

March 24, 2022

PINE PLAINS ZONING BOARD OF APPEALS MINUTES

Tuesday, March 22, 2022, 7:30 PM

In-person and Zoom

IN ATTENDANCE: Scott Chase, Chairman, Carl Baden, Margo Jackson,  
Michael O'Neill, Marie Stewart, Amanda Zick

ABSENT:

ALSO PRESENT: Ann Gilbert and N. DiGugno, Drew Weaver, ZEO

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

**Gilbert Public Hearing:** Chase opened the public hearing and gave a general overview of the application. The property is in the rural district and is only 125 feet wide approximately. When zoning was added in 2009 the side yard setback requirements became 50 feet because of this a house placed there could only be 25 feet wide. The applicants feel this is not in character with the other houses in the area and are looking for an area variance. The applicants' plot plan shows a house that is approximately 64 feet wide which would leave 30 feet on each side for the setbacks.

Chase asked the applicants if they had anything to add on the record while the hearing was still open. DiGugno said not really, just they are going to put the house closer to one side so that they may utilize the driveway and plan on putting arbor vitae on the other side.

Chase asked the board if there was anything they would like to put on the public record. Zick asked about the neighbor who contacted Chase. Chase said it was the house to the east, but there is a lot in between. They wanted to know what was going on but after seeing the application they did not provide any comment. Chase asked for a motion to close the public hearing. Motion by Zick, second by Jackson, all in favor, motion carried.

March 24, 2022

Zick asked how wide the proposed house will be. Stewart said just under 64 feet. Chase said in theory there could be 30 feet on each side. The applicant said with the driveway and garage doors it wouldn't work. They would also like to leave space for plantings. The board agreed.

Chase asked Weaver about construction and will the property line be staked. Weaver agreed that the property line will need to be identified. The applicant stated he does this for a living and explained the process that will need to be done. Chase said they like to give a few feet more to make sure there aren't any mistakes. Chase asked the applicant if twenty feet would work so that there is a bit of leeway. Stewart said she has faith that they will get it right considering the applicant's job. The applicant said he would do his best and does not want to do more than 15 feet to the property line.

Stewart asked how much leveling out of the property will be needed. The applicants replied that it will need to be done where the septic will be and by the garage where a small retaining wall will be needed.

Chase asked the board if they had any other issues or concerns. There were none. Chase then read the resolution.

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

The board then discussed the public hearing that was postponed. Secretary Devine said they applicants would be in touch when they wanted to proceed.

**Approval of the February Meeting Minutes:** Motion by O'Neill, second by Baden, to approve the February 2022 meeting minutes, all in favor, motion approved.

**Other Business:** No other business to go over.

March 24, 2022

Motion to close the meeting by Jackson - meeting adjourned at 8:03 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 N. DiGugno and Ann M. Gilbert (applicant) for property located at address 243 Lake Road, Town of Pine Plains, Dutchess County, Tax Map ID#6771-00-914732, to allow the construction of a home within two of the required side yards of this lot, and

**WHEREAS**, the Zoning Board of Appeals has reviewed the subject variance request #3-2022 submitted by DiGugno/Gilbert, and

**WHEREAS**, after review of the application including: a site visit on March 22nd, 2022, review of the Town habitat map and a legally noticed public hearing held on March 22nd, 2022, 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 home cannot be constructed meeting the required 50-foot side yard setbacks because the lot which was created prior to zoning regulations is narrow (approximately 125' wide), and

**WHEREAS**, the Board finds the proposed placement of the home is in keeping with similar front yard and side yard setbacks in the neighborhood, and

**WHEREAS**, the variance requested is not substantial given the narrow character of the lot, and

**WHEREAS**, the home will not adversely affect the character of the neighborhood, 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, and

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


**WHEREAS**, the granting of the variance to allow the installation of the proposed home within the required side yards of this lot while meeting the front and rear yard setback requirements will not produce an undesirable change to the neighborhood nor be a detriment to nearby properties, 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 home to be constructed with side yard setbacks of not less than 15 feet.

On a motion by Stewart, seconded by Baden

Scott Chase	Aye
Margo Jackson	Aye
Marie Stewart	Aye
Michael O'Neill	Aye
Carl Baden	Aye
Amanda Zick	Aye

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

  
\_\_\_\_\_  
Scott Chase ZBA Chair

  
\_\_\_\_\_  
Tricia Devine Secretary