

August 29, 2024

PINE PLAINS ZONING BOARD OF APPEALS MINUTES

Tuesday, August 27, 2024, 7:30 PM

In-person and Zoom

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

ABSENT: Chris Wyant, Alternate

ALSO PRESENT: Ed Casazza, ZEO, Lenora Champagne, Applicant, Jamie Hammel, The Hudson Company, Daniel Leary, BNR

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

Champagne/Lyons Area Variance Public Hearing: Chase asked the applicant to give a brief review of their application. The applicant would like to build an addition of their small home but cannot meet the side yard setback. Therefore they are asking for an area variance for a side yard setback of 8-10 feet, in lieu of the required 20 feet. Chase said it would not have any real impact and the addition would border a cemetery

Chase asked for a motion to open the public hearing, motion by Stewart, second by Zick, all in favor, motion carried. Chase asked if anyone was looking to speak on the application - there were none. . Chase asked for a motion to close the public hearing, motion by Baden, second by Stewart, all in favor, motion carried.

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

Concept Discussion for New England Hardware by The Hudson Company:

Jamie Hammel, of The Hudson Company, introduced himself and explained what he is looking to do with the Hudson Company. Hammel would like to purchase New England Hard Woods on Rt. 83, as well as a lot on Rt. 82, to combine and build a showroom, etc. Hammel said he currently leases his property on Rt. 199. Hammel said he would like a permanent building that he could invest in. Hammel said he would like to stay

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in Pine Plains, as many of his employees live in the area. Hammel then introduced his attorney, Daniel Leary, and said they would like to introduce a concept to the board tonight. Hammel said their vision is to build a warehouse, production facility, and showroom. Hammel then showed a rendering of his vision and explained what he is thinking of doing.

Stewart asked if this proposal has gone to the Planning Board and Hammel replied no. Chase said it is a concept discussion. Chase said Hammel is looking to see if the ZBA felt it was a doable idea. Hammel agreed and said he wouldn't be pursuing the project if he received negative feedback from the town.

Zick asked how the ZBA would be involved, would there be area variances involved. Leary reviewed what he felt would be needed, such as the new building being allowed for manufacturing. Chase agreed that manufacturing was not an allowed use in the Hamlet-MS district, but it preexists zoning from 2009, and therefore it would be a legal, nonconforming use that is allowed to continue and allow to expand 25-35%. Zick asked if that was by space, or volume, etc. Chase said it is by square footage. Stewart asked Hammel his current square footage. Hammel said their building is 20,000 sq feet. Hammel mentioned having sheds on the side, like a lean to, Zick asked if that is included then in their square footage. Casazza said he would determine it is not. Chase said the board should review the section in the zoning code. Chase said Hammel would need a special use permit and site plan approval from the planning board, but that he would need the area variance first, so the ZBA and Planning Board would need to work together. Leary said they will be doing a pre-submission to the Planning Board. Zick asked if the ZBA would only be looking at area variances or would there be area use variances as well. Chase said it would depend on the expansion. Hammel calculated they would have an increase in use of roughly 19%, which would be within the limits. Leary agreed it would be an area variance.

Chase said they will have to take in consideration the community's feelings, but he doesn't see any great opposition and it sounds like a very smart project for the town of Pine Plains.

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Leary said they would also need to work on the one principal building on one lot area variance. Leary feels they may also need a side yard setback variance.

Baden said they should also look into their water run-off.

Leary said the design guidelines for the Hamlet District should work with what they are planning but there is a provision where the planning board may waive some of the requirements. Chase agreed that the design decisions will be at the planning board's discretion.

Chase brought up the issue of the drainage ditch behind the property that can cause run-off all the way to Stissing Lake. Leary said as part of their site plan submittal they will be including a drainage plan.

Hammel asked if adding a curb cut was an issue, the ZBA replied not for this board.

Chase said the whole process should take between 6-9 months after their official application is filed. Hammel said he would like to decide within 90 days and is trying to gauge the town's feelings towards the project.

Baden said he noticed at their current location they sometimes burn wood - would that happen at the new location? Hammel said the Pine Plains Fire Dept. has trained there, and it has been mutually beneficial, but he will not be doing this at the new location. Hammel said he will be making a big investment in waste disposal.

The board expressed their favor of the project.

Approval of the July Meeting Minutes: Motion by Stewart to approve the July meeting minutes, second by Baden, all in favor, minus Zick who abstained due to absence, motion carried.

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The meeting adjourned at 8:17PM.

Respectfully submitted by:

Tricia Devine
Secretary

Scott Chase
Chairman

Town of Pine Plains, NY Zoning Board of Appeals Application 3-2024

Champagne-Lyons Area Variance Resolution 8/27/2024

WHEREAS, The Town of Pine Plains Zoning Board of Appeals is in receipt of an area variance application from - Lenora Champagne and Robert Lyons(double check address and numbers and actual applicant)for property located at address 549 Carpenter Hill Road, Town of Pine Plains, Dutchess County, Tax Map ID# 6871-00-986200, to allow the construction of a one story addition no larger than 20 feet by 20 feet with the side yard reduced to no less than 8 feet on the north side adjacent to tax parcel number 6871-00-001212 which is an abandoned cemetery, and

WHEREAS, the Zoning Board of Appeals has reviewed the subject variance request #3-2024 submitted by Champagne-Lyons, 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 August 27th, 2024, 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 Bethel Hamlet district at approximately 80 feet with the existing house approximately 30 feet from the north property line before widening behind the cemetery, and

WHEREAS, the Board finds that maintaining the minimum 20-foot side yard would create a hardship by requiring construction to occur in a manner that would not work with the existing floor plan and interior functions of this pre-existing house, and

WHEREAS, the variance requested is not substantial and will leave at least 8 feet to the neighboring cemetery whose residents are not anticipated to complain, 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 and the house built 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 addition will be one story and in scale and in character with the existing home (similar roof and siding), 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 addition (no larger than 20 feet by 20 feet) to be constructed with a side yard setback of not less than 8 feet from the North (cemetery) property line.

On a motion by Stewart, second by Baden

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

The resolution was thereupon duly adopted this 27th day of August, 2024.

Scott Chase, ZBA Chair

Tricia Devine, Secretary