

**Town of Red Hook
Zoning Board of Appeals Meeting Minutes
August 13, 2008**

CALL TO ORDER

The meeting was called to order at 7:05 P.M. by Chairman Timothy Ross.

ROLL CALL

Members Present: Timothy Ross, Kenneth Anderson, Nick Annas, John Douglas,
Jim Hegstetter, Corinne Weber
Members Absent: Michael Mosher
Also Present: Bob Fennell, ZEO

PRELIMINARY BUSINESS

Minutes of June 11, 2008 and July 2, 2008: Chairman Ross noted that the Minutes had not been reviewed at the last meeting due to lack of a quorum. He then asked if there were any questions, comments or concerns relative to the June Minutes. Hearing none, Ken made a motion to accept the June 11th Minutes. The motion was seconded by John and all were in favor. Chairman Ross then asked if there were questions or comments relative to the July Minutes. As there were none, he made a motion to accept the July 2nd Minutes as filed. The motion was seconded by Ken and all were in favor.

Planning Board Minutes and Letters: In response to questions from the Board, Chairman Ross explained that the Planning Board had asked for the attorneys' opinion as to the meaning of the Board's decision relative to Meadowbrook Estates.

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

PUBLIC HEARINGS

7:15 Public Hearing for 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 and to have four accessory structures where a maximum of three are permitted. The applicant's lot is located at 61 St. Paul Road in the RD3 zoning district. John advised the Chairman that three neighbors were present for the Vrooman Hearing. *Denise Haines*, one of the neighbors, said that three other neighbors are coming but will not be able to make it before eight o'clock. Chairman Ross responded that he would open the Public Hearing but if there are immediate neighbors with questions or concerns, the Board would continue the Hearing and either fit it into the schedule or at the end of the schedule.

Chairman Ross invited the neighbors to come forward and review Mr. Vrooman's plans with the Board. It was ascertained that Mr. Vrooman's lot is 3.03 acres and that he plans to eliminate all but four of the structures on his lot. The proposed structure would be 25 feet by 60 feet. The foundation has already been started.

The group of neighbors submitted a packet of photographs to the Board and stated that most of them had been taken from the road. In response to neighbor *Bill Haines'* question, it was ascertained that the structure would be 12 feet tall. As all of the neighbors who were expected had not yet arrived, Chairman Ross said that he would continue the Hearing until the end of the meeting.

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. Engineer Dick Jones presented a set of modified plans to the Board with coverage of 18.5%. Chairman Ross commented that this was similar to the Curthoys' coverage. Mr. Jones said that he had cut down the size of one of the decks and had cut back the breezeway slightly. He pointed out that the plans also showed the wetlands. The septic, which has been approved, is in the back and is one hundred feet from the pond. The Board reviewed the new plans. John remarked that this was a better plan.

Neighbor *Harry Hill* stated that he felt that this would be an improvement. Chairman Ross asked for comments from the Board. Hearing none, he stated that there has been a dramatic improvement from last time. Any lot in this area needs variances, he continued, because they were all created before zoning existed and they are substandard. I think that you have done as much as you can to minimize the impact, he told Mr. Stortini, and I like the elevations which you submitted.

Motion to Grant Variance

Chairman Ross moved to grant a variance for the site plan dated 6/6/08 as proposed. That plan is asking for a house with a rear setback of 23 feet, a front setback of 72 feet (which does not need a variance), north side of 22 feet and south side of 19 feet. The garage will have a front setback of 41 feet, north side setback of ten feet and a south side setback of 58 feet. It is in keeping with the neighborhood, will not be a detriment to the neighbors and will be a benefit to the applicant. The motion was seconded by John Douglas. A roll call vote was taken and all were in favor.

In response to questioning, Mr. Jones said that the setback for the garage includes the breezeway. Bob Fennell asked if any of the structures were within one hundred feet of the water. Chairman Ross responded in the affirmative, saying that they know that before they can get a Building Permit, they need to finalize the DEC application. Bob Fennell

said that a Special Use Permit for development near bodies of water will also be needed. Chairman Ross advised the applicant to go to the Planning Board and apply for that soon.

