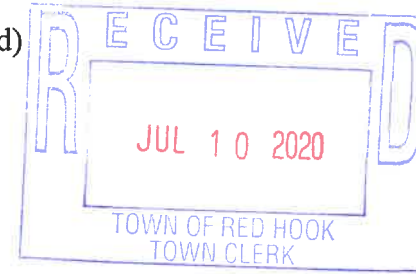


Town of Red Hook  
Zoning Board of Appeals Special Meeting Minutes (Approved)

June 23, 2020



**CALL TO ORDER**

The meeting was called to order at 7:01 pm by Chairman Nick Annas.

**ROLL CALL**

Members Present: Chairman Nick Annas - Present, Kate Karakassis - Present, Chris Carney – Present, Chris Klose - Present, Jim Hegstetter - Present.

Members Absent: No members are absent

Also Present: Victoria Polidoro, ZBA Attorney, Applicant Fredrique Linnea Brown, and her daughter, Jennifer Philipson.

**PRELIMINARY BUSINESS** – There is no preliminary business

**Board Vote on a Variance Resolution for:**

**ZBA 20-01 Brown Amended Appeal for an Area Variance**

Fredrique Linnea Brown application for an area variance to construct a 480 SF addition on the subject parcel, which would result in a 12.8% building coverage on the lot. Town of Red Hook Zoning Law, District Schedule of Area and Bulk Regulations, limits the maximum building coverage, in the RD3 Zone to 7%. The subject parcel is located at 155 Country Club Drive, in the RD3 Zoning District of the Town of Red Hook.

At 7:06pm Chairman Annas moves to adopt the resolution to grant the requested area variance, and Chris Klose seconds. Kate Karakassis asks Victoria Polidoro to add the word “substantial” to number one, under the facts, to read “Although there will be a slight loss of sunlight to the neighboring property (Markunas), the Board does not find that it will result in a substantial detriment.”

At 7:11 pm Chairman Annas asks for a motion to adopt the resolution as amended, to grant the requested variance. The Board votes as follows:

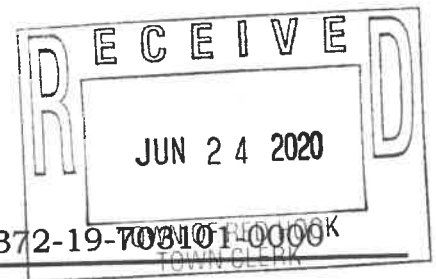
Jim Hegstetter – AYE, Chris Carney – AYE, Chris Klose – AYE, Kate Karakassis – AYE, Chairman Annas - AYE. The resolution passes 5-0.

At 7:12 pm Chairman Annas asks for a motion to adjourn the meeting. Kate Karakassis so moves, and Chris Klose seconds. Chris Klose – AYE, Kate Karakassis – AYE, Jim Hegstetter – AYE, Chris Carney – AYE, Chairman Annas – AYE.

The meeting is adjourned.

**4TOWN OF RED HOOK  
Zoning Board of Appeals**

**VARIANCE RESOLUTION**



Application #: 20-01 Fredrique Linnea Brown

Grid # 6372-19-70310-10000K

Introduced by: Chris Klose  
Seconded by: Jim Hegstetter

Date: **June 23, 2020**

**WHEREAS**, Fredrique Linnea Brown, the applicant, has submitted an application to the Town of Red Hook Zoning Board of Appeals for an area variance to construct a 480 SF addition to an existing single family home located at 155 Country Club Drive, Red Hook, in the RD3 District (the "Property"); and

**WHEREAS**, the proposal is depicted on plans entitled "Philipson Residence" prepared by David Borenstein, Architect, dated March 10, 2020, last revised May 18, 2020 (the "Plans"); and

**WHEREAS**, the Plans have been modified from the initially submitted proposal to reduce the number of variances being requested to one; and

**WHEREAS**, the applicant seeks an area variance from Section 143-12 of the Zoning Law to permit 12.8% building coverage where a maximum of 7% building coverage is permitted in the RD3 District (the "Requested Variance"); and

**WHEREAS**, pursuant to 6 NYCRR Section 617.5(c)(9), the application is Type II action under the State Environmental Quality Review Act; and

