Town of Red Hook
Zoning Board of Appeals Meeting Minutes
August 8, 2007

CALL TO ORDER

The meeting was called to order at 7:05 P.M. by Chairman Timothy Ross.

ROLL CALL

Members Present: Timothy Ross, Kenneth Anderson, Jim Hegstetter, Corinne Weber
Members Absent: John Douglas, Robert Latimer, Michael Mosher
Also Present: Bob Fennell, Building Inspector, Christine Chale, Town Attorney (for the Curthoys Hearing)

PRELIMINARY BUSINESS

Minutes of July 11, 2007: Chairman Ross asked for any questions, additions, deletions or comments on the Minutes. Corinne Weber noted that "Country Fresh" on Page 1 should be changed to "Hudson Valley Fresh". Chairman Ross made a motion to approve the Minutes with this correction. The motion was seconded by Corinne Weber and all were in favor.

Planning Board Minutes and Letters: Chairman Ross asked for questions or comments on the Planning Board Minutes and letters. No comments were made.

Building Inspector/ZEO Permits and Memos: The Board reviewed the current Permits and memos.

Comments from the Chairman: Chairman Ross stated that although there is a quorum, two members of the Board were unable to attend the meeting. As only four members were present, he stated that he planned to give every applicant the option of having the Board vote tonight or table the case until next month.

PUBLIC HEARINGS

7:20 Continuation of Public Hearing for Appeal 07-07, Robert Burke and Elizabeth Wilkins for the following area variances: to increase height of fence in front yard from the maximum of four feet to six feet; to have finished side of fence not face abutting property and to maintain plantings over the maximum of three feet in height within the required triangle. The applicant's lot is located at 46 Barrytown Road, Red Hook, in the RD5 zoning district. Chairman Ross stated that the triangle is the purview of the County and not that of the Board. He verified that the applicants intend to reverse the fence so

that the good side faces out. The remaining issue, he said, is height. He then opened the Hearing for public comment.

Neighbor *Talea Fincke* stated that, in terms of viewing, neither the fence nor the forsythia cause any damage from the road. Mr. Burke commented that the County has been taking care of the plantings for twenty years. *Henry Christopher*, who stated that he lives at the Seminary, said that he passes the corner regularly and he likes the fence. He feels that it is a nice addition and does not detract from anything. He said that if he lived so close to the corner, he would like the protection of the bushes. Chairman Ross again referred to the fact that the plantings are the purview of the County and they have specific regulations in this regard. *Mr. Christopher* added that the present fence is nicer than having a chain fence. *Ms. Fincke* expressed her opinion that Ms. Wilkins maintains a beautiful yard and said that she expects her to continue to put in other plants which would complement the yard.

Chairman Ross then read into the record the letter from *Mr. Lombino* in which the writer said he would not agree to the variance unless he saw a written proposal showing the exact placement of the fence, the design and the materials. Chairman Ross asked if anyone had any further comments. As there were no further comments from the public, he asked for comments from the Board. Jim Hegstetter stated that his only issue was the way the fence was facing. Corinne Weber had no comments, feeling that the issues were addressed at the last meeting. Ken Anderson said that he liked what he was hearing from the public.

Chairman Ross again confirmed with the applicants that the contractor is going to turn the fence around. However he questioned the need for the fence to be six feet high all the way to the road, saying that he did not see the benefit of having the last three or four sections be that high. Ms. Wilkins stated that she would feel safer having the fence at this height. Chairman Ross again brought up his concern regarding the height of the last three sections of the fence. Mr. Burke responded that he wanted the height for reasons of privacy. Chairman Ross conceded that the height of the fence would not affect vision from the road. Corinne Weber felt that the six foot height across the entire fence would establish uniformity of line. *Peter Close*, attorney representing neighbor *Kevin Makenzie*, submitted to the Board photographs of the fence from the yard.

