

April 1, 2023

PINE PLAINS ZONING BOARD OF APPEALS MINUTES

Tuesday, March 28, 2023, 7:30 PM

In-person and Zoom

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

ABSENT:

ALSO PRESENT: Peter Hansen, Marcus Andrews Stewarts Shops, , Andrew
Gordon Carson-Power LLC, Peter Hansen, Sarah Jones,
Brian Walsh, Jim Smith, Drew Weaver, ZEO (via Zoom), 8
Members of the Public

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

Peter Hansen Workshop Public Hearing: Chase asked Hansen to explain the variance he is requesting. Hansen said he would like to build a workshop/bank barn for his tractor and equipment on the lower level, the next level for a workshop and then the last level as a studio. The zoning code only allows accessory structures to be 21 ft above the base elevation to the midpoint of the eave and peak of the roof. Hansen said the way his building is designed it would be 26' and 4" instead of 21'. Hansen said the barn will be 200 feet from his house and lower than the house. Hansen said only one neighbor would be able to see the barn.

Chase opened the public hearing and asked if anyone had any comments. Sarah Jones said it is a rural area with a lot of barns. Jones feels this barn would fit in quite nicely and has no issue with it.

Stewart said for the record the zoning board visited the site and saw where the proposed barn would be.

Frank Kilmer said he has no problem with a few feet here or there.

Chase asked if the board members had any comment. Baden said it is straight forward. Zick said she has no issue with it.

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

Chase then read a draft resolution and the board made corrections and changes.

Chase asked for a motion to approve the revised resolution, motion by Stewart, second by Baden, all in favor, motion carried (see attached).

Stewarts Shops Public Hearing: Chase said the board has not yet heard back from the county (239M) so the hearing may be held but no action could be taken. Marcus Andrews went through the application and what he is requesting. Andrews said Stewarts Shops is proposing a new store that would be just under 4,000 sq feet behind their existing building. Andrews said they are requesting a front yard setback in order to keep services running while they construct the new store. Andrew said they are proposing additional curb cuts long the access road, but the curb cut along Rt. 82 will remain the same. Andrews said gas would be down approximately a month.

Chase asked how long gas would be down if everything was demoed. Andrews replied 12 weeks.

Zick asked the exact measurements on the variance. Chase said zoning says that the front setback be no less than 10 ft and no more than 25 ft. Stewarts is looking for an extra 140 feet.

O'Neill asked what the setback is for the existing building. Andrews replied 104.6 feet.

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

Frank Kilmer asked if the new shop would be similar to other shops recently built and could you drive around the building. Andrews replied no, you will not be able to drive around the building, but deliveries would be behind the building. Kilmer confirmed that trucks will not be in the middle of the parking lot for deliveries and Andrews replied correct.

Chase suggested the public hearing be left open until next month and the board hears from the county.

O'Neill asked Andrews what time of year he would like to do the construction. Andrews replied they would look to build as soon as all approvals are in place, but this season definitely.

Chase said the zoning board is only approving the variance, not the site plan, which will be done by the planning board.

Jones asked if a lead agency has been declared. Chase replied no, at this point it is an uncoordinated review.

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Chase asked for a motion to continue the public hearing until the April meeting, motion by O'Neill, second by Stewart, all in favor, motion carried.

Carson-Power LLC Public Hearing: Chase said this application is currently under review with the planning board and therefore it is a coordinated environmental review and no entity giving permits may do so until the environmental review is completed. Chase said the board will not be making a decision at this meeting but is continuing the process.

Chase said it is a federal law to have a 7 ft fence around the solar arrays, however the town's zoning was not written for a solar arrays farm and only allows a 6 ft fence on the side and rear and 4 ft fence on the front. The applicant is seeking a variance for the height difference in the fence and that is the only charge that the zoning board is involved with.

Chase asked Andrew Gordon from Carson-Power LLC to explain the project. Gordon said the project is a 10-megawatt community solar field on the intersection of Rt 199 and Bean River Road. Gordon said the entire 170 acres will be put into a conservation easement with Scenic Hudson. Gordon said it is a temporary installation and once the solar is removed the 43-acre building envelope would be restored to agricultural use.

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

Chase read a letter received from a nearby property owner sent into the zoning board (see attached).

Stan Hirson asked what the recommended size of a deer fence is and can a deer hop a 7 ft fence and if so, maybe 7 feet is too low.

Chase said the board could not make a decision tonight. Gordon said a vote could not happen until after the planning board is done with their review but that the zoning board is able to close the public comment period.

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

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Approval of the February Meeting Minutes: Motion by Zick, second by O'Neill, to approve the February 2023 meeting minutes, all in favor (minus Stewart, who did not vote) motion carried.

Other Business: Baden said he will be recusing himself from the Stewarts Shops application due to a conflict of interest.

Motion by Stewart to adjourn at 8:23pm, second by O'Neill, meeting adjourned.

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 Peter Hansen for property located at address 2245 County Route 83, Town of Pine Plains, Dutchess County, Tax Map ID# 6871-00-727598, to allow the construction of a two-story accessory building with a basement garage. The building will have a footprint measuring approximately 50 feet by 30 feet and contain storage, workshop, bathroom facilities and studio space with a height no higher than 27 feet. The maximum allowable height per Section 100-19 B.(3) is limited to 21 feet therefore requiring a variance of 6 feet to the height limit, and

WHEREAS, the Zoning Board of Appeals has reviewed the subject variance request #2-2023 submitted by Peter Hansen, and

WHEREAS, after review of the application including: review of the Town habitat map, a site inspection and a legally noticed public hearing held on March 28th, 2023, 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 lot is over 50 acres in size with an existing house containing over 4600 square feet, and

WHEREAS, the topography of the lot will have the proposed building lower than the existing dwelling and clearly smaller than the existing house, and

WHEREAS, the Board finds that maintaining the 21-foot height would create a hardship by requiring construction with a shallow pitched roof that would not be consistent with the architectural character of the existing house or the area, and

WHEREAS, the variance requested is not substantial and will be consistent with the height of other residential and agricultural scale buildings in this rural and agricultural area setting, and

WHEREAS, the 27-foot-high peaked gable roof building will not adversely affect the character of, nor be a detriment to the neighborhood where Residential buildings are limited to 35 feet, and

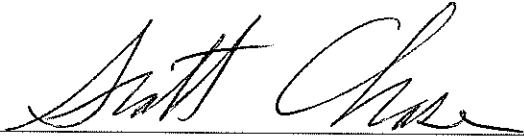
WHEREAS, the granting of the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood as the proposed building will barely be visible from nearby public highways and the adjoining neighbors most affected have not expressed concerns with the proposed building being approximately 6 feet higher than the required 21 feet, 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 21-foot height limitation found in Section 100-19 B.(3), allowing the proposed accessory building to be constructed no higher than 27 feet.

On a motion by Stewart, second by Baden

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

The resolution was thereupon duly adopted this 28th day of March, 2023.



Scott Chase, ZBA Chair



Tricia Devine, Secretary