

**Town of Red Hook
Zoning Board of Appeals Meeting Minutes
October 1, 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, alternate Trilby Sieverding

Members Absent: Michael Mosher, Corinne Weber

Also Present: Bob Fennell, ZEO

PRELIMINARY BUSINESS

Minutes of September 10, 2008: Chairman Ross asked if everyone had a chance to review the Minutes as amended by John Douglas. The Board reviewed the amended Minutes and made no further changes. John moved that the Board approve the Minutes as amended. The motion was seconded by Jim and all were in favor.

Planning Board Minutes and Letters: There were no comments from the Board.

Building Inspector/ZEO Permits and Memos: The current Permits were reviewed by the Board. There were no memos this month.

Comments: It was agreed that the members would meet in the Town Hall parking lot on October 15th between 5:00 P.M. and 5:15 P.M. and proceed to the Sustainable Living Communities seminar in Millbrook.

PUBLIC HEARINGS

7:10 Public Hearing for Appeal 08-10, Hegstetter application to construct a garage and reduce side yard setback from the required twenty feet to ten feet. The applicant's lot is located at 6 Aspinwall Road in the R1.5 zoning district. Mr. Hegstetter recused himself and took a seat in the audience. Chairman Ross noted that public water is available. He read into the record two letters from neighbors in support of the proposal. The first was from the Taylors and the second was from Mr. Roesch, the neighbor who is closest to the side yard requiring the variance. Chairman Ross then asked if anyone was present for this Hearing. *Evelyn O'Brian*, who lives directly across from the applicant, was present to express her approval of the proposal.

Chairman Ross stated that Mr. Hegstetter had brought the elevations which the Board had requested at the last meeting. The Board reviewed the drawings. It was noted that there is no coverage issue.

Motion to Approve Variance

John Douglas made a motion to approve the request for a ten foot side yard variance. It is not a problem for the neighbors nor a detriment to the neighborhood. The motion was seconded by Nick Annas. Chairman Ross added that it is a benefit to the applicant and is similar to other variances granted in the immediate neighborhood.

A roll call vote was taken and the motion was carried 4-0, with Trilby Sieverding abstaining.

REVIEW OF APPEALS

7:20 Appeal 08-09, Brocchetti application to construct a swimming pool which would increase coverage from the present 22.7% to 25% where the required maximum is 7%. Open space would be decreased from the minimum of 80% to 75%. The applicant's lot is located at 26 Country Club Drive in the RD3 zoning district. Chairman Ross noted that Mr. Brocchetti had appeared before the Board in the past, but had not had a positive decision. He has revised his proposal by moving the pool and this has reduced one of the required variances, viz. the rear yard variance.

John said that when the proposal was heard previously by the Board, the only neighbors who would be able to see this pool from their property did not have any problem whatsoever with it. Chairman Ross agreed that this was also his recollection. He said that coverage had been an issue, but noted that coverage is an issue on almost every parcel in Country Club Estates as they all predate zoning. Bob Fennell asked how this is different from the last proposal. Chairman Ross responded that the pool in the back has been twisted so that it is now twenty feet from the rear line. It is a little tighter and there is less of a variance there. The Board reviewed the drawing submitted by the applicant.

Chairman Ross asked for comments from the Board. Jim said that there is always a coverage issue in the Country Club Estates areas. As this is not a structure but an in ground pool, visibility is not an issue and moving it makes the proposal even more appealing. Chairman Ross said that he had been in favor of the original proposal and he appreciated the fact that the applicant has minimized the rear setback. Also, the only affected neighbor is in favor of it. Ken said that the applicant has improved the original proposal. John said that the Board should keep in mind that the property behind the Brocchetti parcel is protected and will be wild forever. It was part of the condo project that was put in by the golf course. There will never be a home there and no one will see the pool from the back of the property. The neighbors to the right were at the previous meeting and they had no problem with the pool. Mr. Brocchetti's property is on the western side of the road. It is not between the road and the lake; so it is a different sort of location compared to other lots in the area. He concluded by saying that he had voted in favor of the proposal last time and he has no problem at all with it now. It is a better plan than the previous one. In response to John's request, Mr. Brocchetti said that there would

be no problem with any of the Board members walking the property prior to the next meeting. The Hearing was set for 7:15 P.M. on November 12, 2008.

