

**Town of Red Hook
Zoning Board of Appeals Meeting Minutes
November 21, 2009**

CALL TO ORDER

The meeting was called to order at 10:15 A.M. by Chairman Nick Annas.

ROLL CALL

Members Present: Nick Annas, Kenneth Anderson, John Douglas, Paul Marienthal,
Tim Ross, Corinne Weber

Absent: Jim Hegstetter

PUBLIC HEARINGS

10:17 Continuation of Public Hearing for Appeal 09-08, Michael Anderson application to erect a six foot fence in the required front yard where a maximum of four feet is allowed. The applicant's lot is located at 60 Station Hill Road in the Barrytown Hamlet zoning district. Mr. Anderson was present but was represented by his builder, Steve Dunning. Chairman Annas opened the Hearing and asked for any comments from the public. Neighbor *Paula Schoonmaker* was present and wanted to make sure that the Board had received her letter supporting the project. She was assured that it had been received and circulated to each member of the Board. Hearing no further comments, Chairman Annas closed the Public Hearing and asked for any further comments from the Board.

Mr. Manning said he hoped that now that the Garcias know that the fence will be wrought iron, they will be more amenable to the plan. He also said that he believed that although six feet is not totally preventative, going from four to six feet will substantially increase the ability of the fence to deter deer. Tim said that in talking to the Garcias, he believed that they felt better when they learned that the fence would be wrought iron. If there is nothing tall in front of it, he continued, I think they will not have a problem with it.

Ken said that he felt the sight distance was ample. Chairman Annas said that he found the issue of blocking the view of the Garcias to be questionable. However, there are two shrubs which are five to six foot high on the Garcia property which may block their view in the summer. Corinne said that she had a problem with everyone wanting six foot fences. Mr. Anderson said that for some reason his property is attracting deer. He said that he has spent thousands of dollars to improve and beautify the house and it is heartbreaking to see the damage done by the deer. Tim agreed that the appearance of the house has been much improved.

Motion to Approve Variance

Tim Ross made a motion to approve the variance allowing for the six foot fence rising to seven feet in the center because it will be a benefit to the applicant and will not be a detriment to the neighbors. The following stipulations are made: nothing shall be planted in front of the fence which will grow to a height of more than 24 inches and the fence shall be set thirteen feet from the pavement. The motion was seconded by Paul Marienthal.

A roll call vote was taken with the following results:

Tim Ross	Aye
Paul Marienthal	Aye
John Douglas	Aye
Ken Anderson	Aye
Corinne Weber	Aye
Nick Annas	Nay

The motion was therefore passed and the variance approved.

ADJOURNMENT

A motion to adjourn was made by Chairman Annas, seconded by Corinne and all were in favor. The meeting was adjourned at 10:45 P.M.

FINDINGS AND DECISION

Appeal 09-08, Michael Anderson application to erect a six foot fence in the required front yard where a maximum of four feet is allowed.

FINDINGS:

1. The property is located at 60 Station Hill Road in the Barrytown Hamlet zoning District.
2. Tax Map # 6172-01-162832.
3. The zoning law requires a maximum fence height of four feet in the required front yard.
4. The applicant wishes to increase the fence height to six feet rising to seven feet in the center.
5. The following stipulations are made to the approval of this variance:
 - A. Nothing shall be planted in front of the fence which will grow to a height of more than 24 inches.
 - B. The fence shall be set at thirteen feet from the pavement.
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: Nick Annas made a motion to grant the variance based upon the above findings. The motion was seconded by Paul Marienthal and carried by a 5-0 roll call vote.

Dated: November 21, 2009