Chairman Ross asked if anyone present had any comments related to the fence. *Doris Soroko*, who said that she lives two houses to the north of the applicants, stated that Ms. Wilkins has a beautiful garden. She stated that the applicants have helped make Barrytown more of a community. Regarding the fence, she said that there is an aesthetic there; it has enhanced the whole four corners area. She said that the garden is beautiful and they shouldn't have to take the fence down. *Mr. Christopher* stated that having the fence go from six feet to four feet would be displeasing. Mr. Burke added that the property is unique and does not meet zoning laws. Chairman Ross explained that it predated the zoning laws.

Neighbor *Kathleen Toelke*, who lives at 1097 River Road, said that she does not know either Kevin Makenzie or Elizabeth Wilkins; however she attended because she heard about the meeting. She said that Elizabeth's property looks the best she has seen that property look. There was a chain link fence there and the wooden fence enhances the property. She said that the applicants' lot is the gateway to the community and the property looks great. She felt that if there is a privacy issue it would be good for the applicants to have a little privacy, at least on one side of their property. Again, she repeated that she does not know either party.

Ms. Soroko supported the idea of having the fence be a uniform height of six feet rather than having different levels. She felt it would not affect Mr. Makenzie, as the front of his house does not have a porch and is not used in that manner. Chairman Ross indicated that his stance regarding reducing the height of the fence in the last three sections was a question of aesthetics as people are driving down the road. Neighbor *Joan Duffin* stated her opinion that the applicants are entitled to have their privacy. She said that she finds the fence beautiful and thinks that Mr. Makenzie has no legitimate reason for being opposed to it. *Adam Fincke* stated that he has been on Elizabeth's property several times and he has no problem with the fence. He said that it is not a major issue. It is sufficiently covered by the trees so that it is not really an aesthetic problem.

Peter Klose, representing *Mr. Makenzie*, stated that in order to grant a variance, it is necessary to show five specific things. The fence, he asserted, will change the nature and character of the lot because it creates a stockade, prison-like atmosphere whereas the neighborhood is one of open fields and rolling hills. Secondly, he stated that the fence adversely impacts the environment. It is ugly and detracts from the neighborhood and from Mr. Makenzie's yard. Thirdly, Mr. Klose continued, there are feasible alternatives to the applicants' proposal. Fourthly, Mr. Klose found no rational basis for granting a variance as a four foot fence would meet privacy needs. Lastly, Mr. Klose concluded, the difficulty in this case is self created. The applicant erected the fence without a permit and it is their fault that it violates zoning law.

Chairman Ross asked if there were any other comments. *Doris Soroko* raised a question regarding the use of wood burning stoves, referring to a previous dispute between Mr. Makenzie and the applicants. While the question was addressed by Mr. Fennell, Chairman Ross stated that the previous dispute was not the issue at hand. Mr. Burke stated that the present dispute is not about making sure the fence meets code, but is rather a dispute between neighbors. *Mr. Makenzie* was recognized and spoke about the length of his residence in the area and the history of his relationship with the applicants. Chairman Ross stated that Board was not going to address past disputes as they do not have any bearing on the issue at hand. *Peter Klose* stated that Mr. Makenzie wants something to be done about having the applicants follow the rule of law. The problem is that it is a six foot high stockade fence, he said. The law provides that there should be a reasonable solution. That solution would be a four foot high fence.

Chairman Ross asked if there were any other comments from the public. As there were none, he asked for comments from the Board. Ken Anderson said that the Board is not here to discuss personal matters and we must turn our attention to the matter at hand. Firstly, the fence is facing the wrong way and secondly, it is six feet high. It has nothing to do with how the neighbors get along. Corinne Weber stated that Stuart Levine had a similar problem and that is something that has to be considered. She felt that it was not infringing on the health or safety of the community. Jim Hegstetter said that he had read everything and had heard what the people in the neighborhood had to say. He stated that he would not weigh in any personal matters. Chairman Ross said that he still did not see the benefit of having the last three sections of the fence at six feet. He reiterated that the applicants had agreed to turn the fence around.

Prior to closing the hearing, Chairman Ross asked if there were any additional comments or questions. *Al Woisin* expressed his opinion that the law should be followed. *Paula Schoonmaker* stated that she knew that this has been a long running issue between Mr. Makenzie and the applicants. She stressed that the issue of the applicants having privacy in their yard is an important one. Jim Hegstetter asked if anyone else in the room besides Mr. Makenzie objected to the height of the fence. Chairman Ross reminded Mr. Hegstetter of the letter from Mr. Lombino.

