

August 6, 2023

PINE PLAINS ZONING BOARD OF APPEALS MINUTES

Tuesday, July 25, 2023, 7:30 PM

In-person and Zoom

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

ABSENT: Chris Wyant, Alternate

ALSO PRESENT: Dora Hage, Peter Hage, One Member of the Public  
(Russell Burchette)

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

**Hage Garage Public Hearing:** Chase gave a summary of the project. The applicants would like to place a garage in front of their house since placing it in the backyard or side yard would not work due to the placement of the house and the septic in the back.

Chase asked if there were any members of the public looking to speak. Burchette, the applicants' neighbor, said he is not familiar with the side yard setbacks and he is concerned with a forsythia bush that is in between their two properties that could be damaged during construction. Burchette is looking for the bush to be replaced with something of equal or greater value. Burchette said he would also like the garage placed closer to the road if possible.

Stewart said they did a site visit and that it slopes down too great closer to the road where it would need to be filled in and it would not line up with the driveway.

Baden asked if the bush would need to be removed - the applicant replied hopefully not. The board discussed how forsythias are very hardy and would most likely come back even if damaged.

Zick asked about the side yard setback and Chase replied it was changed to 8 feet a few years ago. Zick asked if they applied for a variance for a side yard as well and the board replied no.

Chase asked Burchette if he had any other concerns and Burchette replied no, the bush was his main concern.

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Zick asked if that should be a condition on the resolution. Stewart said it comes down to whose property it is on. Burchette said he doesn't want to the responsibility to replace it if necessary.

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

The board felt, since it is a forsythia bush, that it is not necessary to write it into the resolution.

P. Hage said he was not looking to level the bush, but he does not think it needs to be written into the resolution. Burchette said he would still like to see it in writing. D. Hage said she is fine with replacing it if the bush dies. Chase said they are not violating the side yard at all. Chase feels the issues at hand do not correspond with the zoning board's purview, but he is sympathetic with the neighbor.

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

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

Meeting adjourned at 7:57pm.

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 and Dora Hage for property located at 38 Woodside Street, Town of Pine Plains, Dutchess County, Tax Map ID# 6872-09-197562, to allow the construction of a 20' x 24' two garage in the front yard, and

**WHEREAS**, the Zoning Board of Appeals has reviewed the subject variance request #4-2023 submitted by Peter and Dora Hage, 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 July 25th, 2023, and

**WHEREAS**, this action does not require 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 lot and house were existing prior to the enactment of Zoning, and

**WHEREAS**, the Board finds that it is not possible to place a garage in the side or rear yard due to the lot configuration and septic system and well location, and

**WHEREAS**, the variance requested is not substantial for the neighborhood and the proposed building and setback will not be out of character with the neighborhood as other homes have accessory buildings in the front yard, and

**WHEREAS**, there were concerns expressed by the neighbors which were addressed, and

**WHEREAS**, this lot was created and the house was constructed 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 20 x 24'garage to be installed with a front yard setback of not less than 26 feet and a side yard setback of not less than 8 feet along the North property line

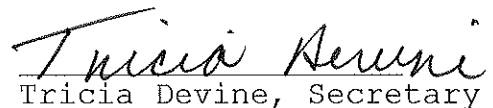
On a motion by Stewart, second by Baden

Scott Chase	Aye
Carl Baden	Aye
Marie Stewart	Aye
Michael O'Neill	Aye
Amanda Zick	Aye
Chris Wyant	Absent

The resolution was thereupon duly adopted this 25th day of July, 2023.



Scott Chase, Chairman



Tricia Devine, Secretary