

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

CALL TO ORDER

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

ROLL CALL

Members Present: Nick Annas, Tim Ross, Jim Hegstetter, John Douglas

Absent: Trilby Sieverding, Ken Anderson, Chris Carney

PRELIMINARY BUSINESS

Minutes of October 9, 2013: Chairman Annas asked if everyone had read the October 9, 2013 Minutes and invited comments or questions. Hearing none, Jim Hegstetter made a motion to accept the Minutes as written. The motion was seconded by Tim Ross and all were in favor

Minutes of November 13 2013: Chairman Annas asked if everyone had read the November 13, 2013 Minutes and invited comments or questions. Hearing none, Jim Hegstetter made a motion to accept the Minutes as written. The motion was seconded by Tim Ross and all were in favor.

Planning Board Minutes and Letters: Chairman Annas asked the Board if they had any comments. Regarding the establishment of a brewery at Migliorelli Farm – 245 Gusky Road, Jim Hegstetter wanted to know if it was the same applicant that came before the ZBA last year. It was confirmed that it was and it's an ideal location, as it will be on a working farm.

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

Comments from the Chairman: Chairman Annas asked that the minutes from the previous meeting be read before the next meeting so the meeting will move along.

Chairman Annas also asked that during the meetings to limit all discussions to one at a time to reduce confusion for Jackie Fenaroli, ZBA Secretary as to which conversation is the one to focus on.

Chairman Annas would like Jackie Fenaroli to look into the possibility of emailing the Board copies of the permits, as they become available, in pdf format.

PUBLIC HEARING

7:10 Appeal 13-07, Fred Delgrosso application for a 24' x 14' shed 10 ft. from sideline and 40 ft. from front line. While Sec. 143-20 requires a super set back on user roads, i.e., the addition of 25 ft. to the required 60 ft. front set back, Sec. 143-18A(4) concerning accessory structures, is more appropriate and thus, the accessory structure can be anywhere in back of the principal structure, provided it meets rear and side requirements. Since 20 ft. sideline requirement is not

being met, applicant needs side set back variance of 10 ft. per 143-18A(2). The applicant's property is located at 132 Williams Road in the RD3 zoning district, Tax Grid #134889-6374-00-899356-0000.

Chairman Annas opened the Public Hearing and called on Mr. Delgrosso stating there had been some change in Mr. Delgrosso's request.

Tim Ross stated that Mr. Delgrosso does not need a variance on a front setback. It's not the Board's interpretation; it's the Zoning Enforcement Officer's interpretation.

Chairman Annas said ZEO, Bob Fennell, is requiring a side yard setback. Chairman Annas further stated that if Mr. Delgrosso is going beyond the 10 ft. side boundary, then Mr. Delgrosso needs the side yard setback variance.

Mr. Delgrosso said he did not need the side yard setback variance of 10 ft. according to his surveyor, Mr. Decker. Mr. Delgrosso said he only needed a 5 ft. side boundary to clear his leach fields.

Attorney Kirschner stated that with the lay of Mr. Delgrosso's land (the swamp and leach field), Mr. Delgrosso would like to put the building where he's got enough elevation so he doesn't have water table issues. Attorney Kirschner also stated to make it easier for Mr. Delgrosso to get around his parking lot area, the septic and keep up away from the lower swamp water table, Mr. Delgrosso is requesting to reduce the side yard setback variance from 10 ft. to 5 ft.

Mr. Burns, Mr. Delgrosso's adjoining neighbor to the west, has no problem with Mr. Delgrosso placing his shed behind the parking area.

Chairman Annas asked if there was anyone else in the audience that was here for this request. There was not. There were no formal objections from the public.

Tim Ross asked Mr. Delgrosso what the shed would be placed on.

Mr. Delgrosso said the shed would be placed on concrete.

Chairman Annas was concerned that there might be a legal problem with agreeing to Mr. Delgrosso's request of a side yard setback variance change from 10 ft. to 5 ft. His concern was that the Notice of Public Hearing letters went out to the neighbors requesting the 10 ft. setback, not the 5 ft. setback.

John Douglas stated that at the last meeting, an applicant had requested certain footage and the request for footage was decreased. The Board granted the variance.

Tim Ross said the neighbors were notified there was a variance request before the Board. The neighbors were invited to appear in person and take advantage of the discussion. They did not. They clearly were not interested. Tim further stated that variances will often get modified during the discussion. Tim continued by saying every property owner within 300 ft. of Mr. Delgrosso's parcel received a letter (Tim included) and, it was publically noted.

Jim Hegstetter said he didn't have a problem having the side yard variance decreased from 10 ft. to 5 ft.

Tim Ross felt that where Mr. Delgrosso wanted to place his shed was the most logical spot. Placing the shed 5 ft. from that property line is not adversely impacting the old right away property at all.

As there were no comments from the public, Chairman Annas closed the Public Hearing at 7:15 pm.

Motion to Grant Variance

Nick Annas made a motion to grant a variance for a 24' x 14' shed with a side yard setback variance reduction from 20 ft. to 5 ft. There were no formal objections from the public, it would be a benefit to the applicant and would not be a detriment to the public or the safety and welfare of the community. The motion was seconded by Tim Ross.

A roll call vote was taken with the following results:

Nick Annas – Aye
Tim Ross – Aye
Jim Hegstetter – Aye
John Douglas – Aye

The motion was therefore passed 4 to 0.

ADJOURNMENT

Jim Hegstetter made a motion to adjourn the meeting. The motion was seconded by Tim Ross and all were in favor. The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Jackie Fenaroli
ZBA Secretary