

**Town of Red Hook
Zoning Board of Appeals Meeting Minutes
September 12, 2007**

CALL TO ORDER

The meeting was called to order at 7:10 P.M. by Chairman Timothy Ross.

ROLL CALL

Members Present: Timothy Ross, Kenneth Anderson, Jim Hegstetter, Corinne Weber,
Robert Latimer

Members Absent: John Douglas, Michael Mosher

Also Present: Bob Fennell, Building Inspector, James Ross, Town Board Liaison

PRELIMINARY BUSINESS

Minutes of August 8, 2007: Chairman Ross asked for any questions, additions, deletions or comments on the Minutes. Corinne Weber noted that “Close” on Page 2 should be changed to “Klose”. Jim Hegstetter made a motion to approve the Minutes with this correction. The motion was seconded by Ken Anderson and all were in favor.

Planning Board Minutes and Letters: Chairman Ross asked for questions or comments on the Planning Board Minutes and letters. No comments were made.

Building Inspector/ZEO Permits and Memos: The Board reviewed the current Permits and memos.

Comments from the Chairman: None.

PUBLIC HEARINGS

7:20 Vote on Appeal 07-07, Robert Burke and Elizabeth Wilkins for the following area variances: to increase height of fence in front yard from the maximum of four feet to six feet; to have finished side of fence not face abutting property and to maintain plantings over the maximum of three feet in height within the required triangle. The applicant’s lot is located at 46 Barrytown Road, Red Hook, in the RD5 zoning district. Chairman Ross reiterated that the applicant had agreed to turn the fence around and that the matter of the sight distance in the triangle was to be addressed by the Dutchess County Highway Department and was not a matter for this Board. The only issue the Board was focusing on was the height of the fence. The Board being familiar with the appeal entertained a motion by Jim Hegstetter to grant a variance to allow a six foot fence in the front yard in the location it presently is provided the finished side is facing out

because it will be a benefit to the applicant, will not adversely effect the health, safety, or welfare of the community, and won't change the character of the neighborhood. This was seconded by Corinne Weber and carried by the following roll call vote: Robert Latimer - Aye, Jim Hegstetter - Aye, Corinne Weber - Aye, Kenneth Anderson - Aye, Timothy Ross - Abstain.

Appeal 07-06, Kim and Joe Curthoys application for the following area variances for an addition to their existing building: increase maximum building coverage from 7% to 20 % and reduce minimum open space from 80% to 69%. The applicant's lot is located at 183 Country Club Road in the Town of Red Hook zoning district. Prior to voting on the matter before the board Mr. Curthoys requested that his application be withdrawn. He stated that he would like to reapply at some time in the future when he and his wife had an opportunity to further review various plans.

Public Hearing of Appeal 07-15, Brett Brandes application to reduce the rear and side setbacks for his twelve by twenty pre-fab storage building from the required twenty feet to three feet for the rear setback and fifteen feet for the side yard setback. The applicant's lot is located at 15 Columbia Avenue, Red Hook, in the R1.5 zoning district. Chairman Ross stated that the lot is located in College Park. Mr. Brandes presented a map and explained it. The public hearing was opened at 7:30. As there were no comments from the Board, the public hearing was closed. Tim Ross made a motion to grant the variance allowing the storage shed 3 feet from the rear line and 15 feet from the side line because it was a benefit to the applicant, would not change the character of the neighborhood, and would not adversely affect the health, safety or welfare of the community. This was seconded by Corrine Weber and carried by a unanimous roll call vote.

Continuation of Public Hearing for Appeal 07-09, Linda Lindsay application to change an existing non-conforming use to another, less intensive non-conforming use. The applicant's lot is located at 123 Old Post Road North, Red Hook, in the H zoning district. Chairman Ross said that at the last meeting the need for site plan approval before a variance could be issued was discussed. Robert Fennel, Zoning Administrator, stated that after reviewing that section of the code he believes that the variance can be issued if the Board so desires, but that the actual change of use cannot occur until site plan approval has been attained. Mr. Ross stated that the applicants were not present because they were awaiting site plan approval but that since members of the public were present the public hearing would be continued and they would have the opportunity to speak. Dave Foti, next door neighbor, stated that he has concerns with the parking and believes the second driveway was to be removed previously. He also stated that he thought the septic system capacity should be reviewed. Al Woisin, next door neighbor behind the subject parcel, stated that the business that occupied the property before the Lindsay's was very small and that he is still upset that the current owners were allowed to build as close to his property line as they did. He is not happy with the history of the business since the Lindsay's have owned it, stating they have not followed their original variance and site plan. He asked if the variance were to be granted allowing two apartments and a

business, what would stop them from running two or three businesses out of the first floor. Dave Foti asked that the original variance be reviewed. The chairman stated this would be done and that the applicants would be notified to attend the next meeting. The public hearing was then continued to October 10th at 7:20 PM.

