

Town of Red Hook
Zoning Board of Appeals Meeting Minutes
May 10, 2006
AMENDED

CALL TO ORDER

The meeting was called to order at 8:00 p.m. by Timothy Ross, Chairman.

ROLL CALL

Members present: Kenneth Anderson, Gordon Denegar, Michael Mosher, Corinne Weber, and Tim Ross, Chairman

Members absent: John Douglas, Robert Latimer

Town Board Liaison: James Ross

PRELIMINARY BUSINESS

The Minutes of April 12, 2006 were unanimously approved.

Planning Board Minutes: No comment.

There was a brief discussion regarding a cease and desist letter sent to James and Shannon O'Neil from the town zoning and code enforcement officers. The O'Neil's are violating the town zoning law by operating an automotive towing business from their home located in the RD3 Zoning District. This case may go to the State Supreme Court.

Building Permits were reviewed without comment.

A request from the Planning Board that it serve as the Lead Agency to conduct a SEQR of the Henry Ruella subdivision project, was unanimously approved.

REVIEW OF APPEAL APPLICATIONS

06-08 Robert Zahorsky application for a variance with reference to side yard setback requirements. The applicant has a newly erected storage shed located on a back corner of his property and is seeking a variance of nine feet from side yard setback requirements. The applicant indicated that, due to sloping of the land and the presence of mature trees he that did not wish to remove, the shed was erected in its present location. The chair inquired if there were markers indicating the property line. The applicant responded that he believed a line of trees planted on the side of his property was on the property line and that the brush and undergrowth in the area was very thick, making it difficult to see a marker. It was suggested the applicant check to see if he received a survey of the property when he purchased it, which would accurately show the property line and thus determine the amount of variance to request. A public hearing was set for June 14th at 7:40.

06-09A & 06-09B Ronald Goodman/Rondack Construction applications for area variances from driveway setback requirements. Presenting on behalf of the applicant was Art Brod, Jr., AICP. Mr. Brod reviewed the history of the project, including appeal 06-09A which was first submitted to the ZBA for review in August 2005. It requests a variance to construct a parking lot turnaround that encroaches into the 25 ft. setback area required in a B2 district. Due to delays in other approvals needed by the project, the applicant requested removal from the October 2005 agenda at which a public hearing for this application was to take place. The applicant has now, however, submitted a revised site plan to, and received a State Environmental Quality Review (SEQR) Negative Declaration from the Planning Board, and is ready to proceed with appeal 06-09A. It was noted that the turn around was planned to facilitate both normal traffic flow and emergency vehicle traffic. Additionally, a small island in the turnaround area will contain a fire hydrant. Appeal 06-09B requested relief from driveway setback requirements to allow a driveway to straddle the property line of the two lots involved in this project. The board reviewed the applicant's site plans and scheduled a public hearing for both appeals on June 14, 2006 at 8:20 pm.

06-10 Elizabeth Macrae & John Corcoran application for an area variance with reference to accessory structure requirements as set forth in the Schedule of Area and Bulk Regulations. Applicants wish to build a pottery studio on vacant land adjacent to a lot containing their primary residence. A map of the parcel was presented to the board. The Chair requested that additional copies be made available for the public hearing. Given that accessory structures are customarily subordinate and incidental to a principal building, the chair asked the applicant if he intended to build a home on the property. The applicant indicated that he intended to do so at some point in the future. A public hearing was scheduled for June 14, 2006 at 7:20 pm.

PUBLIC HEARING APPEALS

(Due to the late arrival of two board members, the public hearings were delayed approximately one hour to ensure the presence of a quorum.)

8:35 pm Appeal 06-07 Marilyn Maulucci application to construct a garage in close proximity to the property line and resulting in greater than maximum building coverage. The applicant submitted photographs of her property and neighboring properties with garages located similarly to the one proposed. It was noted that in the College Park community where the applicant lives, garages are often located close to property lines due to the size of the lots in that area. Tim Ross, Chair, opened the public hearing at 8:35 pm and, as there was no public comment, closed the hearing. Michael Mosher made a motion to grant a variance of 18 ft. from side yard set back requirements and a variance of 1.5% to increase allowable maximum building coverage from 15% to 16.5%. This motion was 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. Corrine Weber seconded the motion which was unanimously carried by the following roll call vote: Kenneth Anderson – yes; Gordon Denegar – yes; Michael Mosher – yes; Tim Ross – yes; Corrine Weber – yes.

8:45 pm 06-06 Steve Gemmel application for area variances from front and rear set back requirements and maximum building coverage requirement. The applicant wishes to build a two-story addition to his home, with additions built to both the front and rear of the residence. A

drawing to scale was presented to the board, which showed both the existing and futures dimensions of the home. Tim Ross, Chair, opened the public hearing at 8:45 pm and, as there was no public comment, closed the hearing. Corrine Weber made a motion to grant a variance of 30 feet from the front yard setback requirements, a variance of three feet from the rear yard setback requirements and a variance of 3% from the maximum building coverage. This motion was 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. Tim Ross seconded the motion, which was unanimously carried by the following roll call vote: Kenneth Anderson – yes; Gordon Denegar – yes; Michael Mosher – yes; Tim Ross – yes; Corrine Weber – yes.

ADJOURNMENT

As there was no further business to come before the Board, upon motion by Corrine Weber, seconded by Michael Mosher and unanimously carried, the meeting was adjourned at 8:55 p.m.

Respectfully submitted by,

Lea Cassarino
Clerk of the Board

FINDINGS AND DECISION

Appeal #06-07 Marilyn Maulucci application for an area variance of 18 ft. from side yard setback requirements and an increase of 1.5% of maximum building coverage per the District Schedule of Area and Bulk Regulations Section of the Zoning Law.

Findings:

1. The property is located in the R1.5 Zoning District at 15 Amherst Street, Red Hook
2. Tax Map # 6273-09-199577.
3. The zoning law requires side yard setback of twenty feet and a maximum building coverage of 15%.
4. The applicant wishes to erect a 14' x 28' attached garage on the west side of the existing residence, 2 ft. 8 in. from the property line. This addition would also increase the maximum building coverage to 16.5%.
5. There were no objections from the audience.
6. A variance would be of benefit to the applicant with no detriment to the community.
7. There will be no change in the character of the neighborhood.
8. There will be no impact on the health, welfare or safety of the community.

Decision: Michael Mosher made a motion to grant the variance based upon the above findings. The motion was seconded by Corinne Weber and carried by a 5-0 roll call vote.

FINDINGS AND DECISION

Appeal #06-06 Steven and Linda Gemmel application for area variances of 30 ft. from front yard setback requirements, three feet from rear yard setback requirements, and an increase of 3% of maximum building coverage per the District Schedule of Area and Bulk Regulations Section of the Zoning Law.

6. The property is located in the R1.5 Zoning District at 12 Cornell Avenue, Red Hook
7. Tax Map # 6273-10-264604.
8. The zoning law requires front yard setback of 50 feet, a rear yard setback of 25 feet and a maximum building coverage of 15%.
9. The applicant wishes to add a 420 sq. ft. addition to the front of his residence, reducing his front yard setback to 20 feet; and, a 190 sq. ft. addition to the rear of the residence, reducing the rear yard setback to 22 feet. This addition would also increase the maximum building coverage to 17.9%.
10. There were no objections from the audience.
6. A variance would be of benefit to the applicant with no detriment to the community.
9. There will be no change in the character of the neighborhood.
10. There will be no impact on the health, welfare or safety of the community.

Decision: Corrine Weber made a motion to grant the variance based upon The above findings. The motion was seconded by Tim Ross and carried by a 5-0 roll call vote.