The Public Hearing was closed at 8:07 P. M. Chairman Ross offered the applicants the option of having the Board vote tonight or at the September meeting. He explained that if the matter is tabled, the Board must take a vote in September due to time constraints. The applicants opted for tabling the matter and the continuation of the Hearing was set for 7:15 P.M. on September 12, 2007.

8:10 <u>Continuation of Public Hearing for Appeal 07-06, Kim and Joe Curthoys application for the following area variances for an addition to their existing building: increase maximum building coverage from 7% to 20 % and reduce minimum open space from 80% to 69%. The applicant's lot is located at 183 Country Club Road in the Town of Red Hook zoning district.</u> Chairman Ross asked if anyone in the audience was there to speak relative to the Curthoys application. As there was no response, he read into the record an anonymous letter suggesting that the Curthoys should combine their two lots or build a larger home on the larger of the two lots rather than overbuild the small lot on which they live.

Chairman Ross said that at the last meeting the Board had expressed concern with the plan for the two car garage, as this was a very intense use of the small lot. Mr.Curthoys submitted a new plan for a one car garage. At Chairman Ross' request, he explained the new plan to the Board. The main floor would have a kitchen, a great room and a bath, he said, and the second floor would have two bedrooms and two baths with a loft overlooking the great room. Bob Fennell stated that Kim Curthoys had come to him to recalculate the footage, but somehow, in spite of the fact that he has cut down the size of the building, the variance has gone up. The building coverage is now 22%.

Chairman Ross commented that he likes the looks of the building, but it doesn't look much smaller than the last plan. Mr. Curthoys responded that the only difference is that it is a one car rather than a two car garage. Chairman Ross said that it had only been reduced by four feet. Mr. Curthoys asked if the Board would like the garage to be 16 by 28, rather than 20 by 28. Chairman Ross responded that the Board had asked Mr. Curthoys to go with the minimum he could live with and that he hadn't reduced it by much. Mr. Curthoys said that he felt that the numbers were not as low as expected because the 25 by 15 foot shed, which he intends to remove, had been included in the calculations.

Mr. Curthoys asked how much of a variance would be needed to move ahead, using the new calculations. According to those calculations 65% would be open space, 35% covered and 22% building coverage. Bob Fennell responded saying that what is allowed is 7% for building coverage and what they are asking for is 22%. And the minimum open space requirement is 80% and they are only going to provide 65%.

The Board reviewed both the current and previous plans submitted by the applicants and noted that the change was only four feet. Ken Anderson said that the Board was thinking that narrowing a two car garage down to a one car garage would take off ten to twelve feet. Mr. Curthoys said that this is due to the stairway going to the garage and offered to narrow the garage to 14 feet rather than 20 feet. Chairman Ross responded that it would still be a great deal of building on that small lot. Ken Anderson said that combining the two lots had been discussed at the last meeting and asked Mr. Curthoys if he had given that any thought. Then, Ken continued, you wouldn't need any variances. As Mr. Curthoys did not respond, the Board continued to study the plans.

Mr. Curthoys said that he thought that reducing it to a one car garage would be sufficient. Chairman Ross responded that what you reduced it to was a car and three quarters; 24 to 20 isn't that much of a reduction. Mr. Curthoys asked if the Board wanted the garage to be 28 by 16. Ken Anderson said to make it as small as possible and keep the variance request small. Chairman Ross said it's nice to have the garage, but if you lose the studio it would make a big difference.

