

Minutes Red Hook Zoning Board of Appeals

February 8, 2006 meeting called to order by Timothy Ross, Chairman

Roll call: Members present: Kenneth Anderson, Gordon Denegar, Robert Latimer, Jeanne Douglas, Corinne Weber

Absent: Michael Mosher

Town Board Liaison: James Ross

The minutes of January 11, 2006 were reviewed. The minutes were, upon motion by Timothy Ross and seconded by Kenneth Anderson, accepted 6-0 upon roll call vote.

Planning Board minutes: No comments

ZEO memos: No comments

Building permits were reviewed with no comment.

Jeanne Douglas told the Board that to date there has been no communication from Rondack Construction; that there have been several adjournments and this matter should be dealt with. The Chairman instructed the secretary to write to the principal and advise that the Board is aware that there have been several changes in the project and the ZBA has withdrawn the application. The Company is free to resubmit an application with all pertinent modifications.

Public Hearing Appeal 01-06 RPC Main Street Corp., Ralph Cautela, agent. The applicant is asking for a variance for a six foot Gambian wall already constructed in the front yard of premises situate at 10 Sunrise Drive, Red Hook, New York. The land in question is a corner lot which predates zoning. It is a 1.02 acre lot in a 3 acre zoning district. The Chairman recused himself from this appeal as he was the design engineer for the project. This is a retaining wall to retain an earth embankment. In order for the applicant to obtain Dutchess County Board of Health approval, a retaining wall was required. Section 143-28 (A) And (C) of the zoning code applies to this application stating that no wall shall exceed four (4) feet in height when erected in the front yard. It further states that the finished face of the wall shall be directed toward abutting property. Unfortunately, this type wall is not esthetically appealing and has aroused the neighborhood. Mr. Cautella explained the project and stated that the Board of Health required the Gambian wall so as to have enough fill for an expansion field. Rob Latimer questioned if Mr. Cautella had considered a smaller house knowing that the septic system would have to go in the front yard. No response. Corinne asked if any thought had been given to the height requirement of the wall. Applicant responded that he had not considered the height. Jeanne Douglas

questioned as a realtor and involved in the construction business why he didn't review the zoning code and Mr. Cautella responded that he couldn't know it all Rob Latimer responded that it was incumbent upon the applicant to know zoning. Ken Anderson asked if there was documentation from the Board of Health specifying the erection of a Gambian wall; was anything said by the Board of Health regarding the type of wall to be used; what specifically was needed by the BOH for approval. Was any alternative considered that were allowed within the code. Mr Cautella replied that he could not think of any alternative. Ken Anderson asked if this 2 tiered wall could be reduced to one and blend in necessary fill to completely cover over the tier on each side. Mr Cautella replied that this would make the site less appealing and disturb the east side of the property. Mrs. Douglas opened the Public Hearing. Harry Williams stated that he could see this wall from the inside of his home and it is not scenic; feels his home has been devalued. He had written a letter to the Board which Mrs. Douglas read. Tom Kirby said that the wall does not conform to anything else in the neighborhood; vines will not solve the issue and completely agrees with Mr. Williams. Bruce Williams stated that this wall is not a permanent situation. Rob Latimer said that yes this is an ugly wall but that the purpose of this meeting was to discuss the height requirement and the Mr. Cautella has to bring the wall into compliance; needs to come to some mitigating understanding. Kurt Birnbaum wondered if the town would be responsible for any road cleanup after heavy rain and there was a great deal of wash off. Amy Bildzok distributed pictures of the wall which she claimed caused all neighbors a hardship; considers the wall an attractive nuisance; not the way the community should look. George Simmons complained that it doesn't conform to the original plan. Mike Osterhoudt is concerned about runoff and the likelihood of failure. Mr. Reilly stated that the wall looks like a brickyard and does not belong in the neighborhood. The Building Inspector will get correct measurements. Mrs. Douglas adjourned the Public Hearing to March 8, 2006 to give Mr. Cautella an opportunity to develop some remedies. The Board also asked that he bring with him a copy of the BOH approval of the map.

Review Appeal 06-02 John Pelosi application for a variance to reduce the coverage and open space requirements of the zoning code so as to be able to erect a 14 x 30 addition to a single family dwelling to be used as a kitchen. The kitchen of the home is now located in the basement. Mrs. Pelosi was present and explained that the new construction would be an extension of the footprint of the present house. A 4% variance for open space and a 5% coverage variance is being requested. Mrs. Pelosi submitted documents which explained the situation. This matter was set down for Public Hearing on March 8th at 7:40

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