

Town of Red Hook
Zoning Board of Appeals Meeting Minutes
September 11, 2013

CALL TO ORDER

The meeting was called to order at 7:00 PM by Nick Annas.

ROLL CALL

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

Absent: Jim Hegstetter

PRELIMINARY BUSINESS

Minutes of July 10, 2013: Nick asked if everyone had read the July 10, 2013 Minutes and invited comments or questions. Hearing none, Ken made a motion to accept the Minutes as written. The motion was seconded by Chris and all were in favor.

Minutes of August 14, 2013: Nick asked if everyone had read the August 14, 2013 Minutes and invited comments or questions. Hearing none, Trilby made a motion to accept the Minutes as written. The motion was seconded by Ken and all were in favor.

Planning Board Minutes and Letters: Chairman Annas asked the Board if they had any comments. There were no comments from the Board.

Nick spoke about a lecture coming up on Wednesday, September 18, 2013 on The Effect of Global Warming and the Effect on the Hudson River and the Potential arising 78" by the end of this century. Nick will forward information on the lecture to the other Board Members.

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

PUBLIC HEARING

7:05 Appeal 13-04, Henry Cha application to install PV Array 13 ft. from side property. Section 143-18A(2) requires that accessory structures be located 20 ft. from any lot line. The applicant's property is located at 1 Crestwood Road in the RD3 zoning district, Tax Grid #6372-00-307697.

Nick asked Henry Cha to review his appeal to the Board again, as there wasn't a quorum at last month's meeting.

Sam and Arlene Harkins introduced themselves. They represent the adjacent property owner, OAOA LLC, which is owned by Sam and Arlene.

Sam stated that he did give Henry a survey map when the property was purchased. There were no pins in place because they did a boundary line change to increase that piece of property (which is now Henry's) to five acres.

According to Sam, two of the array's poles are on his property and on a third, the array hangs over onto his property.

Sam said that he's not sure the 13 ft. setback on the fourth array is exact because the survey that Henry had done showed the third array partially on his property also.

Nick asked Sam if he any major objection.

Sam said no.

When Henry had the survey done by Marie Welch, they put wooden stakes in the ground. They are going to put permanent pins in.

Nick asked if anyone else had any further comments.

Tim asked whether there would be an additional loss in efficiency if the panels were moved further from the house.

Henry said the company who put the arrays in never said anything about loss of efficiency.

Sam questioned why Henry has to infringe on the side lot line when he has five acres.

Tim suggested Henry ask the contractor that put the arrays in, for an analysis to determine whether there is any gain in efficiency by moving the array 90 ft. closer to the house.

Tim suggested putting the cluster of arrays closer to the house and put them in the northwest corner. so you can't see out of your windows and be shielded by Crestwood by your garage and would be closer to your house.

Henry said he would look into this.

Ken asked Henry how he could expect to get a variance when he violated the regulations right from the beginning.

Henry admitted that he had violated the regulations inadvertently and is asking for the variance because it doesn't make the array look any worse or any different from the location either from the street or his neighbor's house. It could save him money by only moving three instead of four arrays. Henry would not like to move the main panel if he doesn't have to.

Ken said that if the variance was approved, he would like to see specifically where the three units are going to go and a survey showing such.

Tim said with an area variance, we have to balance the benefit to you relative to the detriment to the community as a whole. The benefit to you, in this case, would be having the arrays closer to your house. The contractor should do an analysis of this. Leaving them that far away from the house, you're losing money. If you have the contractor coming there to move them, have them move them 60 to 70 ft. closer to the house and, within one year, you have more than paid back that delta and you'll never have an issue with it, providing you have a spot that works.

Henry's concern about moving the panels closer to the house is that it could adversely affect his property aesthetically.

There was discussion as to where to place the panels when they are moved.

Tim asked Henry if he got an estimate from the contractor to move the panels yet.

Henry said to move all four panels would be \$6,000. He did not ask what it would cost to move three of the panels. He wasn't sure if he would get the variance or not.

Tim would like to move that the Board continue the public hearing.

Nick would like Henry to provide the following information before the next meeting:

- 1) The cost to move just three panels.
- 2) The cost to move all four panels closer to the house.
- 3) What would be the annual savings if you did move them closer to the house.

Henry agreed to get this information.

John said if it's cost beneficial to Henry to move the panels closer to the house and at least 20 ft. from the boundary, he would not need a variance, he would just need a permit.

Tim said if Henry decides to go the route John suggested, he should notify Jackie that he is withdrawing his application.

The Public Hearing will continue on October 9, 2013 at 7:05 p.m.

REVIEW OF APPEAL

7:35 Appeal 13-05, William McKay application for placement of (2) two 100 sq. ft. sheds. Applicant's 0.259 acre parcel is limited to 790 sq. ft. of building coverage (11,282 sq. ft. x 7%). Applicant has an area variance for coverage up to 13% . Applicant would like an additional area variance up to 16% to accommodate two sheds. The applicant's property is located at 12 Country Club Drive in the RD3 zoning district, Tax Grid #6372-19-739189.

William presented his argument to the Board.

William wishes to put two 100 sq. ft. sheds on his property

William showed the placement of these two sheds on the maps.

There was discussion as to whether William's lot is a corner lot.

Nick asked William if it was still his intent to put the sheds 12 ft. back from the rear of the house, the second one 5 ft. further back from the first, and both of them 3 ft. from the right side yard fence line.

William said yes.

The Public Hearing has been set for October 9, 2013 at 7:20 p.m.

7:50 Appeal 13-06, Bruce & Odile Chilton application to:

A) Construct a 20 x 19 carport located in a hamlet district – Annandale. The application shows a side yard setback of 3 ft. 143-18 2(A) states that an accessory structure be no less than 15 ft. from any lot line. Applicant's setback on map shows 3 ft.

B) Construct a 20 x 19 carport located in a hamlet district – Annandale. The application plot plan shows the accessory structure built closer to the street than the principal structure 143-18 (2) 4. The applicant's property is located at 1288 Annandale Road in the hamlet zoning district, Tax Grid #6173-00-524427.

Bruce presented his argument to the Board.

Bruce said there is a difficulty of trying to set back a carport 15 ft. from any of these boundaries because it's not a 5 acre plot. It's about $\frac{3}{4}$ of an acre. That's one of the challenges of putting a carport in. The reason we want a carport is so that we can snug the cars up and off the driveway, have the snow cleared and then get out when we need to. The carport will be put behind some shrubs instead of in front of the house.

Tim said this is a very challenging lot, a steep driveway.

Bruce told the Board how he would enter the driveway to the carport and how he would exit. Bruce said it is a very dangerous location and always advises people who come onto the property to drive up north along Annandale Road and then when you come out you will be heading in the direction of traffic. Any attempt to go another way is a bad idea.

Nick asked Bruce if he had any objections to any of the Board members coming to look at the property.

Bruce did not have any objections.

Bruce is presently having the property surveyed. John Decker will be doing the survey and pinning it.

Ken asked if Bruce could have the carport closer to the house.

Bruce said no because of the elevation. The closer you get to the house, the greater the elevation.

Tim asked Bruce to have the surveyor put the two boundary pins in and to stake the approximate location of the carport so that the board can get a clear picture of where the carport will be placed.

The Public Hearing has been set for October 9, 2013 at 7:35 p.m.

ADJOURNMENT

Tim made a motion to adjourn the meeting. The motion was seconded by Nick and all were in favor. The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Jackie Fenaroli
ZBA Secretary