

**Town of Red Hook  
Zoning Board of Appeals Meeting Minutes  
June 9, 2010**

**CALL TO ORDER**

The meeting was called to order at 7:00 P.M. by Chairman Nick Annas.

**ROLL CALL**

Members Present: Nick Annas, Christopher Carney, John Douglas, Jim Hegstetter,  
Tim Ross, alternate Trilby Sieverding  
Absent: Kenneth Anderson, Paul Marienthal  
Also Present: Bob Fennell, ZEO

**PRELIMINARY BUSINESS**

Minutes of May 12 and May 14, 2010: Chairman Annas asked if everyone had read the Minutes of the May 12 and May 14, 2010 meetings. He said that it should be noted that on May 14<sup>th</sup>, Trilby came to the meeting but left when it was established that there was a quorum. He then invited further comments or questions. Hearing none, Tim made a motion to accept both sets of Minutes with the one change noted. 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 Board reviewed the Permits and memos.

Comments: Chairman Annas said that Chris Chale, the town attorney, had mentioned to him that she did not think it was a good idea to have meetings on site. Even though it was a continuation of a Hearing, she felt that there might be an issue regarding notice. Nick said that as it was a continuation, everyone who came to the Hearing knew about the plan for the continuation. Tim said that he would agree with Chris only if someone had said that they could not make it but would really like to attend. Chris also pointed out that a site might not be handicapped accessible. However, Chairman Annas noted that none of those who were present at the initial Hearing had handicaps. He said that Chris also spoke to him about applications involving more than variance. She felt that the Board should vote on each variance separately and not bundle them. Chairman Annas said that this could be helpful if a Board member were in favor of one variance, but not of the second.

## **REVIEW OF APPLICATION**

7:05 Appeal 10-5, CSX Transportation application to subdivide a 1.787 acre parcel where the code requires a minimum lot area of five acres. The applicant's property is located on Dock Road, Barrytown Hamlet in the H zoning district. Marie Welch of Welch Surveying was present to represent the applicant. She said that Mr. Richard Jennrette, who owns the property across the street, would like to acquire the proposed parcel of land which CSX does not need. She presented several copies of a map and reviewed with the Board the location of the applicant's property as well as that of Mr. Jennrette. She explained that the road is a user road and is on the property of the railroad.

Ms. Welch said that the railroad wants to keep a reversionary right so that if the property is ever not used for the intended purpose it will revert back to them. Mr. Jennrette wishes to eventually turn his property into a public access museum for the American Homes Preservation Trust. Chairman Annas said that it is presently like a museum, but is not yet open to the public. There is no place to park on Mr. Jennrette's two properties. The goal is to acquire this property from CSX and use it for parking. If it is ever used for anything other than parking, CSX reserves the right to take it back. The Planning Board is not willing to do this as a lot line alteration, but they are willing to do it as a subdivision with reversionary rights.

Tim confirmed that there is no plan to squeeze a home onto the proposed subdivision. Ms. Welch said that she had shown a few parking spaces on the map which she initially submitted but had not gone into detail as parking is a site plan issue which is the purview of the Planning Board.

The Board reviewed the map with Ms. Welch. Chairman Annas summarized the discussion, saying that basically Mr. Jennrette wants the facility to become public and the deal between him and CSX will provide the parking for that facility. Tim asked if Mr. Jennrette would have any problem with a contingency on the variance that there would be no dwelling unit of any type. Ms. Welch said that this would actually be a requirement. John read a note on the map which states that there will be a stipulation in the contract of sale that if the property is no longer used for public parking for the museum, then the land must revert back to CSX.

Chairman Annas verified with Ms. Welch that this issue has to go back to the Planning Board. John explained that the applicant has to come before the Board and obtain a variance before the Planning Board will consider the matter. Bob Fennell asked if the property will be used as a parking lot right away. Ms. Welch said that she did not know exactly when the American Homes Preservation Trust is intending to turn the house into a museum. As the property will be a separate lot in conjunction with the museum, there was discussion as to whether a use variance might be required. Bob said that it cannot be used for any other purpose and the criterion for a use variance is that you cannot get a return from any other use of the property. Tim felt that this would probably be an interpretation on Bob's part (as ZEO). Bob said that a museum could have a separate parcel which contains parking. Tim agreed. It was ascertained that the code permits the conversion of a residence into a museum by special permit.

