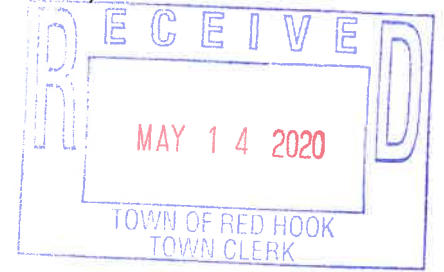


Town of Red Hook
Zoning Board of Appeals Meeting Minutes Approved (5-13-20)

March 11, 2020



CALL TO ORDER

The meeting was called to order at 7:00 pm by Chairman Nick Annas.

ROLL CALL

Members Present: Chairman Nick Annas, Kate Karakassis, Chris Klose

Members Absent: Chris Carney, Jim Hegstetter

Also Present: ZBA Attorney, Victoria Polidoro, Bob Fennell, Town of Red Hook ZEO (via phone conferencing)

PRELIMINARY BUSINESS

January 08, 2020, February 12, 2020 Meeting Minutes

Chairman Annas tables the discussion of these minutes until the April 8 meeting, since the required quorum at this evening's meeting includes a Board member, Chris Klose, who was not present at the January 8, 2020 meeting, and since Chris Carney, who was present at the January, 8, and February 12, 2020 meetings is not present.

Planning Board Minutes/Comments from the Chair

There are no comments on the Planning Board minutes. Chairman Annas informs the Board and ZBA Attorney ZEO Bob Fennell is not present due to fears of the Corona virus. Chairman Annas states Clerk Anne Rubin can call Mr. Fennell on the ZBA Office phone, to answer any questions the Board may have. Chairman Annas asks Ms. Polidoro if the Board will be able to shift to teleconference meetings, since there are over 1000 Corona virus cases in New York state, as of this morning. Ms. Polidoro states as of this moment the Board cannot shift to a teleconference meeting format, due the requirement that the public attend.

Public Hearing

Cary Kittner amended application for an area variance to construct a detached, 672 SF garage on the subject parcel, which would result in a 6% Building Coverage, and to move an existing 12' x 18' outbuilding to a location within 15' of her rear lot line. Town of Red Hook Zoning Law Section 143-12, The District Schedule of Area and Bulk Regulations, limits maximum building coverage in the Barrytown Hamlet Zoning District to 5%, and requires a minimum 15' rear lot line setback for outbuildings greater than 192 SF, and greater than 11' in height, measured from mid-gable to final grade. The subject parcel is located on 1 Wildey Road, in the Barrytown Hamlet Zone, of the Town of Red Hook.

Chairman Annas asks Ms. Kittner if she has anything to add to the presentation of her project, to which Ms. Kittner replies three of her neighbors have written to the ZBA in agreement with her proposed, detached two-car garage and studio. Ms. Kittner also states her neighbors to the north and west of her property have no objections to the project. [See attached Letters from 3 neighbors]

At 7:07pm Chairman Annas asks for a motion to open the public hearing. Chris Klose so moves, Kate Karakassis seconds, and all Board members present vote in favor.

At 7:08pm Chairman Annas asks for a motion to close the public hearing, as there are no members of the public present. Chris Klose so moves, Kate Karakassis seconds and all Board members present vote in favor.

Chairman Annas declares the action Type II under SEQR.

