

**Town of Red Hook
Zoning Board of Appeals Meeting Minutes
April 12, 2006**

CALL TO ORDER

The meeting was called to order at 7:20 p.m. by Timothy Ross, Chairman.

ROLL CALL

Members present: Kenneth Anderson, Gordon Denegar, John Douglas, Robert Latimer, Corinne Weber

Members absent: Michael Mosher

Town Board Liaison: James Ross

PRELIMINARY BUSINESS

The Chairman opened the meeting by reading Section 143-134 B of the zoning code and nominated Lea Cassarino to act as Clerk of the Board. This was seconded by Corinne Weber and carried by unanimous roll call vote.

The Minutes of March 8, 2006 were unanimously approved.

Planning Board Minutes: No comment.

The Chairman made comments regarding training for ZBA and Planning Board members. The Red Hook ZBA is one of 12 in Dutchess County that is certified through the Pace University Land Use Conservatory. The chair stressed the importance of maintaining a minimum of five members whose certification is current in order to retain the Board's certification.

Building Permits were reviewed without comment.

PUBLIC HEARING APPEALS

7:20 p.m. O6-03 David Wyant application to construct a 753 sq. ft. accessory apartment.

Section 143-64 allows 650 sq. ft. or 35% of the total habitable space of the existing structure which totals 635 sq. ft. The applicant submitted, and the board reviewed, photos and a drawing of the layout for the 753 square foot apartment. Ken Anderson asked if the footprint changed and was told it did not. The applicant was advised that he needs to verify through the County Health Department that the existing water and sewage capacity was adequate given that he is adding a fourth bedroom to his three bedroom home with the addition of the apartment. Mr. Wyant indicated that he did not want to go through that process with Health Department and that he was only using two of the three bedrooms in his home. Bob Fennell explained that the fact that the bedrooms exist, not their use, is what is considered. Tim indicated that a room is defined as a bedroom if it has a closet. Thus, if the closet is removed from the non-used bedroom, the room would no longer be classified as such. It was suggested that Mr. Wyant work out this issue with Bob Fennell and Steve Cole. Corrine Weber then made a motion to grant a variance allowing the square footage to increase by 103 square feet based upon the following: there would be no adverse effect on the health, safety or character of the neighborhood, and it will be of benefit to the applicant. John Douglas seconded the motion which was unanimously carried

by the following roll call vote:

Kenneth Anderson - yes
 Gordon Denegar - yes
 Robert Latimer- yes
 John Douglas - yes
 Tim Ross - yes
 Corinne Weber - yes

The public hearing was closed at 7:30 p.m.

7:40 p.m. 06-05 Brian Wootan application to extend current garage and convert interior into an apartment. Section 143-64 requires that no exterior changes be made to extend the existing foundation, and the residence and apartment be on a parcel of one acre. Evelyn O'Brien of 5 Aspinwall Road requested an explanation of the proposed plan, which Mr. Wootan provided. The Chair then read into the record a letter from William Worrell of 9 Aspinwall Road in which he indicated that he had no objection to the Wootan appeal providing siding and roofing materials and colors are consistent with existing house; contents of garage would be stored out-of-sight; adequate off-street parking provided for registered vehicles only and no burning before, during or after construction. Ms. O'Brien indicated that she spoke with Mrs. Worrell whose main concern was in which direction the garage would be extended. Ms. O'Brien noted that she, herself, had no objection to the plan. The Board asked Mr. Wootan where he intended to store the items removed from his garage. He noted that he intends to use a 10 ft. x 10 ft. shed. Tim Ross cautioned him to be aware of side yard setback requirements. The Chair then made a motion to grant the variance based upon the following: there would be no adverse effect on the health, safety or character of the neighborhood, there are no objections from the neighbors, and it will enhance the property. Corinne Weber seconded the motion, which was unanimously carried by the following roll call vote:

Kenneth Anderson - yes
 Gordon Denegar - yes
 Robert Latimer- yes
 John Douglas - yes
 Tim Ross - yes
 Corinne Weber - yes

The applicant was advised that he would need to obtain a Special Use Permit from the Planning Board.

The approval of the variance was then amended to indicate that the variance granted was for an 11ft. 9in. extension of the existing footprint and to waive the requirement that the residence and apartment be on a parcel of one acre.

The public hearing was closed at 8:00 p.m.

8:00 p.m. 06-04 Kenneth Giek application for area variances with reference to setback requirements as set forth in the District Schedule of Area and Bulk Regulations. The Chair read into the record a letter received from Mr. Giek indicating that his engineer has requested location of the house be shifted slightly to the east to allow ample space for the driveway. The Board reviewed the new site plans submitted by the applicant that showed the shift in location, as

described. Tim Ross made a motion to grant variances from the requirements in the District Schedule of Area and Bulk Regulations as stipulated in the Mr. Giek's letter and to grant an 8.01% coverage variance. John Douglas seconded the motion, which was unanimously carried by the following roll call vote:

Kenneth Anderson - yes

Gordon Denegar - yes

Robert Latimer- yes

John Douglas - yes

Tim Ross - yes

Corinne Weber – yes

The public hearing was closed at 8:10 p.m.

REVIEW OF APPEAL APPLICATIONS

Marilyn Maulucci application to construct a garage in close proximity to the property line. The Board discussed the need for the side of the garage to be as least two feet from the property line. It was suggested that the proposed 16 ft. wide garage be decreased to 14 ft. in width. The applicant was asked by the Chair how she was able to determine the location of the property line. Ms. Maulucci indicated that she knows where the line is, although there are no markers indicating such. The applicant was advised to do the following: a) amend the diagram of the project to indicate a garage of 14 ft. in width; b) bring in photos of the property, including a broad view of the area; and, c) look for records, such as a survey, that show the exact location of the property line. A public hearing was set for May 10, 2006 at 7:20 p.m.

06-06 Steve Gemmel applicaton for area variances with reference to setback requirements as set forth in the District Schedule of Area and Bulk Regulations. The applicant wishes to build a two-story addition to his home that would include a family room and a bedroom. Tim Ross advised Mr. Gemmel to prepare drawings to scale that show both the existing and future dimensions of the home. He also needs to check with Jim Napoli and the Department of Health with regards to the capacity of the septic system. He should also note if neighbors have similar additions to there home as proof that his addition would be in keeping with the character of the neighborhood. A public hearing was set for May 10, 2006 at 7:40 p.m.

ADJOURNMENT

As there was no further business to come before the Board, upon motion by Tim Ross, seconded by Corinne Weber and unanimously carried, the meeting was adjourned at 8:20 p.m.

Respectfully submitted by,

Lea Cassarino
Clerk of the Board