

April 27, 2023

PINE PLAINS ZONING BOARD OF APPEALS MINUTES

Tuesday, May 23, 2023, 7:30 PM

In-person and Zoom

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

ABSENT:

ALSO PRESENT:

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

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

Stewart's Shops Corp Resolution: Motion by Stewart, second by O'Neill, to approve the resolution, O'Neill, Stewart, Wyant, and Zick in favor, Chase opposed, and Baden recused, motion carried.

Chase then read the resolution (see attached).

Motion by O'Neill to adjourn at 7:50 pm, second by Stewart, 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 Stewart's Shops Corporation for property located at address 7710 South Main Street, Town of Pine Plains, Dutchess County, Tax Map ID#6871-00-443943, to allow the complete razing of the existing 3242 square foot Store and the existing gas pumps, tanks and canopy. These structures are to be replaced with a new store, new gas tanks, gas pumps and a new 100' gas pump canopy. The existing store is proposed to stay in operation during construction with the gas facilities out of service a minimum of approximately four weeks using the applicant's desired site plan, and

WHEREAS, the Zoning Board of Appeals has reviewed the subject variance request #4-2022 submitted by Stewarts Shops, and

WHEREAS, after review of the application including: review of the Town habitat map, a legally noticed public hearing held on March 28th and continued on April 24th, 2023 in person and via Zoom and a review of the SEQRA short Environmental Assessment Form, and

WHEREAS, the proposed action is an unlisted action under SEQRA and the Board conducted an uncoordinated review determining the variance would not have a significant impact on the environment, and

WHEREAS, The application was submitted to the Dutchess County Department of Planning for a GML 239 review and the County recommended the application be denied, and

WHEREAS, the site is located in the Hamlet Main Street District which has a setback requirement for businesses of no less than 10 feet and no more than 25 feet with the applicant requesting a variance to allow a front yard setback not to exceed 163.5 feet for the store building, and

WHEREAS, the Board determined that the proposed project will not produce an undesirable change in the character of the neighborhood, and

WHEREAS, the applicant has stated that it is not feasible to complete the project and meet the required front yard setback without closing down the business for a time period that would deprive the community of the services provided, and

WHEREAS, the variance is not considered substantial based upon the location of the existing building and the Planning Board's ability to determine the final location based upon their site plan approval process, and

WHEREAS, the proposed project will not have an adverse impact on the physical or environmental conditions of the neighborhood as it is replacing the existing store with a building viewed to be more attractive, and

WHEREAS, the hardship is related to keeping the business operating to maximum extent possible for the benefit of the community during construction and hence is not entirely 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 requiring a front yard setback of no less than 10 feet and no more than 25 feet and allowing a front yard setback not to exceed 163.5 feet with the understanding that the Planning Board will have the final approval over the building location in the site plan approval process.

On a motion by, Stewart seconded by O'Neill

Scott Chase	voted	No
Carl Baden	voted	Recused
Michael O'Neill	voted	Yes
Marie Stewart	voted	Yes
Amanda Zick	Voted	Yes
Chris Wyant	voted	Yes

The resolution was thereupon duly adopted this 23rd day of May, 2023.

Attested: Scott Chase, Chairman

Tricia Devine, Secretary


