

**Town of Red Hook  
Zoning Board of Appeals Meeting Minutes  
June 11, 2008**

**CALL TO ORDER**

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

**ROLL CALL**

Members Present: Timothy Ross, Nick Annas, John Douglas, Jim Hegstetter,  
Corinne Weber, alternate Craig Christensen

Members Absent: Kenneth Anderson , Michael Mosher

Also Present: Bob Fennell, Zoning Enforcement Officer

**PRELIMINARY BUSINESS**

Minutes of May 14, 2008: Chairman Ross asked for any comments, additions, deletions or changes to the Minutes. Hearing none, Nick Annas made a motion for approval. The motion was seconded by Jim Hegstetter. Craig and Corinne abstained because they were not present at the meeting in question. The remaining members were in favor.

Planning Board Minutes and Letters: The Chairman verified that the members of the Board were continuing to receive the Planning Board Minutes electronically. There were no comments on the Minutes.

Building Inspector/ZEO Permits and Memos: The current Permits and memos were reviewed by the Board and Bob Fennell.

Comments: Code books are to be obtained for Nick Annas and Jim Hegstetter.

**REVIEW OF APPEAL**

7:15 Appeal 08-04, Vrooman application to approve a six foot side yard setback for an existing prefab storage building where a minimum of twenty feet is required. The applicant's lot is located at 61 St. Paul Road in the RD3 zoning district. Chairman Ross invited the applicant to come forward and explain his proposal. Mr. Vrooman said that one of his canvas storage sheds had collapsed and he had assembled this metal structure to take its place. The manufacturer said it was a temporary building which could be put together or taken apart at will. He had the contractor pour a concrete slab and put in anchor bolts and he put the building up, not knowing anything about setbacks. So it has been there for awhile. Chairman Ross said that once you have a permanent foundation, which would be the concrete slab, it is not considered temporary any longer. That is how

our code defines permanent. Mr. Vrooman said he didn't know that and thought it was a temporary structure because it could be taken apart.

Chairman Ross asked Mr. Vrooman if he had a diagram of where it is on the property. Mr. Vrooman provided a diagram which the Board reviewed with him and his contractor, Al Ames. After discussion, Chairman Ross concluded that there is a second issue, viz. there are three permitted accessory structures and with the garage which is proposed there would be four structures plus the six foot setback issue. He told Mr. Vrooman that when he goes for a building permit for the garage, the number of structures is going to become an issue.

It was suggested that the garage be made a little bigger and the number of structures reduced to three; however Mr. Vrooman said that he has already purchased the garage materials and they have been delivered. It is a prefab metal building, Mr. Ames said. In response to questioning from the Board, Mr. Vrooman said that he plans to use the proposed garage for his plow, his trailer and an ATV. John asked if the garage couldn't handle the lawn mower and therefore eliminate the eight by ten lawn mower shed. Mr. Vrooman felt it could not.

In response to the Chairman's questions, Bob Fennell stated that any size structure would be considered an accessory structure, but a Building Permit is not required if the structure is less than 100 square feet. Chairman Ross stated that the problem is that there is an eight by ten lawn mower shed, a five by nineteen storage shed, a proposed garage and a cover for a camper and the code states that there can be a maximum of three accessory structures. Nick asked if the eight by ten has a poured foundation or is it just sitting on the ground. Mr. Vrooman said that it did not have a poured foundation. Chairman Ross stated that therefore Mr. Vrooman could move it if he had to. He asked if it could be situated adjacent to the garage, close enough to put up an awning attaching them. It would then be considered one accessory structure and not two.

Chairman Ross said that the Board is going to amend the application for a sideyard setback and number of accessory structures. Therefore, before it is published, the appeal will be twofold: for a six feet setback from the property line and four accessory structures. That does not mean that you will be granted both, he said; you could be granted both, one or neither. However, he continued, at least that way you have covered all the bases and the worst case scenario would be that you don't get either and you have to move the motor home cover or either not build the garage or move the building to attach it. In the best case, you get them both and you can build your garage too. Mr. Vrooman said that he could not afford to move his motor home.