All Board members present ascertain the facts of Appeal 19-13 Kittner as follows:

1. No neighbors spoke out against the proposal.
2. The neighbor whose lot line is closest to the proposed outbuilding location has stated he prefers the proposed location, five feet from the applicant's and his shared lot line, over a permitted location at least 15' from the shared lot line.
3. The proposal is consistent with development in the neighborhood
4. The Barrytown Hamlet District has 5-acre zoning and a permitted 5% lot coverage, which impacts to a greater degree property owners with smaller lots that predate zoning, such as the applicant's property

All Board members present agree the requested variances will not produce an undesirable change to the neighborhood. Kate Karakassis states she visited the subject parcel and further comments the proposed variance requests would not be undesirable, and notes the neighbors are favorable. Chairman Annas and Chris Klose agree stating the project is consistent with improvements in the neighborhood. Chairman Annas states the neighborhood was developed prior to zoning, and further comments a number of the parcels were non-conformative even at that point. Chairman Annas states the five percent permitted lot coverage, in the Barrytown Hamlet District, is lower than the permitted lot coverage in some other districts, and further comments many of the lots are less than five acres, but the District has five acre zoning.

All Board members present agree the needs of the applicant cannot be achieved by other than an area variance.

Kate Karakassis comments the requested variances from five to six percent, is a twenty percent increase, and is numerically substantial, and further states the effect of the requested variance is not substantial, since open space on the lot is being reduced from ninety-five to ninety-four percent.

All Board members present agree the requested variances will not adversely affect physical and environmental conditions in the neighborhood.

All Board members present agree the hardship for which the requested variances were sought to rectify was self-created.

All Board members present agree the requested variances are the minimum to meet the needs of the applicant, based on the applicant's presentations at the review meeting and public hearing.

At 7:33pm Chairman Annas asks for a motion to grant the requested variances, conditional on payment of all fees and escrow. Kate Karakassis so moves, and Chris Klose seconds. All Board members present – Kate Karakassis, Chairman Annas, and Chris Klose vote in favor of granting the requested variances. Chris Carney and Jim Hegstetter are absent.

Review

Fredrique Linnea Brown application for two area variances to construct a 480 SF addition on the subject parcel, which would result in a 12.8% building coverage, to be located 11.9 feet from the side yard lot line of the subject parcel. Town of Red Hook Zoning Law, Section 143-12, The District Schedule of Area and Bulk Regulations limits maximum building coverage in the RD3 Zoning District to 7%, and requires a minimum of 35' side lot line setback for the principal building. The subject parcel is located at 155 Country Club Drive, in the RD3 Zone, of the Town of Red Hook.

Chairman Annas asks the applicant to present her project. The applicant's daughter, Jennifer Philipson, introduces herself and states she and her mother, Frerique Linnea Brown, are working on the project together. Chairman Annas asks Ms. Philipson if she is familiar with the ZBA process regarding the public hearing and neighbor notification via certified letter.

Chairman Annas also states the neighborhood is a former summer cottage colony which predates zoning. Chairman Annas further comments when the Town adopted zoning in the 1970s, most of the lots were already non-conforming. Chairman Annas further notes many of the cottages have been converted to year-round residences, and do not meet lot coverage requirements. ZEO Bob Fennell states the average coverage is 19%, and further comments setbacks are all over the place. Chairman Annas states the requested variances are not out-of-step with the neighborhood.

Kate Karakassis asks the applicant if she has any renderings of the proposed addition, to which Ms. Philipson replies she had not yet had them prepared by her architect, since she was not sure if her mother would receive the variances. Referring to the site drawing submitted by the applicant, Victoria Polidoro asks the applicant to indicate what the rectangle next to the driveway comprises. Ms. Philipson states it is a garden. Kate Karakassis asks the applicant how tall the shed is, to which Ms. Philipson replies she is not sure, but it is not taller than the house. Chairman Annas asks the applicant if the architecture of the proposed addition will match that of the house, to which Ms. Philipson replies it will. Chairman Annas asks the applicant if she will be able to provide a rendering for the public hearing. Ms. Philipson asks the Board in which format she should submit it – to which Clerk Anne Rubin replies paper copies for each Board member, and a PDF. Victoria Polidoro states the applicant should mass the rendering in order to assess the height of the proposed addition. Chairman Annas adds it should also illustrate the proximity to the neighbor's house.

