

**Town of Red Hook  
Zoning Board of Appeals Meeting Minutes  
February 8, 2012**

**CALL TO ORDER**

The meeting was called to order at 6:54 P.M. by Chairman Nick Annas.

**ROLL CALL**

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

**PRELIMINARY BUSINESS**

Minutes of January 11, 2012: Chairman Annas asked if everyone had read the January Minutes and invited comments or questions. Hearing none, Ken made a motion to approve the Minutes as written. The motion was seconded by Chris and all were in favor.

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

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

**PUBLIC HEARING**

6:55 Appeal 12-01, John and Irene Coyle application to maintain an existing 764 square foot accessory apartment within an existing single family dwelling in a zone where the code states that an accessory apartment shall not contain more than 35% of the habitable space or 650 square feet, whichever is the more restrictive. The applicants' property is located at 38 Glen Ridge Road in the RD1 zoning district. Chairman Annas opened the Public Hearing at 6:55. As no one was present to speak to the issue, he closed the Hearing at 6:56 P.M. He asked the Coyles if they had any further comments to make relative to their application.

Mr. Coyle said that he had taken measurements and felt that the square footage is actually 710 square feet rather than the 764 square feet which the Building Inspector had reported. He said that he had measured from wall to wall inside. Given the maximum of 650 square feet of living area required by the code, these measurements would reduce the variance required by the Coyles from 114 square feet to 54 square feet. After reviewing the plans, John said that he felt that Mr. Coyle's measurements make sense. Ken also reviewed the dimensions on the plans and agreed that the footage seems to be less than the 764 square feet as measured by the Building Inspector.

Chairman Annas read into the record a letter of protest from neighbors Brian and Nola Weit, 26 Glen Ridge Road. They did not want the Coyle residence to have a separate apartment for rent. They feel that the area is residential and was meant to have single family homes. They stated that rental apartments in the area would devalue their home. After discussion, it was determined that the Code does not stipulate anything about renting of accessory apartments and therefore the ZBA has no control over that issue.

#### Motion to Grant Variance

Jim Hegstetter made a motion to grant the variance as, based on the evidence submitted, it would be a benefit to the applicant and no detriment to the community. The motion was seconded by John Douglas. A roll call vote was taken and all were in favor. The motion was therefore passed by a 5 to 0 vote.

The applicants were reminded that they still need a Special Permit from the Planning Board.

### **PUBLIC HEARING**

7:05 Continuation of Public Hearing for Appeal 11-12, Norman Greig application to install a private airstrip across his two lots. One of these lots is only 30 acres, while the Code requires a minimum lot size of 50 acres. Since the airstrip is across two lots, a zero foot setback from these two property lines will be required. In addition, since the strip goes right up to Rockefeller Lane and Pitcher Lane, an area variance of fifty feet from both of these street lines will also be required. The applicant's properties are located on Pitcher Lane and Rockefeller Lane in the ABD zoning district. Chairman Annas said that Mr. Greig had been requested to either provide information to get the airstrip grandfathered or provide the necessary information for the NYS DOT to examine this issue and make their recommendations. He said that he understood that the grandfathering process has been rejected. He asked Mr. Greig if he had provided the necessary information for the DOT, per the guidelines provided by the town's legal counsel, Victoria Polidoro.

Mr. Greig said that he had submitted the required information both to the town and to the FAA. The FAA will have a decision in a few weeks and it will be submitted to the Town. He said that Bill Meyer at DOT told him that after the FAA makes its determination, it would take the DOT another thirty days to make their determination. All of that, he continued, is predicated on obtaining the variance from the ZBA. Chairman Annas said that, due to safety issues, the ZBA needs the information from the DOT before it can act on the variance.

Chairman Annas said that in order to use the two parcels, a zero variance would obviously be required to obtain continuity across the airstrip. Mr. Greig said that he needs the variance across the two property lines in order to move the project forward. Chairman Annas said that the Board has followed the necessary legal process in that it has made a referral to the Town Board. It is the purview of the Town Board to make a referral to the DOT. In addition, per the request of the Board, the town counsel has send an e-mail to

Mr. Greig regarding the documentation he needed to submit to the DOT. He said that the Board needs to see the response of the DOT before it can take action.

After much discussion, Mr. Greig broke this impasse by offering to withdraw his request for variances from the street lines and apply only for the variance between the two internal property lines. He was given the original application and crossed out the request for the other variances. He initialed and dated these changes. He said that he is only asking for his landing strip to go across the two parcels which are 30 acres and 92 acres. In order for the airstrip to run across the two parcels, a zero foot setback from the property lines of the two parcels is required. Chairman Annas said that this variance does not involve any safety issues. He asked if there is sufficient distance from the roads without the setbacks which have been withdrawn. Mr. Greig responded that the FAA has measured it and found it to be 2654 feet from road to road.

Chairman Annas opened the Public Hearing at 7:40 P.M. and explained that the Board is now considering only one issue, viz. whether or not Mr. Greig should be allowed to use two parcels to meet the fifty acre minimum. In order to do this, zero foot setbacks would have to be approved so that the airstrip is continuous.