Corinne again suggested that Mr. Vrooman try to tie two of the structures together or take the eight by ten and move it into the 25 x 30 garage and get rid of it. Nick said that he would be better off to consolidate than to go for a variance. Chairman Ross reiterated that the Board will modify the application to state that Mr. Vrooman is asking for relief from two tenets of the law, to leave the shed at six feet from the property and build the garage, which would be the fourth accessory structure.

Chairman Ross asked for Mr. Vrooman's permission for members of the Board to visit the property and he agreed. He set the Public Hearing for July 2, 2008 at 7:40 P.M. As Mr. Vrooman will not be able to be present on that date, he gave permission for Mr. Ames, his contractor, to represent him at the Hearing. Chairman Ross suggested that Mr. Vrooman take a few pictures of the site and e-mail them to the Board.

## **PUBLIC HEARING**

7:35 Continuation of Public Hearing for Appeal 07-20, Stortini application to erect a single family dwelling which would increase the coverage from the required maximum of seven percent to fifteen percent, reduce the front setback from the required sixty feet to thirty feet and the side setback from twenty feet to ten feet. The applicant's property is Lot 16, Red Hook Country Club Estates, in the RD3 zoning district. The Public Hearing was continued to July 2, 2008 at 7:20 P.M.

## **REVIEW OF APPEAL**

7:40 Appeal 08-05, Apap application to construct an eight foot high fence where the maximum permitted is four feet. The applicant's property is located at 367 E. Kerley Corners Rd., Tivoli, in the RD3 zoning district. Mr. Apap said that his house is on the outside of a curve, coming down a hill and the headlights shine right at his house. The fence would go around the house and protect the window from the lights. Chairman Ross invited Mr. Apap to come forward and use the pictures he submitted to explain how the fence would be situated. The Board reviewed the proposal with Mr. Apap. He said that the fence would be 25 feet from the center line or 15 feet from the white line. The northern part of his property is in Columbia County, but none of the fence would be in Claremont. It would all be in Dutchess County.

Chairman Ross asked if Mr. Apap had a survey map. He said that he did and that he would bring it to the Hearing. Chairman Ross asked if there were any pins on the property, but Mr. Apap said that he was sure there were not. Nick asked if Mr. Apap had considered putting in landscaping. He replied that it would be a lot of landscaping and trees would be wedged in against the house, which is only 29 feet from the road. He felt that a fence would be an efficient way to solve the problem. Chairman Ross asked why he wants the fence to come so far down on the lot. Mr. Apap said that part of the reason is to keep the placement of the fence from looking too awkward. It would also create a good sense of privacy. He said that the fence would be rough sawn hemlock with a straight face and ledger board at the bottom. There would be facie board at the bottom and top and a six inch wide cap the whole length of it to finish it. In response to questioning, Mr. Apap said that fence would have a slight wave. It is almost a perfectly even slope for the whole length of the fence, but there is a little jog.

Chairman Ross again asked for a copy of the survey showing the proposed placement of the fence and a sketch or diagram with dimensions and distance between stanchions. Mr.

Apap offered to pin the site. Chairman Ross said that a couple of flags would give the Board the general idea. He set the Public Hearing for July 2, 2008 at 8:00 P.M.

8:00 Appeal 08-07, Bonnans/Tran application to construct a deck with a 10 foot rear line setback, where 20 feet is required by the zoning code. The applicant's property is located at 141 Country Club Drive, Red Hook in the RD3 zoning district. The property owners were represented by Bob Frick. He stated that on the west, where there is the setback issue, the property borders the Red Hook Country Club. He presented a packet of material including the parcel map for the Country Club and a plan for the deck. The membership of the Club owns the lake and twenty acres. Before land owners can do anything, the Club requires that they get approval from the Country Club Board of Directors. A copy of a memo showing that approval was included in his packet.