**WHEREAS**, the Zoning Board of Appeals scheduled a public hearing for April 08, 2020, which was rescheduled to May 13, 2020 due to the Covid-19 public emergency, notice of the of which was duly published in the Poughkeepsie Journal on and posted as required by law, and

**WHEREAS**, the Zoning Board of Appeals opened the public hearing on May 13, 2020 and closed the public hearing on June 10, 2020, during which all who desired to be heard were heard and their testimony recorded; and

**WHEREAS**, the applicable standards for considering an area variance are set forth in Town Law Section 267-b and Town of Red Hook Zoning Law Section 143-145C, which require the Board to take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the general neighborhood or community by such grant.

**NOW THEREFORE BE IT RESOLVED**, that the Zoning Board of Appeals makes the following findings:

1. The Property is an existing lot of record which predates zoning in a neighborhood originally planned as a summer colony, in which many homes have been converted to full time residences.
2. The applicable zoning standards are based on a minimum 3-acre lot. The Property consists of .42 acre. Applying the maximum lot coverage to a 3-acre lot would allow 9,147.6 sq. ft. of lot coverage while the Property, because it is substandard, is limited to 1,280.6 sq. ft.
3. The Zoning Enforcement Officer has advised the Zoning Board of Appeals that the average lot coverage in the neighborhood is 19%.

4. Over the past 10 years, the Zoning Board of Appeals has considered and granted 8 unique building coverage variances for properties within the neighborhood of the Red Hook Country Club, up to 18% lot coverage (Frick, Curthoys, Brown, McKay, Campbell, Curthoys, Mazza, Markunas)
5. The neighbor to the east, Thomas Markunas, applied for and received a variance to permit a maximum lot coverage of 13.7% for the addition of 425 sq. ft. footprint to an existing single-family home.
6. The applicant originally sought a side yard variance in addition to the lot coverage variance but modified the Plans after the first public hearing to eliminate the request for a side yard setback variance.
7. Members of the Zoning Board of Appeals have visited the Property and have observed existing trees and vegetation between the Brown and Markunas properties.
8. Mr. Markunas has provided the Zoning Board of Appeals with shade studies that indicate that Mr. Markunas will lose between 29 minutes and 2.5 hours of sun (approximate) if the Requested Variance is granted and the project is built. The sun studies did not account for existing trees and vegetation.
9. The neighborhood predominantly contains structures with flatter rooflines.
10. A maximum height of 35 feet is permitted in the RD3 District. The height of the proposed structure is 26 feet from grade to top of the roof. The addition is two stories high to reduce the overall lot coverage required for the addition.
11. The design of the addition includes lower walls at 6 feet high. The applicants will be inhabiting the underside of the roof as part of the living space.

**BE IT FURTHER RESOLVED**, that the Zoning Board of Appeals makes the following findings of fact in accordance with Section 267-b of the Town Law and Red Hook Zoning Law Section 143-145C regarding the Requested Variance:

1. The Requested Variance will not produce an undesirable change to the character of the neighborhood or a detriment to nearby properties. The neighborhood was developed prior to the current zoning law and is characterized by similarly sized lots with houses that exceed the maximum lot coverage. Several properties within the community have received lot coverage variances. The proposed addition will not look out of scale or out of character with the neighborhood. Although there will be a slight loss of sunlight to the neighboring property (Markunas), the Board does not find that it will result in a substantial detriment.
2. The needs of the applicant cannot feasibly be achieved by other than an area variance. The expansion to the 1,152 sq. ft. home will only add another 425 sq. ft. feet to the footprint. A second floor addition would not require an increase in lot coverage, but would require a significant alteration to the existing structure.
3. The requested variance is numerically substantial, but the impacts associated with the proposed addition are not substantial as the proposal is consistent with the general pattern of development in the neighborhood.
4. The requested variance will not 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. The Board notes that the applicant has modified the proposal to eliminate the need for an additional variance.

Adopted:

Chairman Nick Annas Aye

James Hegstetter Aye

Christopher Carney Aye

Christopher Klose Aye

Kathleen Karakassis Aye

ZBA Chair: Nick Annas/ar