At 7:50pm Chairman Annas asks for a motion to declare the Action Type II under SEQRA. Chris Klose so moves, Kate Karakassis seconds and all Board members present vote in favor.

At 7:51pm Chairman Annas asks for a motion to set the public hearing for ZBA 20-01 Brown. Kate Karakassis so moves, Chris Klose seconds, and all Board members present vote in favor.

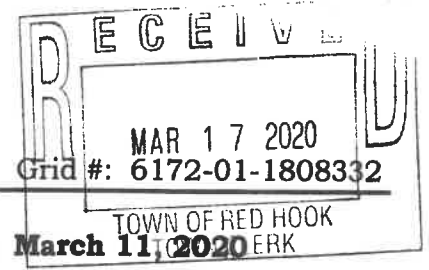
At 7:52pm Chairman Annas asks for a motion to adjourn the meeting. Chris Klose so moves, Kate Karakassis seconds, and all Board members present vote in favor.

The next regularly scheduled ZBA meeting will be held on Wednesday, April 8, 2020 at 7:00pm, in Town Hall. The submission deadline for this meeting is **noon, Tuesday March 31, 2020.**

**TOWN OF RED HOOK
Zoning Board of Appeals**

VARIANCE RESOLUTION

Application #: 19-13 Kittner



Introduced by: **Kathleen Karakassis**
Seconded by: **Christopher Klose**

Date: **March 11, 2020**

The Town of Red Hook Zoning Board of Appeals, at a meeting duly convened on **March 11, 2020** reviewed the facts in Application #**19-13** as submitted by **Ms. Cary Kittner**, and

WHEREAS, the application was determined to be a **TYPE II** Action under the State Environmental Quality Review Act, Section 6NYCRR Part 617, and

WHEREAS, said application requests a variance or adjustment to the strict application of the Zoning Code, specifically regarding the construction of a 672 SF, detached garage, and the relocation of a 12' x 18' outbuilding to 5 feet from her rear lot line, in the **Barrytown Hamlet** district of the Town, and

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on **February 28, 2020** and posted as required by law, and

WHEREAS, at said Public Hearing all who desired to be heard were heard and their testimony recorded, and

WHEREAS, all testimony has been carefully considered and the following pertinent facts noted:

- 1. No neighbors spoke out against the proposal.**
- 2. The neighbor whose lot line is closest to the proposed outbuilding location has stated he prefers the proposed location, five feet from the applicant's and his shared lot line, over a permitted location at least 15' from the shared lot line.**
- 3. The proposal is consistent with development in the neighborhood.**
- 4. The Barrytown Hamlet District has 5-acre zoning and a permitted 5% lot coverage, which impacts to a greater degree property owners with smaller lots that predate zoning, such as the applicant's property.**

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application # **19-13**, a request for a variance from Section 143-12 District Schedule of Area and Bulk Regulations, and Section 148-18 A (2) (a), as set forth above, be **granted** on the following grounds, conditional on payment of any and all outstanding fees and ZBA consultant invoices:

- 1. The variance requested will not produce an undesirable change to the character of the neighborhood or a detriment to nearby properties, since it is consistent with improvements in the neighborhood, and the neighbors, who communicated with the Board, are in favor of the proposal.**
- 2. The needs of the applicant can not be achieved by other than an area variance.**
- 3. The requested variance is numerically substantial; however, the effect is insubstantial.**

4. The requested variance will not adversely affect the physical or environmental conditions in the neighborhood.

5. The hardship for which the variance is sought to rectify was self-created.

6. The variance being granted is the minimum variance to meet the needs of the applicant, as described at the review meeting and the public hearing.

BE IT FURTHER RESOLVED, that the variance is granted subject to satisfaction of the following condition(s):

1. Payment of all fees and escrow.

Adopted:

ABSENT James Hegstetter

ABSENT Christopher Carney

YES Chairman Nick Annas

YES Christopher Klose

YES Kathleen Karakassis



Chairman Nick Annas