonable request to have a picture of the fence for the record and a plan to show the shrubbery/landscaping. Pretsch then explained some of the landscaping she was considering. Zick said she knows what a privacy

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fence looks like and the type of landscaping Pretsch is considering and doesn't feel the need to hold up the application another month. O'Neill further explained the fence a bit and also mentioned that a privacy fence is noticeable at first, but then it blends in. Mallozzi questioned the word "stockade" and Baden explained that just means anything that is solid. Mallozzi then asked the width of the slats and Baden replied six inches. Mallozzi then asked if there was a space between the slats and the board replied no.

Stewart feels Pretsch is not going to put up an eyesore fence just by the way she maintains her property now and that the fence is 45 feet from the sidewalk. Stewart agrees that it is a safety issue and therefore feels the board should go forward with the application and vote for the variance.

Soracco then asked about the back side of the fence and if Pretsch would be landscaping that side too and Pretsch replied that there is already landscaping there and on the other side as well. Chase said that on those sides a six-foot fence is allowed, as they are not in the front yard. Chase also said that if the fence had been able to go back an additional 16 feet then it would not be in the front yard and would not have had to even go before the ZBA. Chase asked if there was any more public comment to go on the record.

Chase then made a motion to close the public hearing, second by O'Neill, all in favor, motion carried, public hearing closed. Chase then reiterated that it will be a solid, six-foot high fence with approximately six-inch wide planks, and a dog ear shape in the same location as the existing fence. Landscaping came up again and Chase said if the board wanted to include a condition for landscaping it would need to include exact landscaping plans and specifications in the variance for enforcement purposes. Boardmembers indicated that it was not necessary to do so.

The Boardmembers then reviewed language to compose the variance resolution. Stewart moved to adopt the attached resolution, second by Baden, all in favor, motion carried, area variance approved.

**Approval of August's Meeting Minutes:** Motion by O'Neill to approve the August meeting minutes, second by Stewart, all in favor, motion carried, minutes approved.

**Other Business:** No other business to go over. Meeting adjourned at 7:55 pm.

Respectfully submitted by:

Tricia Devine

Secretary

Scott Chase

Chairman