Chairman Ross asked Jim Hegstetter if he had specific concerns with this. Jim said yes, we voiced them the last time about the size. We talked about using the lot next to it. We got some comments from neighbors who also have concerns about the lot being overbuilt and overloaded. He asked if anyone present had any comments to make. *Rich Dill* responded saying he has a lot half way around the lake from the Curthoys, not directly next to them. He expressed his concern that the lot was being overbuilt. He also asked whether the Curthoys were going to connect the existing main house and the studio. Chairman Ross said that that was the original plan. Mr. Curthoys said that there was to be a shed roof that you could walk under; they were not physically connected. Chairman Ross said that the plan had the corners touching so that you could tie them all together. *Mr. Dill* asked if the revised plan still does that. Chairman Ross said that it does not. *Mr. Dill* then asked if there was going to be a second story over the garage. Chairman Ross

responded in the affirmative, saying that that is the plan right now. *Mr. Dill* continued, saying that the Board has already expressed their opinion that this is an awful lot to put on that one little piece of property, asking for a large variance when there is an existing piece of property that could be combined with it to spread things out.

Bob Fennell asked what the purpose was of keeping the studio building. Mr. Curthoys indicated that it was convenient to have a separate building on the premises. Bob suggested that maybe he should give that up if he wants everything else. *Mr. Dill* said that the Country Club has bylaws permitting only one dwelling per property and there had been concern in the past about the studio being another dwelling. Chairman Ross stated that the Board does not enforce bylaws. Jim Hegstetter asked for further comments. As there were none, Chairman Ross said that his comment was that some progress has been made, but it is still too much on that little lot. The garage represents 4½%. If you didn't loft it, he continued, you would have the ability to get your two bedrooms without the garage. I would not be comfortable with that addition for the garage, with the studio and porch there as well. Mr. Curthoys said that the only green space we would lose would be the footprint of the garage. But you have the porch and the deck, Chairman Ross responded. Mr. Curthoys said that it seems as though the major concern is the garage. With the porch and the deck, that puts you at 18%, Chairman Ross said.

Chairman Ross asked if there were any other comments from the public. Neighbor *Derek Moore* asked if there were any architectural drawings for this. He asked if the plans shouldn't be laid out by an architect so that they are accurate. Chairman Ross responded that the applicant has reasonable sketches and the Board never asks an applicant to put together full blown architectural plans because if he doesn't get his variance, that is an unreasonable expense. Our real issue, he continued, is the size of it . Chairman Ross asked if there were any other comments. As there were none, he closed the Public Hearing at 8:35 P.M.

Chairman Ross then asked for comments from the Board. Jim Hegstetter said that he was under the impression that the applicant was going to look at the possibility of combining the lots and that was going to be the primary solution; but you have resketched the lot and I still have concerns about overbuilding on that small lot, he said. Mr. Curthoys said that he had not compared his proposal with the percentages on other homes on small lots and, therefore, he did not know how far off he was but he had a feeling he was pretty close. Chairman Ross said that he had looked at that and Mr. Curthoys' lot was one of the smaller lots. He thought more had been combined, but in the whole Park only three have been combined to date.

Chairman Ross asked Corinne Weber if she had any comments. She said that 7% is allowed and the applicant is looking for three times that. If you lose the garage, you are still at 18%, she continued, and that is still excessive. I understand your wanting enough room for your family, she continued, but I would think you would want to combine that lot or sell the lot you are on and build on the other lot, which is bigger. Jim Hegstetter said that there would then be no variance issues. Chairman Ross asked Ken Anderson if

he had any additional comments. Ken said that he would like to see the applicant join the two lots together. With the current plan, he said, it is crowding things too much and you are asking for too much of a variance.

To put it in perspective for the Board, Chairman Ross said, the original house without the studio (30 by 40) is over the allowed amount. 7% is only 887 square feet; however, with that and the porch and the studio, it is considerably above that. My comment, he continued, is that if you put a full two story on the footprint of the existing house, you have 2400 square feet. That's certainly a reasonable size and does not overtax this. If we do away with the studio, can we put in a garage Mr. Curthoys asked. Yes, Chairman Ross said, depending on the size of it. Ken Anderson said the Board would need to see some numbers.

