

Town of Red Hook
Zoning Board of Appeals Meeting Minutes (Draft)

March 08, 2017

CALL TO ORDER

The meeting was called to order at 7:06 pm by Chairman Nick Annas

ROLL CALL

Members Present: Chairman Nick Annas, Tim Ross, Chris Klose, Doug Lee, Chris Carney, and Jim Hegstetter

Members Absent: Kris Munn

Also Present: Victoria Polidoro, Counsel for the ZBA, Bob Fennell, ZEO to the Town of Red Hook, and Jim Ross, Red Hook Town Board Liason to the ZBA

PRELIMINARY BUSINESS

Minutes from February 08, 2017

At 7:08pm Chairman, Nick Annas, asks for a motion to accept the February 08, 2017 ZBA meeting minutes. Tim Ross so moves. Jim Hegstetter seconds, and all are in favor.

Planning Board Minutes: Anne Rubin informs the Board she has had communication from the Planning Board regarding two possible, upcoming Use Variance Appeals, for a property on Old Post Road, in Upper Red Hook. According to the Planning Board, the property is currently non-compliant, and the Planning Board has suggested the property owners seek these Use Variances, before they make any changes to the property. Tim Ross clarifies it is an existing, non-conforming use, which Ms. Rubin confirms. Victoria Polidoro asks for further clarification, to which Anne Rubin replies, the use exists, and has existed, and it is currently non-compliant. Ms. Rubin further states, she will follow up with the Planning Board, and get documentation to the Board, as soon as she has it. The Board clarifies the property is in the B1 zoning district, rather than the Hamlet zoning district, and Ms. Rubin further notes, the use involves carpentry and a couple of apartments. Chairman Annas comments the Intermunicipal Task Force has had much discussion regarding the B1 zoning district, over the past few months.

Comments from the Presiding Chairman: Chairman Annas asks Anne Rubin to briefly describe the electronic file sharing, she and the Planning Board Clerk, and a former Planning Board member had previously discussed. Ms. Rubin states she and Planning Board Clerk, Kathleen Flood, and former Planning Board Member, Sarah Gilbert, had met in 2015 to discuss the Dropbox file system the Planning Board is currently using. Under this system, all ZBA members would have access to all of the pertinent dropbox files, to which applicants could add documents which the ZBA requests of them. Each Applicant would have access to their own application file. Ms. Rubin also mentions e-certified mailings, as opposed to the handwritten cards, and

receipts. Instead of a card, the ZBA office would receive an email, to certify delivery of public hearing notices. This method is roughly half the cost of the current postcard and receipt method. Ms. Rubin describes the third aspect of electronic file sharing, as fillable PDF forms, on the Town website. She notes the Planning Board, the Recreation Department, as well as the ZBA, would all benefit from fillable PDFs on the Town website, as forms would come to the Town in a more legible format. Victoria Polidoro notes that applicants to the ZBA cannot submit an application via email, to which Ms. Rubin replies the Building and Zoning office will sometimes get backed up with people filling out applications, by hand, in the office, while Steve and Bob wait, and answer questions. She further notes, with a fillable form, the applicant can fill it out at home, and call, or email the Building and Zoning office, with any questions, and then come in to Town Hall to sign, notarize and finalize their application. She comments this would also allow Building and Zoning to devote more time to the complex, not easily resolved questions, in person, and possibly less time to the more straightforward ones. Tim Ross notes it would be helpful for applicants to the ZBA to have a cover page with instructions on how to fill out the form, and contact the Building and Zoning Office with eventual questions. Ms. Rubin notes that most of the Planning Board members come to meetings with a tablet, and asks the Board if everyone has such a device. Doug Lee comments the Board could also use the newly installed smart screen. Chairman Annas asks if the Board could meet remotely. Victoria Polidoro comments that the NYS Open Meetings Law would not permit remote conferencing.

