

PINE PLAINS ZONING BOARD OF APPEALS MINUTES

Tuesday, February 22, 2022, 7:30 PM

In-person and Zoom

IN ATTENDANCE: Scott Chase, Chairman, Carl Baden,
Michael O'Neill, Amanda Zick

ABSENT: Margo Jackson, Marie Stewart

ALSO PRESENT: Frank Mazzearella, Ann Gilbert and Companion, Drew
Weaver, ZEO

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

Neil/Quasebarth Public Hearing: Chase opened the public hearing and read the published noticed. Chase then had Mazzearella, the applicants' architect, review the application. The applicants will be adding an addition to their home and a proposed garage. The house is not compliant with its setbacks. Because of this, and wanting to preserve the applicants' viewshed, they would like to have the garage's setback also be noncompliant. It would also be more in keeping with the neighboring buildings along Mt Ross Road.

Mazzearella said they also received preapproval from the highway department for the location of the new driveway. The new location is safer and the previous driveway will no longer be used.

Chase asked Weaver if had anything he would like to put on record for the hearing - Weaver had no comment.

Chase asked for a motion to close the public hearing, motion by Baden, second by O'Neill, all in favor, motion carried.

Chase said there was no reason the applicants could not meet the 75 ft setback, but he agreed regarding the aesthetics of the hamlet and use

of the field, that a closer setback would be better. Chase did say he is concerned about it being so close to the road since you never know what could happen in the future, i.e. the road could be widened, etc. Chase would prefer to see it a couple of more feet from the road. Mazzarella said it is currently further back from the existing house. Mazzarella said it has to do with the entry, as it is in a very specific location to be linear with the house.

Chase asked Weaver if adding the addition to the nonconforming house is part of the area variance. Weaver said it was okay if the applicants were not increasing the nonconformity.

Chase asked the board for their comments. Baden said he liked it as it was but he was concerned about the grade and water flowing into the road during a rainstorm. Mazzarella said the driveway would have an asphalt apron and a pitch with a culvert underneath. Chase mentioned a different location for the driveway. Baden said he thought of that as well but realized then the homeowners would not be able to see the garage from the house which could become a security issue. Zick had no issue with what is proposed.

Chase then read the resolution.

Chase asked for a motion to adopt the resolution, motion by Baden, second by O'Neill, all in favor, motion carried.

Ann Gilbert Application: The board and applicants went over the map for the proposed home. The applicants then explained a bit about the property. O'Neill asked how wide the property is. Gilbert replied 126 feet wide and 300-400 feet deep. Gilbert said the fifty-foot setback would only allow for a twenty-foot-wide trailer which wouldn't fit in on that road.

Baden asked what the side setback is for the zone the house would be going in. The applicant replied 50 ft and the board confirmed with Weaver who said yes, fifty foot is required in the 5-acre zone. Gilbert explained that they did all their due diligence but then were told by Weaver that they would need to do a narrow lot variance which Gilbert said historically in Pine Plains is 15 ft.

Chase then explained the process to the applicant including the site inspection and public hearing.

The applicant was explaining the features of the two lots they own which led board member O'Neill to ask why they did not want to place the home between the two lots. The applicant explained that it was too costly to do so and that they would like to place a second home on the other lot as well. Chase agreed that resetting a property line is very expensive.

Chase asked Weaver if there was anything else he needed. Weaver replied no, it was very cut and dry to him, especially since the lot is so narrow.

The site visit was set for March 22nd at 6:00pm. The public hearing will also be on the 22nd at 7:45pm at town hall.

Approval of the January Meeting Minutes: Motion by Zick, second by Baden, to approve the January 2022 meeting minutes, all in favor, motion approved.

Other Business: No other business to go over.

Meeting adjourned at 8:22 pm.

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 Steve Neil and Elise Quasebarth for property located at address 342 Mt Ross Road, Town of Pine Plains, Dutchess County, Tax Map ID#6673-00-772170, to allow the construction of a garage with less than the required minimum 75' front yard, and

WHEREAS, the Zoning Board of Appeals has reviewed the subject variance request #1-2022 submitted by Neil/Quasebarth, and

WHEREAS, after review of the application including: review of the Town habitat map, a site inspection, a legally noticed public hearing held on February 22nd, 2022 with no neighbors expressing concerns or 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 over 100 years old and is located less than 10' feet off the highway, and

WHEREAS, the proposed location for the garage will be served by a new driveway at a much safer location than the existing driveway location and will be approved by the Dutchess County Highway Department, and

WHEREAS, the Board finds that maintaining the 75'foot front yard would potentially block scenic views from the existing home potentially decreasing the property value and detract from the agricultural use of the property by requiring the building to intrude further into the field, and

WHEREAS, the variance requested is not of a nature considered substantial for the character of the neighborhood because neighboring lots have historic homes and structures with less than the 75' front yard setback, and

WHEREAS, the lot and the home were previously existing prior to zoning and the decrease in the front 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 front yard setback of not less than 7 feet - six inches from the Mt Ross Road/ County Rt 7 front (West) property line.

On a motion by Baden, second by O'Neil

Scott Chase	voted aye
Margo Jackson	absent
Marie Stewart	absent
Michael O'Neill	voted aye
Carl Baden	voted aye
Amanda Zick	voted aye

The resolution was duly adopted this 22nd day of February, 2022.



Scott Chase, Chair



Tricia Devine, Secretary