

Minutes Red Hook Zoning Board of Appeals

March 9, 2005 meeting called to order by Timothy Ross, Chairman

Roll call: Members present: Jeanne Douglas, Corinne Weber, Kenneth Anderson, Gordon Denegar, Absent: Michael Mosher, James O'Toole

Town Board Liaison: James Ross

The minutes of February 9, 2005 were reviewed. There were no additions/corrections. Upon motion by Corinne Weber and seconded by Kenneth Anderson, the minutes were accepted 5-0 upon roll call vote.

Planning Board minutes: A discussion amongst the Board members was had concerning the appearance of a planner at every Planning Board meeting and the cost to the town. The question arose as to why this was necessary with a competent Board. Also a question was raised as to the certification as a planner of Michelle Greig. James Ross, the liaison to the Planning Board, was unable to respond as he had many of the same questions.

ZEO memos: There were no comments.

Building permits were reviewed

The Chairman advised that he would be recusing himself from the Podolsky Public Hearing as he was the engineer on the project. He further explained that as there would only be four members deliberating on the application, that one no vote would mean the application would be denied. A majority vote, or four ayes, is needed for the granting of any variance as we are a seven member board.

Public Hearing Appeal 05-03 David Podolsky application for an area variance to construct a 36' x 36' building to be occupied by a home occupation for motorcycle accessories, the storage of samples for shows and exhibitions and the sewing of racing tire warmers. The applicant would further ask for a variance to have more than one employee. §143-32 D states "The home occupation activity, whether located within the dwelling or in a customary accessory structure, shall, in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code, occupy no more than five hundred (500) square feet of gross floor area or twenty-five percent (25%) of the gross floor area of the dwelling on the premises, whichever shall be the more restrictive." §143-32H states "Not more than one (1) person other

than members of the household occupying such dwelling shall be employed on the residential premises in the conduct of the home occupation." The applicant reviewed the proposal for the audience. Corrine Weber, acting as Chairperson, read two letters received by the Board. One was from Mr. & Mrs. Panetta and one from Mr. & Mrs. Nussbaum. Both parties expressed their disapproval of the project and asked that the variance be denied. Mrs. Weber opened the Public Hearing and recognized Susanne Osgood, a neighbor. Ms. Osgood was in favor of the proposal. Pamela Veach stated that Ms. Osgood was rarely in residence and could not observe day to day activities and further stated that she did not want a commercial activity in a purely residential area. The applicant advised: there would be no signage, no customers, no traffic, nothing toxic or creation of waste water. He makes specialty items. Mr. Podolsky had reduced his prior request for 1278 sq. ft. of space to 980 sq. ft. Maryann Johnson, a resident of Hapeman Hill Road expressed concern with traffic, the number of parked cars outside the applicants residence now, number of deliver trucks, this is a substantial variance, and one employee to three employees is substantial and there could be expansion in the future. She further considers this proposal as being one of manufacturing. Mr. Podolsky advised that at present, he has one employee for 20 hours a week. He would, if variance granted, employ two more people, a sewer and a bookkeeper. Deborah Pavlich said that she had chosen Hapeman Hill Road because of its rural, residential qualities. John Vall stated that traffic is presently a problem and would be greater if this application were granted and that he had moved here because of the residentially zoned area and thinks a barn would enhance the area but the proposal would not. Donald Pulver has a home on Hapeman Hill Road and is in favor of the project. Steve Lowry is concerned about the property being sold and becoming a larger commercial enterprise. Gordon Denegar asked about a motorcycle track and was told that there was one but it was for personal use. Fred Pavlich concerned about a precedent being set and others starting businesses if this one were permitted. Jeanne Douglas questioned the Building Inspector as to whether permits were need for home occupations and was advised that these were needed and upon further discussion, discovered that the applicant had never applied for a CO for his current occupation. She further expressed her concerns about the application for a building permit stated that this building was to be used for storage and a loft. No mention was made to house a home occupation. Further, the installation of heating and plumbing was disturbing as this 36 x 36 building could easily be turned into an apartment by the applicant or any future owner of the property. Ken Anderson also expressed his concerns about the building permit and request for additional workers. The applicant asked that he be granted an adjournment so that more than four members of the Board could make a final decision on his project. Mrs. Weber adjourned this application to April 13 at 7:20.

Keith Lore presented his proposal for a project aimed for traditional/development, new/urbanism. The project will extend in 6 acres in the Village and 5 or 6 acres in the Town. The Village will be lead agency. 5 variances from the Town Zoning Board of Appeals will be needed. There will be a Home Association with 39 dwelling units in the Town with 14 dwellings in the Village. Most of the homes will have two bedrooms and 2 bathrooms.

Continuation of Appeal 04-05 Bard College request for a variance to the height requirement. The proposal is for an expansion of the Robbins House Dormitory. The college wants to accommodate a 195 bed dormitory, get rid of the trailers now being used, and renovate the present buildings. There will also be several classrooms, practice rooms, exercise room and conference room. The building will be consistent with the manor style pattern of the existing buildings. A variance of 21.3' is being requested for the peaked roof of the 3 story building. The rooftop will be no higher than present rooftops. Corinne Weber made a motion that a 15' variance be granted to allow for a 50' high roof on the new addition to Robbins House and this will fit in with the other buildings, be of benefit to the college without detriment to the neighborhood. This motion was seconded by Ken Anderson and passed by a 5-0 roll call vote as follows:

Gordon Denegar	Yes
Corinne Weber	Yes
Timothy Ross	Yes
Jeanne Douglas	Yes
Kenneth Anderson	Yes

As there was no further business to come before the Board, upon motion by Gordon Denegar, seconded by Timothy Ross, and unanimously carried, the meeting was adjourned.