REVIEW

Appeal 17-02, JK Curthoys Designs Inc., aka Joe and Kim Curthoys representing property owners Katherine and Michael Mazza application for three area variances to construct an 18' x 20' detached garage 44 feet from the center line of the road to the front of the property, and 10' from the side property line, with a 17% lot coverage of 2008 square feet, on a lot sized 11,761 square feet. **Red Hook Zoning Law Section 143-20 requires a 60' front yard setback plus 25' measured from the center line of the road, on streets with no dedicated right-of-way; Section 143-18 A (2) requires a side yard setback of 20 feet; and the District Schedule of Area and Bulk Regulations limits lot coverage to 7%, or 823sq.ft.** The subject property is located at 133 Country Club Drive. in the Town of Red Hook. It is located in RD3 zoning District.

Chairman Annas invites the applicants, Joe and Kim Curthoys, representing Katherine and Michael Mazza, to present their appeal. He asks the applicants where their house is in relation to the property they are representing. Joe Curthoys states they are approximately seven houses away from the subject property, in a clockwise direction [around the lake], such that if their home is at noon, the subject property would be at approximately three o'clock. Bob Fennell notes the property is very close to the Clubhouse and the golf course. Chairman Annas asks if the house is facing the Clubhouse, which Bob Fennell affirms. The Board reviews the documentation submitted by the Curthoys', to determine the precise location of the property, which is also on the lake. Bob Fennell asks the Board if it is aware the property, and the garage were granted a variance in 2007, which has since expired, since the applicant did not construct the garage within the 18 month deadline. Joe Curthoys comments the previous proposal involved a larger garage. Anne Rubin notes she sent a copy of the previous variance in the packet. Tim Ross asks if the applicant was the same, to which Bob Fennell replies it was Stortini. Tim Ross states he remembers this appeal.

Chairman Annas asks the applicants to state the rear yard setback for their proposed garage. Bob Fennell interjects he went to the property, and measured, with the wheel, from the center of the

road, and found the distance from the centerline of the road, to the setback for the proposed garage is 42 feet, rather than the 44 feet, stated on the application. The Board and applicants discuss amending the application. Nick Annas asks about the distance from the center of the road, to the property line. Bob Fennell clarifies the road is not a dedicated road, and the width is less than the usual 50 feet, and so the usual calculation of 25 feet to the property line is diminished to 10 - 12 feet, from the centerline of the road. Tim Ross further comments this is an user road. Bob Fennell informs the Board it is not a Town road, but rather a private road. Joe Curthoys comments he submitted photos of garages, in the neighborhood, located 8, 10, and 12 feet away from the road. The Board reviews the photos. Chairman Annas asks Joe Curthoys if he is suggesting there is a precedent for having a garage closer to the roadway, to which Mr. Curthoys replies he is.

Tim Ross asks about SEQRA requirements. Victoria Polidoro states she believes this is a Type II Action, as an accessory structure, to a single family dwelling, and recommends the Board classify it as a Type II. Tim Ross notes there is a SEQR EAF-S in the packet, and Bob Fennell comments every applicant fills one out. Chairman Annas asks the applicants why they need a 10' setback [to the rear], instead of moving the garage back to the required setback, to which Mr. Curthoys replies they would run into the septic field, if they moved the site of the proposed garage any further back from the rear property line. Bob Fennell comments it is a very narrow lot. Chairman Annas asks the applicants to state the lot width, which Mr. Curthoys affirms is 53'. The Board studies the setback, in relation to the property line, and the location of the septic field.

Chairman Annas asks the applicants to describe the proposed garage. Anne Rubin distributes color photos of the proposed garage, of which the Board also has black and white copies. Mr. Curthoys notes the proposed garage is noticeably nicer than some of the existing garages in the area. Chairman Annas asks the applicants to describe the configuration and use of the attic of the proposed garage. Joe Curthoys states it will be used for storage, and there is no intent to create any kind of living quarters. Doug Lee notes the application states there will be no insulation in the attic. Mr. Curthoys further comments, the dimensions of 18' x 20', with a pitched roof, result in a space too small to adapt for living quarters, and even small for a car.