Since only four members of the Board were present, Chairman Ross offered Mr. Curthoys the option of either tabling the vote until September or having the Board vote tonight. Mr. Curthoys asked if, during the interim, he could bring back numbers about the studio and the garage. Chairman Ross stated that the Board had been through that and could not accept new information. Mr. Curthoys said he preferred to table the case. Chairman Ross stated that next month the Board will have to vote because of time constraints. The continuation of the Hearing was scheduled for 7:25 P.M. on September 12, 2007. He informed the applicant that he did not have to attend; there will be a brief discussion and the members who were not here tonight will be instructed to make sure that they are familiar with the Minutes and the layouts.

8:45 <u>Public Hearing for Appeal 07-09, Linda Lindsay application for a use variance to create an accessory apartment in an existing building through adaptive reuse of a non-dwelling structure. The applicant's lot is located at 123 Old Post Road North, Red Hook, in the H zoning district</u>. Chairman Ross said that at the conclusion of the last meeting Bob Fennell had recommended that if the business were downsized, the variance could be a change of a non-conforming use. Addressing the concerns of Jim Hegstetter about the business, Chairman Ross said he was there today and a large part of the area you would call the business has finished hardwood floors. It looks more like a finished dance hall than a machine shop. It is not what you would think of as a garage. There is one room that has a concrete floor, where there is a lathe and a few other machines.

Mr. Lindsay presented a picture and a layout to the Board. He said that they are looking at using as an apartment what historically was a set of offices on the second floor. He explained the layout he had presented to the Board. He said that for medical reasons, they had downsized the scope of the business over the last twenty years.

Chairman Ross opened the Public Hearing at 8:50 P.M. Neighbor *Dave Foti* expressed his concern with another apartment, the septic system and the general activity. Right now, he said, it has been quiet. However he was concerned about how much activity there would be in the area. The parking lot is very tight, he said; but fortunately the church has been a good neighbor. Chairman Ross then read into the record a letter from the pastor of the neighboring church which expressed concern regarding possible tenant use of the

parking lot. He added that when he was going through the building, the Lindsay's had mentioned that that was an issue and that they had made arrangements with the church.

Chairman Ross asked if there were other comments from the public. Neighbor *Alfred Woisin* asked what the Lindsays were proposing now. Chairman Ross said that there is a two bedroom apartment which is on the second and third floor of the building; the first floor, in its entirety, is presently being used by the applicants and the second floor has an entrance from the first floor staircase to a one bedroom apartment. *Mr. Woisin* said that the building used to be a 100 year old schoolhouse. They had been given a variance to put an addition on that small lot which was half the size of the original structure. What else does he want to put in there, he asked. He already has an apartment and a business in there. *Mr. Woisin* also expressed concern about the deck, which he said is on his property line.

Chairman Ross asked if there were any other comments from the public. As there were none, he recognized Jim Hegstetter who asked if there was a building permit for the south porch. Mr. Lindsay said he did not get a Building Permit, but he had replaced what was there. Jim said that you still need a Building Permit to do that. He asked if an application had been made and denied for that. Mr. Lindsay said no. In response to questioning Mrs. Lindsay said that she is realtor, but although she does sometimes work from there, she does not run a business from the building. She said she just has a rental there. It was clarified that the only businesses operating from the building are the machine shop and the sound design business of Mr. Lindsay. He emphasized that the shop itself and the business structure have been downsized considerably.

Mr. Woisin then asked if there were two businesses and an apartment in there. Chairman Ross responded saying that the first floor is a machine shop, component design and two individual offices for the business. The offices and the machine shop are together. There are no separating doors; it is one space.

Corinne Weber asked if the applicant is going for a use variance or an area variance. Chairman Ross said that the applicant prefers to look at this as a change of non-conforming use, a less intense use than previously. The Board again reviewed the plan.

Chairman Ross said that the Board had discussed considering this a change to another non-conforming use which is less intense. However, he continued, Mr. Fennell rightfully points out that for us to look at it this way, you need to go to the Planning Board for a site plan review. Mr. Lindsay said that they had gone to the Planning Board and the Planning Board wanted them to get the opinion of the Zoning Board of Appeals first. He said he put applications in to both Boards simultaneously. Bob Fennell said he thought that their application to the Planning Board was not for this. It must have been for a special permit for an apartment or something of that nature. To clarify the issue, Chairman Ross then read Chapter 143-125C of the Red Hook Zoning Code which states: "A non-conforming use shall not be changed to another non-conforming use without prior approval by the Board of Appeals and then only to a use which, as determined by the Board of Appeals, is of the same or more restrictive nature. Such change shall also be preceded by a site

plan review and approval by the Planning Board in accordance with Article VII of this Chapter." The structure is not going to change, he continued, so probably the primary issue the Planning Board will have to address will be the parking.

