

Town of Red Hook  
Zoning Board of Appeals Meeting Minutes  
June 12, 2013

**CALL TO ORDER**

The meeting was called to order at 7:05 PM by Nick Annas.

**ROLL CALL**

Members Present: Nick Annas, Chris Carney, John Douglas, Trilby Sieverding, Ken Anderson,

Absent: Tim Ross, Jim Hegstetter

Also Present: Jim Ross, TB Liaison

**PRELIMINARY BUSINESS**

Minutes of May 8, 2013: Nick asked if everyone had read the May 8, 2013 Minutes and invited comments or questions. Hearing none, Trilby 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: Nick asked the Board if they had any comments. There were no comments from the Board.

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

**PUBLIC HEARING**

7:05 Appeal 13-02, Trevor and Joanna Baker application to erect a 6 ft. lattice fence on a small portion (48 ft.) of road front (house side yard) to provide added privacy to back yard, while maintaining the character of the neighborhood. Section 143-28A of the Town of Red Hook Zoning Law limits the height of fences to 4 ft. in a required front yard. The applicant's property is located at 107 Old Post Road North in the hamlet zoning district, Tax Grid #6373-01-254977.

Ken made a motion to close the Public Hearing. The motion was seconded by Nick and all were in favor.

The board reviewed what was being proposed by the Bakers.

Trilby made a motion that we grant the variance as requested. The Board approved the 48 ft. fence as shown on their plot plan. There will be no negative impact on the neighbors. Nick continued to say that there will be no safety issue and the proposed fence is keeping within the adjacent homes.

The motion was seconded by Nick and all were in favor.

## **REVIEW OF APPEAL**

7:15 Appeal 13-03, Lorraine A. Reeve application to construct a 210 sq. ft. deck to the front of the existing dwelling with a front set back of 35 ft. Section 143 Attachment 1 of the Town of Red Hook District Schedule of Use Regulations requires a front set back of 50 ft. The applicant's property is located at 40 Benner Road in the R1.5 zoning district, Tax Grid #6272-00-100681.

Nick asked if Lorraine would like to present her argument.

Lorraine's son-in-law, Frank McGuckin, 41 Benner Road, presented the argument.

Frank stated that they are looking to put a small deck over an existing concrete stoop/porch that's on the front of the house.

The Board asked that Lorraine and Frank step forward to point out on the map where exactly Lorraine's house was located.

Nick asked the applicants if they had some paperwork that showed the Board exactly what they planned to do.

Frank showed Nick the drawings.

Nick asked what the current setback of the house was. There wasn't proper evidence of the measurements.

Nick asked that Lorraine get a survey. The Board needs to know exactly where their front lot line is. The road has a 50 ft. right away regardless of the width of the pavement and, that does not mean it is centered on its right away. What we're looking at here is the specific setback from where your front lot line is and that's what we need to know. You're going to have to pay the price of having a survey done.

Lorraine disagreed stating that all she wanted to do was put a deck over the top of an existing concrete porch.

Nick stated that Lorraine is looking for a variance, in which specific numbers are involved.

John asked Lorraine specifically what she was going to have done.

The Board looked over the picture of the house that shows the existing concrete porch and some measurements.

Lorraine and Frank stated they handed in other paperwork to the ZEO as well but, we don't have it in our file.

John asked that Jackie get all the necessary paperwork from Steve before the next ZBA Meeting.

John didn't feel it was necessary for Lorraine to have a survey done.

John said what Lorraine really wants to do is overlay her present porch and bump it out an additional 6 ft. on one end.

Nick stated that if you're going to talk about setbacks and be accurate on your setbacks then you have to know exactly where the boundary is or you cannot offer an accurate setback.

Trilby asked if Lorraine had a survey from when she bought the property.

Lorraine said she did not.

There was more discussion of measurements.

John asked Lorraine and Frank to bring a schematic of all these dimensions; what the present porch looks like and what you want to do. Better than what you have with all the measurements.

Again, there was more discussion on exactly what the proposed porch would look like.

Nick asked Frank to check with Steve Cole or the highway department and find out where their survey is. They have to have the same survey. They're on one side of the boundary and Lorraine is on the other side.

Frank spoke to Steve when they asked for the variance and Steve told them to go to the center of the road and measure in 25 ft. and then start at zero and count it. Frank said they knew right away they didn't have 50 ft. and that is what started the process.

Nick said that is really not how it works. They need to have a specific variance.

Nick stated he wants to see a survey. Whether they get the survey or whether you use someone else's survey, it really doesn't matter. Nick feels the Town should have knowledge of just exactly where the boundaries are. There are records. Even if she uses the Town's records, your front boundary is on a town road, so they have to have the survey.

John said the County Clerk would have a copy of property survey too.

John asked Nick what the reason for the survey was.

Nick stated that he wants to be sure that the setback they are talking about is accurate. There have been too many problems in the past with inaccurate side yard setbacks, front yard setbacks.

John didn't see any reason for a survey because the porch is going to be in the front of the house and not on the side of the house.

Nick said Lorraine and Frank could start with the Town of Red Hook, Theresa or Steve for the survey of the road in front of the house. It's very likely the drawings are somewhere in this building. There is no reason to go to the County Clerk's office unless we don't have them here.

Nick says there has to be a map somewhere within the town or county that shows the survey for the road. Lorraine is on one side and the Town is on the other. That survey will suit us.

John asked what that would be for.

Nick said to show the Board where the front boundary is. You can't go by the pavement. These roads are not necessarily in the center of the right away. They have to have these surveys. The Town either has them or the county has them.

Jim stated that most of those old roads were user roads. You won't find any survey at all and the road was just there long before anything was surveyed. So the best way to do it on an old existing town road is to go to the center of the pavement and take 25 ft. in each direction. You won't find a survey on that old road. The only way you can do it otherwise, would be to require them to have an actual surveyor come out.

Nick stated that what we need to know is where the front boundary is relative to the front of the house.

Ken stated that we need a survey map to give us some idea of where the house is and where the road is.

John insisted the best way to get a survey map is from the County Clerk's office because the house is original and they would have had to file that with the County Clerk's office.

Nick said that is suitable.

Frank said that he would like to start here, at the Town Hall first. He also said he would get further schematics and measurements.

Nick said even if you hand pencil it that shows the actual distance from your lot line and the furthest extension of the porch that you're planning to build.

Nick asked if there were any further comments. There were none.

## **ADJOURNMENT**

Ken made a motion to adjourn the meeting. The motion was seconded by John and all were in favor. The meeting was adjourned at 7:45 P.M.

Respectfully submitted

Jackie Fenaroli  
ZBA Secretary