Tim Ross asks the applicants if they have submitted their proposal to the [Golf Course and Country Club, and Homeowners Association], and if they are in agreement with it. Joe Curthoys notes it is complicated to get anything done in that location. Tim Ross notes they will be informed of the public hearing, and the Homeowners Association has a number of covenants which require prior approval from them to alter properties within the association. Anne Rubin notes a prior applicant, from the same neighborhood was required by the Board to submit a letter from the Homeowners Association. Jim Hegstetter asks the applicants if anyone has talked to the Board of the Homeowners Association, to which Mr. Curthoys replies he is not sure if it is relevant. Victoria Polidoro clarifies the ZBA acts independently of any [homeowners] association, but if the applicants put the garage up, and the association says no, they can bring the applicants to court. Jim Hegstetter also comments public hearings tend to proceed more smoothly when the neighbors are informed of a proposed action.

Chairman Annas asks the Board and the applicants why the proposed garage cannot be moved 10' to the left, to which Mr. Curthoys replies it would run into the septic field, and Bob Fennell further comments the proposed garage would end up in front of the house, if it were moved 10' to the left. Tim Ross states, in this particular neighborhood, garages located closer to the property line, look better than one sited in front of the house. Bob Fennell notes the adjacent

property has a garage located right on the property line – the Melley property. Chairman Annas confirms the Curthoys' are the contractors for the proposed garage, and the proposal is exactly as described in the application, to which Mr. Curthoys affirms. Chairman Annas asks the applicants if there is any additional information they wish to give the Board, to support their appeal. Mr. Curthoys replies by asking the Board members if they have made a site visit. The Board members state they have. Chairman Annas asks the applicants if there is any additional information they have to support their requests for three area variances. Joe Curthoys states there is somewhat older, dry-laid, stone wall on the property, in front of the house, and in back of the proposed garage, and indicates the location on the drawings he submitted. He further identifies the location of the stone wall is a limiting factor in calculating where the garage can be placed, and states it would be better to have approximately three feet between the proposed garage and the stone wall. Victoria Polidoro asks if this would change the numbers submitted in the application, to which Mr. Curthoys replies it would subtract three to four feet from the total.

Victoria Polidoro and Tim Ross concur that the applicants should amend the application, tonight, at the ZBA review meeting, prior to sending out the Public Hearing Notices. Chairman Annas asks the applicants to confirm they want the garage [even] closer to the road [than was stated on the application]. Chairman Annas then asks the applicants, the Board, and ZEO, Bob Fennell, to discuss and state precisely the distance, from the center line of the roadway, to the proposed garage, the applicant is looking for. Bob Fennell states he measured it as 38 feet. Mr. Curthoys hands Chairman Annas a tablet with photographs. Chairman Annas asks Ms. Polidoro if the Board can review documentation on a tablet. Victoria Polidoro confirms the Board can do so, as long as these are photographs already a part of the record, which they are. Chairman Annas asks Mr. Curthoys how far out from the wall he would like to construct the proposed garage, to which Mr. Curthoys replies he would like to be out 4 feet. Chairman Annas asks Mr. Curthoys how far out from another section of wall would he like to construct the proposed garage, to which Mr. Curthoys replies that section of wall is not relevant, since there are stairs on that side, which access the house. Chairman Annas states the request [to amend the application] is reasonable. Chairman Annas confirms with the applicants there will be no appendages on the proposed garage, and the exterior will be cedar shakes. The applicant amends and signs his application from 44 feet to 38 feet from the roadway.

At 7:36pm Tim Ross moves to declare Appeal 17-02, cited above, a Type II Action under SEQRA. Jim Hegstetter seconds, and all are in favor.

At 7:37pm Chairman Annas sets the Public Hearing, on the amended application, for April 12, 2017. Tim Ross seconds, and all are in favor.

At 7:37pm Tim Ross moves to adjourn the meeting. Jim Hegstetter seconds, and all are in favor.