7:40 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 and B2 zoning districts. Chairman Ross read into the record a letter from Dutchess County Planning stating that, because of the connector road which has been planned by the town from the Hannaford property through Hardscrabble to Glen Pond Drive, the requested area variance appears to be in conflict with the long term plans of the town. Dutchess County Planning therefore recommended that the Board deny the proposed area variance and suggested that the ZBA ascertain the proposed route of the road in consultation with the Town Board. As an alternative, they suggested expanding the existing fifteen foot wide structure rather than placing a new thirty foot wide structure on the property. The letter further stated that if the Board determines to act contrary to County Planning's recommendation, the law requires that it do so by a majority plus one of the full membership and that it notify them of the reasons for their decision. Chairman Ross explained that once the County has stated their opposition, it takes a super majority to overturn their decision. Therefore, a favorable decision of the Board would require a majority plus one of the full seven member Board, viz. four plus one.

Chairman Ross opened the Hearing to public comments. Hearing none, he opened it to the Board members for questions and concerns. Mr. Willms stated that the only reason Dutchess County Planning is opposed to the proposal is that they have decided that they are going to put a road through the property; however, they have alternatives. He stated that he met with Sue Crane, Town Supervisor, and another Board member about three weeks ago. He showed them the proposed route of the road and told them that there is an empty field which belongs to the village of Red Hook which could be used without bothering anyone. He said that there are three or four families who would have to walk out their front doors right onto the proposed road. The road passes the houses of these people and their children play in the private driveways. He said that Sue Crane agreed that this was a concern and told him that she would contact the Town Engineer. Mr. Willms stated that he talked with Sue today and the Town Engineer has not gotten back with her yet.

Mr. Willms reviewed the plans with the Board, showing them the proposed route of the road and the empty field. John said that there is a problem because there is a well there and a two hundred foot buffer is required. However, Ken said that there is sufficient buffer and that would not be a problem. Chairman Ross said that it is four hundred feet away. He said that this road development may or may not happen. However, he suggested that Mr. Willms could build two fifteen foot buildings without ever impacting the corner in question. You would have the same number of units to meet your current demand and it would not affect any future projections, he said. Mr. Willms said that the only problem with that suggestion is that when he plows in the wintertime, he now plows the snow against the back line and that is helpful. Without that, he would have no place for the snow. He said that he told Sue Crane that he is willing to work with the Town if

they are willing to work with him, but he needs the buildings in order to remain competitive. The Board then discussed various alternatives with Mr. Willms.

Chairman Ross asked Mr. Willms to redo his plans and include the coverage and open space areas. Mr. Willms presented a breakdown of the coverage and said that he will also include the information on the plans. Corinne stated that she had a problem with Mr. Willms having to deal with “what ifs”. Ken said that we can only deal with what exists today. Chairman Ross said that if Mr. Willms can make a modification which will not adversely impact him too much and which will make it more flexible in the future, that would be the right thing to do. Nick asked that the Board obtain the plan, if there actually is a plan. He agreed with Ken in that the Board has to rule based on what exists today. If there is no plan, then we have to go forward. Corinne questioned why Mr. Willms’ property should be taken when they have property they can use. The Board continued to discuss alternatives.

Chairman Ross said that the only way he could endorse the present plan would be if there were a relocation clause stating that Mr. Willms would have to move the proposed structure if the Town claimed the property to build the road and in that case the Town would only pay the value of the property, not the value of the building. It doesn’t make sense to allow the structure to be built there and then have the Town take the property and have to pay for the property and the structure.

Chairman Ross asked Mr. Willms to prepare a table with the figures and to look at the various alternatives, esp. the building of a twenty foot structure which would back up to the existing building instead of a separate thirty foot structure. He said that he would check with Sue Crane to find out which of the town engineers is looking at this and if there are any concrete plans for the road. Mr. Willms stressed that the present administration came, walked the property and really made an effort. However, they do not have an answer yet. Chairman Ross said that if there are no concrete plans, the Board will assume they are doing nothing and proceed with a vote. He continued the Hearing until 7:20 P.M. on September 10, 2008.

