

Town of Red Hook
Zoning Board of Appeals Meeting Minutes
August 13, 2014

CALL TO ORDER

The meeting was called to order at 7:00 PM by Tim Ross, Acting Chairman.

ROLL CALL

Members Present: Tim Ross, Jim Hegstetter, Ken Anderson, Trilby Sieverding
Member Absent: Nick Annas, Chris Carney, John Douglas
Also Present: Town Board Liaison, Jim Ross

PRELIMINARY BUSINESS

Minutes of July 9, 2014: Tim Ross asked if everyone had reviewed the July 9, 2014 Minutes and invited comments or questions. Hearing none, Jim Hegstetter made a motion to accept the Minutes as written. The motion was seconded by Ken Anderson and all were in favor.

Planning Board Minutes and Letters: Tim Ross asked the Board if they had any comments. Tim mentioned that one of our Review of Appeals is an outcome of that. They have been in front of the Planning Board for a few meetings and there is an issue with a driveway width that the Board will get into more detail at tonight's meeting and have a Public Hearing next month.

Building Inspector/ZEO Permits, Memos/Comments: Tim Ross asked the Board if they were receiving the building permits and they were. There was discussion as to what some of the permits were for.

Comments from the Acting Chairman: Tim Ross stated that at the beginning of our next meeting on September 10, 2014 that the Board will be discussing the decorum of the Public Hearings.

Because this is not an open meeting and has no Public Hearings on the Agenda, Tim Ross said that the Board doesn't have to go in order as written in the Agenda. Tim Ross asked the Board if anyone had any objections of going out of order to keep the meeting moving. There were no objections from the Board.

REVIEW OF APPEAL

7:10 Appeal 14-05, Martin Willms application for reduction of driveway lot width from 95 ft. to 25ft., a difference of 70 ft. Section 143-49.1 Table 2 requires 95' for residential neighborhood and commercial center sub districts. Applicant is requesting a reduction to 25'. The applicant's property is located at 31-35 Metzger Road in the TND-R zoning district, Tax Grid #6272-00-356356.

Mr. Brown, representing Martin Willms for this application for area variance, presented his appeal to the Board.

Tim Ross did mentioned to Mr. Brown that the Board did see some of the comments made from the Planning Board and understands how Mr. Brown is now before the ZBA.

Mr. Brown explained to the Board that the Planning Board and he agreed that he could do a residential building.

Mr. Brown went on to say that there's an incentive zoning, where you can drop the 95 ft. to 22 ft. with this incentive zoning. Through learning different things, Mr. Brown would like to put a regular residence on the property, the same identical building, but he would ask for a reduction from the 95 ft. to 25 ft. for the driveway. The driveway that Mr. Brown is asking for is pre-existing. The driveway was used by Mr. Willms and he changed it to the other side of the property. Mr. Brown would just be opening up what was already there. It's already blacktopped, there's already an apron and it would gain him access to the back of Rosemarie Zengen's property, which is the subject of Mr. Brown's request. This property is about 500 to 550 ft. deep in from Route 9 and in the back where the proposed house would go, it is almost 200 ft. wide.

Tim Ross asked if this would be a lot line alteration that would be handled through the Planning Board.

Mr. Brown said that it was and went on to say that when he does reapproach the Planning Board again, that the 25 ft. strip in question would then become part of Mrs. Zengen's parcel #305346. The transfer would be from Mr. Willms which is parcel #356356 to Mrs. Zengen. Mr. Brown thinks Mr. Willms has two separate parcels there. The apartments are one parcel and the storage is a separate parcel.

Trilby Sieverding asked Mr. Brown if he was talking about width, from 95 ft. to 25 ft.

Mr. Brown explained that that was in the commercial district and, the reason that they did that was for commercial, for fire trucks, big trucks, etc. to get in. This property adjoins residential property. It's the furthest piece back at Willm's property.

Trilby Sieverding wasn't familiar with the property and asked for an overview.

Tim Ross asked Mr. Brown to explain the map to the Board.

Mr. Brown explained that he needs to put a driveway in. The driveway would come from Metzger Road. Because it's commercial, one of the requirements is 95 ft. of frontage. It's not going to be commercial. It's going to be residential. Mr. Brown could ask for a flag lot, which would be a 50 ft. right-a-way, but he is not asking for a flag lot because he's not subdividing it. Mr. Brown is asking to use the existing driveway that was there, 25 ft., which Mr. Brown has

spoken to Mr. Willms about. Mr. Willms is willing to give him the 25 ft. to get back to the property which adjoins Mrs. Zengen's property. The strip in question is presently part of Mr. Willm's property which runs along and is adjacent to Jacqueline Holsapple's property. Mr. Brown would open up the driveway and it would follow Mrs. Holsapple's property line.

Trilby Sieverding asked Mr. Brown if Mrs. Zengen, Mr. Willms and Mrs. Holsapple were giving him the property.

