

**Town of Red Hook  
Zoning Board of Appeals Meeting Minutes  
May 9, 2012**

**CALL TO ORDER**

The meeting was called to order at 7:05 P.M by Chairman Nick Annas.

**ROLL CALL**

Members Present: Nick Annas, John Douglas, Kenneth Anderson, Christopher Carney, Jim Hegstetter, Paul Marienthal, Tim Ross

Absent: None

Also Present: Bob Fennell, ZEO; Jim Ross, TB Liaison

**PRELIMINARY BUSINESS**

Minutes of April 11, 2012: Chairman Annas asked if everyone had read the April Minutes and invited comments or questions. Hearing none, Paul 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: The Permits and memos were reviewed by the Board.

**PUBLIC HEARING**

7:05 Public Hearing for Appeal 12-05, Lisa Brown application to erect a single family dwelling which would cover 13% of the property where the Code limits coverage to a maximum of 7% and to reduce the side setback from the minimum of 21 feet to six feet. The applicant's property is located at Country Club Drive in the RD3 zoning district, tax map #6372-19-739189. The ZBA approved an application by John and Sally Frick for the same variances on May 14, 2010. That variance has elapsed.

Mr. Brown said that he has changed things for the better. He has reduced the coverage to about 1400 square feet. Chairman Annas said that Mr. Frick had said that the house could be moved to meet the 21 foot setback on the road side. Mr. Brown agreed. He said that he has brought the house out on the property substantially. On the one side we have 21 or 22 feet, he said, and 16 or 18 feet on the opposite side. He said that he could bring the house out another eight or nine feet and still be within his range. He would then have 23 feet on one side and about 22 feet on the other side.

Chairman Annas said that his concern would be maintaining the 21 feet on the road side, as that could be a safety issue. John said that the coverage has to be calculated tonight so

that it is accurate when Mr. Brown goes for his Building Permit. Mr. Brown said that the house cannot be moved back further because it has to be fifty feet from the septic system. Chairman Annas stressed the need to accurately calculate how large the variance needs to be. Tim suggested that the setback be for six feet as he might build seven or more feet away, but he cannot build less than six feet away. Mr. Brown said that he can keep to 21 feet at the road side. The Board and Bob Fennell discussed the requirements for the placement of the house. It was decided that the variance on the pond side should be a minimum of six feet. As the house will be about 1344 square feet, it was calculated that the 13% coverage requested would be appropriate.

Motion to Grant Variance

Tim Ross made a motion to grant a variance to increase the coverage to a maximum of 13% with a pond side setback to be no closer than six feet because it will be a benefit to the applicant and is consistent with, and will not be a detriment to, the neighborhood. The motion was seconded by Jim Hegstetter.

A roll call vote was taken and all were in favor. The motion was therefore passed by a 7 to 0 vote.

**PUBLIC HEARING**

7:20 Public Hearing for Appeal 12-06, application by Charles Simmons on behalf of Bard College to erect five signs totaling 38 square feet in an area where the Code permits only a single identity sign of 12 square feet. The applicant's property is located at 4606 Route 9G in the RD 3 zoning district, tax map #6173-00-714730. Chairman Annas opened the Public Hearing at 7:20 P.M.; however the applicant was not present. The Board waited fifteen minutes, but Mr. Simmons did not appear.

Motion to Continue Hearing

Tim Ross made a motion to continue the Public Hearing to June 13, 2012 at 7:05 P.M. The motion was seconded by Chris Carney and all were in favor.

**ADJOURNMENT**

Tim Ross made a motion to adjourn the meeting. The motion was seconded by Paul Marienthal and all were in favor. The meeting was adjourned at 7:35 P.M.

Respectfully submitted,

Sheila Franklin  
Secretary

## **FINDINGS AND DECISION**

Appeal 12-05, Lisa Brown application to erect a single family dwelling which would cover 13% of the property where the Code limits coverage to a maximum of 7% and to reduce the side setback from the minimum of 21 feet to six feet. The ZBA approved an application by John and Sally Frick for the same variances on May 14, 2010. That variance has elapsed.

### **FINDINGS:**

1. The property is located at Country Club Drive, Red Hook in the RD3 zoning district.
2. Tax Map #: 6372-19-739189.
3. The zoning law requires a maximum coverage of 7% and a minimum side setback of 21 feet.
4. The applicant wishes 13% coverage and a six foot side setback.
5. There were no objections from the public.
6. A variance would be of benefit to the applicant with no detriment to the community.
6. The variance would be consistent with the character of the neighborhood.
7. 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 Jim Hegstetter and carried by a 7-0 roll call vote.

Dated: May 9, 2012