

**Town of Red Hook
Zoning Board of Appeals Meeting Minutes
October 12, 2011**

CALL TO ORDER

The meeting was called to order at 7:03 P.M. by Chairman Nick Annas.

ROLL CALL

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

PRELIMINARY BUSINESS

Minutes of September 14, 2011: Chairman Annas said that the Minutes had not yet been written due to illness in the secretary's family.

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

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

PUBLIC HEARINGS

7:05 Public Hearing for Appeal 11-08, Stuart Smedes application to construct a 560 square foot detached garage with a 6 foot side yard setback where the zoning law requires at least 20 feet. The applicant's property is located at 18 Meadow Drive in the R1.5 zoning district. In response to Chairman Annas' question, Mr. Smedes said the office for his plumbing and heating business is in his home. Chairman Annas asked if there were any further questions or comments from the Board. Mr. Smedes presented a letter of support from his neighbor, Mr. Thiesen of 17 Meadow Drive. No other letters relative to this Appeal had been received by the Board.

Mr. Smedes presented some pictures to the Board. He said that he had laid out rope to show where he proposes to locate the garage. The Board reviewed the pictures. Chairman Annas opened the Hearing at 7:11 P.M. As no one was present to speak to the issue, he then closed the Hearing.

MOTION TO GRANT VARIANCE

Tim Ross made a motion to grant the variance for the construction of the garage six feet from the side yard line based on the fact that it will be a benefit to the

applicant with no detriment to the neighborhood, there were only positive comments from the neighbors and it will not have an adverse effect on the safety or welfare of the community. The motion was seconded by Paul Marienthal. A roll call vote was taken with the following results:

Nick Annas	Nay
Chris Carney	Aye
John Douglas	Aye
Paul Marienthal	Aye
Tim Ross	Aye

The motion was therefore passed by a 4 to 1 vote.

Chairman Annas said that he voted against the variance because he felt that there was other space which could have been utilized on the property. Mr. Smedes said that if you look at the map, you will see that because of the extensive septic field the only other place for the garage would be at the rear of the property.

PUBLIC HEARING

7:20 Public Hearing for Appeal 11-09, William Giblin & Shelly Shugars application to construct a seven foot high fence in the required front yard where the zoning law limits fences to four feet. The applicants' property is located at 8467 Route 9, Tivoli in the RD3 zoning district. Chairman Annas opened the Hearing at 7:21 P.M.. As no one was present to speak to the issue, he closed the Hearing at 7:22 P.M. Ms. Shugars submitted a diagram showing where they propose to locate the fence. She also submitted pictures of the type of fence they plan to put up. It will be a solid, stockade type fence. They will use spruce and plan to paint the fence.

Tim asked why the applicants need the fence to be seven feet high. He asked if they had considered whether a six foot fence would meet their needs. Ms. Shugars said that this height would provide some coverage of the windows. Paul expressed concern about proliferating fences. Chairman Annas felt that it would really look terrible. He said that there are other and better ways to abate highway noise. Mr. Giblin said that they plan to partially mask the fence with spruce or birch trees. Tim said that they would be starting with small trees. He felt that six feet would be adequate.

MOTION TO GRANT VARIANCE

Tim Ross made a motion to grant a variance for the construction of a six foot fence provided that natural screening is placed in front of, and close to, the fence so that it does not restrict visibility from the driveway. It will be a benefit to the applicant whose property is on a high traffic highway and the neighbors have not expressed any opposition to the fence. The motion was seconded by Paul Marienthal. A roll call vote was taken with the following results:

Nick Annas	Nay
Chris Carney	Aye
John Douglas	Aye
Paul Marienthal	Aye
Tim Ross	Aye

The motion was therefore passed by a 4 to1 vote.

ADJOURNMENT

Paul Marienthal made a motion to adjourn the meeting. The motion was seconded by Tim Ross and all were in favor. The meeting was adjourned at 7:30 P.M.

Respectfully submitted,

Sheila Franklin
Secretary

FINDINGS AND DECISION

Appeal 11-08, Stuart Smedes application to construct a 560 square foot detached garage with a 6 foot side yard setback.

FINDINGS:

1. The property is located in the Town of Red Hook at 18 Meadow Drive in the R1.5 zoning district.
2. Tax Map # 6172-00-822905.
3. The zoning law requires a twenty foot side yard setback.
4. The applicant wishes to construct the garage six feet from the side property line.
5. The neighbors have not expressed any opposition to the fence.
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: Tim Ross made a motion to grant the variance based upon the above findings. The motion was seconded by Paul Marienthal and carried by a 4-1 roll call vote.

Dated: October 12, 2011

FINDINGS AND DECISION

Appeal 11-09, William Giblin & Shelly Shugars application to construct a seven foot high fence in the required front yard.

FINDINGS:

1. The property is located in located in the Village of Tivoli at 8467 Route 9 in the RD3 zoning district.
2. Tax Map # 6374-00-21990.
3. The zoning law limits fences in the required front yard to a height of four feet.
4. The applicant wishes to construct a seven foot high fence.
5. He is granted a variance to construct a six foot fence provided that natural screening is placed in front of, and close to, the fence so that it does not restrict visibility from the driveway.
6. A variance will not be a detriment to the community and will benefit the applicant, whose property is on a high traffic highway.
7. The neighbors have not expressed any opposition to the fence.
8. There will be no change in the character of the neighborhood.
9. There will be no impact on the health, welfare or safety of the community.

DECISION: Tim Ross made a motion to grant the variance based upon the above findings. The motion was seconded by Paul Marienthal and carried by a 4-1 roll call vote.

Dated: October 12, 2011