Chairman Ross then said, we will continue the Public Hearing to our next meeting and, depending on the Planning Board review, we may have to continue it once more. We will republish stating that the application has been altered to a change of use. We will not redo the mailings because everyone who is interested has shown up.

Dave Foti asked if the tractor trailers will be on the lot any longer. Mr. Lindsay responded that they would not. Only his mobile home would be there. Jim Hegstetter asked how many apartments there would be. Two, Mr. Lindsay responded. It would go up an apartment from the original use. In response to Mr. Hegstetters questions, Chairman Ross stated that the fabrication business is not like a heavy duty machine shop; it is a pretty small machine shop. *Alfred Woisin* said after they get permission for this big apartment, next time they can cut that in half and put a small business in there. If you keep chopping it up, you'll end up with a mini-mall. Chairman Ross said that the change of use is because they had a business there with a tractor trailer there all the time, five full time employees and delivery men. They want to reduce that to a much smaller business, three or four employees, no tractor trailer and a one bedroom apartment. We have to look at what it was used for during the period from February 1993 to now and determine if what they are proposing is more or less intense.

Chairman Ross advised the applicants that they have to go back to the Planning Board, seek site plan approval and say that we are looking at this as a change in non-conforming use. Their approval has to precede any decision by this Board. The Hearing will remain open until we hear from the Planning Board. We can only review more data in the interim. The Public Hearing Notice will be republished as a change of non-conforming use. Town Attorney Christine Chale said it should be republished as a modification of a non-conforming use, not a change of non-conforming use. Chairman Ross said it was a change to another non-conforming use. The continuation of the hearing was set for 7:40 P.M. on Sept. 12, 2007.

9:05 <u>Public Hearing for Appeal 07-10, Donald and Karen Signor application to reduce front yard setback of shed from the required minimum of 50 feet to two feet. The applicant's lot is located at 20 Edgewood Drive, Rhinebeck, in the R1.5 Zoning District.</u> Chairman Ross asked if anyone was present to speak relative to the Signor's application. As there was no response, he opened and closed the public hearing. Mr. Signor was recognized and said that people don't understand that the line is 13 feet from the edge of the road. Chairman Ross said that the layout shows that nicely. When asked why he put the shed where he did, Mr. Signor said that it is the best piece of land he has. It is flat and no trees have to be cut down. If he were to put it in another location, he said, he would have to cut down trees and get a bulldozer in and he stated that he didn't want to cut down any trees. It will blend in with the property. Once I get the building spotted, he said, I'll plant trees and shrubs and it will look nice.

Chairman Ross said he had been by and saw how Mr. Signor had the rails set out and it does not look like it is only two feet from the line; it is quite a way off the road. Chairman Ross then asked each of the members of the Board if they had any comments. No comments were made

Motion to Grant Variance

Chairman Ross moved to grant the variance requested because it is a benefit to the applicant and no detriment to the neighborhood. Several others in your neighborhood which are very similar have been granted because the parcels are substandard and it is no detriment to the health, welfare or safety of the neighborhood. The motion was seconded by Corinne Weber and all were in favor.

9:10 Public Hearing for Appeal 07-11, Derek Moore application to reduce rear yard setback of proposed deck from the required minimum of 35 feet to twelve feet. The applicant's lot is located at 181 Country Club Drive, Red Hook, in the RD3 Zoning District. The Board reviewed the map with Mr. Moore. Chairman Ross said that the deck will be no closer to the property line than the existing house. He verified with Mr. Fennell that there were no coverage issues and then opened the Public Hearing for comments. There were no comments from the public or from the Board and the public hearing was closed.

