

March 4, 2023

PINE PLAINS ZONING BOARD OF APPEALS MINUTES

Tuesday, February 28, 2023, 7:30 PM

In-person and Zoom

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

ABSENT: Marie Stewart

ALSO PRESENT: Marcus Andrews Stewarts Shops, Eric Redding Bergmann,
Andrew Gordon Carson-Power LLC (via Zoom), Peter
Hansen and Architect, Brian Walsh, Jim Smith, Drew
Weaver, ZEO (via Zoom), 6 Members of the Public

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

Stewarts Shops: Chase recapped the application from the previous meeting. Chase said he was pleased that Stewarts Shops provided additional plans as requested.

Stewarts Shops is looking for a variance for the front yard setback, as well as one for the size, as it is over 4,000 sq ft.

Chase said not all variances, like residential ones, are Type II Actions. Chase feels this application will be an Unlisted Action, which would require an EAF. If the site plan conformed to zoning, then Chase feels the impact would be less and the review would be easier.

Chase said Stewarts is an asset to the community and the new building will fit in with the character of the town. Chase looks forward to working with Stewarts to resolve the application.

Marcus Andrews of Stewarts Shops then showed the board the alternative designs that adhere to the zoning setbacks. Andrews said some of the alternative designs would shut down gas immediately. Andrews said their goal is to work with the town in having the current store and gas to remain open during construction. Andrews said they can put decorative features in front to give the appearance of frontage that the town is looking for when coming into town.

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Chase asked Andrews if construction from start to finish was about 10-12 weeks. Andrews replied yes, roughly 3 months.

O'Neill thinks the variance should be granted. O'Neill said he has seen what Stewarts Shops have done and thinks they are a great corporation. O'Neill said the 163.5 setback is an advantage to the store and to the flow of traffic that come in with trailers, etc.

Andrews said that with the previous design gas would only be down for one month.

Zick asked about the mechanics on the alternative designs. Andrews said the HVAC compressors would be visible from the street. Delivery trucks would also block some parking with that design. Zick said to Chase's point about this area being the entrance to the hamlet, and people entering from the south, the first thing they are seeing are the compressors. Zick would prefer to have the store face forward, even if it is set far back.

Baden said he did like one of the alternate designs presented but feels going with it would be detrimental to the town (i.e. no gas for three months or more). Baden feels adding a rock wall to the original design submitted would give you the feel of that tight corridor.

Zick brought up how the new design will be more conducive to customers who go to Stewarts with trailers.

O'Neill said he doesn't feel we should create an adversary relationship with Stewarts who has been a great partner in the community.

Chase said the comprehensive plan recognizes the area as a gateway parcel and the buildings should be close to the street to slow traffic down.

The board then deliberated with Andrews over the alternative designs presented. After much discussion it was decided to hold the public hearing on the original design submitted.

Chase then went over the EAF Pt I (see attached).

The board then decided that board members would do a site visit on their own.

Chase asked for a motion to schedule a public hearing for March 28th at 7:30 pm. Motion by O'Neill, second by Baden. The time of the hearing was later changed to 7:40 pm to fit in another hearing before this time.

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Chase then said the size of the building was not discussed. It was decided that Stewarts Shops does not provide a service so 4,000 sq ft was allowed. Stewarts will shave down their current size from 4,020 sq ft to 4,000 sq ft to conform with zoning.

Carson-Power LLC: Eric Redding of Bergmann was at the meeting representing Carson-Power, LLC. Chase said since there is a coordinated environmental review currently going on with the planning board that the zoning board cannot take any official action until the planning board finishes their review.

Redding explained a bit about the project and said they are looking for an area variance since zoning only allows for a 6-foot fence on the rear and side yards and 4-foot fence on the front yard, but ground mount solar panels require a 7-foot fence by the national electric code.

Chase said the board should do a site visit to determine if any conditions would need to be added to the variance.

Chase said once the environmental review is finished with the planning board the zoning board would set a site visit and public hearing.

Hansen Workshop: Chase said the applicant is looking for a variance for the height of an accessory structure they are building. Chase feels the zoning law of a maximum of 21 feet should be changed because it only allows for a flat roof at that point.

Peter Hansen, the applicant, then introduced himself and his architect. Hansen said he is building a "bank barn" with the cellar level being for storage and the first level would be a workshop, and then the second upper level would be an art studio. The top level and roof would make it a bit over 26 feet in height. Hansen said the structure would not be able to be seen from the road and only one neighbor would have a view of it.

Chase asked for a motion to set a public hearing for March 28th at 7:30pm. Motion by Baden, second by O'Neill, all in favor, motion carried.

A site visit was set for March 28th at 6:00pm.

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

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Carson-Power LLC: Andrew Gordon of Carson-Power, LLC joined the meeting via Zoom and asked the board to reconsider setting the public hearing for the fence variance requested as he said the SEQR process would allow for the hearing to take place and to have the site visit prior to the SEQR process being completed.

Chase agreed and said final approvals could not be given until after the SEQR process is completed.

A site visit was set for March 28th at 5:20pm.

Chase asked for a motion to set a public hearing for March 28th at 8:00pm. Motion by Zick, second by O'Neill, all in favor, motion carried.

Other Business: No other business to go over.

Meeting adjourned at 8:47pm.

Respectfully submitted by:

Tricia Devine
Secretary

Scott Chase
Chairman