Mr. Brown said they were not. He was representing Mrs. Zengen who is and would be the owner of the parcel and additional strip in question. He further stated that he would have to reapproach the Planning Board and apply for a lot line adjustment, have the property surveyed and deeded to her.

Tim Ross asked Mr. Brown if he was treating this driveway as separate frontage for this house at the back of the property, as the parcel has approximately 187 ft. on Route 9.

Mr. Brown said that was correct.

Tim Ross said that the Planning Board's interpretation was that the driveway would be the frontage for this house in the back and, this frontage that's on Route 9 is associated with the front piece.

Trilby Sieverding clarified with Mr. Brown that they are not subdividing, they are only adding another house to the existing property and Mr. Brown just wants new access.

Jim Hegstetter confirmed with Mr. Brown that there's access there now, but it's really not a driveway. It's a road but not a driveway.

Mr. Brown said that was correct.

Trilby Sieverding also confirmed with Mr. Brown that he is the contractor and will be doing the construction.

Tim Ross asked of Mr. Brown two requests before his Public Hearing in September:

1. If Mrs. Zengen, Mr. Willms and Mrs. Holsapple would have a problem if any of the Board members stopped by the property to look at it and to please let Jackie know.
2. Draw up a good map that shows exactly what's being proposed, showing that the parcel itself is only going to be 25 ft. wide, not the 31 ft. wide as indicated on the map he brought tonight.

Mr. Brown said he would ask Marie Welch, surveyor, to draw up a preliminary map and label it so. The Board agreed to this.

The Public Hearing is scheduled for Wednesday, September 10, 2014 at 7:20 p.m.

REVIEW OF APPEAL

7:40 Appeal 14-04, Faruque Litan application to erect a portable/temporary 170 sq. ft. garage. Applicant is requesting a setback of 2 ft. Section 143-18 A2A allows accessory structures in the R1 zoning district to be placed 15 ft. from side property line. The applicant's property is located at 39 Metzger Road in the R1 zoning district, Tax Grid #6272-00-367319.

Mr. Litan presented his appeal before the Board. Mr. Litan wishes to move his portable/temporary garage which is 17 ft. long and 10 ft. wide. Only one side is going to be close to the property line. The other three sides have no issue. Mr. Litan's backyard is fenced off. Mr. Litan wishes to move this portable/temporary garage/structure 11 ft. from the fence.

Tim Ross suggested to Mr. Litan that he should talk to his neighbor on the corner to give him a heads up that he will be moving this temporary structure.

Tim Ross asked Mr. Litan if the fence line was on the property line and if all the pins are still on these lots.

Mr. Litan said the fence line was about 2 ft. away and has not seen any pins. Mr. Litan said he didn't have a survey of the property when he bought it.

Tim Ross advised Mr. Litan to verify a couple of points on his property line, if he could, before the Public Hearing.

Mr. Litan decided to change his application to read a setback from 4 ft. to 2 ft. so the portable/temporary garage would be tighter to the fence so he doesn't have a maintenance issue behind it.

The Public Hearing is scheduled for Wednesday, September 10, 2014 at 7:05 p.m.

REVIEW OF APPEAL

7:50 Appeal 14-06, John C. and Constance L. Holzmann application to construct a 6' in-height stockade fence in the 60' required front yard in the RD#3 zoning district. Section 143-28(A) states when erected within the required front yard, it is not to exceed 4' in height. The applicant's property is located at 238 Rokeby Road in the RD-3 zoning district, Tax Grid #6172-00-774431.

Mr. and Mrs. Holzmann presented their appeal before the Board. They wish to do a 6 ft. stockade fence along the driveway. They said that Steve Cole had come out to do a site visit

and said where the fence would have to start, etc. and showed on the map, to the Board, where the fence was going to go.

Tim Ross described to Mr. and Mrs. Holzmann that, even though they say the good side of the fence will be facing out, a clear determination of the good side has been made by the Board. The posts, unless there are posts exposed on both sides, it's considered the unfinished side. The finished side has to face the neighbor. Tim Ross further mentioned that there are other fences that are a backboard-type fence where both sides are finished. The columns for a typical stockade fence, should be on your side of the fence. There's no way around that. If both sides of the fence are identical, it's considered finished on both sides.

Mr. and Mrs. Holzmann said they would take a picture of the fence and the posts that they plan to put up, to show what the finished fence will look like on both sides.

Tim Ross asked Mr. and Mrs. Holzmann if it would be ok if the Board members came to look at their property.

Mr. and Mrs. Holzmann did not have a problem with that.

Tim Ross asked Mr. and Mrs. Holzmann to update their diagram, showing exactly where the fence is going to go.

The Public Hearing is scheduled for Wednesday, September 10, 2014 at 7:35 p.m.

ADJOURNMENT

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

Respectfully submitted,

Jackie Fenaroli
ZBA Secretary