Motion to Grant Variance

Jim Hegstetter made a motion to approve the variance. It is twelve feet from the rear lot line. The motion was seconded by Tim Ross who added that it is a benefit to the applicant, no detriment to the neighbors and won't change the character of the neighborhood or health of the community. A vote was taken and all were in favor.

9:15 Public Hearing for Appeal 07-13, Jerry Simonetti of Sim-Kno Farms LLC application to display a twenty by twenty foot sign on the side of barn reading "Hudson Valley Fresh – Buy Local". The law limits the size of the sign to twelve square feet with only the name of the establishment and its principal service or purpose. The applicant's lot is located at 7782 Albany Post Road, Red Hook, in the RD3 Zoning District. Chairman Ross stated that the Board cannot take action tonight. We will have to continue the Public Hearing, he said; the Board does not have a quorum. Three members are absent and Corinne Weber is required to recuse herself. Mr. Simonetti asked if he had to be present again and Chairman Ross responded that he did not. Chairman Ross asked the Board if they wanted Mr. Simonetti to provide any additional information. There were no further requests for information. Mr. Simonetti stated that the sign is going to come down in September of next year anyhow. Bob Fennell asked why it will be coming down and Mr. Simonetti said that it is not a permanent sign and will deteriorate over time.

Chairman Ross said that his concern was that the variance runs with the property and if Mr. Simonetti sells the property, the Board doesn't want there to be a permanent 200 square foot sign on the barn. Therefore, he said, we will put as many stipulations on the

variance as we can. Mr. Simonetti said that he had no problem with the Board granting the variance on a temporary basis, for twelve months. Chairman Ross responded that he did not think the Board could do that legally, but he would do more research on that. He expressed his hope that there would be a quorum next month and the issue would be resolved.

Chairman Ross then read into the record a letter from *Elizabeth Close* in support of the sign. *Susan Simon* of Red Hook asked to read a letter on behalf of *Susan Elias*, also of Red Hook, regarding the variance. *Ms. Elias* was opposed to the sign as she contends that it destroys the beauty of the barn and sets a negative precedent in the community. *Ms. Simon* said that she herself finds the sign very effective. Mr. Simonetti responded that this was the reason he asked for the variance. He said that at the last meeting he had explained that the purpose of it was to let people know about the availability of local milk. We sell more fresh milk in Rhinebeck and Red Hook than in all of southern Dutchess. It has made a big impact. He concluded by saying that he wouldn't want the sign up for a long period of time, one year maximum. Chairman Ross said that the Public Hearing will be continued at 8:00 P.M. on September 12, 2007.

9:25 Public Hearing for Appeal 07-14, Laura and Dan Theisen application to reduce side yard setback from the required twenty feet to 12.4 feet. The applicant's lot is located at 17 Meadow Drive, Red Hook, in the R1.5 Zoning District. Chairman Ross opened the Public Hearing, asking the Board for comments. Ken Anderson asked why the setback requested was exactly 12.4 feet. Mr. Theisen said that that makes the garage 28 feet wide and leaves ample room for the two garage doors that are going to be in there. The standard is twelve feet per garage and that would be a little bit tight. He stated that he has a classic car and he would like to have room to work on it. He explained that he can't get the doors open if he goes with the standard width. Even with a standard width, he stated that he would still need a variance.

Jim Hegstetter confirmed that no correspondence, either for or against this variance, had been received. Chairman Ross offered the applicant the option of having the Board vote tonight or tabling the case until next month. Mr. Theisen opted to have the Board vote. The public hearing was closed.

Motion to Grant Variance

Corinne Weber made a motion to grant the 7.6 foot area variance. It is not a detriment to the community; it is a benefit to the landowner and is not detrimental to the health, safety or welfare of the community. The The motion was seconded by Jim Hegstetter and all were in favor.

