

Town of Red Hook
Zoning Board of Appeals Meeting Minutes (Draft)

May 8, 2019

CALL TO ORDER

The meeting was called to order at 7:02 pm by Chairman Nick Annas..

ROLL CALL

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

Members Absent: Jim Hegstetter

Also Present: Victoria Polidoro, ZBA Attorney, and her colleague Patrick Logan, Esq., Bob Fennell, Town of Red Hook ZEO.

PRELIMINARY BUSINESS

April 10, 2019 Meeting Minutes

Chairman Annas asks for a motion to approve the April 10, 2019 meeting minutes.

At 7:04pm Chris Klose so moves, Kate Karakassis seconds, and all present are in favor of accepting the meeting minutes as written.

Planning Board Minutes/Comments from the Chair

There are no questions or comments regarding projects before the Planning Board at this time.

Review Meeting

Appeal 19-02, Eberhard Trumpi, application for two area variances to install one storage building measuring 288 square feet, eight (8) feet from the side lot line. Section 143-12, District Schedule of Area And Bulk Regulations, of the Zoning Law of the Town of Red Hook, stipulates a maximum building coverage of 10% in the RD1.5 Zoning District. The proposed installation would result in a building coverage of 15%. Section 143-18(2) of the Zoning Law, of the Town of Red Hook, requires a side yard setback of 20 feet, per section. The proposed installation would result in a side yard setback of eight (8) feet. The subject property is located at 8 Columbia Avenue, in the RD1.5 Zoning District of the Town of Red Hook.

Before inviting the applicant to present his appeal, Chairman Annas refers to Section 143-18 A (2) b (2), and asks ZEO Bob Fennell to confirm the need for an area variance. Bob Fennell consults the relevant Section of the Town Code, and states it only applies to sheds, which are defined as less than 192 SF. Mr. Fennell describes the proposed installation as an accessory

structure, notes the proposed installation is 288 SF. Ms. Polidoro notes a shed is a specific type of accessory structure, as defined in the Zoning Code. Mr. Fennell states the Town liberalized the zoning requirements for sheds, by diminishing the required setbacks, and further notes the Zoning Law was not liberalized for buildings greater than 192 SF.

Chairman Annas asks the applicant, Mr. Eberhard Trumpi to present his appeal, and asks the applicant if he has a photograph or description of the proposed installation. Mr. Trumpi states he has a written description from Bay Horse Gazebos, the local company supplying the accessory structure. The applicant further states the building is 12' x 24', and presents the document to the Board. Chris Klose asks the applicant if the structure is stick built, to which Mr. Trumpi replies it is pre-fabricated. Chairman Annas asks the applicant to confirm it will be used for storage, and asks him what he plans to store in the proposed accessory structure. Mr. Trumpi replies his present shed, in the rear of his property, which he states he has had since 1977, was damaged by a fallen tree trunk in December of 2018. He states he has a tarp over it, presently. Mr. Trumpi further states he is storing one snowblower, and two riding mowers on his porch, and further notes he has no room [for storage].

Ms. Polidoro asks the applicant if the proposed installation will replace the current, damaged shed, to which Mr. Trumpi replies it will, and also states the shed is 10' x 10'. Ms. Polidoro asks the applicant if he needs a storage building as large as the proposed installation, to which Mr. Trumpi replies he does, since the shed is currently full, and further states he has 1965 John Deere tractor he is restoring, which he would like to store, and work on, in the proposed structure. Chairman Annas asks Bob Fennell if the structure would fall under the "garage" definition, in the Zoning Law, and notes the standard explicitly excludes automotive uses. Mr. Trumpi states he can make the proposed structure safer by installing sheet metal plates. Bob Fennell reviews the Zoning Law, and states the automotive exclusion only applies to sheds. Ms. Polidoro asks the applicant to supply a photograph of the proposed structure, and submit it to the Board.

Chris Klose asks the applicant if the damaged shed was original to the building, to which Mr. Trumpi replies it is not. He further states it dates from 1977, and he has been in the house since 1971. Ms. Karakassis asks Mr. Trumpi if the proposed structure will occupy the same footprint as the current, damaged shed, to which he replies the proposed structure would be placed right next to his house. Chairman Annas asks the applicant why he would not choose to place the proposed structure to the rear of his property, in the location of the damaged shed, to which Mr. Trumpi replies he had always envisioned placing a larger [storage] unit next to his house, and is pursuing it now, because his shed needs to be replaced. Victoria Polidoro asks the applicant if he put the proposed structure in the back of his property, would it need a variance, but then notes there would still be the issue of lot coverage, which would need a variance.

Mr. Trumpi states there is not enough room in the back, because, he states, there is a leachfield in the rear area of the property. Mr. Trumpi describes the leachfield as six inches below the surface, with a sump pump, with 40' of leachfield. Bob Fennell asks the applicant if the area is pretty wet, to which Mr. Trumpi replies it is. Mr. Fennell asks the applicant when his house was built, to which Mr. Trumpi replies he believes it was built in 1957. Chris Klose confirms this is when [the subdivision] College Park was built.

