

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

April 10, 2019

CALL TO ORDER

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

ROLL CALL

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

Members Absent: Jim Hegstetter

Also Present: Patrick Logan, Esq., for Victoria Polidoro, ZBA Attorney, Bob Fennell, Town of Red Hook ZEO, and Supervisor's Assistant, Jackie Fenaroli, for Anne Rubin.

PRELIMINARY BUSINESS

March 13, 2019 Meeting Minutes

Chairman Annas asks for a motion to approve the March 13, 2019 meeting minutes.

At 7:02pm Chris Klose so moves, Chris Carney 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.

Chairman Annas notes the Town Board reappointed all Board members, who had expiring terms at a Town Board meeting on April 09, 2019.

Public Hearing

Appeal 19-01, Thomas Markunas, application for three area variances to construct one deck measuring 225 square feet, and one deck measuring 295 square feet, and an addition to a dwelling measuring 428 square feet on a parcel of .52 acres. Section 143-12 of the Zoning Law of the Town of Red Hook stipulates a maximum building coverage of 7% in the RD3 Zoning District. The proposed construction would result in a building coverage of 13.8%. Section 143-12 of the Zoning Law, of the Town of Red Hook, requires a rear yard setback of 35 feet. The proposed construction would result in a rear yard setback of 21.85 feet. Section 143-26 of the Zoning Law, of the Town of Red Hook, prohibits the enlargement of a non-conforming building. The proposed construction would enlarge an existing, non-compliant building. The subject

property is located at 161 Country Club Drive, in the RD3 Zoning District of the Town of Red Hook.

ZBA applicant, Thomas Markunas informs the Board he has distributed [drawings and elevations] to the Board at the Red Hook Country Club, after the last [ZBA] meeting, and his project was approved by that Homeowners Association.

At 7:05pm Chairman Annas asks for a motion to open the public hearing. Chairman Annas so moves, Chris Carney seconds, and all are in favor.

Chairman Annas asks the applicant if there is any information he wants to add to what was presented at the review meeting.

Mr. Markunas states he has submitted a revised site plan drawing to the ZBA which includes the information [on the side and rear yard setbacks] requested by the ZBA. He further clarifies the curbside is considered the side yard, [since his lot is a semi-circle], and indicates it on the drawing. Chairman Annas asks the applicant to identify the portion of land between his lot and another neighbor, to which Mr. Markunas replies it is a small house and then the neighbor's lot, and between [the area indicated] there is just wide open public space. Chairman asks the applicant if this is public access space, to which Mr. Markunas replies it is access to the lake, and there is a property adjacent to the subject parcel.

ZEO Bob Fennell asks Mr. Markunas to confirm the land he is referring to belongs to the [Homeowner's] Association, which he does. Bob Fennell asks how much land the Association owns. Mr. Markunas replies there is a large meadow behind his lot, and indicates his property line, noting the Association owns the land adjacent to his property, in front of his house. Mr. Markunas further notes the property lines tend to be very near the houses in this neighborhood, and notes the lake is about 100 feet from his house, and [the land] is all owned by the Association.

Chairman Annas asks Mr. Markunas to confirm he is asking for three variances, which he does. Chairman Annas further asks the applicant if he rounded up his setback distances indicated in the drawing, which he states he had done so. Chairman Annas notes to ZEO Bob Fennell he observed the variance requests indicated measurements to one hundredth of a foot, and recommends, though it is possible to survey to that degree of accuracy, these be rounded to a whole number.

At Chairman Annas' request, Mr. Logan, present for Victoria Polidoro, introduces himself to the Board. Chairman Annas asks him for a copy of the three requested variances, which he presents to the Board. The Board reviews the requested variances from the Addendum, dated March 14, 2019 written and signed by Bob Fennell, in the presence of Mr. Markunas.

Chairman Annas notes the first variance request concerns the two proposed decks, and identifies the proposed construction as Type II under SEQRA. The Board agrees. Jackie Fenaroli notes each Board member has a copy of the Area Variance Resolution Form, for the requested variances.

Chairman Annas reads the Variance Resolution Form as follows:

“The Town of Red Hook Zoning Board of Appeals, at a meeting duly convened on March 13, 2019, reviewed the facts in Application # 19-01, as submitted by Thomas Markunas, 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 three variances or adjustment to the strict application of the Zoning Code, concerning rear yard setbacks, lot coverage, and enlargement of an existing, non-compliant building. The requested variances specifically regard the proposed construction of an addition measuring

428 SF, and two decks, one measuring 225 SF, and one measuring 295 SF in the RD 3 District of the Town, and

Whereas, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on March 29, 2019, 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, on March 13, 2019, the Board determined that the application would not result in any significant adverse environmental impacts and adopted a determination of non-significance, and

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

1. Kate Karassis states she has visited the property, and notes it is in a unique neighborhood, unlike any other in the Town, and the subject house is up on a hill, and driving by none of the area of construction would be visible from the road, and therefore would have no effect on neighborhood aesthetics. Ms. Karakassis further notes the parcel itself is also uniquely situated.

2. Chairman Annas notes the proposed construction is pretty much in keeping with what other residents in the neighborhood are doing with their properties, by converting seasonal, summer cottages into full time residences. Chairman Annas further notes the adjacent neighbor to the East, has the largest structure in the neighborhood, and the proposed construction on the applicant's parcel is significantly smaller in comparison, regarding height and coverage. Chairman Annas concludes the proposed construction is entirely in keeping with what is going on in the neighborhood.

3. The subject property is an existing lot of record, pre-dating zoning, in a neighborhood originally planned as a summer cottage colony, in which many homes, over the years, have been converted to full time residences. Many of the homes in this historic neighborhood have residences which are very close to the lot lines.

4. The current structure, according to the applicant, is not Code compliant, and the applicant has stated he will be bringing all aspects of it up to Code.

5. No member of the general public, or the neighborhood Homeowner's Association has spoken out against the proposed construction.

At 7:13 pm Chairman Annas asks for other comments from the Board. As there are no further comments, Chairman Annas asks for a motion to close the Public Hearing. Chairman Annas so moves, Chris Carney seconds, and all are in favor.

Now Therefore Be it Resolved by the Zoning Board of Appeals, that Application 19-01 Markunas, a request for three variances from Sections 143-12, and 143-26, as set forth above, be granted on the following grounds:

1. All Board members present agree the variances requested will not produce an undesirable change to the character of the neighborhood, or a detriment to nearby properties.

2. All Board members present agree the needs of the applicant cannot be achieved by other than these three area variances.

3. All Board members present agree the requested variances are not substantial, given the character of the neighborhood.

4. All Board members present agree the requested variances will not adversely affect the physical or environmental conditions in the neighborhood, and in fact, will be an improvement, since the property will be cleaned up, and the residence brought up to Code.

5. All Board members present agree the hardship for which the variance is sought to rectify is self-created, since the applicant purchased the subject property in a neighborhood with small lots.

6. All Board members present agree variance being granted is the minimum variance to meet the needs of the applicant.

At 7:16 pm Chairman Annas asks the Board to vote on the Variance Resolution regarding the three requested variances. The Board votes as follows:

James Hegstetter ABSENT

Kathleen Karakassis YES

Christopher Carney YES

Chairman Nick Annas YES

Christoper Klose YES

The request for three variances is granted, and adoped on April 10, 2019.

At 7:17 Chairman Annas asks for a motion to adjourn the meeting. Kate Karakassis so moves, Chris Carney seconds, and all are in favor.