REVIEW OF APPEAL

9:30 Continuation of Review of Appeal 07-12, David Baker Construction Co., Inc. application to subdivide the existing flag lot into two parcels and reduce to twenty five feet the fifty foot flag pole width which is required throughout the length of the flag pole. The applicant's lot is located at 40 Kristen Lane, Red Hook in the RD3 zoning district. Chairman Ross stated that the applicant was not present because he had told him not to

come if the Board did not hear from the Planning Board. He set the Public Hearing for 8:20 P. M., September 12, 2007. If the Planning Board does not provide input prior to then, he continued, the Board will proceed on the merits of the information it has.

9:35 Review of Appeal 07-15, Brett Brandes application to reduce the rear and side setbacks for his twelve by twenty pre-fab storage building from the required twenty feet to three feet for the rear setback and fifteen feet for the side yard setback. The applicant's lot is located at 15 Columbia Avenue, Red Hook, in the R1.5 zoning district. Chairman Ross stated that the lot is located in College Park. Mr. Brandes presented a map and explained it to the Board. He said that the shed is in Pleasant Valley and the reason he is moving it is that it is being vandalized and he wants to get it out before it is destroyed. Chairman Ross said that on similar applications in the neighborhood the Board's only comment has been to move the shed a few feet from the line so it can be maintained and he has already done that. He asked for comments from the Board. As there were no comments, he set the Public Hearing for 7:30 on September 12, 2007.

ADJOURNMENT

A motion to adjourn was made by Tim Ross, seconded by Jim Hegstetter and all were in favor. The meeting was adjourned at 9:40 P.M.

Respectfully submitted by,

Sheila Franklin
Clerk of the Board

sf: attachments (3)

FINDINGS AND DECISION

Appeal #07-11, Derek Moore application for a variance from the district Schedule of Area and Bulk Regulations to reduce rear yard setback of proposed deck from the required minimum of 35 feet to twelve feet.

FINDINGS:

1. The property is located in the RD3 Zoning District at 181 Country Club Drive, Red Hook.

2. Tax Map #6372-19-731129.

3. The zoning law requires a 35 foot rear yard setback for proposed deck.

4. The applicant wishes to reduce the setback to 12 feet.

5. There were no objections from the audience.

6. A variance would be of benefit to the applicant with no detriment to the community.

6. There will be no change in the character of the neighborhood.

7. There will be no impact on the health, welfare or safety of the community.

DECISION: Jim Hegstetter made a motion to grant the variance based upon the above findings. The motion was seconded by Tim Ross and carried by a 4-0 roll call vote.

Dated: August 8, 2007

FINDINGS AND DECISION

Appeal #07-10, Donald and Karen Signor for a variance from the District Schedule of Area and Bulk Regulations to reduce front yard setback of shed from the required minimum of 50 feet to two feet.

Findings:

6. The property is located at 20 Edgewood Drive, Rhinebeck, in the R1.5 Zoning District.

7. Tax Map #6172-19-620067.

8. The zoning law requires a fifty foot front yard setback for shed.

9. The applicant wishes to reduce the setback to two feet.

5. A variance would be of benefit to the applicant with no detriment to the community.

6. There will be no change in the character of the neighborhood.

7. There will be no impact on the health, welfare or safety of the community.

Decision: Tim Ross made a motion to grant the variance based upon the above findings. The motion was seconded by Corinne Weber and carried by a 4-0 roll call vote.

Dated: August 8, 2007

FINDINGS AND DECISION

Appeal #07-14, Laura and Dan Theisen for a variance from the district Schedule of Area and Bulk Regulations to reduce side yard setback from the required 20 feet to 12.4 feet for proposed garage.

FINDINGS:

10. The property is located in the R1.5 Zoning District at 17 Meadow Drive, Red Hook.

11. Tax Map #6172-00-787916.

12. The zoning law requires a 20 foot side yard setback for proposed garage.

13. The applicant wishes to reduce the setback to 12.4 feet.

14. There were no objections from the audience.

6. A variance would be of benefit to the applicant with no detriment to the community.

8. There will be no change in the character of the neighborhood.

9. There will be no impact on the health, welfare or safety of the community.

DECISION: Corinne Weber made a motion to grant the variance based upon the above findings. The motion was seconded by Jim Hegstetter and carried by a 4-0 roll call vote.

Dated: August 8, 2007