Continuation of Public Hearing for Appeal 07-13, Jerry Simonetti of Sim-Kno Farms LLC application to display a twenty by twenty foot sign on the side of barn reading “Hudson Valley Fresh – Buy Local”. The law limits the size of the sign to twelve square feet with only the name of the establishment and its principal service or purpose. The applicant’s lot is located at 7782 Albany Post Road, Red Hook, in the RD3 Zoning District. Chairman Ross stated that he had been in contact with the town attorney relative to this matter and that it was her advice that the Board not take action tonight. She requested a chance to review the facts in detail so that she might provide advice to the board relative to a variance of this nature. Since members of the public were present, the hearing was continued and Susan Elias was recognized. Ms. Elias said she was concerned with the size of the sign stating it resembles a billboard. She said she understands the importance of the message to support local farmers, but believes the sign has been up long enough and has done its job. She believes the sign ruins the beauty of the barn which is one of her favorites. She offered advertising assistance to Hudson Valley Fresh, but reiterated that she would like to see the sign removed because it is just too large and fears it will set a precedent for other such signs in the community. Given no one else was present to speak on the matter, the hearing was continued to October 10th at 7:40 PM.

Public Hearing of Review of Appeal 07-12, David Baker Construction Co., Inc. application to subdivide the existing flag lot into two parcels and reduce to twenty five feet the fifty foot flag pole width which is required throughout the length of the flag pole. The applicant’s lot is located at 40 Kristen Lane, Red Hook in the RD3 zoning district. The applicant displayed a map showing his proposal. Chairman Ross opened the public hearing by reading a letter from the Red Hook Planning Board stating their general disagreement with the proposed variance. Warren and Ann Wyrick, neighbors from across the street, reviewed the plan and expressed concerns about the traffic on Feller Newmark Road. Ken Anderson asked general questions about the layout. Kathy Stewart stated that she was very opposed to flag lots because of the shared driveways. She further stated that if the variance were granted she thought it might result in legal action, and believes that a variance of this nature should be addressed with a new law. She agreed with the opinion of the Planning Board. Karen Jerro, an owner of the original farm house in the subdivision, said she is familiar with the plan; however, she has had several problems with her driveway over the past two years particularly with the drainage. She is also concerned with the traffic on the road and wondered how long the construction would take and how close the proposed houses would be to hers. She questioned what impact the proposal would have on her lot. Ann Wyrick also asked what the environmental impact would be on the existing residents. She reiterated concern over traffic and long construction times. Ken Anderson asked how long the shared driveway would be. Kathy Stewart asked if this variance would set a precedent. As there were no further questions from the public, the hearing was continued to October 10th at 8:00 PM.

REVIEW OF APPEAL

None.

ADJOURNMENT

A motion to adjourn was made by Tim Ross, seconded by Corrine Weber and all were in favor. The meeting was adjourned.

FINDINGS AND DECISION

Appeal #07-07 The appeal of Robert Burke and Elizabeth Wilkins for an area variance from the District Schedule of Area and Bulk Regulations for the following area variances: to increase height of fence in front yard from the maximum of four feet to six feet; to have finished side of fence not face abutting property and to maintain plantings over the maximum of three feet in height within the required triangle.

FINDINGS:

1. The property is located in the RD5 Zoning District at 46 Barrytown Road, Red Hook.
2. Tax Map #6172-0000-411917.
3. The zoning law requires a maximum fence height of four feet.
4. The applicant wishes to increase height of fence to six feet and agrees to place the fence with finished side facing out.
5. A variance would be of benefit to the applicant with no detriment to the community.
6. There will be no change in the character of the neighborhood.
6. There will be no impact on the health, welfare or safety of the community.

DECISION: Jim Hegstetter made a motion to grant the variance based upon the above findings. The motion was seconded by Corinne Weber and carried by a 4-0 roll call vote, with Chairman Ross abstaining.

Dated: September 12, 2007

FINDINGS AND DECISION

Appeal #07-15, Brett Brandes application for a variance from the district Schedule of Area and Bulk Regulations to reduce the rear and side setbacks for his twelve by twenty pre-fab storage building from the required twenty feet to three feet for the rear setback and fifteen feet for the side yard setback. The applicant's lot is located

FINDINGS:

5. The property is located in the R1.5 zoning district at 15 Columbia Avenue, Red Hook.
6. Tax Map #6273-09-174590.
7. The zoning law requires twenty foot setbacks.
8. The applicant wishes to reduce the rear setback to three feet and the side yard setback to fifteen feet.
9. There were no objections from the audience.
6. A variance would be of benefit to the applicant with no detriment to the community.
7. There will be no change in the character of the neighborhood.
8. There will be no impact on the health, welfare or safety of the community.

DECISION: Chairman Ross made a motion to grant the variance based upon the above findings. The motion was seconded by Corinne Weber and carried by a 5-0 roll call vote.

Dated: September 12, 2007