

September 27, 2023

PINE PLAINS ZONING BOARD OF APPEALS MINUTES

Tuesday, September 26, 2023, 7:30 PM

In-person and Zoom

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

ABSENT: Marie Stewart

ALSO PRESENT: Luka Djunic (via Zoom) applicant, One Member of the  
Public

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

**Djunic Garage Public Hearing:** Chase explained how the applicant's lot, at 2100 Rt 83, is between 200 and 215 ft wide with an existing house in the center. They would like to add a 30'x 30' garage. Because of the width of the lot, and where the house is located, a garage in line up with the house would not work since in that district the side yard requirement is 50'. The applicant would like to reduce it to 23'.

Chase then opened up the hearing for public comment. Charles Wessler, of 2115 Rt 83, said he is building a house there now and he is concerned that if he tries to sell some of his property in the future the garage is too close and may affect the sale. Wessler then asked Djunic if he was planning on having the garage be a guest house as well. Djunic replied no - it may be used as a play area, but will not have plumbing, etc.

Chase asked Wessler if he feels that being able to see the garage would make his property less desirable to sell in the future. Wessler replied it wouldn't be the 50' setback and the house is already close.

O'Neill asked Wessler how far his house is from that property line. Baden said his property is in the middle of his parcel and asked Wessler how many acres does he have. Wessler replied he has twenty acres and that it isn't an issue right now.

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Chase said in that area a parcel has to have five acres. Wessler said he planned out his house so that he could sell off five acres.

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

Zick said she respectfully understands Wessler's concern but the zoning board's role is to look at what is happening now and not what may happen in the future. O'Neill agrees it would be different if Wessler was looking out at his window at the garage.

Chase asked Wessler would he be okay with Djunic adding some evergreens so there wouldn't be a visual intrusion. Wessler agreed with this. The applicant also agreed to this.

Chase agrees on the location of the garage as it cannot go in the front and in the back would devalue the house as its view would be hindered.

Chase then went over the resolution with the board and added the evergreen stipulation (see attached).

Chase asked for a motion to accept the resolution, motion by Baden, second by O'Neill, all in favor, motion carried.

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

Motion to adjourn at 8:14 pm by Zick, second by O'Neill, all in favor, motion carried.

Respectfully submitted by:

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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 Luka Djunic for property located at address 2100 County Rt 83, Town of Pine Plains, Dutchess County, Tax Map ID#6871-00-966345, to allow the construction of a garage no larger than 30 foot by 30 foot with the side yard reduced to no less than 22 feet on the north side adjacent to tax parcel number 6871-00-960397, and

**WHEREAS**, the Zoning Board of Appeals has reviewed the subject variance request #5-2023 submitted by Luka Djunic, 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 September 26th, 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 existing lot was created prior to zoning and is narrow for this rural district at approximately 215 feet, and

**WHEREAS**, the Board finds that maintaining the minimum 50 foot side yard would create a hardship by requiring construction to occur in a manner that disturbs the layout of this pre-existing homesite, and

**WHEREAS**, the variance requested is not substantial and will leave at least 22 feet to the neighboring property, and

**WHEREAS**, the lot was previously existing prior to zoning and the decreased side yard setback will not adversely affect the character of, nor be a detriment to the neighborhood, 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 will not have an adverse impact on the physical or environmental conditions in the neighborhood as the proposed building will only be slightly visible from County Rt 83 and barely visible if at all from the adjoining neighbors home most affected by the reduced setback to the North. That neighbor has expressed concerns with the proposed

building being a minimum of 22 feet from their property line due to his plan to subdivide in the future and requested a visual buffer to screen the view from his property, and

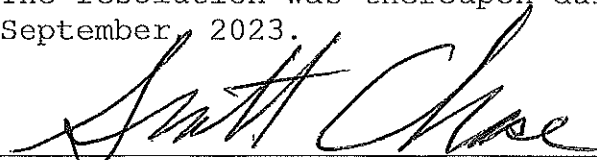
**NOW THEREFORE BE IT RESOLVED** that based upon the preceding findings, the Zoning Board of Appeals of the Town of Pine Plains hereby grants the application for a variance to the requirements found in the Schedule of Bulk Regulations, Table B, allowing the proposed garage (no larger than 30 feet by 30 feet) to be installed with a side yard setback of not less than 22 feet from the North property line with the following condition:

- The Applicant shall provide a visual screen of the proposed garage consisting of evergreen vegetation along fifty feet of the property line between the proposed garage and the neighboring property to the north. The screen shall be started with a least 4' evergreen trees of sufficient spacing that when reaching 20' they shall provide the desired visual buffer.

On a motion by Baden, second by O'Neill

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

The resolution was thereupon duly adopted this 26th day of September, 2023.

  
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Scott Chase, ZBA Chair

  
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Tricia Devine, Secretary