The Board asked Ms. Welch to bring to the Hearing a letter authorizing her to represent CSX as well as a signed copy of the application. The Public Hearing was scheduled for 7:15 P.M. on July 14, 2010. In the interim, the Environmental Assessment submitted by Ms. Welch will be sent to the County.

## **PUBLIC HEARINGS**

7:30 Public Hearing for Appeal 10-03, Chen (Red Hook Wine & Liquor) application to construct a free standing sign and place it five feet from the side property line where the Code requires that no such sign be placed closer than 15 feet from any property line. The applicant's property is located at 8040 Albany Post Road in the B1 zoning district. The applicant was represented by Mr. Larry Launhardt, who will be running the Red Hook Wine and Liquor store at the site. Chairman Annas opened the hearing. He asked Mr. Launhardt about the property to the north. Mr. Launhardt said that it is owned by Sue Chen and the house is rented to one of her employees.

Chairman Annas asked if there were any calls or letters regarding this appeal. As there were none, he asked if there were any comments from the public. Hearing none, he closed the Hearing. Bob confirmed that the Board had received his letter regarding the signage on this property. He said that 252 square feet of signage had been taken down. In exchange for that they got the sign on the south side, which is 72 square feet, and were allowed to keep all the signs on the roof. The only sign which is on the roof now is the Cornucopia sign. Therefore, signage can be put up on the north side.

Tim said that if the sign were fifteen feet from the property line, it would be right in the middle of the parking lot. It is next to a grassy lot and will not hurt anything. If it is twelve or fourteen feet from the white line, it will not affect visibility. It will be back far enough, but will still be visible. He did not see a problem with it. Chairman Annas confirmed that the sign will meet the setback from the highway.

### Motion to Grant Variance

Chairman Annas made a motion to grant the variance as proposed. Tim said that it would be a benefit to the applicant, would not be a detriment to the neighborhood, makes sense given the lot situation, would not impact the health or welfare of the neighborhood and it would not cause a glare problem as it will be externally illuminated. (Mr. Launhardt said that he is getting some solar powered lights and will shine them from the roof.) Tim seconded the motion. A roll call vote was taken and all were in favor. The motion was therefore passed by a 5 to 0 vote.

### 8:30 Call from Dan Vrooman Regarding 2008 Variance

Mr. Vrooman had called to inform the Board that he is ready to have his property inspected to assure that he has complied with the stipulations made by the Board in his 2008 variance. His deadline for complying with these stipulations is July, 2010. He stated that he has met all the requirements and has even planted more trees than required, some

of which are quite tall. It was decided that Bob Fennell, ZEO and Chairman Annas will visit the property tomorrow at 10:00 A.M.

**ADJOURNMENT**

Tim made a motion to adjourn the meeting. The motion was seconded by Jim and all were in favor. The meeting was adjourned at 8:40 P.M.

Respectfully submitted,

Sheila Franklin

## **FINDINGS AND DECISION**

Appeal #10-03 Chen (Red Hook Wine & Liquor) application to construct a free standing sign and place it five feet from the side property line where the Code requires that no such sign be placed closer than 15 feet from any property line.

### **FINDINGS:**

1. The property is located in the B1 Zoning District at 8040 Albany Post Road, Red Hook.
2. Tax Map #6373-01-190800.
3. The zoning law requires that no sign be placed closer than 15 feet from any property line.
4. The applicant wishes to place a sign five feet from the side property line.
5. There were no objections from the audience.
6. A variance would be of benefit to the applicant with no detriment to the community and the sign placement makes sense given the lot situation.
6. There will be no change in the character of the neighborhood.
7. There will be no impact on the health, welfare or safety of the community. There will be no glare as the sign will be externally illuminated.

**DECISION:** Nick Annas made a motion to grant the variance based upon the above findings. The motion was seconded by Tim Ross and carried by a 5-0 roll call vote.

Dated: June 9, 2010