8:15 Appeal 08-08, Remenek application to construct a 12 foot extension to existing dwelling and reduce the side yard setback from 75 feet to 41 feet. The applicant’s property is located at 121 North Road, Red Hook in the LD zoning district. Mr. Remenek presented a photograph to the Board. Chairman Ross opened up the hearing for comments. Neighbors *Laurie Rose*, 129 North Road and *Jim Donohue*, 114 North Road, were present and expressed their approval of Mr. Remenek’s plan. Chairman Ross ascertained that the neighbor who would be most impacted, viz. Ms. Rose, was in favor of the proposal. The extension would be next to her house. He asked for comments from the Board. There were no further concerns or questions.

Motion to Grant Variance

Jim Hegstetter made a motion to grant a variance approving the application to construct a 12 foot extension to the existing dwelling and reduce the side yard setback from 75 feet to 41 feet. The applicant’s

property is located at 121 North Road, Red Hook in the LD zoning district. The motion was seconded by Corinne. Chairman Ross added that it is a benefit to the applicant and no detriment to the neighborhood as evidenced by the neighbors' having no problem with it. A roll call vote was taken and all were in favor.

8:17 Resumption of Public Hearing for 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 and to have four accessory structures where a maximum of three are permitted. The applicant's lot is located at 61 St. Paul Road in the RD3 zoning district. Chairman Ross re-opened the Hearing and ascertained that all the neighbors who had planned to attend the meeting had arrived. The following neighbors were present: *Denise and Bill Haines*, 69 St. Paul Road, facing the property of the applicant; *Sandy Bell*, 65 St. Paul Road; *Theresa Haney*, 49 St. Paul Road; *Pepi Diaz-Salazar*, 49 St. Paul Road and *Debby Taylor*, 79 St. Paul Road.

Chairman Ross asked if the neighbors wished to make individual comments or were unified in their concerns. *Debby Taylor* said they were unified and spoke for the group. She said that they are concerned about the number of structures and the way the property looks. She said that Mr. Vrooman knows about their concerns and has spoken to them about cleaning up the property and removal of the existing smaller sheds. Our main concern, she continued, is the environmental impact of the new construction especially since a stream flows through the property. In summary, she said they are concerned about the number and size of accessory buildings, the appearance of the property, the removal of existing structures and the impact on the environment of constructing a new accessory building which is near the watershed.

Bill Haines said that if Mr. Vrooman is given the variance, the neighbors would like all the debris that you see to be cleaned up. Jim Hegstetter said that this would not be within the purview of the Board. Chairman Ross agreed that that is separate issue. Bob Fennell said that he is of the opinion that the Board can condition their approval with almost anything, including the picking up of the property. The applicant is asking for something; he should give something back. Cleaning up the property could be one of the things he gives back. Mr. Vrooman responded that if he can double the building, he can put all the stuff which is outside into the one building.

Chairman Ross said that the initial request was for a much smaller garage and an extra building. In addition however, the pictures indicate that there does appear to be a considerable amount of equipment on the property. Bob Fennell said that the purpose of the variance, then, is to eliminate everything which is outside and put it in this building. Mr. Vrooman agreed. He felt that this should be a condition of the variance. The Board and the neighbors then reviewed the drawings and discussed the size and purpose of the various structures as well as some of the other items on the property, e.g. lighting on the driveway, security cameras, etc. Nick Annas said that some of the equipment on the property looks more commercial than residential. Mr. Vrooman said that at one time he

had a video production business, but that he no longer runs a business from the property. He agreed to eliminate some of the lighting wires.

Theresa Haney said that one of the concerns of the neighbors is property value. There are twelve or fifteen antennas on the roof, which are probably not in use. She asked if the removal of the antennas could be put into the clean up pool. If we want to sell, she continued, that is going to be a problem. My second concern, she said, is the aquafer. She asked where Mr. Vrooman's oil tanks are in relation to the structures. If they fail, they will affect everyone. Chairman Ross said that the Board does not review oil tanks. That is not a zoning issue. Mr. Vrooman responded that Mr. Lore put in three extra thick, forty year oil tanks for him, each with a capacity of 1,000 gallons.

