

Town of Red Hook  
Zoning Board of Appeals Meeting Minutes  
July 10, 2013

**CALL TO ORDER**

The meeting was called to order at 7:03 PM by Nick Annas.

**ROLL CALL**

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

Absent: Tim Ross, Jim Hegstetter, John Douglas

**PRELIMINARY BUSINESS**

Minutes of June 12, 2013: Nick asked if everyone had read the June 12, 2013 Minutes and invited comments or questions. Hearing none, Ken made a motion to approve the Minutes as written. The motion was seconded by Nick and all were in favor.

Planning Board Minutes and Letters: Nick asked the Board if they all have been receiving the Planning Board Agenda and Minutes via email. Ken and Chris were receiving both. Trilby was going to check and get back to Jackie. Nick then invited comments or questions. There were none.

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

Nick had a comment regarding the Intermunicipal Task Force that meets every Friday morning. Nick said there are a lot of things that are in the pre-planning stages; a 96-home subdivision that they are working some details on and the Hoffman Estate over by the theater.

Ken asked what the status of that was.

Nick said it looked like it was still going to go through. They are working on road widths, on street and off street parking. They are still working with the Levin home subdivision off of Feller Newmark Road.

Nick asked Ken if he knew anything about Anderson Commons.

Ken said the Planning Board went back to the developer and asked for a couple of issues. Ken didn't recall seeing anything more about it on the last Planning Board minutes but if there's any kind of a resolution, it will be in the works. As far as Ken knew, and he's only on the sidelines, they still plan on going forward with it. Anderson Commons is being handled by Ken Carney, who built the senior housing project here in town. Ken continued to say that this is not a senior housing project but, the way it's constructed; it's very attractive to seniors.

There were no Memos to be reviewed.

## **PUBLIC HEARING**

7:08 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.

Lorraine Reeve came forward with a certified letter mailed from the ZBA. The recipient's name is Emma Schaffer. Ms. Schaffer stated she had no objections to the construction of the deck on Lorraine's property.

Frank McGuckin, Lorraine's son-in-law, brought in a packet to each Board member that held updated photos of the house. This packet included measurements of the current house and a schematic of the existing porch and what the new addition would be. Frank stated that he had no boundary surveys, but thought the telephone poles and lines that were shown on page one of his packet would be accurate. Frank said the only thing they could show were the boundary lines on the county tax map.

Nick said that those boundary lines shown on the tax maps are not accurately positioned and cannot be used to locate boundaries on a parcel.

Jennifer wanted the Board to be aware of a phone call that took place after the last ZBA Meeting. Jennifer stated Mr. Annas called her mother at her home. He informed her that he knew someone who would look for the land markers for a cut rate for her. She believed the quote was \$50. In addition to that, Mr. Annas instructed her mother that if she did not hire this person to do this survey, there would be in no way, in good conscience, that he could grant the variance. Jennifer further stated that she spoke with several people about this.

Lorraine felt it was the Town's responsibility to know where the Town boundary was.

Nick clarified what he said during the aforementioned phone conversation with Lorraine. Nick stated that the surveyor told him that at some point Lorraine's property had to have been surveyed. The deed identifies the boundaries, at least four boundaries. Nick said the surveyor offered to locate the two pins on the front boundary for \$50. If he cannot find the pins, there would be no charge. To locate the front boundary, in the absence of the pins, he would charge \$100. The surveyor uses a device that, he believes, can reach magnetically as far as a foot underground. A lot of times these pins are buried. Nick continued to say that Town Code requires you to have 50 ft. between your front boundary and the nearest part of the dwelling. We need to know where that boundary is so we know what the reduction is. It is not the Town's responsibility to provide the location of the front boundary. Nick further stated that in the absence of accurate knowledge of the location of the front boundary, he would not vote to approve the variance.

The applicants felt they were getting pushed into getting a survey done and felt paying the money to have a survey done was unnecessary to put an additional 6 ft. of deck onto the dwelling.

Because of scheduling conflicts, not all the Board members could be there for the meeting. Jennifer felt this to be unfair.

Nick stated that he would allow the applicant to postpone the vote on this variance request to the meeting next month in hopes that there will be more Board members seated.

The applicant said we have no guarantee that all the Board members would be present next month nor was there any guarantee that the variance would be granted. She further stated that she couldn't wait any longer.

Jennifer became irate and said she was going to write a letter to Sue Crane and every person on this Board and to all the Town Board members, one of which she has spoken to recently. She will let them know what has gone on here and she will write to the newspaper too.

Trilby said there are a certain set of rules and, we are responsible for our decisions and it has to be based on some fact.

Jennifer stated that when her mother originally got the letter asking her to appear at this hearing, the letter should have stated what the town needed. It should have had a list of documents and information that you would need in order to make your decision. That way we could have shown up to the first meeting prepared and ready to go or, it could have been on the website

Nick said yes, it would be very helpful if you knew right up front exactly all the documents that you should have. That's why I checked with Steve Cole to find out what he had handed out. That's why I placed the call, to try to help your mother. She became a little bit belligerent and I found it was going to be difficult to explain to her what the process is and what the requirements are.

Nick said the Board needs to know specifically if Lorraine was going to go forward with this request for a variance or terminate this request.

Lorraine knew Nick would not grant the variance without knowledge of the actual boundary. Lorraine continued to ask the rest of the Board if they would grant her a variance.

Trilby said that Lorraine was trying to take a vote before the Board had a vote. She then stated that the Board was trying to work within a framework of rules. Trilby then suggested some ideas regarding the proposed deck where they would only need to get a building permit.

Ken stated once again that the Board is in a position that we have to be consistent with Lorraine and anyone else that has been here in the past or coming to us tomorrow. That's what we are trying to do.

Lorraine said there is no way she will put more money into this request.

Lorraine withdrew her request for a variance.

Nick closed the Public Hearing and asked if there were any questions from the Board. The Board discussed the issue among themselves after the applicants left.

## **ADJOURNMENT**

Trilby made a motion to adjourn the meeting. The motion was seconded by Ken and all were in favor. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Jackie Fenaroli  
ZBA Secretary