

APPROVED

Town of Red Hook
Zoning Board of Appeals Meeting Minutes
October 9, 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, John Douglas, Ken Anderson, Chris Carney, Jim Hegstetter, Tim Ross

Also Present: Jim Ross, TB Liaison

PRELIMINARY BUSINESS

Minutes of September 11, 2013: Nick asked if everyone had read the September 11, 2013 Minutes and invited comments or questions. Hearing none, Jim made a motion to accept the Minutes as written. The motion was seconded by Trilby 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.

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

Comments from the Chairman: There were none.

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 reviewed the appeal of Henry Cha.

Nick read Henry Cha's memo to the ZBA stating what David Burns of Hudson Valley Clean Energy had to say regarding moving the solar panels.

Sam and Arlene Harkins are the adjacent homeowners.

Sam stated that the property where the infringement would be on is one of the few spots that aren't wetlands on that piece of property that Sam owns. Sam didn't think it was fair that Mr. Cha didn't bother to get a survey done or have a surveyor tell them where their lines were and stake them. Sam further stated Henry has five acres of clear land, so it's not like trees or a structure would block them. I don't think it's a proper variance to be granted.

Sam is concerned about the visual impact these arrays will have on the property when moved.

Nick stated that there are 10 acres of land between the two properties and questioned whether 7 ft. is truly significant in this situation.

Tim stated that 7 ft. won't have an appreciable impact on the view shed. The bigger issue is how are the arrays going to look to someone buying the property next to Henry.

Tim stated that anyone moving onto the neighboring property could plant a row of trees there, which could cause Henry to lose some of the benefit from the panels.

Henry said he put the arrays where they are now so that no one could see them, either his neighbor or himself.

There was much discussion as to where these panels could be moved to on Henry's property.

Nick asked if there were any more comments from the audience.

Sam said that the area on his property adjacent to the panels is one of the few dry areas back there. If someone wanted to build a barn, that's probably where it would go, because the rest is wetlands and you can't build in wetlands or 100 year flood plains.

Henry said when he originally put those panels in he thought they were on his property. Henry decided to have a survey done and that's when he discovered they weren't on his property. Henry stated he is only trying to make good on his error.

Jim asked if there was a cost increment if the company moves them 15, 20 or 60 ft. What would it be?

Henry stated that there is no cost increment unless they were moved back.

Sam made another comment stating that this all came to be because Henry planted some forsythia and Sam thought they were being planted on his property. That's when Henry had a survey done.

Trilby asked Sam why he didn't have any major objections to the variance at the previous meeting.

Sam said the more he looked at where the flood plain is that was the only dry spot where someone could plant trees or put up a barn. If someone were to build a barn there, it may block the sun from the panels. He also said that there may be someone interested in the property and one of the things they want to do is build a horse barn there.

Motion to Grant Variance

Trilby made a motion to grant the variance. The reduction to seven feet is minimal, it does not adversely affect the view shed, and the cost to move all four panels is substantial.

Nick asked for comments from the Board.

John had no comments.

Ken stated he didn't think the Board was given any opportunity that shows where the three panels will be relocated and where the fourth panel would be relative to the other three panels after the movement if Henry does not get an acceptance to the appeal. Ken stated that this was why he was not in favor of granting the variance.

Tim stated that he disagreed with Ken as to the cost of moving the panels. He says it does matter to us because our job is to weigh the benefits to the applicant relative to the detriment to the neighbors because it's an area variance.

Tim further stated that \$1,500 is a lot of money but, the money Mr. Cha has in the panels, run the risk of not being able to control their efficiency tomorrow or five years down the road. Tim's concern was what Henry already had invested in the panels. The long term benefit of that unit would mean that Henry would move it to an area that had much better control of the long term solar gain than those panels are going to get. That's the reason Tim is not in favor of granting this variance.

Jim stated that he agreed with Tim's consideration. Jim felt that moving the panels further onto the property would make them more visible to both properties.

Chris said he agreed with Tim in all the engineering facets. Chris disagreed with Tim in regards to citing that the reason not to grant the variance because that is more an advisory capacity in saying what you should or shouldn't do with your panels. If it were anything else, for example, a barn or something else, we probably wouldn't be having this conversation. Obviously, you know the risk of leaving the panels there and if you choose to leave them there, that's your choice. I don't think the 7 ft. variance is substantial because of that reason.

Nick agreed with the points made by the other Board members. Nick further stated that, had Henry come to the Board prior to putting the panels in place, he could not imagine the Board granting a variance.

Vote on Motion to Grant Variance

Trilby	Yea
John	Nay
Ken	Nay
Tim	Nay
Jim	Nay
Chris	Yea
Nick	Nay

Nick confirmed that the 5-2 vote constitutes a denial of the variance.

PUBLIC HEARING

7:40 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.

Nick reviewed the appeal of William McKay.

Motion to Grant Variance

John made a motion that this variance be granted because the alleged hardship has not been self created. It was created by the people who created the lots many years ago. The request for variance does not alter the essential character of the neighborhood. Tim added that it is a benefit to the applicant and no detriment to the neighborhood. The motion was seconded by Ken.

Nick asked for comments from the Board.

There were none.

Vote on Motion to Grant Variance

Tim	Yea
Jim	Yea
Chris	Yea
Nick	Yea
Ken	Yea
John	Yea
Trilby	Yea

PUBLIC HEARING

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 the survey maps to the Board.

Discussion ensued while viewing the survey maps.

John mentioned that he would like to see on the survey map exactly where Bruce wants to build.

Tim would like Mr. Chilton to ask John Decker, the surveyor, how he came up with those metes and bounds. Were they taken off the file deed? Most of the older lots on that property read to the center of County Rte. 103 and they have 35 ft. either side as the county easement but, the property owner owns it and pays taxes on it.

Nick asked what type of carport Mr. Chilton would like to have built.

Mr. Chilton said he would like a roof that is very similar to the roof of his house (made out of wood) with poles. It will house one vehicle.

Mr. Chilton had two concerns in mind: (1) How important is the distance from the house compared to the distance from the side yard boundary and (2) The property becomes steeper closer to the house.

Nick said the carport cannot be located closer than 12 ft. to the nearest point of the primary structure.

John asked that Mr. Chilton have Mr. Decker come out to the property again and have the survey show where the carport is going to be and the exact size of the structure.

Nick would like Mr. Decker to place pins on the four corners of the proposed carport and then 2 more pins to show two points on the nearest lot line.

The Public Hearing will continue on November 13, 2013 at 7:05 p.m.

ADJOURNMENT

Jim made a motion to adjourn the meeting. The motion was seconded by John and all were in favor. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Jackie Fenaroli
ZBA Secretary