The Board reviewed the plans with Mr. Vrooman and discussion ensued regarding which of the structures were to be eliminated. It was determined that the bucket truck would not fit in the new structure. Albert Ames of Ames Construction said that the building will be a 25 by 60 foot steel structure. It was ascertained that the structures are surrounded by scrub brush. Chairman Ross asked if Mr. Vrooman could plant an evergreen hedge and he agreed.

There was discussion regarding the brightness of the lighting on the property and Bob Fennell read the relevant section of the Code. Mr. Vrooman said that the lighting is not bright and that he has switched to LED's; however there are fluorescent bulbs which are activated by a motion sensor.

Corinne summarized the discussion, stating that Mr. Vrooman has agreed to get rid of all but four buildings including the new one and to plant evergreen screening. Jim said that he sees the new building as a 1,500 square foot commercial garage. It has a big footprint. When *Theresa Haney* expressed concern about the wires, Corinne said that Mr. Vrooman has agreed to take most of the wires down. John clarified that this would be part of the conditions attached to the variance and Mr. Fennell will make sure that this actually happens. She expressed concern about the building being about five feet from an aquafer. Chairman Ross clarified that this is surface flow water, not an aquafer. *Theresa Haines* expressed concern about where trees could be planted, saying there is no room and that evergreens would not grow there because it is swamp. *Sandy Bell* requested that the Board consider requiring shielding on the east side as well. He felt that it was not unreasonable to request that there be a few trees in front of an industrial sized building.

Nick Annas asked if the Board would want to go there and look at the property together. He expressed concern about a 1500 square foot commercial building which will become a permanent feature of that property. Chairman Ross asked if any of the neighbors would have a problem with members of the Board driving into their driveways and looking around. The neighbors offered no objection. The members of the Board agreed to meet on Saturday, August 16th at 9:30 A.M. at the Vrooman property. The Hearing was continued until September 10, 2008 at 7:30 P.M.

Bob Fennell asked that Mr. Vrooman check with the DEC to see if the stream is classified. If it is a classified stream, he needs to go for site plan approval as the building would be within 100 feet of a classified stream.

ADJOURNMENT

A motion to adjourn was made by John Douglas, seconded by Nick Annas and all were in favor. The meeting was adjourned at 9:05 P.M.

FINDINGS AND DECISION

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.

FINDINGS:

1. The property is located in the RD3 Zoning District at Lot 16, Red Hook Country Club Estates.
2. Tax Map # - TO BE FILLED IN
3. The proposed single family dwelling will have a rear setback of 23 feet, a front setback of 72 feet (which does not need a variance), north side of 22 feet and south side of 19 feet. The garage will have a front setback of 41 feet, north side setback of ten feet and a south side setback of 58 feet.
4. The zoning law requires a maximum of seven percent coverage.
5. The applicant wishes to construct a single family dwelling with a coverage of 18.5%.
6. The construction would be in keeping with the neighborhood
7. A variance would be of benefit to the applicant with no detriment to the health or welfare of the community.

DECISION: Chairman Ross made a motion to grant the variance based upon the above findings. The motion was seconded by John Douglas and carried by a 6-0 roll call vote.

Dated: August 13, 2008

FINDINGS AND DECISION

Appeal 08-08, Remenek application to construct a 12 foot extension to existing dwelling and reduce the side yard setback from 75 feet to 41 feet.

FINDINGS:

1. The applicant's property is located at 121 North Road, Red Hook in the LD zoning district.
2. Tax Map # - TO BE FILLED IN.
3. The zoning law requires a side yard setback of 75 feet.
4. The applicant wishes to reduce the side yard setback to 41 feet.
5. The closest neighbors were in favor of the proposal.
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: 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 6-0 roll call vote.

Dated: August 13, 2008