*Mr. Matthew Nucci*, 222 Pitcher Lane, asked what is the path of the airstrip. Looking at the maps which have been submitted, he said that the path appears to be ten feet from the corner of his property. The Board reviewed the map with Mr. Nucci. Mr. Nucci said that his understanding was that Mr. Greig has to be 200 feet away from any residences for takeoff and landing. He said that this would mean moving the airstrip away from his home. Chairman Annas reminded Mr. Nucci that the Board is only considering approval for Mr. Greig to use his two parcels, the combined acreage of which would meet the fifty acre per parcel minimum. The Board is not giving Mr. Greig approval to use the airstrip. The Planning Board must consider that issue. The Board is saying that if Mr. Greig is granted use of the airstrip, the ZBA will allow it to traverse two parcels. Bob explained that the Board is allowing the airstrip to be on two parcels and go across the property lines.

Neighbor Kate Karakassis asked if the approval was just for the borders which are adjacent to the two parcels. Chairman Annas confirmed that it was just for those borders and was not related to the specific location of the airstrip.

Debbie Gillen, 212 Rockefeller Lane, asked if there would be a 300 foot setback from Pitcher Lane and Rockefeller Lane. Chairman Annas again explained that the Board is not permitting use of the airstrip. However, the application is contingent on getting this variance. Without the variance, he cannot possibly qualify. He explained that a 300 foot setback from all borders will be required with the exception of the line which divides the two parcels. This variance will not involve safety issues. The safety issues will be considered by the Planning Board and the DOT.

Chairman Annas asked if there were any further comments. Bob expressed concern about where the plane would be parked and how it would be moved to the runway. He said that,

except for the internal property lines, the plane could not get closer than 300 feet from any property line. *Mr. Nucci* again expressed his concern that the plane would be landing very close to the nearby homes. Again, Chairman Annas explained that what the Board was dealing with at this time was only a minor technicality involving the internal property lines. Hearing no further comments from the public, Chairman Annas closed the Public Hearing at 8:00 P.M.

The Board reviewed the Short Environmental Action Form which Mr. Greig had submitted. Their consensus was that the variance being requested would not have any negative impact on the neighborhood. Chairman Annas asked for a motion to complete the SEQR.

Motion to Grant Negative Declaration

John Douglas made a motion to grant a negative declaration. A roll call vote was taken and all were in favor.

Motion to Grant Variance

John Douglas made a motion to grant a zero foot setback from the internal property lines of the applicant's two adjacent lots, #6273-00-944725 and #6273-00-896812 so that the applicant can pursue the granting of a permit to install a private airstrip across these two lots. The code requires a lot size of at least 50 acres across the two parcels which are 30 acres and 93.4 acres in size. The variance will be a benefit to the applicant. It will not be a detriment to the community or pose any safety hazards. The motion was seconded by Ken Anderson. A roll call vote was taken and all were in favor. The motion was therefore passed by a 5 to 0 vote.

**ADJOURNMENT**

Jim Hegstetter made a motion to adjourn the meeting. The motion was seconded by Chris Carney and all were in favor. The meeting was adjourned at 8:15 P.M.

Respectfully submitted,

Sheila Franklin  
Secretary

## **FINDINGS AND DECISION**

Appeal 11-12, Norman Greig application to install a private airstrip across his two adjacent lots. One of these lots is only 30 acres, while the Code requires a minimum lot size of 50 acres for the installation of an airstrip. Since the airstrip will traverse two parcels, a zero foot setback from the two internal property lines will be required.

1. The applicants properties are located on Pitcher Lane and Rockefeller Lane in the ABD zoning district.
2. Tax Map #6273-00-944725 and #6273-00-896812.
3. The zoning law requires a minimum lot size of 50 acres for the installation of an airstrip and a 300 foot setback from all property lines.
4. The applicant is asking for a zero foot setback from the internal property lines of his two parcels and use of his two parcels which are 30 acres and 93.4 acres.
5. Although there was opposition to the installation of the airstrip, no one specifically opposed the setback reduction from the internal property lines.
6. A variance would be of benefit to the applicant and will not be a detriment to the community.
7. There will be no detrimental change in the character of the neighborhood.
8. 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 Chris Carney and carried by a 5-0 roll call vote. This approval does not constitute authorization for the establishment of an airport of airport improvement,

Dated: February 8, 2012

## **FINDINGS AND DECISION**

### Appeal 12-01, John and Irene Coyle application

1. The property is located at 38 Glen Ridge Road in the RD1 zoning district.
2. Tax Map #6272-00-457360.
3. The zoning law allows an accessory apartment to contain no more than 35% of the habitable space or 650 square feet, whichever is the more restrictive
4. The applicant is asking for approval of an existing 764 square foot accessory apartment within an existing single family dwelling.
5. There was only one letter of opposition from the neighbors.
6. A variance would be of benefit to the applicant and will not be a detriment to the community.
7. There will be no detrimental 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 John Douglas and carried by a 5-0 roll call vote.

Dated: February 8, 2012