7:30 Appeal 08-09, Raymond application to expand a non-conforming accessory dwelling unit by 100% of gross floor area where the size of such expansion is limited to 50%. The applicant's lot is located at 5098 Route 9G in the RD3 zoning district. The applicant, Paul Raymond, was represented by Nevien Sidarious of the architectural firm of David Borenstein. She will submit a copy of the waiver required to represent the applicant. She presented a before and after picture of the building in question. As the roof of the building had been failing, the applicant repaired and improved it. She said that the expansion is not really 100% because the roof is pitched inward from the eaves. There was discussion regarding the required height for space to be considered habitable. However, Bob Fennell reviewed the relevant section of the code and said that the code refers to gross floor area, not habitable space. Therefore it has nothing to do with the pitch of the roof.

Ms. Sidarious said that the applicant wants to complete the structure and cannot do so because there is a stop work order. He wants to put in a staircase to access the upstairs and use the space under the new roof rather than have it sit idle. The Board reviewed the drawings. John ascertained that the plan calls for three new bedrooms. He asked how many apartments are in the main house; Ms. Sidarious did not know, but will find out. Bob Fennell said that the septic will have to be modified if the number of bedrooms is increased.

Ms. Sidarious said that the floor space upstairs will be about 850 square feet, as it will have to be narrowed near the eaves. In response to John's question about the gross floor space on the first floor, Ms. Sidarious said it is forty by twenty or 800 square feet. The applicant wants to add another 600 square feet upstairs for a total of 1400 square feet. The Board agreed that the repair to the roof made the structure look much better. It is more in keeping with the Victorian house on the property. In response to questioning by Chairman Ross, Ms. Sidarious said she will check on the accessibility of the structure so that the members of the Board can drive through and look at the site.

There was discussion regarding the plans which had been submitted for the initial building permit. The original paperwork submitted by the owner which allowed him to raise the roof will be obtained from Mr. Fennell for the next meeting. Mr. Borenstein's company was not involved at that time.

Bob said that the structure is a non-conforming use because it never went through the Special Permit process. In response to questioning by John, Ms. Sidarious said that she will find out the size of the lot. No changes have been made on the first floor; however the upstairs has been framed out, including bedrooms, closets, etc. She said that there are temporary stairs in order to provide access to the second floor. After discussion, it was determined that there were originally two bedrooms downstairs. Now there is one bedroom downstairs and three bedrooms are projected for upstairs for a total of four

bedrooms. Ken pointed out the need for a bathroom upstairs to service the three bedrooms.

For the next meeting, Chairman Ross asked Ms. Sidarious to present a table with gross floor area and habitable floor area so that the Board can compare that. She said that, due to the narrow area at the eaves, the habitable space is about the same upstairs and downstairs. John asked for photos of the inside of the building for the next meeting. Chairman Ross summarized the requests, asking Ms. Sidarious to bring the following to the next meeting: the tabulated floor areas; the number of apartments in the main house (to indicate the intensity of the use of the property); the size of the parcel and photos of the inside. Approval will be obtained for members of the Board to visit the property. He noted that the property has municipal water from the village of Tivoli. The Public Hearing was set for 7:30 P.M., November 12, 2008.

Appeal 08-12, Hobson/Spire Architecture application to construct a garage and an addition which would increase coverage to 20% where the required maximum is 15% and would reduce the front yard setback from the required minimum of 35 feet to 18.5 feet. The applicant's lot is located at 18 Rokeby Road in the R1 zoning district. As the applicants failed to appear, they will be contacted to determine if they wish to pursue the variance.

ADJOURNMENT

A motion to adjourn was made by Nick, seconded by Chairman Ross and all were in favor. The meeting was adjourned at 8:15 P.M.

FINDINGS AND DECISION

Appeal 08-10, Hegstetter application to construct a garage and reduce side yard setback from the required twenty feet to ten feet.

FINDINGS:

1. The applicant's property is located at 6 Aspinwall Road in the R1.5 zoning district.
2. Tax Map #: 6273-14-263292.
3. The zoning law requires a side yard setback of 20 feet.
4. The applicant wishes to reduce the side yard setback to 10 feet.
5. A variance would be of benefit to the applicant and is not a problem for the neighbors.
6. There will be no change in the character of the neighborhood and the variance is similar to other variances granted in the immediate neighborhood.
7. There will be no impact on the health, welfare or safety of the community.

DECISION: John Douglas made a motion to grant the variance based upon the above findings. The motion was seconded by Nick Annas and carried by a 4-0 roll call vote, with Trilby Sieverding abstaining.

Dated: Oct. 1, 2008