The issue, Mr. Frick said, is that they only have ten feet to the rear property line. Chairman Ross said that because they are within the hundred foot wetlands buffer, they will need a permit from the DEC to construct the deck. They are taking a 300 foot look at that lake because of the dredging project. He said that if the Board grants this, he would recommend that part of the resolution be that all necessary permits from the DEC as well as local officials be obtained prior to construction. Mr. Frick agreed to that, but felt that it would represent a burden which was not placed on other home owners in the area. He said that he had already submitted a letter to the DEC.

Chairman Ross asked if he had a lot survey. Mr. Frick said that they do not have a survey, but he could get the Board a survey of the Country Club. John asked if Mr. Frick anticipated a coverage problem and the Mr. Frick said he did not. The property is approximately .29 acres. The proposed deck is 280 square feet and there is an old garage that was ten by twelve that has a small addition. That is the only other structure on the property beside the house, which is 30 by 20 feet. Chairman Ross said that the DEC is going to want a good diagram showing exactly what the encroachment is. Mr. Frick said that he measured twelve feet from the line and put ten feet on the application. He said that he has spoken to the neighbors on both sides and neither has an objection. In response to questioning, he said that the back of the property has a very steep drop of about 17 feet, a dirt road and a kettle pond. The DEC will not allow dredging of the pond because it is a natural kettle pond and they require that it be allowed to fill in.

Bob Fennell said that the coverage has to be pretty close. When he pulled the property chart, he found that the property is .34 acres. When the coverage percentage was calculated and compared to the square footage of the existing and proposed structures, it was determined that there are coverage issues. Chairman Ross asked Mr. Frick to update his application prior to the publication of the Public Hearing Notice. He asked that Mr. Frick take field measurements of all the buildings and the proposed deck and put them on a map as well as on the revised application. Mr. Frick is to provide this information by Monday.

Chairman Ross asked for permission for the Board members to drop by and look at the back of the house. Mr. Frick agreed, but asked that he be called beforehand as the only

person presently working on the house does not speak English. Chairman Ross again asked for a diagram of the property showing the house, the garage and the deck. He set the Public Hearing for July 2, 2008 at 8:20 P.M.

8:20 Appeal 08-06, Willms application to install two storage buildings, reducing the rear setback of the rear building from the required 50 ft. to 29.5 ft. and the front setback of the front building from 80 ft. to 31 ft. The applicant's property is located at 7320 South Broadway in the B1 zoning district. After examination of the maps provided by Mr. Willms, it was determined that his property is in both the B1 and B2 zones and the buildings in question are both in the B2 zone. The Board reviewed the maps with Mr. Willms. He brought to the attention of the Board the fact that there is a proposed connector road which looks as though it will come across the corner of his property. They were talking about going down my driveway on the Metzger property, he said, and the driveway passes within ten feet of some of the buildings. He said that when he last spoke with Sue Crane, further discussion of this issue was postponed. John said that the town has been talking about that road for over twenty years and advised that Mr. Willms proceed with the presentation of his proposal..

In response to questioning, Mr. Willms said that the structures will be exactly the same as the ones which are already there. We are at 99% occupancy, he continued, and we are having to turn people away. Most of our customers are from Red Hook, Tivoli and Bard and we must turn away at least a hundred people from Bard.

After discussion of coverage and minimum open space, the Chairman determined that a variance will not be required because there will be 47% open space and only 35% is required. In regard to the proposed road, he said that he would talk to Sue and possibly Wayne to find out if they know if or when the road might be put in and what the final route would be. Chairman Ross scheduled the Public Hearing for July 2, 2008 at 8:40 P.M. As the property fronts on Route 9, the area variance must be referred to County Planning and a short Environmental Assessment Form will be needed. As Mr. Willms has already submitted this form to the Planning Board, a copy will be obtained from them. The County Planning Department will be requested to expedite their response; however if this response is not made prior to the July 2<sup>nd</sup> meeting, the Public Hearing will be opened and then continued as the Board would not then be able to act on the application.

## **ADJOURNMENT**

A motion to adjourn was made by Tim Ross, seconded by Corinne Weber and all were in favor. The meeting was adjourned at 8:45 P.M.



