

Minutes – May 19, 2009
Meeting of
Zoning Board of Appeals

Present:

Chair: Mike Braun

Members: Karen Cleaveland
Robin Logan
Laura Gail Tyler

Building Inspector/ZEO: Robert Fennell

Public: John Hallstein

Village Attorney: Christine Chale

Absent: Joe Cicileo
Bob Juliano

Recording Secretary: Gabrielle Green

The meeting was convened at 7:05 p.m.

Chair Braun asked the board to review the minutes of April 27, 2009. In the last line of the first page Hannan says “Use Variance” when he should say “Special Use Permit”. It was an answer to a question on the application; he wasn’t changing the application, but rather clarifying. Question number four on the variance application he clarified his explanation to say special use permit rather than use variance. Robin Logan moved and Laura Gail Tyler seconded the approval of the minutes as amended. The vote was called and the motion was approved.

Karen Cleaveland made a motion to convene the Public Hearing for the Area Variance request made by John Hallstein and Jan Burgevin of 13 Pine Street. Laura Gail Tyler seconded the motion; all were in favor. John Hallstein stated that the houses on Pine Street are all similar with narrow lots. They have three children and enjoy living in the neighborhood. They believe that the addition to their house will be beneficial to their family. John Hallstein stated how he has gone to measures to make sure that the neighborhood is in no way adversely affected by his proposed addition. It will be set back so no one could see it from the park. Efforts have been made to keep it as hidden as possible. He will be following the existing roof-line.

Chair Braun asked if there were any questions from the public; there were none.

Chair Braun reviewed a sheet with five questions pertaining to area variances criteria. The questions were as follows:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area;
3. Whether the requested area variance is substantial;

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

It was stated that the Variance was a pre-existing, non-conforming situation that was being rectified in the least obtrusive way.

It was noted that the ZEO Bob Fennell had the plans for the Area Variance for 13 Pine Street in his office in Red Hook during the hearing.

Laura Gail Tyler made a motion to close the Public Hearing. Robin Logan seconded the motion. All in favor.

Karen Cleaveland noted that there is no opposition by the applicant's neighbors. Laura Gail Tyler noted question one and four, stating that there will be no adverse affect because the street has identical houses.

Robin Logan made a motion to approve the Area Variance for 13 Pine Street. Karen Cleaveland seconded the motion. Chair Braun did a roll call vote and all approved.

Robert Fennell and Chris Chale join the table discussion. Some concerns were brought up about the Public Hearing notice process. When notices are mailed to the surrounding neighborhood, the person mailing should pay special attention to the mailing address, rather than the physical address. Mailings should also just be sent certified and not return receipt request. There was also discussion about the new process for applicants having to go through the Town of Red Hook ZEO.

Laura Gail Tyler made a motion to adjourn the meeting at 7:46 p.m. Robin Logan seconded the motion. All were in favor.

Respectfully submitted,

Gabrielle Green
Recording Secretary