Chairman Annas asks the applicant if there are any other structures in the neighborhood, which are a similar distance from the property line, as what he is proposing. Mr. Trumpi states his [adjacent] neighbor has a two car garage, which Mr. Trumpi states was grandfathered in, which he states is 18 inches from his lot line. Mr. Trumpi estimates there are approximately ten other

accessory structures along Columbia Avenue and Whalesback Road. Mr. Trumpi states his proposed structure would fit in with accessory structures in the rest of the neighborhood. He states his home, and others in the neighborhood are not large, and further notes they are really starter homes. Chairman Annas asks the applicant to explain why the proposed structure cannot be located to the rear, behind the house, to which Mr. Trumpi replies it is due to the location of the leachfield system, which occupies the rear of the property. Chairman Annas asks Mr. Trumpi to identify the location of the leachfield on the drawing of the property he submitted to the Board. This drawing is displayed on a large screen. Mr. Trumpi indicates the location and dimensions of the leachfield septic tank, overflow tank, and his house on the screen. He indicates the location of the septic tank, the overflow tank, the house, and the leachfields, which he states extend 40' into the rear portion of the yard. ZEO Bob Fennell states if the proposed storage unit were to be placed in the rear portion of the property, it would end up even closer to the rear [lot] line, which Mr. Fennell confirms with the applicant is to the north. Mr. Trumpi states he could not locate it in the rear portion of the parcel, because the leachfield extends, from the septic tank, to the second, overflow tank, 40' into the rear portion of the parcel, with the pipes extending 20' in each direction, from the septic tank, across the back yard, at ten foot intervals. Mr. Trumpi states he needs the sunlight to dry out the leachfield.

Chairman Annas asks the applicant to indicate the location of his current storage shed on the diagram of his parcel, displayed on the smart screen, which he does. Mr. Trumpi states he also has a large tree in his back yard, from which the limb fell and damaged his shed. He further states he would make do with what he has if the shed had not been damaged by the tree limb, but also states he has too many things stored on his porch, which he would like to relocate to a storage unit, to create a cleaner look on his property. Chairman Annas asks the applicant to present a photograph of his proposed storage structure, to which he replies he will. Chairman Annas asks Bob Fennell if the proposed installation can be located just five feet away from the main residence, to which Mr. Fennell replies it can. Victoria Polidoro asks Mr. Fennell if there is not a ten foot requirement, if there is no firewall to which Mr. Fennell replies five feet is the minimum distance.

Chairman Annas asks the applicant if he has any objections to Board members visiting the property, to which Mr. Trumpi replies he does not, and notes the Board should also take a look at the other properties with outbuildings in the neighborhood. Chairman Annas asks the applicant if he has spoken to his neighbors about his proposed installation, to which Mr. Trumpi replies he has spoken to his neighbor across the street, who was in favor of it. Chairman Annas states he wants the applicant to be prepared in case there are some neighbors who might not be in favor of the project. Mr. Trumpi describes his proposed structure as having a wooden floor and tan vinyl siding.

ZEO Bob Fennell asks the applicant to state the inside ceiling height of the proposed storage unit, to which Mr. Trumpi replies it is eight feet, in height, to the ridge line, with no ceiling, but it will have a storage loft at one end. Chairman Annas asks what the exterior ridge height is from the ground, which Mr. Trumpi estimates is ten and a half to eleven feet to the peak, only a few inches shorter than his house. Chairman Annas asks Bob Fennell if there is an 11' height limit, to which Mr. Fennell replies it is only for sheds, and further notes there is a 20' height limit, to halfway between the ridge and the eaves, on accessory structures. Mr. Trumpi comments there is a garage at 16 Harvard Street, which has an upper story higher than the house. Chairman Annas asks the applicant if he will remove the current shed, to which Mr. Trumpi replies he will, since it is a wreck.

Chairman Annas confirms the applicant has a 10,00 square foot lot, and the proposed installation will bring his lot coverage close to 15%. Chairman Annas states he would like to look around the neighborhood.

At 7:29pm Chairman Annas asks for a motion to declare the proposed installation a Type II Action, under SEQRA. Chris Carney so moves, Kate Karakassis seconds, and all present are in favor.

Chairman Annas explains to the applicant the process for setting and noticing the public hearing, for his appeal, and encourages the applicant to speak to his neighbors before the public hearing. ZBA Clerk, Anne Rubin gives the applicant the Cost of Certified Mailing Memo, and collects payment for this cost.

At 7:31pm Chairman Annas asks for a motion to set the public hearing for the above captioned appeal, at 7:05pm, on June 12, 2019. Kate Karakassis so moves, Chris Klose seconds, and all present are in favor.

At 7:35pm Chairman Annas asks for a motion to adjourn the meeting. Kate Karakassis so moves, Chairman Annas seconds, and all present are in favor.