

October 24, 2024

PINE PLAINS ZONING BOARD OF APPEALS MINUTES

Tuesday, October 22, 2024, 7:30 PM

In-person and Zoom

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

ABSENT: Chris Wyant, Alternate, Amanda Zick

ALSO PRESENT: Jorge Yajure, Applicant, Ed Casazza, ZEO

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

**Yajure Public Hearing for Fence Variance:** Chase asked for a motion to open the public hearing, motion by Stewart, second by O'Neill, all in favor, motion carried. Secretary Devine read into the record the one email received from a concerned neighbor at 51 North Main Street (see attached). Chase said the fence will be a couple of hundred feet from North Main Street so he doesn't agree with the concern and feels it was a misunderstanding - the board agreed.

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

Chase then reviewed the resolution with the board (see attached). Chase asked for a motion to accept the resolution, motion by O'Neill, second by Stewart, all in favor, minus Baden, who recused himself due to his business relationship with the applicant.

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

The meeting adjourned at 7:49PM.

Respectfully submitted by:

October 24, 2024

Tricia Devine  
Secretary

Scott Chase  
Chairman

<zba@pineplains-ny.gov>

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**From:** Jason Perez <jason.austin@schoolbal.net>  
**To:** zba@pineplains-ny.gov <zba@pineplains-ny.gov>  
**Date:** Oct 21 '24 11:13  
**Subject:** Re: Variance for property at 5 Maple St

Hi Tricia. Here are my official comments for this issue:

We oppose the variance concerning the 7ft fence proposed for the property at 5 Maple St (The Pines). The neighborhood itself has vary few fences of any height, a 7ft fence would stand out immensely and detract from the scenery of the neighborhood. The woods/vegetation already on the north side of the property provide, in our opinion, a decent privacy screen anyway, a 7ft fence is complete overkill and not sufficient reason for providing this variance to the town regulations.

Sincerely,  
Jason Perez  
Simone Montemorra

On Thursday, October 10, 2024 at 09:19:11 AM CDT, <zba@pineplains-ny.gov> wrote:

Hello Mr. Perez,

Yes, you may send in written comments to be reviewed by the board. The fence will be on the north side (facing the cemetery) and a section of the east side.

Hope this helps.

Best,

Tricia Devine  
Town of Pine Plains ZBA Secretary

> -----Original Message-----  
> From: Jason Perez <jason.austin@schoolbal.net>  
> To: [zba@pineplains-ny.gov](mailto:zba@pineplains-ny.gov) <[zba@pineplains-ny.gov](mailto:zba@pineplains-ny.gov)>  
> Subject: Variance for property at 5 Maple St  
> Sent: Oct 07 '24 10:36

>  
> Hello. I'm the owner of the property at 51 N Main St, close to The  
> Pines. I got your letter describing the variance for a 7 foot fence.  
> The letter doesn't describe where this fence would be located on their  
> property. I do have some comments about this variance but the letter  
> says I have to appear in person on October 22nd. That isn't going to  
> be possible for me, instead can I send in written comments about this  
> issue?

>  
> Thanks,  
> -Jason Perez/Simone Montemorra

>  
>

Application #4 -2024 Town of Pine Plains Zoning Board of Appeals

**WHEREAS**, The Town of Pine Plains Zoning Board of Appeals is in receipt of an area variance application from Jorge Yajure for property located at address 5 Maple St , Town of Pine Plains, Dutchess County, Tax Map ID#6872-14-419315, known as The Pines, to allow the construction of a 7 foot privacy fence in the rear of the property along the north boundary of the property adjoining the Evergreen Cemetery and where the property abuts the rear yard of neighbors along Maple St. The owner operates a Bed and Breakfast and hosts special events and desires to screen the cemetery monuments from view as well as provide privacy to neighbors when The Pines hosts special events. The proposed 6' wooden fence would be placed one foot above grade resulting in a 7-foot height - one foot taller than permitted by the zoning law.

**WHEREAS**, the Zoning Board of Appeals has reviewed the subject variance request #4-2024, submitted by Yajure , and

**WHEREAS**, after review of the application including: review of the Town habitat map, a site inspection, a legally noticed public hearing held on October 22th, 2024 with neighbors expressing concerns regarding the possible view of the new fence from North Main Street, and

**WHEREAS**, at the site inspection it was ascertained that the proposed fence would start more than 150 feet east of North Main Street and therefore be minimally visible from North Main Street and from the neighbors on North Main Street who had expressed concerns, and

**WHEREAS**, the action is exempt from 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 Pines is a unique historically significant property of approximately 4.7 acres in the neighborhood having a long history of serving paying guests and hosting special events important to the community long before the Zoning law was adopted, and

**WHEREAS**, the Board finds that allowing a 6-foot wooden fence raised one foot off the ground creating a 7-foot privacy fence

along the Cemetery and beginning at least 150 feet from North Main Street will not affect the view from North Main Street nor the Cemetery function and also finds that the same 7' fence along the rear yard of 3 neighbors would best function for providing privacy, and

**WHEREAS**, the variance requested is not substantial for the neighborhood, and

**WHEREAS**, the lot and home were previously existing prior to zoning and increasing the allowed fence height to 7 feet will not adversely affect the character of, nor be a detriment to, the neighborhood, 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 Section 275-19 C.(1), - allowing the proposed 6 foot wooden fence to be raised one foot off the ground to create a fence with a height not to exceed 7 feet for the section of fence extending along the Evergreen Cemetery starting at least 150 feet from North Main Street and along the rear yards of tax parcels 448305, 455305, and 461306, fronting on Maple Street.

On a motion by O'Neill , second by Stewart

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

The resolution was thereupon duly adopted this 22nd day of October, 2024.

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Tricia Devine

Secretary

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Scott Chase

Chairperson